



**SAN BENITO COUNTY
PLANNING COMMISSION**

Vincent Ringheden District No. 1	Richard Way District No. 2	Robert Scagliotti District No. 3 - Vice-Chair	Robert Gibson District No. 4 - Chair	Celeste Toledo-Bocanegra District No. 5
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Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

**PLANNING COMMISSION - REGULAR SESSION-
NOVEMBER 20, 2024
6:00 PM**

The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations

Members of the public may participate remotely via zoom at the following link
<https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 851 1295 3524
Webinar Password: 334292
Join By Phone: +1 408 638 0968 US (San Jose)

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full zoom experience, please make sure your application is up to date.

Remote zoom participation for members of the public is provided for convenience only. In the event that the zoom connection malfunctions for any reason, the Planning Commission reserves the right to conduct the meeting without remote access.

Remote Viewing:

Members of the public who wish to watch the meeting can view a livestream of the meeting online through either the:

- A. Community Media Access Partnership (CMAP) YouTube
Page: https://www.youtube.com/channel/UCLj3iW3_dsDzbYqnY1KdCvA.
- B. Peak Agenda Page: https://cosb.granicus.com/ViewPublisher.php?view_id=1

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to Planning Commission meeting to the Resource Management Agency at sbcplan@sanbenitocountyca.gov

Public Comment Guidelines

A. The San Benito County Planning Commission welcomes your comments.

B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@sanbenitocountyca.gov

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL

4 DEPARTMENT ANNOUNCEMENTS

- 4.1. [RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -Accept informational report on recent project applications submitted following the September 18th, 2024 Regular Meeting.SBC FILE NUMBER: 790](#)
[Recent Planning Applications.pdf](#)

5 PUBLIC COMMENT

6 CONSENT AGENDA

These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

- 6.1. [RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND](#)

BUILDING-Acknowledge the Certificate of Posting for the September 11, 2024, special Planning Commission meeting.SBC FILE NUMBER: 790.2
Certificate of Posting

- 6.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Approve the draft Planning Commission Minutes from the Regular Meeting of October 16, 2024, Special Meeting of October 23, 2024, and Special Meeting of November 6, 2024.SBC FILE NUMBER: 790.2**
2024-10-16_PC_MINUTES_DRAFT
2024-10-23_PC_MINUTES_DRAFT
2024-11-06_PC_MINUTES_DRAFT

7 PUBLIC HEARING

- 7.1. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Staff recommends deferring action on County Planning file PLN240013 (Botelho Conditional Use Permit) and proceeding to the next agenda item. This recommendation follows the emergence of new information that necessitates further evaluation to support an informed and comprehensive discussion at a later date.SBC FILE NUMBER: 790**
Free Lance Notice_11.20.2024
- 7.2. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to consider adopting a resolution for PLN230015 to rezone a 5-acre property at Southside Road, Hollister, CA, from Agricultural Productive (AP) to Residential Multiple (RM) and to approve a minor subdivision of the property into two 2.5-acre lots. No construction is proposed at this time beyond a driveway for access to the newly created lots.SBC FILE NUMBER: 790**
N/A
Resolution
Staff Report
NOA
IS/MND
Free Lance Notice_11.20.2024
- 7.3. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Hold a public hearing to consider adopting a resolution to approve PLN230033 a tentative map subdividing an existing 115.87-acres parcel into three separate parcels of 15.00 acres, 15.11 acres, and 84.03 acres with a 1.73 acre road dedication. The project is located at 859 Cowden Road approximately 4.5 miles southeast of downtown Hollister within unincorporated San Benito County. SBC FILE NUMBER: 790**
Resolution
Staff Report
Free Lance Notice_11.20.2024
- 7.4. **RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Hold a public hearing to consider adopting a resolution to approve PLN240041 a tentative map subdividing an existing 33.27-acres parcel into two separate parcels of 21.75 acres and 10.54 acres with a 0.98 acre road dedication.**

The project is located at 4820/4821 Southside Road approximately 5 miles southeast of downtown Hollister within unincorporated San Benito County.Â SBC FILE NUMBER: 790

Resolution
Staff Report
Free Lance Notice_11.20.2024

8 REGULAR AGENDA

- 8.1. RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -Receive presentation and participate in discussion regarding land use policy for upzoning and value capture to create and capture value from real estate developments.SBC FILE NUMBER: 790

Upzoning and Value Capture
More Value Capture Presentation

- 8.2. RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING -Receive report and recommendation for the Notice of Property Acquisition of the San Benito High School District's intent to acquire two (2) parcels, together approximately 13.98 acres (APN's: 019-120-041 and 019-120-042). The purpose of this acquisition is for the District's new high school campus.SBC FILE NUMBER: 790

Notice of Property Acquisition - New High School Site 11.4.2024.pdf
SBHSD - 2023-24 All Students (Heat Map) & Projected Students from New Development 2024_02_09_REVISED
All Sites Specific Plans (8.22.24)
Facilities Needs Committee Report 2022-23
Facilities Needs Committee Presentation (5.23.23)

9 COMMISSIONER ANNOUNCEMENTS

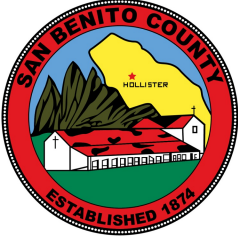
10 ADJOURNMENT

NOTE: A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at www.cosb.us. All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description.

As required by Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

NOTE: In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 4.1

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Victor Tafoya

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -
Accept informational report on recent project applications submitted following the September
18th, 2024 Regular Meeting.**

SBC FILE NUMBER: 790

AGENDA SECTION:

DEPARTMENT ANNOUNCEMENTS

BACKGROUND/SUMMARY:

Planning staff to present any planning applications that have been submitted since the October 16th, 2024, Regular Planning Commission Meeting.

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission receive the informational report, and if desired give staff guidance on the project applications.

ATTACHMENTS:

[Recent Planning Applications.pdf](#)



Recent Planning Applications

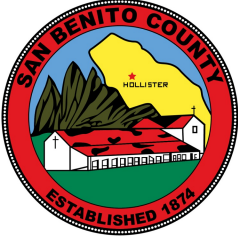
November 20, 2024

Presented By: Abraham Prado, Director of Planning and Building



Thank You

Questions



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

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**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 6.1

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING-
Acknowledge the Certificate of Posting for the September 11, 2024, special Planning Commission
meeting.**

SBC FILE NUMBER: 790.2

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

N/A.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Steff recommend the Planning Commission acknowledge the Certificate of Posting for the Regular Planning Commission Meeting of November 20, 2024.

ATTACHMENTS:

[Certificate of Posting](#)

*San Benito County Planning Commission
2301 Technology Parkway
Hollister, CA 95023*



CERTIFICATE OF AGENDA POSTING

Pursuant to Government Code §59454.2(a), I, Stephanie Reck, certify that the **REGULAR MEETING AGENDA** for the **SAN BENITO COUNTY PLANNING COMMISSION MEETING** scheduled for November 20, 2024, was posted at the following locations, freely accessible to the public, on this day of November 15, 2024:

The bulletin board outside the front entrance of the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA

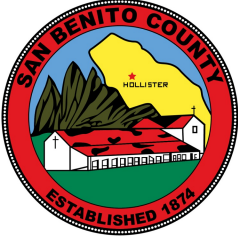
AND

The bulletin board outside the front entrance of the San Benito County Administration Building, 481 Fourth Street, Hollister, CA

AND

On The San Benito County website <https://www.cosb.us/> in the Events Calendar.

Stephanie Reck
Associate Planner
County of San Benito



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Vincent Ringheden
District No. 1

Richard Way
District No. 2

Robert Scagliotti
District No. 3
- Vice-Chair

Robert Gibson
District No. 4
- Chair

Celeste Toledo-Bocanegra
District No. 5

Item Number: 6.2

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Approve the draft Planning Commission Minutes from the Regular Meeting of October 16, 2024, Special Meeting of October 23, 2024, and Special Meeting of November 6, 2024. SBC FILE NUMBER: 790.2

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

No

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Approve the draft Planning Commission Minutes from the Regular Meeting of October 16, 2024, Special Meeting of October 23, 2024, and Special Meeting of November 6, 2024.

ATTACHMENTS:

[2024-10-16_PC_MINUTES_DRAFT](#)

[2024-10-23_PC_MINUTES_DRAFT](#)

[2024-11-06_PC_MINUTES_DRAFT](#)



**SAN BENITO COUNTY
PLANNING COMMISSION**

Vincent Ringheden District No. 1
Richard Way District No. 2
Robert Scagliotti District No. 3
Robert Gibson District No. 4
Celeste Toledo-Bocanegra District No. 5
- Vice-Chair - Chair

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

**PLANNING COMMISSION - REGULAR SESSION-
MEETING MINUTES – OCTOBER 16, 2024**

NOTE: The minutes herein provide a summary of agenda items presented to the Planning Commission, but do not provide a transcript. The meetings are recorded and the full recording should be consulted for the complete presentations, discussions, and public comments.

Recordings of the Planning Commission meetings are available at:

<https://www.youtube.com/@CommunityMediaTV>

Or

https://cosb.granicus.com/ViewPublisher.php?view_id=1

The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations

Members of the public may participate remotely via zoom at the following link <https://zoom.us/join> with the following Webinar ID and Password:

Webinar ID: 841 4209 0300

Webinar Password: 992643

Join By Phone: +1 408 638 0968 US (San Jose)

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C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@sanbenitocountyca.gov.

1. CALL TO ORDER

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6:00P.M.

2. PLEDGE OF ALLEGIANCE

Robert Scagliotti, Vice-Chair of the Planning Commission, led the Pledge of Allegiance.

3. ROLL CALL

Stephanie Reck, Associate Planner, conducted roll call.

Vincent Ringheden, Planning Commissioner, was present in chambers

Richard Way, Planning Commissioner, was present in chambers.

Robert Scagliotti, Vice-Chair of the Planning Commission, was present in chambers.

Robert Gibson, Chair of the Planning Commission, was present in chambers.

Celeste Toledo-Bocanegra, Planning Commissioner, was present in chambers.

4. DEPARTMENT ANNOUNCEMENTS

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

Accept informational report on recent project applications submitted following the September 18th, 2024, Regular Meeting.

SBC FILE NUMBER: 790

Abraham Prado, Director of Planning and Building, presented recent planning applications that staff are processing that will come before the Planning Commission at a future date.

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

Staff recommend scheduling a special meeting on November 6th, 2024, at 6:00P.M. to review comprehensive code amendments to Title 1 (General Provisions; Code Enforcement), Title 7 Chapter 7.02 (Cannabis Business), Title 7 Chapter 7.04 (Hemp Entities), Title 19 Chapter 19.43 (Cannabis Business Land Use Regulations), and comprehensive updates to Title 25 (Zoning).

SBC FILE NUMBER: 790

Arielle Goodspeed, Principal Planner, requested that the Planning Commission formally direct staff to schedule the Special Meeting of November 6th, 2024, to review code amendments.

Robert Gibson, Chair of the Planning Commission, directed staff the schedule the Special Meeting for November 6th, 2024.

5. PUBLIC COMMENT

No public comment in chambers or via zoom.

6. CONSENT AGENDA

These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

Robert Gibson, Chair of the Planning Commission, noted that the minutes from September 11, 2024, have a typo on page 6, The word "Renal" needs to be updated to "Rental".

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the Consent Agenda with the amendment to the minutes from September 11, 2204.

Celeste Toledo-Bocanegra, Planning Commission, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Approve Consent Agenda.

Motion: 5 – 0.

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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

Acknowledge the Certificate of Posting for the October 16, 2024, Regular Planning Commission Meeting.

SBC FILE NUMBER: 790.2

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

Approve the draft Planning Commission Minutes from the Special Meeting of September 11th, 2024, Regular Meeting of September 18th, 2024, and Special Meeting of September 25th, 2024.

SBC FILE NUMBER: 790.2

7. PUBLIC HEARING

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

Hold a public hearing to adopt a resolution with findings to recommend that the County Board of Supervisors deny the request for an ordinance enabling execution of a development agreement (reviewed under County Planning file PLN240037)

between the project developer and the County regarding the Ag Center commercial development (under County Planning file PLN220052, still under review with Planning). The Planning Commission voted on this item at the September 18, 2024, Planning Commission meeting, resulting in a 2-2 vote not to recommend approval to the Board of Supervisors. To formalize this motion and to formally deny the proposed development agreement, County Code § 19.11.008 requires that a recommendation for denial is adopted by the Planning Commission, including findings supporting that determination, which is then to be considered by the Board of Supervisors. As such, findings are being brought for the Planning Commission to make on the recommendation for denial of the development agreement to the Board of Supervisors.

SBC FILE NUMBER: 790

ORD No.:

Arielle Goodspeed, Principal Planner, presented an overview of the item.

Robert Gibson, Chair of the Planning Commission, noted that per the Planning Commission Rules of Regulation, the failed tie vote for this item at the last meeting required additional steps. He stated that the Chair needs to solicit findings for both denial and approval and this needs to be conducted today for this item to move forward.

Sean Cameron, Assistant County Counsel, recommended that the Planning Commission open public comment as it has been itemized on the agenda. He stated that the failed 2/2 vote should be treated as a denial and the Planning Commission should move forward accordingly.

Public comment in chambers by Jon Bartz, Tim Baldwin, Seth Capron, Annette Perez, Maureen Nelson, and Stacey Bautista.

Public comment via Zoom by Adriana, Jessica Wholander, Greg Weiler, and Shelby.

Public comment period is closed.

Celeste Toledo-Bocanegra, Planning Commissioner, stated she believes the pros for this are revenue, and the hiring of 1-2 sheriffs. She stated the cons are dangers due to the character of consumers and increased noise in the area. She emphasized, not all truck drivers are criminals, and they provide our food and supplies and that having a truck stop between Gilroy and Salinas would be a bonus to the community.

Richard Way, Planning Commissioner, stated he was concerned about the lack of specificity in the findings. He added the only finding presented is that the benefit to the county does not outweigh the cost, this is not specific enough to capture what happened in the last meeting, like the public highlighting danger, proximity to high schools, and noise, which went into the commissioners' decisions. The pros and

those who wanted this project should also be included in those findings. He added that the architectural review was offered as a benefit but that it is not a benefit because the county review anyway.

Vincent Ringheden, Planning Commissioner, voiced concerns that there was no EIR. He stated that concerns include proximity to police, noise, water runoff, and traffic. He stated the benefits include financial benefit of the county.

Robert Scagliotti, Vice-Chair of the Planning Commission, stated the benefits outweigh the negatives and the community is in dire need of money. He stated the project is along Highway 101 and the trucks are already parking on the backstreets off Highway 101. He added that this project would be placing them in one spot. He stated there will be no community if there is no money coming in from commercial projects.

Robert Gibson, Chair of the Planning Commission, stated the problem is that the development agreement is coming before the details of the project. He agreed that the county is in need of revenue. He suggested a condition should be added that they fund two (2) sheriffs to cover the area. He stated that findings should be made for both denial and approval and that both should go before the Board of Supervisors for determination.

Arielle Goodspeed, Principal Planner, confirmed that all points from this meeting and the September meeting should be included in the findings. Staff will do this and get it ready for signature. She stated there was also discussion of CEQA and whether it was sufficient that would be included.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to affirm the approval and/or denial findings, to include findings from September 18 and October 16 meetings, and recommend the project to the Board of Supervisors.

Celeste Toledo Bocanegra, Planning Commissioner, seconded this motion.

Vincent Ringheden, Planning Commissioner, denied this motion.

Richard Way, Planning Commissioner, denied this motion.

Motion passed three (3) to two (2).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Confirm.

Motion Passed: 3- 2

Voting For: Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: Vincent Ringheden, Richard Way

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

Hold a public hearing to consider adopting a resolution for PLN220033 a subdivision of an existing five-acre property into two 2.5-acre lots and the construction of a new single-family residence. The project also includes the removal of an existing scenic easement. The property currently contains one single-family residence, which will remain on one of the newly created lots, while a new residence will be constructed on the second lot.
SBC FILE NUMBER: 790

Jonathan Olivas, Principal Planner, presented the location, project description, CEQA review, land use consistency, and staff recommendation for PLN220033.

Matt Kelley, Kelley Engineering & Surveying, noted that on page 6 of the resolution that the new parcel would be served by the Aromas Water District and not the well. He stated that Condition 25, for the undergrounding of new and existing utilities, while the applicant has no issues undergrounding new utilities, they would like the commission to waive the condition for undergrounding of existing utilities. He stated that the undergrounding of existing overhead utilities for one 1,500 square home is cost prohibitive, and the lot cannot be further subdivided after this.

No public comment in chambers or via zoom.

Discussion among the commission regarding the loss of open space on this project, the timing of this project seeming rushed, the size of the scenic easement, staff stated there is 5-acres remaining as the rest of the easements have been lifted for other projects. A general agreement to strike the condition for undergrounding of existing overhead utilities. Concerns that other applicants who have gone through this process have been denied or had to mitigate open space and scenic easements on other parcels. Concerns that the views of the hills of Aromas are being ruined due to development of SFR's.

Jonathan Olivas, Associate Planner, explained the original scenic easement created in 1975 involved four (4) parcels (parcel Map 218-75) in lieu of a deed restriction of no further subdivision on the four parcels. He stated the scenic easement was to limit development to one residence per parcel and that the easements on the other three (3) parcels have been lifted and the mitigation is no longer relevant. He added that PLN220033 was originally submitted in 2022.

Richard Way, Planning Commissioner, motioned to approve the subdivision with the modification to condition 25 for the undergrounding of existing facilities to be waived.

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded this motion.

Vincent Ringheden, Planning Commissioner, denied this motion.

Robert Scagliotti, Vice-Chair of the Planning Commission, denied this motion.

Robert Gibson, Chair of the Planning Commission, denied this motion.

Motioned failed two (2) to three (3).

Moved by Richard Way; seconded by Robert Scagliotti to Approve.

Motion Failed: 2- 3.

Voting For: Richard Way, Celeste Toledo-Bocanegra

Voting Against: Vincent Ringheden, Robert Scagliotti, Robert Gibson

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

Continue the public hearing to review amendments to Title 1 General Provisions and Code Enforcement to the date certain of November 6th, 2024, at 6:00 P.M.
SBC FILE NUMBER: 790.2

Arielle Goodspeed, Principal Planner, stated that staff required additional time, and this item needs to be continued to November 6th, 2024, at 6:00 P.M.

No public comment in chambers or via Zoom.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to continue this item to the date certain of November 6th, 2024, at 6:00 P.M.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Richard Way to Continue to Nov. 6.

Motion: 5- 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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

Review and adopt the attached resolution that recommends that the Board of Supervisors adopt the attached proposed draft ordinance provisions to amend section §3.05.051 Planning Commission Meetings; Duties; Operation.

SBC FILE NUMBER: 790

ORDINANCE NO.:

Arielle Goodspeed, Principal Planner, presented an overview of the item.

No public comment in chambers or via zoom

Discussion among the commission regarding a consensus that this language is acceptable for the Planning Commission and that the Board of Supervisors should

approve this to support the Planning Commission in supporting the County and the Board of Supervisors in land use matters.

Robert Gibson, Chair of the Planning Commission, motioned to approve the amendments as written and send to the Board of Supervisors.

Robert Scagliotti seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Gibson; seconded by Robert Scagliotti to Recommend for approval.

Motion Passed: 5- 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

8. REGULAR AGENDA

9. COMMISSIONER ANNOUNCEMENTS

10. ADJOURNMENT

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adjourn at 7:11pm.

Richard Way, Planning Commissioner, seconded this motion.

Motion carries five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Richard Way to Approve.

Motion Passed: 5 – 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

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**SAN BENITO COUNTY
PLANNING COMMISSION**

Vincent Ringheden District No. 1
Richard Way District No. 2
Robert Scagliotti District No. 3
Robert Gibson District No. 4
Celeste Toledo-Bocanegra District No. 5
- Vice-Chair - Chair

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

**PLANNING COMMISSION - SPECIAL SESSION-
MEETING MINUTES – OCTOBER 23, 2024**

NOTE: The minutes herein provide a summary of agenda items presented to the Planning Commission, but do not provide a transcript. The meetings are recorded and the full recording should be consulted for the complete presentations, discussions, and public comments.

Recordings of the Planning Commission meetings are available at:

<https://www.youtube.com/@CommunityMediaTV>

Or

https://cosb.granicus.com/ViewPublisher.php?view_id=1

The meeting will be available through Zoom, YouTube, and Peak Agenda for those who wish to join or require accommodations

Members of the public may participate remotely via zoom at the following link <https://zoom.us/join> with the following Webinar ID and Password:

**Webinar ID: 833 4638 1450
Webinar Password: 732251
Join by Phone: +1 408 638 0968 US (San Jose)**

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full zoom experience, please make sure your application is up to date.

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Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to Planning Commission meeting to the Resource Management Agency at sbcplan@sanbenitocountyca.gov

Public Comment Guidelines

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B. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@sanbenitocountyca.gov

1. CALL TO ORDER

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Richard Way, Planning Commissioner, led the Pledge of Allegiance.

3. ROLL CALL

Stephanie Reck, Associate Planner, conducted roll call.

Vincent Ringheden, Planning Commissioner, was present in chambers.

Richard Way, Planning Commissioner, was present in chambers.

Robert Scagliotti, Vice-Chair of the Planning Commission, was present in chambers.

Robert Gibson, Chair of the Planning Commission, was present in chambers.

Celeste Toledo-Bocanegra, Planning Commissioner was present in chambers.

4. **CONSENT AGENDA**

These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

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

Acknowledge the Certificate of Posting for the September 11, 2024, special Planning Commission meeting.

SBC FILE NUMBER: 790.2

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the Consent Agenda.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Authorize.

Motion Passed: 5- 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

5. **PUBLIC HEARING**

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

PLN200051 (Lee Subdivision Project TSM/Zone Change/PUD): OWNER: William Scott Lee and Michele Marie Lee Trustees in the Lee Family Trust. APPLICANT: Bill Lee. LOCATION: 291 Old Ranch Road, which connects to Fairview Road

approximately 0.5 mile north of Airline Highway/State Route (SR) 25, in unincorporated San Benito County. APN: 025-320-004. REQUEST: The property comprising APN 025-320-004 is approximately 39.5 acres in size; whereas the project site is approximately 33.4 acres, which includes the 27.45-acre area proposed for development, an approximately 3.15-acre slope easement (to be graded in support of the residences along the eastern boundary of the project site), and an approximately 2.8-acre natural drainage easement. The remaining 6.1 acres would remain undeveloped and is referred to as the remnant portion. The approximately 39.5-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, 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. GENERAL PLAN DESIGNATION: Residential Mixed (RM). ZONING DISTRICT: Rural (R). ENVIRONMENTAL REVIEW: Final Environmental Impact Report. SBC FILE NUMBER: 790

Arielle Goodspeed, Principal Planner, presented an overview of the Lands of Lee project, county file number PLN200051.

Public comment in chambers by Mary Anderson, Devon Pack, Seth Capron, Linda Lampe, Brigitte Baumann-Thorp, Maureen Nelson, and Elia Salinas.

No public comment via Zoom.

Public comment period is closed.

Bill Lee, applicant, stated that he is trying to address the needs to the Commission, he could not address every item they requested but tried to address as many as possible. Those items are as follows:

- 1. Affordable Housing Plan:** Applicant will provide additional duet to meet the need of option 3, which was shy of providing an additional unit.
- 2. Reduction of VMT:** Applicant can reduce ADU's to 15 and keep the reduction of the VMT (option 3, 15 JADUS and 10 Duets). He stated there is no way for him to remove all of the ADU's from the project and keep the reduction in VMT.

3. **Single-Story Housing:** Applicant stated that there is only one house up against Leal, near their residence and not along the vineyards. He stated that there are houses along the two (2) 5-acre parcels along the west. He stated the Dividend Homes closes to their project are single-story, but their project is not limited to single-story units except off Harburn Way, so they will develop some two stories in some places. He stated that it was too much to provide all single-story units along the boundaries of their project, but we did provide single-story units for every 5-acre lot in proximity.
4. **Fairview Road Improvement:** Applicant stated that he sat down with the one of the homeowners and they do not want to lose their land, trees they planted, or a buffer from current and future development. He stated the other homeowner did not respond. He stated they are proposing Tax Increment Financing (TIF) money to put in the pot for future county improvements of Fairview Road. He stated they can do an acceleration lane in the turn pocket, but then it was recommended that the flashing crosswalk should be removed, and they can only do one or the other. He stated that telephones poles are in the way and not undergrounded so they cannot provide an acceleration lane north.
5. **Drop Tax:** Applicant researched this and spoke with County and City, and they contract with HDL to get the sales tax. He stated they will require all contractor/developers to have local business licensee and to tell the seller to place the tax in San Benito County. Applicant recommended that the conditions of compliance be updated to notify HDL at time of final map or building permit of the Drop Tax as they can monitor the process.
6. **Bicycle and Pedestrian Connectivity:** Applicant stated that he can provide one connection at the Leal property, and that there is an opportunity for a potential second connection at Leal, but that is not established yet.
7. **Waive Parks Impact Fee:** Applicant stated that the cost of the construction of the park outweighs the cost of the Parks Impact Fee and requests a waiver in this fee as the benefit to the County would be the construction of the park without the impact fee.

Discussion among the commissioners regarding concerns regarding placing persons in small units such as offered in the JADU's. Concerns regarding the project not following the Inclusionary Housing Ordinance and allowance of ADU's. Concerns regarding liability of the homeowner if there is an accident on the property involving the rental tenant. Concerns that the third-party rental management company should be flushed out before this item is approved. Recommendation for Option C with the extra Duet to make it 10 total Duets. Concerns regarding only receiving an acceleration lane or the crosswalk, but not both, and that the acceleration lane makes more sense northbound. Recommendation to have flashing crosswalk and not an acceleration lane. Concerns regarding monitoring of the receipt of the drop tax and requirements that developers and contractors to have local licenses, recommendation to add this into the monitoring program.

Concerns regarding an enforcement mechanism to require the contractors/developers to have a local license and to pay the drop tax. Issues with non certification of the EIR, approach to VMT calculation, State guidelines, and not following Inclusionary Housing Ordinance.

Arielle Goodspeed, Principal Planner, stated that an alternative mechanism is included in the Inclusionary Housing Ordinance, but is not specific, so it is a policy decision for the Planning Commission to recommend to the Board of Supervisors. She stated that having an alternative compliance mechanism is a state requirement of Inclusionary Housing Ordinances. She stated part of the Commission's determination is whether the homeowner would be the property management or if the project should establish a third-party rental management company.

Michael Durkee, applicant legal counsel, stated that in the County's 6th cycle Housing Element the County has proposed 131 ADU's that the State would be expecting to be produced, and this project accomplishes the development of ADU's.

Charlie Bedolla, Fire Marshall, stated that there are some concerns regarding the egress in and out, however the development does meet the code, but he has issues with Fairview Corners. He stated that the fire code states that projects shall be equipped with two separate fire access roads, except if they have fire sprinklers, this project does that and is acceptable. However, Fairview corners is fighting the widening the access at street D and will not widen that road for fire access, but the applicant of Lands of Lee is compliant.

Robert Gibson, Chair of the Planning Commission, motioned to approve the project per staff recommendation, with the recommendations of Option C Housing Plan; recommendation of striking acceleration lane and constructing the flashing crosswalk; recommendation to add drop tax and business licenses to the monitoring program, waive parks impact fees, and recommendation to notify HDL of drop tax for this project.

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded this motion.

Vincent Ringheden, Planning Commissioner, denied this motion.

Richard Way, Planning Commissioner, denied this motion.

Celeste Toledo-Bocanegra, Planning Commissioner, denied this motion.

Motioned failed three (3) to two (2).

Celeste Toledo-Bocanegra, Planning Commissioner, motioned to deny the project and include the denial findings as mentioned as concerns in the discussion of this item in the resolution.

Vincent Ringheden, Planning Commissioner, seconded this motion.

Richard Way, Planning Commissioner, approved this motion.

Robert Scagliotti, Vice-Chair of the Planning Commissioner, denied this motion.

Robert Gibson, Chair of the Planning Commission, denied this motion.

Motion to deny passed three (3) to two (2).

Moved by Celeste Toledo-Bocanegra; seconded by Vincent Ringheden to Deny.

Motion Passed: 1- 2

Voting For: Richard Way

Voting Against: Robert Scagliotti, Robert Gibson

6. REGULAR AGENDA

7. ADJOURNMENT

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adjourn the meeting at 7:45 P.M.

Vincent Ringheden, Planning Commissioner, seconded this motion.

Motion passed five (5) to zero (0).

Moved by Robert Scagliotti; seconded by Vincent Ringheden to Confirm.

Motion Passed: 5 – 0

Voting For: Vincent Ringheden, Richard Way, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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PLANNING COMMISSION**

Vincent Ringheden District No. 1
Richard Way District No. 2
Robert Scagliotti District No. 3
Robert Gibson District No. 4
Celeste Toledo-Bocanegra District No. 5
- Vice-Chair - Chair

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023

**PLANNING COMMISSION - SPECIAL SESSION-
MEETING MINUTES – NOVEMBER 6, 2024**

NOTE: The minutes herein provide a summary of agenda items presented to the Planning Commission, but do not provide a transcript. The meetings are recorded and the full recording should be consulted for the complete presentations, discussions, and public comments.

Recordings of the Planning Commission meetings are available at:

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Webinar ID: 822 6898 3125

Webinar Password: 760795

Join by Phone: +1 408 638 0968 US (San Jose)

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C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.

D. Speakers are encouraged to keep your comments, brief and to the point, and not to repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the Resource Management Agency at sbcplan@sanbenitocountyca.gov

1. CALL TO ORDER

Robert Gibson, Chair of the Planning Commission, called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Celeste Toledo-Bocanegra, Planning Commissioner, led the Pledge of Allegiance.

3. ROLL CALL

Stephanie Reck, Associate Planner, conducted roll call.

Vincent Ringheden, Planning Commissioner, was present in chambers.

Richard Way, Planning Commissioner, was absent.

Robert Scagliotti, Vice-Chair of the Planning Commission was present in chambers.

Robert Gibson, Chair of the Planning Commission, was present in chambers.

Celeste Toledo-Bocanegra, Planning Commissioner, was present in chambers.

A quorum of four (4) commissioners was present.

4. CONSENT AGENDA

These items will be considered as a whole without discussion unless a particular item is requested by a member of the Commission, Staff or the public to be removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified in the Staff Report.

If any member of the public wishes to comment on a Consent Agenda Item please fill out a speaker card present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the Consent Agenda. Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Confirm.

Motion Passed: 4 - 0

Voting For: Vincent Ringheden, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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

Acknowledge the Certificate of Posting for the November 6, 2024, special Planning Commission meeting.

SBC FILE NUMBER: 790.2

5. PUBLIC HEARING

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

Review and adopt the attached resolution that recommends that the Board of Supervisors amend and reinstate in its entirety the attached proposed draft ordinance provisions to amend the Cannabis Business Regulatory Program including

Title 7 Chapter 7.02 (Cannabis Business), Title 7 Chapter 7.04 (Hemp Entities) Section 7.04.003 (Prohibitions), Title 19.43 (Cannabis Business Land Use), and the Cannabis Application Fee Schedule.

SBC FILE NUMBER: 790

ORDINANCE NO.:

Stephanie Reck, Associate Planner, provided a presentation of the item.

Public comment in chambers by Aziz Nashat and Darren Story

No public comment via Zoom.

Public Comment is closed.

Discussion among the commissioners regarding clarification that outdoor cultivation is only permitted within the AR and AP district. The reasoning behind the removal of the 1:1 water offset requirements - staff stated that as a crop cannabis requires less water than other ag commodities so it doesn't make sense to require a cultivator to offset the previous amount of water used. Questions regarding the frequency of annual monitoring and if that is too cumbersome, staff stated this is equivalent with the States monitoring requirements and we are making an effort to match state requirements. Questions regarding how the annual renewal process would be run, staff stated the applicant are required to apply 60 days prior to one year mark and staff would conduct a "desk review" to ensure the project is remaining the same and would conduct an annual inspection of the facility before renewing the business permit, staff added that this does not seem to be a cumbersome process and should not be challenging on the applicant. Questions regarding the tax structure for cannabis and why the County would want to reduce it, staff shared that the current tax rate makes cultivation infeasible as it is too costly to a grower and that our tax structure is higher than neighboring jurisdictions, so we want to commensurate with our region. Questions regarding the proposed application fee and if was appropriate, staff stated that the fee proposed will cover staff time and provide for a small cushion for projects that may require more time than others. Noted that "Entirety" was misspelled in the resolution and that there is an extra word "form" on the 6th Whereas of the resolution that needs to be removed.

Robert Gibson, Chair of the Planning Commission, motioned to adopt the amendments to Title 7 Chapters 7.02 and 7.04, Title 19 Chapter 19.43, application fee schedule, and removal of misdemeanors from denial provisions and include specifications for felonies for recommendation to the Board of Supervisors to adopt into county code.

Robert Scagliotti, Vice-Chair of the Planning Commission, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Gibson; seconded by Robert Scagliotti to Recommend for approval.

Motion Passed: 4- 0

Voting For: Vincent Ringheden, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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

Review and adopt the attached resolution that recommends that the Board of Supervisors amend and reinstate in its entirety the attached proposed draft ordinance provisions to amend San Benito County Code Title 1, Chapters 1.01 (Rules of Construction), 1.03 (Code Enforcement), 1.04 (Administrative Citations), 1.05 (Public Entity Offset Dispute), 1.06 (Alternative Public Nuisance Abatement Procedures and Remedies), and 1.07 (Office of the County Hearing Officer).

SBC FILE NUMBER: 790

ORDINANCE NO.:

Robin Leland, Code Enforcement Officer, presented amendments to Title 1 General Provisions and Code Enforcement.

No public comment in chambers or via Zoom.

Discussion among commissioners regarding their request for a per plant fine for cannabis, staff explained this was an infeasible requirement for staff and the cannabis fees as proposed here are the same as provided by the State of California. They asked why the criminal penalties for infractions went down, County Counsel stated that State statute set the limit, and that staff should increase passed that limit.

Robert Scagliotti, Vice-Chair of the Planning Commission, motioned to adopt the resolution and recommend amendments to Title 1 General Provisions; Code Enforcement to the Board of Supervisors for adoption into County Code.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Celeste Toledo-Bocanegra to Recommend for approval.

Motion Passed: 4- 0

Voting For: Vincent Ringheden, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

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

Adopt the attached resolution that recommends that the Board of Supervisors adopt the attached proposed draft ordinance provisions to amend and replace in its entirety San Benito County Code Title 25 including but not limited to Chapters 25.01 (General Provisions and Administration), 25.02 (Permits and Other Planning Actions), 25.03 (Zoning Map and Districts), 25.07 (General Development Standards), 25.08 (Standards for Specific Uses), and 25.09 (Glossary).

SBC FILE NUMBER: 790

ORDINANCE NO.:

Arielle Goodspeed, Principal Planner, presented amendments to Title 25 Zoning Code.

No public comment in chambers or via Zoom.

Discussion among the commissioners regarding clarification on the removal of the 10% limit of parcel usage for a shooting range, staff stated this was removed to open up more area of a parcel for this use. They asked about the requirement for a paved parking pad for moveable tiny homes, staff explained that the Building Official's main concern is that the homes are secure and safe even if it is on wheels or not, it should be anchored safely. They asked why the impact fees for ADU's were not updated per their request, staff stated this was discussed with the commission previously and that this item would be reviewed with Admin as they address the Impact Fee Schedule as a whole later this year. They asked for staff to update Title 25 to add text that states that impact fees for ADU's would be based on either the states standard or the most recent update to the impact fee schedule from the Board of Supervisors. They stated the word fifty is still in the section under shooting ranges and needs to be removed and updated to seventy-five feet.

Robert Gibson, Chair of the Planning Commission, motioned to adopt the resolution for Title 25 and recommended amendments, including the revisions to text for movable tiny homes, reference for impact fees for ADUs, and update from fifty to seventy-five under shooting ranges, to the Board of Supervisors for adoption into County Code.

Celeste Toledo-Bocanegra, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Gibson; seconded by Celeste Toledo-Bocanegra to Recommend for approval.

Motion Passed: 4- 0

Voting For: Vincent Ringheden, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

Voting Against: None

6. REGULAR AGENDA

6.1 RESOURCE MANAGEMENT AGENCY - S. LOUPE, PUBLIC WORKS ADMINISTRATOR –

Presentation of Ordinance Amendments to Title 23 Subdivisions Chapter 01 (General Provisions) Section 23.01.004 (Definitions) and Chapter 17 (Improvements) Section 23.17.002 (Standards for Improvements) and Section 23.17.003 (Required Improvements).
SBC FILE NUMBER: 790

Steve Loupe, Public Works Administrator, presented a discussion item for requested amendments to Title 23 Subdivisions.

No public comment in chambers or via Zoom.

Discussion among the commissioners regarding the provision of "not to exceed 2.5 miles" for frontage improvements and if that is enough length. A desire to require full-width and abutting frontages. A desire to require 1,000-year flood provisions. A recommendation to require 100 feet of frontage from the development or to the nearest intersection, whichever is greater. A recommendation that if access from a subdivision is routed through other parcels with a frontage, that subdivision would have to improve that frontage. A request for specifications on rural and urban storm event. A request for the dry well stormwater provisions for urban zoning. And a request for staff to return to the regular meeting in December to address the commissions requests.

7. ADJOURNMENT

Robert Scagliotti, Vice-Chair of the Planning Commission, adjourned the meeting at 7:30 P.M.

Vincent Ringheden, Planning Commissioner, seconded this motion.

Motion passed four (4) to zero (0).

Moved by Robert Scagliotti; seconded by Vincent Ringheden to Confirm.

Motion Passed: 4 – 0

Voting For: Vincent Ringheden, Robert Scagliotti, Robert Gibson, Celeste Toledo-Bocanegra

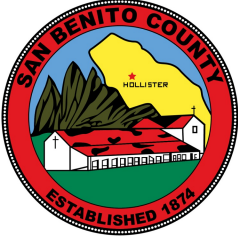
Voting Against: None

NOTE: A copy of this Agenda is published on the County's Web site by the Friday preceding each Commission meeting and may be viewed at www.cosb.us. All proposed agenda items with supportive documents are available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays.) This is the same packet that the Planning Commission reviews and discusses at the Commission meeting. The project planner's name and email address has been added at the end of each project description. As required by

Government Code Section 54957.5 any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Planning Department, 2301 Technology Parkway, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning Department.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days to the Board of Supervisors. The notice of appeal must be in writing and shall set forth specifically wherein the Planning Commission's decision was inappropriate or unjustified. Appeal forms are available from the Clerk of the Board at the San Benito County Administration Office, 481 Fourth Street, Hollister and the San Benito County Planning Department, 2301 Technology Parkway, Hollister.

NOTE: In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.1

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Victor Tafoya

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Staff recommends deferring action on County Planning file PLN240013 (Botelho Conditional Use Permit) and proceeding to the next agenda item. This recommendation follows the emergence of new information that necessitates further evaluation to support an informed and comprehensive discussion at a later date.
SBC FILE NUMBER: 790

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

On September 18, 2024, the Planning Commission approved the Conditional Use Permit (CUP) for County Planning file PLN240013, which pertains to a custom woodworking workshop and agricultural equipment repair service at 10 Flint Road, San Juan Bautista. The approval included specific conditions requiring road improvements and right-of-way dedication to meet county infrastructure standards.

Since the approval, the applicant, Anthony J. Botelho, has communicated that the financial burden of fulfilling these conditions is substantial and poses significant challenges. The applicant has requested a waiver of certain conditions of approval for the project, including those related to road improvements and right-of-way dedication. Staff recommends deferring action on this request due to the recent discovery that addressing these changes would require an amendment to the existing Conditional Use Permit, necessitating further evaluation to ensure an informed and comprehensive discussion.

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommends the Planning Commission take no action on this agenda item and proceed to the next agenda item.

ATTACHMENTS:

[Free Lance Notice_11.20.2024](#)

Notice of Public Hearing

COUNTY OF SAN BENITO PLANNING COMMISSION

MEETING OF NOVEMBER 20th, 2024, at 6:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, November 20th, 2024, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address <https://zoom.us/join> or dialing one of the following telephone numbers:
+1 408 638 0968 US (San Jose) or
+1 669 900 6833 US (San Jose).
To access the meeting, please enter the Webinar ID **851 1295 3524** AND Webinar Password **334292**

Agenda Packet can be viewed at www.cosb.us/ under "Events" or https://cosb.granicus.com/ViewPublisher.php?view_id=1 under "Upcoming Events" by the Friday before the meeting.

PLN230033 (Minor Subdivision at 859 Cowden Road): OWNER: J.M. O'Donnell Family Ranch LLC. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: 859 Cowden Road (1 mile south of the intersection of Cowden Road and Hospital Road) in unincorporated San Benito County. APNS: 021-120-005 & 021-120-006. REQUEST: This project proposes the subdivision of an existing 115.87-acre parcel into three separate parcels: Parcel One (84.03 acres), Parcel Two (15.11 acres), and Parcel Three (15.00 acres), with a 1.73-acre road dedication. Parcels One and Three consist of undeveloped agricultural land, while Parcel Two includes a residence with a septic system, driveway, accessory structure, as well as both a domestic well and an agricultural well. Additionally, Parcel One contains an existing domestic well that serves both Parcel One and Parcel Three. No new construction is proposed as part of this project. GENERAL PLAN LAND USE DESIGNATION: Agricultural (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b)(3)), §15301 (Categorical Exemptions Class 1, Existing Facilities), and §15304 (Categorical Exemptions Class 4, Minor Alterations to Land, subparagraph a). PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov).

PLN240041 (Minor Subdivision at 4820/4821 Southside Road): OWNER: Lompa, Roy, & Rita Family Trust. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: 4820/4821 Southside Road (2 miles southeast of the intersection of Union Road and Southside Road) in unincorporated San Benito County. APN: 025-420-047. REQUEST: This project proposes the subdivision of an existing 33.27-acre property into two separate parcels: Parcel One (21.75 acres) and Parcel Two (10.54 acres) with a 0.98-acre road dedication. The project currently has one existing residence which will remain on Parcel One. No other construction is proposed as part of this application. GENERAL PLAN LAND USE DESIGNATION: Residential Multiple (RM). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b)(3)), §15301 (Categorical Exemptions Class 1, Existing Facilities) and §15304 (Categorical Exemptions Class 4, Minor Alterations to Land, subparagraph a). PLANNER: Stephanie Reck (sreck@sanbenitocountyca.gov).

PLN230015 (Zone Change and Minor Subdivision at Southside Road): OWNER: Kellogg Family LLC. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: Southside Road (2 miles southeast of the intersection of Union Road and Southside Road) in unincorporated San Benito County. APN: 025-420-007. REQUEST: Approval to subdivide an existing 5-acre parcel into two 2.5-acre lots, with a zone change from Agricultural Productive (AP) to Residential Multiple (RM). This application includes the construction of a driveway to provide access to Parcel Two. No other construction is proposed as part of this application. GENERAL PLAN LAND USE DESIGNATION: Residential Mixed (RM). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study / Mitigated Negative Declaration. PLANNER: Victor Tafoya (vttafoya@sanbenitocountyca.gov)

PLN240013 (Botelho Conditional Use Permit): OWNER: Anthony Joseph & Susan M. Botelho. APPLICANT: Anthony J. Botelho. LOCATION: 10 Flint Road (2.5 miles east of San Juan Bautista and 4.5 miles west of Hollister) in unincorporated San Benito County. APN: 018-160-027. REQUEST: A waiver of certain conditions of approval associated with the project, including but not limited to requirements for road improvements and right-of-way dedication. GENERAL PLAN LAND USE DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorical Exemptions under State CEQA Guidelines §15301 (Existing Facilities), §15303 (New Construction or Subparagraph c), and §15304 (Minor Alterations to Land). PLANNER: Victor Tafoya (vttafoya@sanbenitocountyca.gov)

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the Public Hearing. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at vdelgado@sanbenitocountyca.gov, or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831 637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: November 1st, 2024

PUBLISHED: Friday, November 8th, 2024~ Hollister Free Lance (Pub HF 11/8)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.2

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Victor Tafoya

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to consider adopting a resolution for PLN230015 to rezone a 5-acre property at Southside Road, Hollister, CA, from Agricultural Productive (AP) to Residential Multiple (RM) and to approve a minor subdivision of the property into two 2.5-acre lots. No construction is proposed at this time beyond a driveway for access to the newly created lots. SBC FILE NUMBER: 790

N/A

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The proposed project involves the rezoning and minor subdivision of a 5-acre parcel located at Southside Road, Hollister, CA. The current zoning of the parcel is Agricultural Productive (AP), and the proposal seeks to change it to Residential Multiple (RM) to achieve consistency between the zoning and the 2035 San Benito County General Plan designation, which identifies the area as Residential Mixed (RM).

The project includes a minor subdivision to divide the parcel into two 2.5-acre lots. At this stage, no construction beyond the creation of a driveway for access is planned. Due to the lack of public water and sewer services, the development potential is limited to a maximum of two residences and two accessory dwelling units (ADUs).

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project to comply with the California Environmental Quality Act (CEQA). The environmental analysis addressed potential impacts in areas such as biological resources, cultural resources, air and water quality, noise, and geological stability. The IS/MND determined that, with the application of specified mitigation measures, the project's impacts would be reduced to less-than-significant levels. These mitigation measures, addressing

potential impacts on cultural and geological resources, among others, have been incorporated into the project as conditions of approval to ensure compliance with CEQA.

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

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and the attached draft resolution, which includes the necessary findings and conditions of approval. Staff further recommends that the Planning Commission adopt the resolution to approve County Planning File PLN230015, which encompasses the Zone Change from Agricultural Productive (AP) to Residential Mixed (RM) and the Minor Subdivision/tentative parcel map, along with the certification of the Initial Study/Mitigated Negative Declaration (IS/MND), subject to the conditions outlined in the resolution. Additionally, the recommended resolution includes a Planning Commission recommendation advising the Board of Supervisors to approve the Zone Change.

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[NOA](#)

[IS/MND](#)

[Free Lance Notice_11.20.2024](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution 2024-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO APPROVE COUNTY PLANNING FILE PLN230015, A PROPOSAL FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE AN EXISTING 5.00-ACRE PARCEL INTO TWO PARCELS EACH OF 2.50 ACRES, AND RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A ZONE CHANGE FROM AGRICULTURAL PRODUCTIVE (AP) TO RESIDENTIAL MULTIPLE (RM).

WHEREAS the subject parcel is located on the east side of Southside Road approximately 5 miles southeast of downtown Hollister, San Benito County (“County”), California (Assessor’s Parcel 025-420-007) and currently contains 5 acres; and

WHEREAS San Benito Engineering on behalf of Kellogg Family LLC, has filed an application for a zone change from Agricultural Productive (AP) to Residential Multiple (RM); and for a minor subdivision/tentative parcel map (illustrated in **Attachment C**) to subdivide the subject property into two lots each with 2.5 acres and with grading for a driveway and a new detention pond; and

WHEREAS the property is currently a legal lot recorded in San Benito County Official Records as Book 6 of Parcel Maps Page 3, Parcel C, February 1982 approved by the County as Amended Parcel Map 225-75; and

WHEREAS the property is currently undeveloped; and

WHEREAS the property currently has a General Plan land use designation of Residential Mixed (RM) and a zoning designation of Agricultural Productive (AP); and

WHEREAS, on May 8, 2023, the County, pursuant to State Public Resources Code §21080.3.1 and Assembly Bill (AB) 52 (2014), sent via certified mail notification letter to (4) California Native American Tribes that are traditionally and culturally affiliated within the project area, with comments being received, addressed, and incorporated into the CEQA Initial Study Mitigated Negative Declaration Mitigation Monitoring and Reporting Program and the conditions of approval; and

WHEREAS the County assessed the potential for any substantial effect on the environment for the project consistent with the requirements of the California Environmental Quality Act (CEQA) by preparing and Initial Study and Mitigated Negative Declaration that was circulated for public review and comment for 30 days from September 6, 2024, to October 6, 2024; and

WHEREAS the Planning Commission of the County of San Benito reviewed the proposed Zone Change and Minor Subdivision petition at a duly noticed public hearing held at the Planning Commission’s regularly scheduled meeting on November 20, 2024; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated and considered the merits of PLN230015 Zone Change and Minor Subdivision; and

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as stated in **Attachment A**.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning File PLN230015 for a tentative parcel map for a minor subdivision and recommends that the Board of Supervisors approve the zone change.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 20TH DAY OF NOVEMBER 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

M. Abraham Prado, Director, Planning and Building
Resource Management Agency San Benito County

California Environmental Quality Act (CEQA) Finding:

Finding 1: The initial study for PLN230015 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in compliance with the California Environmental Quality Act (CEQA) requirements, supported by technical reports. Mitigation measures were identified to reduce potential significant impacts to a less-than-significant level and will be incorporated into the project as conditions of approval. The mitigated impacts include Geology/Soils, Cultural Resources, and Tribal Cultural Resources. The IS/MND concluded that, with the implementation of mitigation measures, the project would result in a less-than-significant impact on the environment.

In accordance with Assembly Bill 52 (AB 52), the County mailed certified notification letters to Native American individuals and tribal organizations on May 8, 2023. The letters were sent to the Amah Mutsun Tribal Band, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Indian Canyon Mutsun Band of Costanoan, and the Rumsen Ama Turataj Ohlone. Comments were received, addressed, and incorporated into the IS/MND. The IS/MND was duly noticed and made available for public review and comment for 30 days, from September 6, 2024, to October 6, 2024.

Finding 2: The Planning Commission has considered the mitigated negative declaration together with all comments received from the public review process.

Evidence: An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated publicly to receive comments from members of the public and other public agencies from September 6, 2024, to October 6, 2024. The IS/MND document, the staff report, and written and verbal testimony were presented to the Planning Commission in preparation for, and during, the November 20, 2024, Planning Commission meeting.

Finding 3: The mitigated negative declaration reflects the independent judgment of the Planning Commission.

Evidence: County Resource Management Agency Planning staff prepared the IS/MND and circulated the resulting document to the public. Planning staff also prepared the staff report and its discussion of the IS/MND. The IS/MND and the staff report were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgment of the project.

Finding 4: The Planning Commission has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Evidence: The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to adoption of the mitigated negative declaration. The Planning Commission determined that, based on this evidence, the project as proposed with the conditions of approval included in the staff report, including mitigation measures resulting from the IS/MND, would maintain impacts at a level less than significant.

Zone Change Findings:

Finding 1: This zone change is consistent with the 2035 General Plan and any applicable special plan.

Evidence: The project site is within the General Plan Land Use Element designation of Residential Mixed (RM). This permits up to 20 dwelling units per acre, though only two lots with one dwelling and one accessory dwelling per lot are proposed. No further development would be permitted under the current unavailability of public water and public sewer services. Should infrastructure improvements conducive to growth occur, the zoning practice currently proposed, including conditions of approval, would regulate such growth. This change serves the general welfare by fostering a balanced approach to land use, ensuring that any new development on the site complements the existing landscape and community character. By managing growth with sustainability practices, this zone change reflects sound zoning practice that aligns with long-term strategic goals for responsible land use and development.

Finding 2: The approval of the zone change will serve the public necessity, convenience and general welfare, and is good zoning practice.

Evidence: The proposed zone change supports the objectives of the 2035 General Plan by aligning with the envisioned land use for this area, promoting residential development that is consistent with the county's vision for managing land use. The plan emphasizes a balanced approach that integrates new residential areas while maintaining harmony with existing rural and agricultural surroundings. This zone change facilitates such balance by allowing for development that respects the character of nearby lands. The project's design considerations can incorporate elements that protect natural features and create buffers between new residential areas and existing agricultural uses, supporting a cohesive transition between different land uses. There are no specific plans applicable to this location. The zone change is consistent with existing county policies and regulations.

The proposed zone change aligns with the overarching goals of the 2035 General Plan, which seeks to manage growth in a way that supports both residential development and the preservation of the county's rural character. The change reflects the intent of guiding residential expansion in areas that can accommodate managed growth while maintaining compatibility with surrounding land uses. The project site, located in proximity to nearby residential developments and agricultural properties, aligns with the county's strategy of placing residential developments in areas where they can create a balanced transition between different types of land use. This approach ensures that development respects the existing landscape, integrates seamlessly with nearby uses. There is no applicable specific plan in this area.

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: The property is designated as Residential Mixed (RM) by the General Plan, while currently zoned as Agricultural Productive (AP). The proposed subdivision and zone change align with the General Plan's RM designation, supporting residential development that is consistent with San Benito County's vision. The project meets General Plan Policy LU-4.1 (Housing Stock Diversity), which promotes a range of housing types to accommodate diverse socio-economic needs. By allowing subdivision into two parcels, the project provides opportunities for varied residential use, aligning with the General Plan's aim to diversify housing stock.

Policy LU-4.7 (Clustered Residential Site Layout) supports residential site design that respects natural features and provides buffers to adjacent agricultural land. While the project area is primarily open and

surrounded by rural properties, the subdivision respects the existing landscape and can be planned to maintain the rural transition. Conditions of approval will ensure that future development respects these principles by integrating site layouts that maintain natural features and create buffers with surrounding agricultural land.

Policy LU-4.8 (Conservation Easements Related to Clustered Residential Development) promotes the use of conservation easements to maintain open spaces during residential development. The proposal, with potential for open space inclusion and minimal impact on agricultural land, aligns with this policy, ensuring a balance between development and the preservation of surrounding land. Conditions of approval will be included to ensure that future development incorporates open space considerations and measures that support balanced development and land preservation.

Finding 2: The design or improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

Evidence: *The project maintains consistency with the General Plan concerning the subdivision's layout and enhancements, which the County Resource Management Agency's Planning and Public Works staff have reviewed. The proposed project has demonstrated appropriate access, connections to water services, septic systems, and other infrastructure, all executed in accordance with the guidelines specified in General Plan Policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these topics.*

The layout and enhancements also align with the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. No specific plan pertains to the subject property.

Finding 3: The site is physically suitable for the type of development.

Evidence: *The project site is deemed physically suitable for the proposed subdivision, which seeks to create two 2.5-acre parcels intended for residential development. The site's level topography supports its suitability for such development. Although a geotechnical report has not yet been conducted, compliance with Mitigation Measure GEO-1 from the CEQA Initial Study/Mitigated Negative Declaration (IS/MND) will ensure adherence to standard geotechnical practices for site preparation and construction, safeguarding safe development of the site. In alignment with Condition of Approval No. 39, a geotechnical report will be required to further confirm the site's stability and suitability. Existing infrastructure on Parcel One, including a well and septic system, meets current county standards, while the proposed second parcel will similarly require infrastructure development subject to County review and approval. These provisions collectively confirm that the site can support the intended residential use.*

Finding 4: The site is physically suitable for the density of development.

Evidence: *The proposed subdivision will create two 2.5-acre parcels, complying with the minimum lot size requirements set by the current zoning and General Plan designation. The proposed density aligns with the General Plan's intent for the Residential Mixed (RM) designation, which allows for residential use at this scale. The density is consistent with surrounding rural and low-density residential land uses, supporting an appropriate transition between higher-density residential areas and agricultural land. The project will maintain the existing development pattern, ensuring that the proposed density is suitable for the site.*

Finding 5: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The site is not mapped or identified as an exceptional habitat for fish or wildlife and currently hosts one single-family dwelling, a driveway, two wells, and a septic system. The project does not propose new construction beyond necessary road improvements required under San Benito County Code §23.17.003(D) (Required Improvements), which involve minimal upgrades to existing infrastructure and are expected to have negligible environmental impact. These existing uses are consistent with current zoning and permitted irrespective of the proposed subdivision, so the minor subdivision would not substantially increase environmental risks.

The land is primarily disturbed and agriculturally influenced, lacking sensitive habitats, special-status species, or significant wildlife corridors. The Initial Study/Mitigated Negative Declaration (IS/MND) confirms that there are no protected wetlands, riparian zones, or critical habitats on-site, and no significant impacts on wildlife movement or native species corridors are anticipated. Mitigation measures in the IS/MND are incorporated as conditions of approval, ensuring any potential minor impacts are reduced to less-than-significant levels, fully complying with CEQA requirements. Therefore, the subdivision design and proposed improvements are not likely to cause substantial environmental damage or substantially injure fish, wildlife, or their habitat.

Finding 6: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: Project improvements have been reviewed by relevant agencies in consideration of public health. This assessment includes emphasis on water quality with regard to well and septic system use and on controlling effects from grading including water runoff and dust emissions. Evidence in the record does not suggest that the proposed project or improvements could cause serious problems for public health.

Finding 7: The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

Evidence: The project would affect no such easement.

Finding 8: Subject to Section 66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) Contract.

Finding 9: Subject to Section 66474.6 of the Government Code, that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: Use of a community sewer system is not proposed, with existing septic systems to be used for sewage disposal. The proposed subdivision has been reviewed by the County Division of Environmental Health and has been found not to violate any existing requirements prescribed by the Central Coast Regional Water Quality Control Board. This project, if approved, would be subject to conditions of approval so as to be compliant with these regulations.

Finding 10: The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code §4290 and §4291 (per Government Code §66474.02(a)(1)).

Evidence: *The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations for this subdivision to comply with current San Benito County Fire Code and Regulations. A project if approved would be subject to conditions of approval so as to be compliant with these regulations.*

Finding 11: Structural fire protection and suppression services will be available for the subdivision through CAL FIRE and/or the San Benito County Fire Department (per Government Code §66474.02(a)(2)).

Evidence: *The subject property is within a local responsibility area designated as non-wildland/non-urban. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The nearest fire station is Hollister Fire Station No. 2, which is located at 1000 Union Road. This station is approximately 2 miles northwest from the project site by road. The next closest fire station is Hollister Fire Station No. 1, which is approximately 5 miles northwest by road from the project site by road. The nearest CAL FIRE station is located at 1979 Fairview Road, Hollister, CA 95023, approximately 5 miles north from the project site by road.*

Finding 12: Ingress and egress for the subdivision meet the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code §4290 and any applicable local ordinance.

Evidence: *Qualified personnel from responsible agencies have reviewed the proposed minor subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for fire safety.*

Conditions of Approval:

1. **Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY'S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY'S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan (illustrated in **Attachment C**) and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

4. **Compliance Documentation:** Prior to map recordation, the permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]

5. **CEQA Mitigation Measures:** The development of the site shall conform to the mitigation measures as adopted by the Planning Commission and included in the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Reporting Program to the satisfaction of the Planning Director. The mitigation measures shall be regarded as Conditions of Approval for Tentative Subdivision Map. See **Attachment D.** [Planning]
6. **Condition of Approval/Mitigation Monitoring Reporting Program:** Prior to the recordation of the Parcel map, the applicant/owner, County Counsel and the County Planning Director shall agree to and sign the Condition of Approval/Mitigation Monitoring and Reporting Program form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions and mitigation measures. If multiple Final Maps are filed, separate agreements with new builders/owners may be required. (See also **Attachment D.**) [Planning]
7. **Staff Review Invoices:** Within 60 days of approval of the tentative map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative map to be paid in full. Additionally, the project applicant shall be responsible for payment of fees associated with the review and monitoring of the conditions of approval. Payment of these invoices shall be a prerequisite to commencing the Staff verification of compliance with the Conditions of Approval for this project. Failure to comply with this condition shall result in a hold on the tentative map until such time that this condition is complied with or that the tentative map expires, whichever occurs first. [Planning]
8. **CEQA Notice of Determination (Fish & Wildlife Fees):** The applicant/owner shall be required to file a Notice of Determination for the project. The notice shall be provided by the County Planning Department and filed with the County Clerk within five (5) days of approval of the project. The applicant shall submit payment of the Fish & Wildlife Fees (\$2,916.75 as of 2024 per Pub. Resources Code, § 21152; Fish & Game Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5) and County Clerk administrative fee of \$50.00 to the Planning Department for the filing of the notice. [Planning, CDFG]
9. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
10. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of the County Resource Management Agency and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
11. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
12. **Construction Hours:** As required the San Benito County General Plan HS-8.3 (Construction Noise) and San Benito County Code, Title 19, Chapter 19.39 *et seq.* Article IV, Sound Level Restrictions; construction shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]

13. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
14. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.
 - c. Notify the Sheriff-Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
 - d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]
15. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]
16. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$600.00 (\$600 for each lot over 5.1 acres and \$300 per lot 1.1 to 5 acres). [Planning]
17. **Dust Control:** A note shall be placed on the improvement plans for the proposed subdivision to state that the applicant/owner shall incorporate the following requirements into any grading activities occurring as part of this project:
 - a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
 - b. All grading activities during periods of high wind, over 15 mph, are prohibited.
 - c. Haul trucks shall maintain at least two feet of freeboard.
 - d. All trucks hauling dirt, sand, or loose materials shall be covered.
 - e. Inactive storage piles shall be covered.
 - f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]
18. **Integration of Natural Features:** Prior to issuance of building permits for any future development on the subdivided parcels, site plans shall detail the preservation of existing natural features, such as mature trees and natural topography. These plans must include buffer zones of at least 50 feet from any active agricultural operations, including areas subject to machine cultivation or pesticide

application, to align with best practices for minimizing conflicts between residential use and agricultural activities. The County Planning Department shall review and approve these plans, and this condition shall be recorded on the final parcel map. [Planning, General Plan L.U. 4.7]

19. **Open Space Preservation and Recorded Designation:** Each parcel must include designated open space that comprises at least 20% of the parcel area to serve as a buffer between residential development and adjacent agricultural properties. This open space should be feasible to maintain and must be recorded on the parcel map as non-buildable. The property owner is responsible for preserving this area, and this requirement must be noted in the property deed. Compliance with this condition must be confirmed by the County Planning Department prior to the issuance of any building permits. A note shall be placed on the Parcel Map to this effect. [Planning, General Plan L.U. 4.8]
20. **Water and Sewer Connections:** Any future connection to public water and/or sewer services shall be subject to review and approval by the County Planning Department and the relevant utility agencies. This review may require additional fees, including, but not limited to, map or plan checking fees and inspection fees beyond those collected by the County. A note shall be placed on the parcel map indicating that future utility connections must undergo this review process and comply with all applicable agency and County requirements. [Planning]
21. **Building Permit Requirement:** Prior to issuance of a building permit, the applicant shall produce, including but not limited to, all necessary tests and reports to ensure compliance with all applicable County Code and State Government Code §66410 *et seq.* (the Subdivision Map Act). A note shall be placed on the Parcel Map to this effect. [Planning]

County Division of Environmental Health:

22. **Sewage Disposal:** The owner shall provide a soils profile to determine depth to ground water. The soils borings in the proposed leachfield area terminated too shallow to establish a minimum 8-foot separation from the bottom the proposed trenches to ground water. Additional soils testing will be required pending results of the soil profile. The owner shall contact this office to set an appointment to conduct this study. The owner shall complete the application for the installation of a septic system and pay all fees at the time a Building Application is submitted. [Environmental Health]
23. **Water Supply System Compliance:** Prior to the recordation of the Parcel Map, the applicant shall ensure that the proposed shared water system meets the required gallons per minute (GPM) for the number of connections allowed. The water quality must comply with Title 22 of the California Code of Regulations. As a condition of approval, the owner shall complete and submit a Local Small Water System application to the San Benito County Division of Environmental Health for review and approval. [Environmental Health]
24. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan (HMBP) must be completed and submitted to County Division of Environmental Health. [Environmental Health]

San Benito County Fire:

25. **Fire:** Prior to issuance of a building permit or beginning any construction, fire access and water supply for that parcel shall be in place and operable. Any and all development on this property shall be required to meet the standards set forth in the latest editions of the California Fire Code, Public Resources Codes 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code, and other

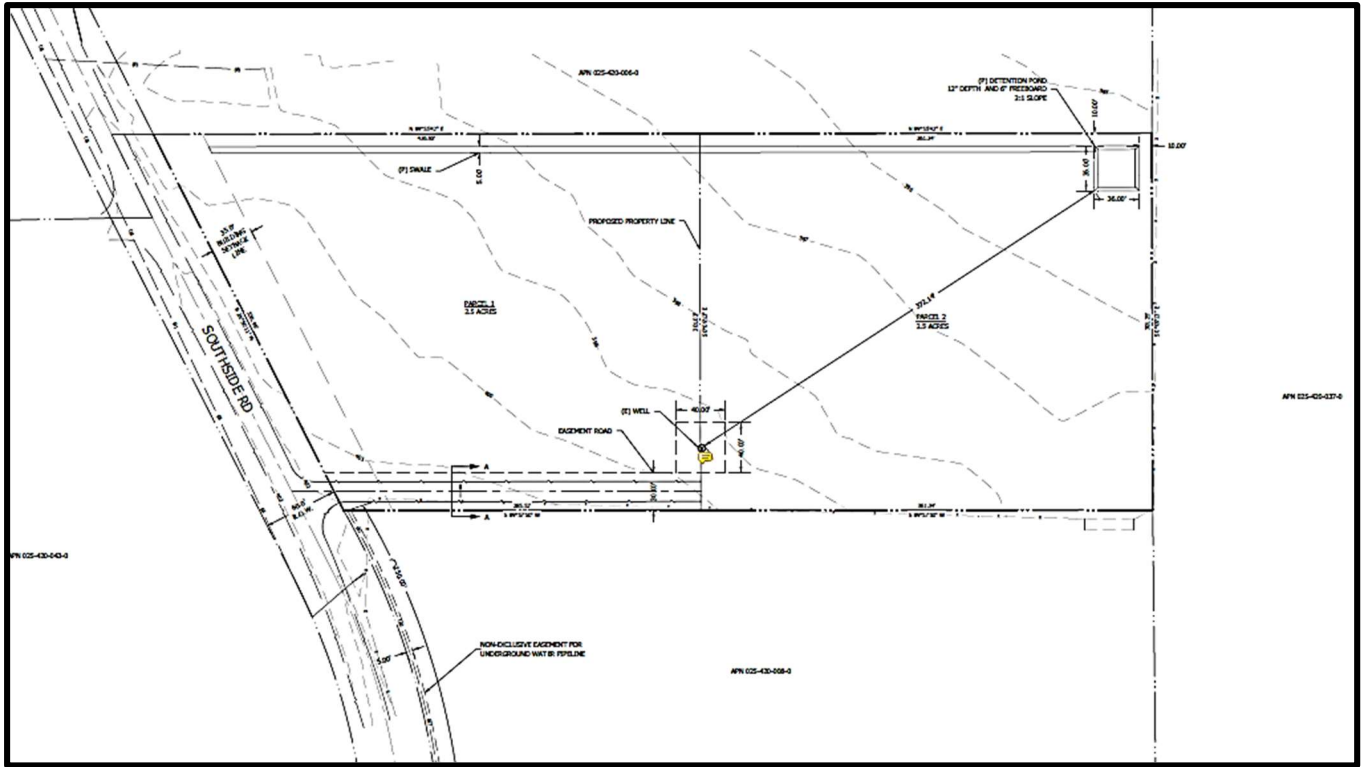
related codes as they apply to a project of this type and size. A note to this effect shall be placed on an additional sheet to the parcel map. [Aromas Fire]

Public Works Division:

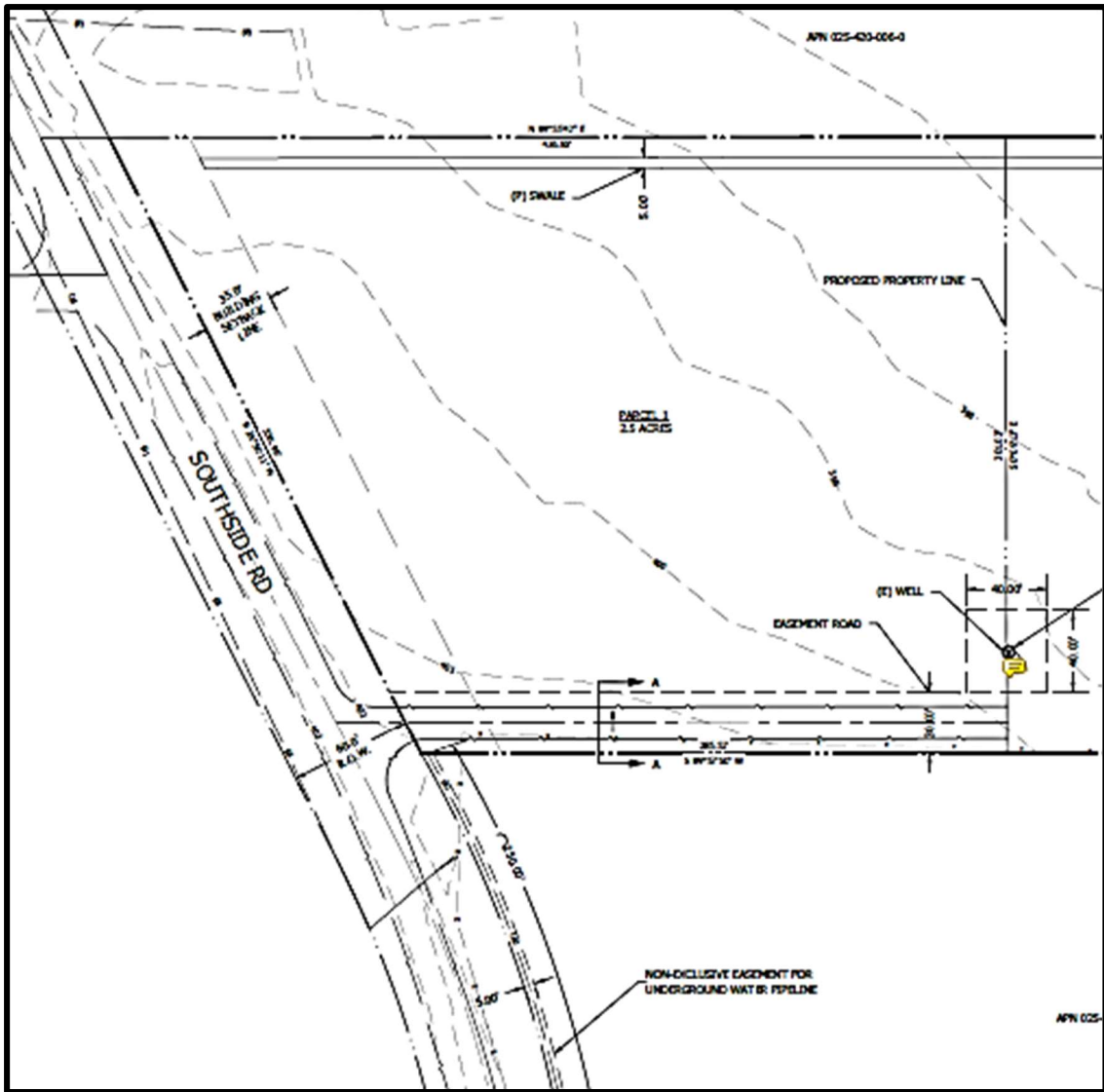
26. **Right-of-Way Dedication:** Prior to the recordation of the Parcel Map, the applicant shall make the following irrevocable offers of dedication to San Benito County and the public for public use: half of the 110-foot right-of-way along the entire property frontage on Southside Road, including any necessary slope easements. The 110-foot right-of-way requirement for Southside Road may be reduced to 84 feet if Southside Road is reclassified to a compatible roadway classification in the General Plan Circulation Element. [Public Works]
27. **Roadway Improvements:** Prior to the recordation of the Parcel Map, the applicant shall bond for or make the following roadway improvements, unless determined otherwise by the Planning Commission, in accordance with [§ 23.17 Improvements]. This requirement may be waived or deferred at the discretion of the Planning Commission. The applicant shall be responsible for constructing half of the 94-foot paved surface on a 96-foot roadbed along the entire property frontage on Southside Road. The pavement width requirement is subject to change if Southside Road is reclassified to a compatible roadway classification in the General Plan Circulation Element. [Public Works]
28. **Ingress/Egress Easement:** The applicant must show a 30-foot ingress/egress easement serving Parcel 2 on the Parcel Map before recordation to ensure proper access. This easement must meet County specifications for road width and safety standards. [Public Works]
29. **Storm Drain Easements (SDE):** The applicant shall depict the proposed pond and swale as Storm Drain Easements on the Parcel Map prior to recordation to ensure long-term maintenance and access. [Public Works]
30. **Underground Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, unless waived by the Planning Commission in lieu of a fee for undergrounding. Each unit or lot within the subdivision shall be served by gas, electricity, telephone and cable television facilities where available. All necessary utilities must be installed prior to recordation of the Parcel Map. [§ 23.17.003 REQUIRED IMPROVEMENTS, (E); (F)] [Public Works]
31. **Construction Stormwater General Permit:** If the disturbed area exceeds one acre, the applicant must comply with the California State Water Resources Control Board's Construction Stormwater General Permit. The applicant shall submit a WDID number or Erosivity Waiver to the Public Works Division prior to any construction activities. [Public Works]
32. **Community Facilities District Annexation:** Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project specific costs, as well as to offset the project's impact on general county costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study.
33. **Dedication of Parkland:** Prior to recordation of the Parcel Map, pursuant to San Benito County Code of Ordinances Section 23.15.008 Dedication of Parkland, the subdivider shall dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes.

34. **Public Works Encroachment Permit:** An Encroachment Permit must be obtained for any work conducted within the County Right-of-Way. All work must comply with County standards and specifications. [Public Works]
35. **Warranty Security:** Upon completion of the required improvements, the applicant shall provide warranty security amounting to 10% of the construction cost to guarantee against defects for a period of one year following the acceptance of improvements by the County. This security must be submitted before the release of any performance bonds. [Public Works]
36. **"As-Built" Plans:** The applicant's engineer shall submit one set of "As-Built" improvement plans in a reproducible format to the Public Works Department before Parcel Map recordation or the release of any performance bonds. This ensures that all constructed improvements are properly documented. [§ 23.31.002(K)(1)] [Public Works]
37. **Drainage:** As part of submission of improvement or grading plan for this project, the applicant shall be required to comply with County Drainage and Erosion Control standards, hence shall provide construction details and supporting calculations for the sizing of the proposed Roof Leader Drainage Trench System as shown on the Tentative Map, and shall also implement erosion control BMPs during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways, details of which shall also be shown on the plans. [Public Works]
38. **Improvement Plans:** Applicant shall submit with the Improvement Plans all applicable utility plans approved by the respective utility company. It is the applicant's responsibility to provide utility easement(s) to each of the utility companies whose services are necessary for the proposed subdivision. Said easement(s) shall be shown on the Parcel Map. [Public Works]
39. **Geotechnical Report:** As part of submission of engineered improvement plans for this project, a design-level geotechnical engineering investigations report shall be submitted for review by the County Engineer, and the same (once reviewed and accepted) shall be the basis of the design of any proposed or required improvements within the property. Prior to acceptance of any required improvements, a letter of geotechnical compliance shall be submitted to Public Works Department upon completion of site improvements. A note shall be placed on the parcel map to this effect. [§ 23.31.023]

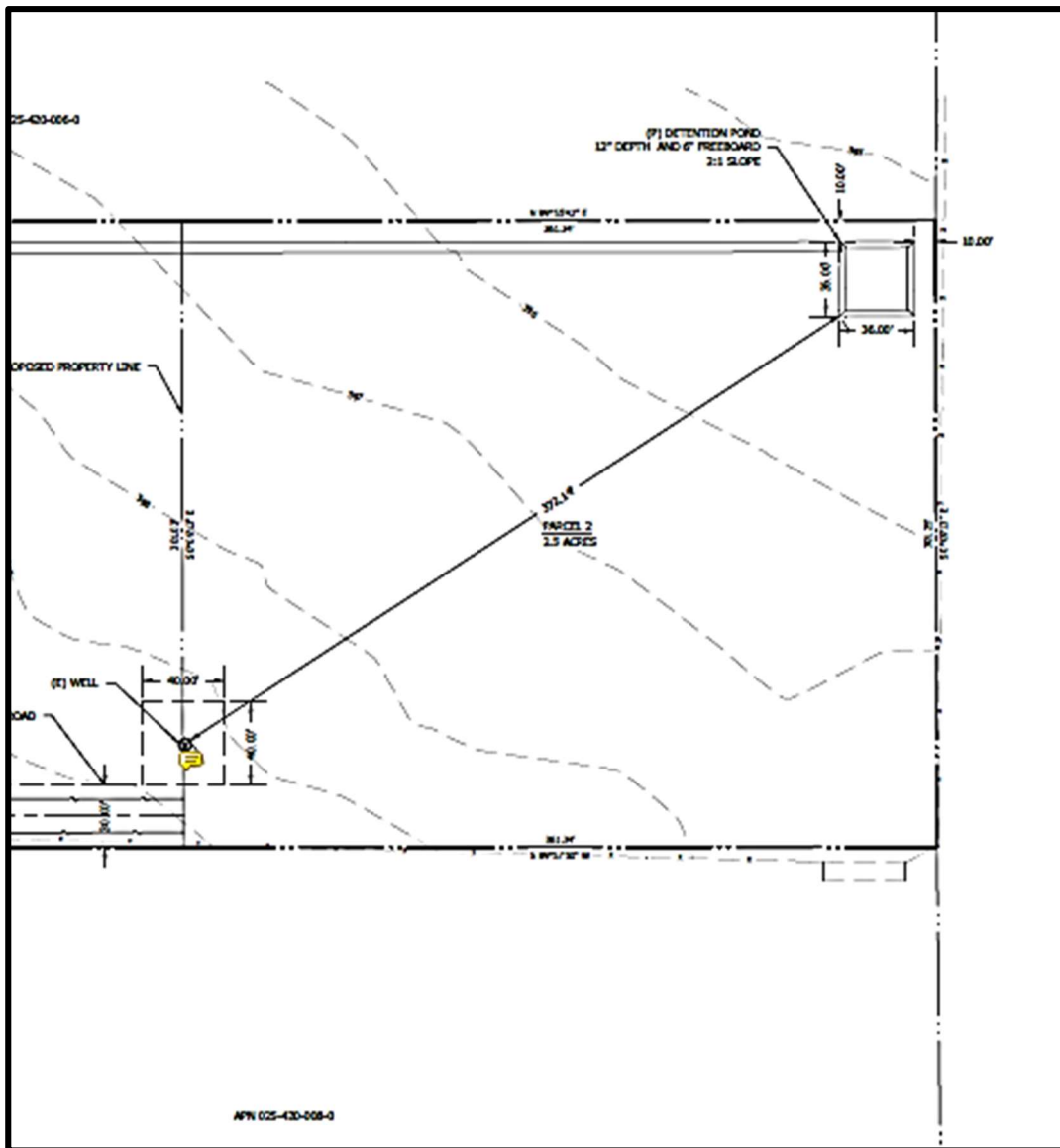
ATTACHMENT C to Planning Commission Resolution



This image shows the proposed rezoning and subdivision of a 5-acre parcel into two 2.5-acre lots, transitioning to 'Residential Multiple'. Includes property lines, easements, a detention pond, and access driveway.



Close view of Parcel 1, at the project site's west.



Close view of Parcel 2, at the project site's east.

ATTACHMENT D to Planning Commission Resolution
Mitigation Monitoring Reporting Program

Mitigation Measure	Requirements of Measure
<i>Cultural Resources</i>	
CR-1	<p>A note shall be placed on project improvement plans stating the following:</p> <p>If human remains are found at any time on the project site, work shall be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5) Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:</p> <ol style="list-style-type: none"> a) If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall: b) Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains. c) Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals. d) Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff-Coroner shall be notified immediately of the discovery as noted above. e) Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code.

Mitigation Measure	Requirements of Measure
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Geology and Soils

- | | |
|-------|--|
| GEO-1 | <p>Erosion control measures and associated BMPs include the following: Mitigation during construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:</p> <ul style="list-style-type: none">• Stockpiling and disposing of demolition debris, concrete, and soil.• Protecting existing storm drain inlets and stabilizing disturbed areas.• Hydroseeding/re-vegetating disturbed areas.• Minimizing areas of impervious surfaces.• Implementing runoff controls (e.g., percolation basins and drainage facilities).• Properly managing construction materials.• Managing waste, aggressively controlling litter, and implementing sediment controls.• Limiting grading to the minimum area necessary for construction and operation of the project. County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit. |
|-------|--|
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BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

ORDINANCE _____

AN ORDINANCE OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS TO APPROVE THE ZONE CHANGE PETITION OF COUNTY FILE PLN230015 TO AMEND THE ZONING MAP FOR THE PARCEL DESCRIBED HEREIN FROM AGRICULTURAL PRODUCTIVE (AP) TO RESIDENTIAL MULTIPLE (RM) DISTRICT ON APPROXIMATELY 5.0 ACRES.

The Board of Supervisors of the County of San Benito, State of California, does ordain as follows:

SECTION 1. The property shown in **Exhibit 1** (attached as a map of the boundaries for subject property), also identified as San Benito County Assessor’s Parcel Number 025-420-007 (located on the east side of Southside Road, approximately 5 miles southeast of downtown Hollister), is hereby designated to be subject to the Residential Multiple (RM) zoning district as set forth in the San Benito County Code Title 25, Chapter 25.03.005.

SECTION 2. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Prior to the expiration of fifteen (15) days from the adoption thereof, this ordinance shall be published at least one time in a newspaper of general circulation in San Benito County with the names of the Supervisors voting for or against the same, or a display ad or summary may be published as allowed by law.

The foregoing Ordinance was passed and adopted by the Board of Supervisors of the County of San Benito, State of California, at the regular meeting of said Board held on the ____ day of _____, 2024, by the following vote:

- AYES Supervisor(s):
- NOES Supervisor(s):
- ABSENT Supervisor(s):
- ABSTAIN Supervisor(s):

By: _____
Angela Curro, Chair of the Board of Supervisors

ATTEST:

APPROVED AS TO LEGAL FORM

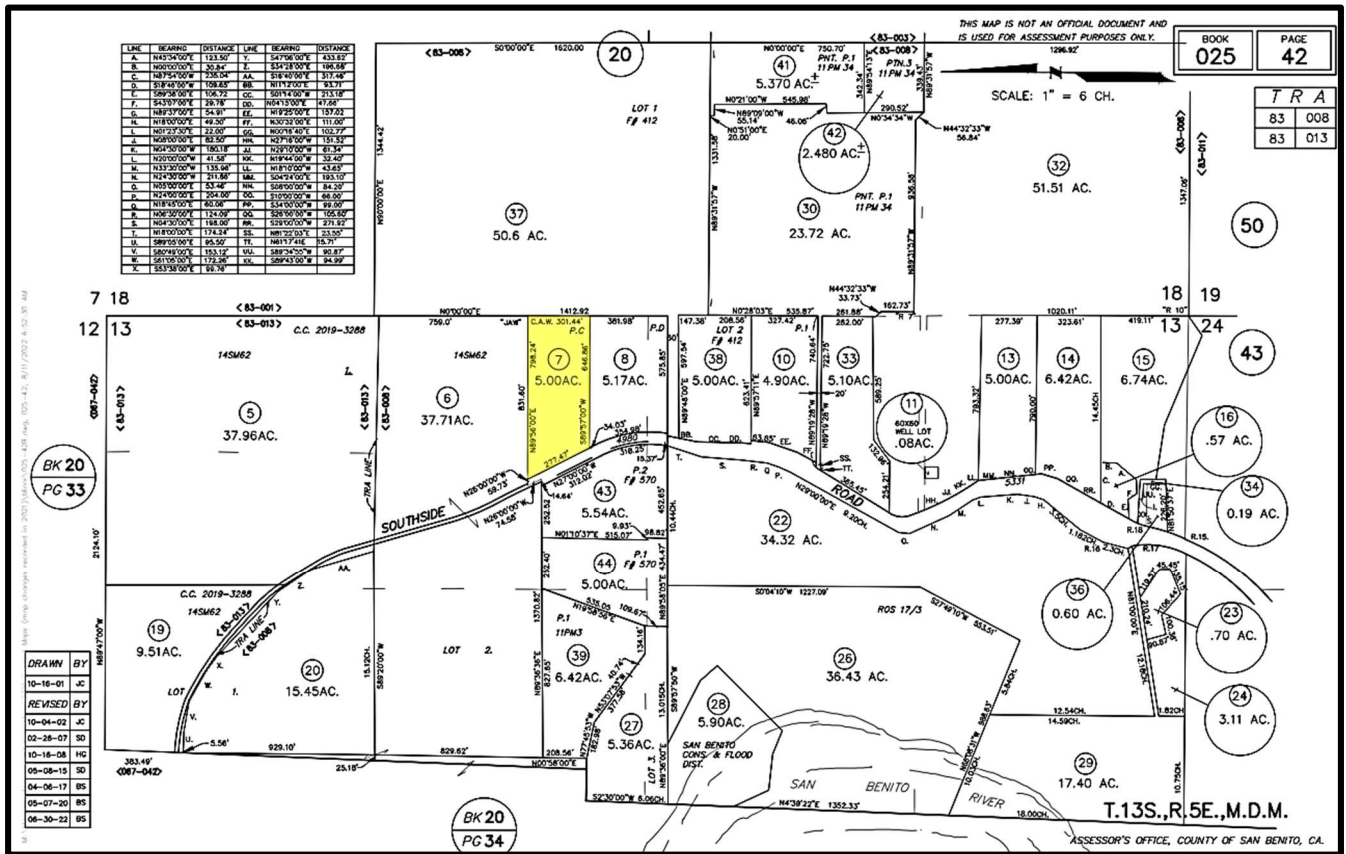
By: _____
Vanessa Delgado, Clerk of the Board of Supervisors

By: _____
Sean Cameron, Assistant County Counsel

Date: _____

Date: _____

Exhibit 1 to Planning Commission Resolution



STAFF REPORT

PROJECT INFORMATION:

Application: PLN230015 (Zone Change/Minor Subdivision)
Date of Hearing: November 20th, 2024
Applicant: San Benito Engineering
Owner: Kellogg Family LLC
Location: East side of Southside Road approximately 5 mi southeast of Downtown Hollister
APN: 025-420-007
General Plan: Residential Mixed
Zoning: Existing: Agricultural Productive (AP); Request to change to Residential Multiple (RM) on approximately 5.0 acres
Project Planner: Victor Tafoya

PROJECT DESCRIPTION

The proposed project includes an application for a zone change on the subject parcel from Agricultural Productive (AP) to Residential Mixed (RM) and a Minor Subdivision. If the zone change is approved, the 5-acre property would be divided into two 2.5-acre lots.

The project involves the construction of a shared driveway to provide access to the proposed Parcel 2 and a detention pond on Parcel 2. No further construction is proposed at this stage, and no permits for additional building or grading have been submitted. The project would have a maximum potential of two residences and two accessory dwellings (ADUs), given the lack of public water and public sewer availability. The applicant has not proposed any development at this time beyond the proposed driveway. (See Figure 1 Site Plan.)

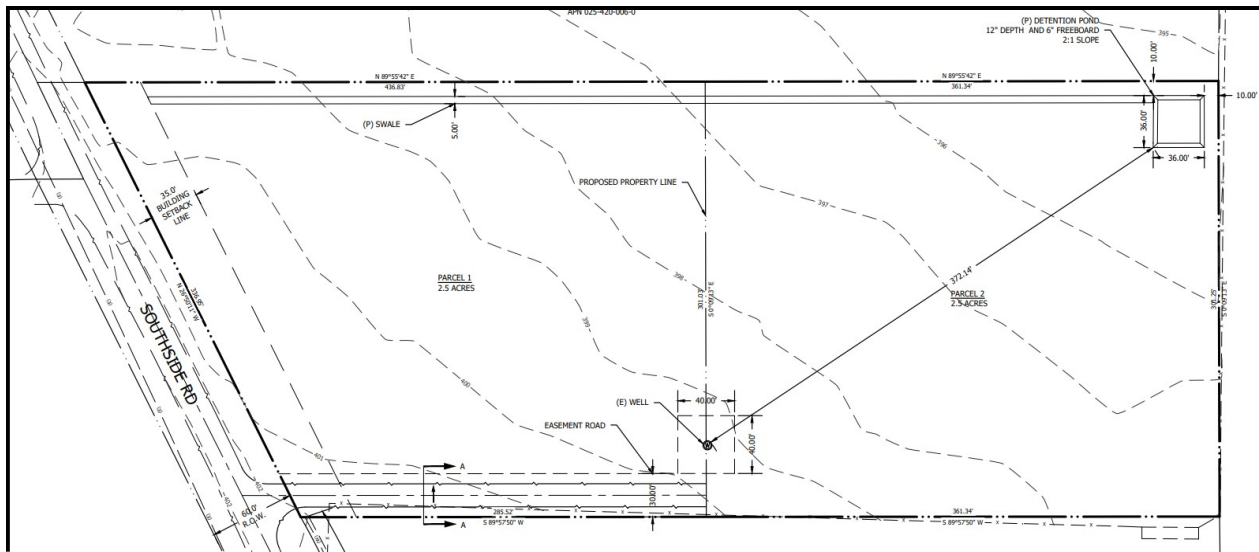


Figure 1 Site Plan

SITE DESCRIPTION

The project site is a 5-acre parcel located on a relatively flat area adjacent to Southside Road, about 5 miles southeast of downtown Hollister. The parcel is currently undeveloped and characterized by native grasses and various weedy vegetation, indicative of its historical use for agricultural purposes.

Topographically, the site sits between two prominent ridgelines: the Ridgemark/Promontory ridge to the west and another ridge following Southside Road to the east.

Historically used for agricultural cultivation, the parcel is surrounded by similar rural and agricultural uses. The land immediately adjacent to the project site is zoned Agricultural Productive (AP), aligning with the prevailing land uses of the region, which include active agricultural operations and scattered rural residential properties. These adjacent properties support the agricultural heritage and low-density residential development characteristic of this part of San Benito County. Notably, residential developments that match the proposed density of the Residential Multiple (RM) zoning are found in established areas such as the Ridgemark and Promontory developments. These residential zones, positioned on higher ridgelines, are zoned for Single Family Residential (R-1), which, despite their more developed nature, maintain lower density levels than the proposed RM zoning. (See Figure 2 Vicinity Map.)

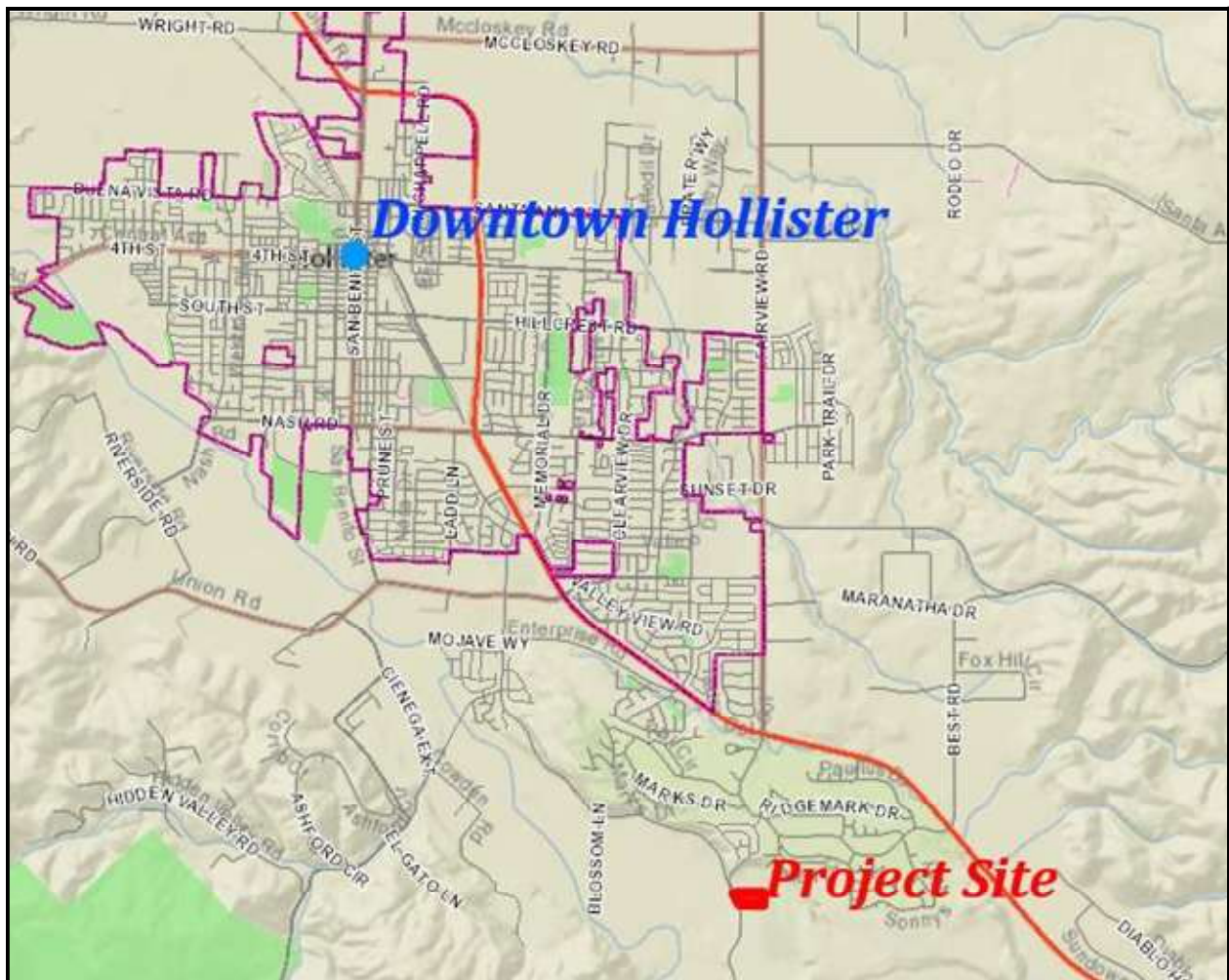


Figure 2 Vicinity Map

The surrounding landscape reflects a combination of agricultural fields, open spaces, and low-density housing, underscoring the region's emphasis on maintaining a balance between development and the preservation of open land. Understanding this context helps evaluate the proposed zone change, which would transition the site from agricultural use to residential use, introducing higher density development

in an area predominantly characterized by open and rural land. (See Figure 2, Vicinity Map for detailed geographical context.)

Scenic Highway: No

Seismic: Not **within an Alquist Priolo Earthquake Fault Zone**

Fire Hazard NON-WILDLAND/NON-URBAN

Floodplain: Not **in floodplain**

Archaeological Sensitivity: **Yes**

Kit Fox Habitat: Yes

Other Endangered or Sensitive Species: **None known.**

Soils: Sorrento **Silt Loam 0 to 2 percent slope**

PLANNING AND ZONING

The project site has Zoning designation of Agricultural Productive (AP) and a General Plan designation of Residential Mixed (RM). The AP zoning district is intended to provide for areas within the county that can be used for agricultural production of any type as set forth in the General Plan, including agriculture support uses, vineyards, wineries and winery-supporting land uses. Low-density residential uses, and the preservation of prime farmland. Low-density and farmworker housing are also permitted.

The proposed project would change the zoning from the existing Agricultural Productive (AP) to Residential Multiple (RM). The intent of the RM District is to allow for areas of multiple-family dwellings, in areas already developed to urban density, as well as having utility services to allow this density to continue. This will allow unincorporated pockets of urban concentration to occur where public sewer and water, as well as circulation, other utilities and services exist or can be provided.

This zoning designation is defined in County Code § 25.03.005 (Residential Districts) and is to be located where commercial services, recreational facilities and public services, such as shopping and health care, are available within a reasonable distance. Development intensity is established in part by the availability of public water and sewer service. In areas where both are available, the RM zoning allows for higher-density residential development, supporting 8 to 20 dwelling units per acre, with no minimum lot size for multifamily projects. If only one service is available, such as public water without sewer, single-family lot sizes are a minimum of 1 acre. In cases where neither public water nor sewer is accessible, as is currently the situation with this project site, development standards mandate a minimum lot size of 2.5 acres to ensure that single-family homes using well water and septic systems are sustainable and safe.

Given the current lack of public water and sewer connections, the feasible build-out for this project is limited to single-family development on lots no smaller than 2.5 acres. This results in a potential maximum of two single-family homes with associated accessory dwelling units (ADUs), adhering to the infrastructure limitations. Future changes in utility availability could modify this potential build-out. The Staff Analysis confirms that the proposed zoning change aligns with the San Benito County 2035 General Plan polices while recognizing current infrastructure limits.

To address such possibilities, the project includes a condition of approval that ensures that any potential expansion or modification to the utility infrastructure will be evaluated to maintain alignment with County standards and General Plan policies, allowing for the potential reassessment of development intensity if public utilities become accessible.

ENVIRONMENTAL EVALUATION

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in compliance with California Environmental Quality Act (CEQA) requirements, supported by technical studies.

Mitigation measures were identified to reduce potential significant impacts to a less-than-significant level and will be incorporated into the project as conditions of approval. These impacts include Geology/Soils, Cultural Resources, and Tribal Cultural Resources. Comments were received in response to certified notification letters sent to four California Native American tribes in accordance with Assembly Bill 52 (AB 52); these comments were addressed, and incorporated into the IS/MND's Mitigation Monitoring and Reporting Program and the conditions of approval. The IS/MND was duly circulated for public review and comment for 30 days from September 6, 2024, to October 6, 2024. (See Attachment D of the Resolution.)

STAFF ANALYSIS

Zone Change

The proposed zone change for the 5-acre parcel on Southside Road from Agricultural Productive (AP) to Residential Multiple (RM) aims to align with the San Benito County 2035 General Plan, which designates the parcel as Residential Mixed (RM). This change is intended to facilitate the development of a broader range of housing types to meet the county's evolving residential needs. By transitioning to RM zoning, the proposal supports the creation of higher-density housing that reflects the county's strategic objectives for sustainable growth and balanced land use. San Benito County Code § 25.01.011(A)(2) underscores that zoning amendments must serve public necessity, convenience, general welfare, or adhere to sound zoning practices, while maintaining consistency with the General Plan.

The proposed zone change aligns with multiple General Plan policies that underscore the county's commitment to promoting diverse and sustainable residential development. Policy LU-4.1 (Housing Stock Diversity) supports a variety of housing types to accommodate the socio-economic diversity of the region. The proposed zoning transition to RM enables opportunities for mixed housing that aligns with this vision, potentially offering a range of unit types suitable for different population needs. Moreover, Policy LU-4.2 (Urban Residential Development) ensures that higher-density residential development is strategically positioned in areas that can support it with adequate facilities and infrastructure. Given that the project involves no immediate construction and lacks access to public water or sewer, the maximum potential build-out would be limited to two new homes and two accessory dwelling units (ADUs). This limitation aligns with the existing infrastructure capacity, ensuring that future development remains modest and consistent with the rural character of the area.

Policy LU-4.7 (Clustered Residential Site Layout) emphasizes that residential developments should be designed to respect natural features and create buffers with adjacent agricultural land. Conditions of approval will be incorporated to ensure that future development respects natural features and creates appropriate buffers with adjacent agricultural land.

From a broader planning perspective, the zone change addresses public necessity and general welfare by responding to the county's increasing demand for housing. The project situates potential residential development within an area designated for such growth under the General Plan, contributing to the expansion of housing options while balancing the preservation of the surrounding rural character. By facilitating higher-density residential use near existing rural and agricultural lands, the zone change encourages a harmonious transition between differing land uses, supporting sustainable growth without disrupting the region's established landscape.

Environmental considerations have been a significant focus, and an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in compliance with the California Environmental Quality Act (CEQA). This IS/MND ensures that any potential environmental impacts, including those related to geology, cultural resources, and water quality, are adequately evaluated and mitigated. The identified mitigation measures have been incorporated as conditions of approval, which will ensure that potential

significant impacts remain at a less-than-significant level. This proactive approach supports compliance with CEQA and promotes responsible development practices.

Subdivision

The proposed subdivision seeks to divide the 5-acre parcel into two 2.5-acre lots, facilitating future residential development consistent with the new RM zoning. This subdivision meets the requirements outlined in the San Benito County Subdivision Ordinance and adheres to state standards set by the Subdivision Map Act. The division aligns with Policy LU-4.8 (Conservation Easements Related to Clustered Residential Development), which advocates for incorporating conservation measures and maintaining open space within residential projects. Conditions of approval will be included to ensure that future development incorporates open space considerations and measures that support balanced development and land preservation. While the current project does not include immediate construction, it enables future development that could integrate these conservation measures to support a balanced approach between development and land preservation.

The design and proposed improvements of the subdivision comply with General Plan policies. Policy LU-4.1's emphasis on housing diversity is met by the subdivision's potential to facilitate varied residential units. These planned improvements ensure that future development will maintain environmental sustainability and compatibility with adjacent rural and agricultural uses. The subdivision also aligns with Policy LU-4.7, which promotes site layouts that respect natural features and create buffers, thus maintaining the rural character of the area.

The proposed lot sizes and configuration comply with local and state requirements, indicating that the parcels can support future development. While immediate construction is not planned, the project provides a basis for planned residential growth that aligns with the county's long-term strategic goals. The findings from the IS/MND confirm that potential environmental impacts have been addressed, with mitigation measures in place to maintain a less-than-significant impact on the environment. This ensures that the project is consistent with county planning and environmental guidelines, supporting future residential development in the area.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and the attached draft resolution, which includes the necessary findings and conditions of approval. Staff further recommends that the Planning Commission adopt the resolution to approve County Planning File PLN230015, which encompasses the Zone Change from Agricultural Productive (AP) to Residential Mixed (RM) and the Minor Subdivision/tentative parcel map, along with the certification of the Initial Study/Mitigated Negative Declaration (IS/MND), subject to the conditions outlined in the resolution. Additionally, the recommended resolution includes a Planning Commission recommendation advising the Board of Supervisors to approve the Zone Change

Attachments

- A. Site Photos
- B. Planning Commission Resolution 2024-___ (draft), including
 - Attachment A, California Environmental Quality Act (CEQA) Findings
 - Attachment B, Conditions of Approval
 - Attachment C, Tentative Map
 - Attachment D Mitigation Monitoring Reporting Plan
- C. Initial Study/Mitigated Negative Declaration

Site Photos



View of the project site from Parcel One facing east towards Ridgemark.



View of the project site from Parcel One facing South Along Southside Road.



View of the project site from Parcel One facing South Along Southside Road.



View of the project site from Parcel One facing West with Southside Road in the Foreground and the Gabilan Range and San Benito River Valley in the distance.

Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Availability for Public Review

TO: Interested Individuals
 San Benito County Clerk

FROM: San Benito County Resource Management Agency
 2301 Technology Parkway
 Hollister, CA 95023-2513

Contact Person: Jonathan Olivas, Associate Planner, 831 902-2288, jolivas@cosb.us

Project File No.: County Planning file PLN230015 (Southside Road Zone Change/Minor Subdivision)

Project Applicant: San Benito Engineering

Project Location: Southside Road approximately 2 miles southeast of the intersection of Union Road and Southside Road, in the unincorporated San Benito County (Assessor's Parcel 025-420-007)

NOTICE IS HEREBY GIVEN that the Initial Study for Planning file PLN230015 is available for public review and that the County as **LEAD AGENCY** intends to adopt a Mitigated Negative Declaration for this project, which finds that the project, provided incorporated of mitigation measures, will not have a significant effect on the environment. The public review period in which comments will be accepted for the proposed Mitigated Negative Declaration begins **September 6th, 2024**, and ends at 5 p.m. on **October 6th, 2024**. The project's Initial Study, its proposed Mitigated Negative Declaration, and the documents referenced in the Initial Study and Mitigated Negative Declaration are available for review at the County Resource Management Agency at the above address or Accela Citizens' Access (see instructions at lower right). Comments may be addressed to the contact person noted above, and written comments are preferred. Please reference the project file number in all communications. **NOTICE IS HEREBY FURTHER GIVEN** that a public hearing for this project before the San Benito County Planning Commission is tentatively scheduled for 6 pm on a date uncertain in the Board of Supervisors Chambers of San Benito County, located at 481 Fourth Street, Hollister, California, at which time and place interested persons may appear and be heard thereon.

This study describes effects of a zone change and minor subdivision at at Southside Road approximately 2 miles southeast of the intersection of Union Road and Southside Road, in the unincorporated San Benito County near Hollister. The proposed project consists of an application for a Zone Change and a Minor Subdivision. If the Zone Change from Agricultural Productive (AP) to Residential Mixed (RM) were to be approved, then the minor subdivision into two lots of 2.5 acres could be approved. The application as submitted proposes construction of a driveway for accessibility of the proposed Parcel 2. No other construction is proposed as part of this application. The applicant has not applied for any permits for building, grading, or construction. The project site has been utilized for agricultural cultivation historically.

While no construction is currently proposed for this project, the approval of the subdivision would result in a density change, allowing for the potential development of one unit per 2.5 acres. This change is limited by the existing septic and well systems under the RM zoning designation.

No new water use is proposed at this time. The existing water supply is provided by a shared well located on the boundary between the two parcels. Public water access is neither foreseeable nor accessible in the vicinity of this project at this time.

There are no existing septic systems on the proposed Parcels 1 and 2. Should these parcels be developed in the future, the applicant will be required to submit a soils report demonstrating the capability of the soils on these parcels to support a septic system before any building permits are issued. Similar to the water supply, public sewer access is neither foreseeable nor accessible in the vicinity at this time.

To view project documents using Accela:

- 1) go to the website aca.accela.com/SANBENITO,
 - 2) go to Planning and click on "Search Cases,"
 - 3) enter the Record Number **PLN230015** and click "Search," then
 - 4) open the drop-down menu "Record Info" and click "Attachments."
- Project-related documents can be found here, with the initial study using the file name **IS_MND_PLN230015_230602_KELLOGG_0_SOUTHSIDE_ROAD.PDF***

The increase in impervious surfaces is currently unknown, as the applicant has not submitted any construction plans. The project proposes grading of 181 cubic yards for both cut and fill to accommodate the proposed shared driveway. All grading, including any future grading, must conform to and will be reviewed for compliance with San Benito County Code Chapter 19.17 (Grading, Drainage, and Erosion Control).

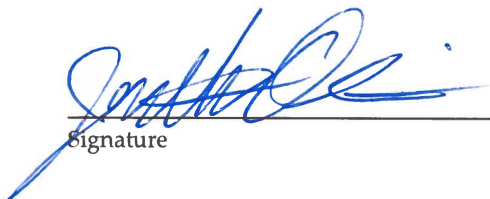
No new light sources are proposed as part of this project. Any future outdoor lighting will be required to conform to County requirements for Zone II nighttime lighting under County Code Chapter § 19.31.008.

During any future construction, the project would be accessed via Southside Road and the proposed shared private driveway serving Parcels 1 and 2. However, no construction is proposed at this time.

The project site is comprised of an approximately 5-acre parcel (APN 025-420-007) that is currently undeveloped with the exception of the current row crops as the primary land use. Local access to the project site from Hollister is Union Road to Southside Road. The project site is located approximately 2 miles southeast of the intersection of Union Road and Southside Road.

Surrounding land uses are primarily agricultural, with some rural residential uses in the vicinity as well. The San Benito County General Plan designates the project site as Residential Mixed (RM) and the project site is zoned Agricultural Productive (AP). The intent of the AP district is to provide for areas within the county to be used for agricultural production of any type as set forth in the general plan, including agriculture support uses, vineyards, wineries and winery supporting land uses. Low-density residential uses, and the preservation of prime farmland. Low-density and farmworker housing are also permitted. Historically, this property has been used for agricultural purposes.

The most recent projects of this scale are from 2022, and the addition of this project would cause minimal increase to this already accounted for impact. It is worth noting that projects like Santana Ranch and Promontory, while having significant impacts themselves, have been accounted for through environmental mitigation actions assessed in conjunction with those projects. This IS/MND contains mitigation to ensure that all impacts would be reduced to a less-than-significant impact level.



Signature

Associate Planner
Title

9/6/24
Date

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for

**County Planning File PLN230015
Zone Change/Minor Subdivision
Southside Road**

Prepared by: Jonathan Olivas, Associate Planner

Lead Agency: County of San Benito, California
Resource Management Agency

Applicant: San Benito Engineering

September 2024

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Project Data

1. **Project Title:** County Planning File PLN230015 (Southside Road Zone Change/Minor Subdivision)
2. **Lead Agency and Lead Agency Contact:** Jonathan Olivas, Associate Planner, (831) 902-2288, jolivas@cosb.us; San Benito County Resource Management Agency, 2301 Technology Parkway, Hollister CA 95023
3. **Applicant Contact Information:** San Benito Engineering, (831) 637-1075, 502 Monterey Street, Hollister, CA 95023
4. **Project Location:** The proposed project is located at Southside Road, Hollister, CA 95023, within San Benito County, California. The project site is made up of an approximately 5-acre parcel (Assessor's Parcel Number [APN] 025-420-007). The site is approximately 5 miles southeast of downtown Hollister in the southern portion of the unincorporated area of San Benito County, approximately 14 miles east of US 101, and approximately 2 miles south of the intersection of Southside Road and Union Road. The project is located in a rural area surrounded by agricultural uses.
5. **Project Description:** The project proposes a zone change from Agricultural Productive (AP) to Residential Mixed (RM). If approved this would allow for the applicant to subdivide the existing 5-acre parcel into two parcels of 2.5 acres. The parcels are currently undeveloped and strictly agricultural row crops. This project proposes a new shared driveway to serve both of the proposed parcels. No further construction is proposed at this time.
6. **Acreage of Project Site:** The parcel is approximately 5 acres (APN 025-420-007).
7. **Land Use Designations:** The San Benito County General Plan designates the project site as Residential Mixed (RM). The site is located within the Agricultural Productive (AP) Zoning District.
8. **Date Prepared:** September 2024
9. **Prepared By:** Jonathan Olivas, Associate Planner for San Benito County.

Chapter 1. Introduction and Project Description

1.1 Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to evaluate the potential environmental effects associated with the minor subdivision proposed under County Planning File PLN230015 Minor Subdivision within San Benito County, California (County). This IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.*, and the State CEQA Guidelines, California Code of Regulations (CCR) §15000 *et seq.*

An IS/MND is an informational document prepared by a lead agency to determine if a project may have a significant effect on the environment (CEQA Guidelines §15063, subd. (a)). If there is substantial evidence that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) must be prepared, in accordance with CEQA Guidelines §15064(a). However, if the lead agency determines that revisions in the project plans or proposals made by or agreed to by the applicant mitigate the potentially significant effects to a less-than-significant level, an Initial Study/Mitigated Negative Declaration may be prepared instead of an EIR (CEQA Guidelines §15070, subd. (b)). In this instance, the lead agency prepares a written statement describing the reasons a proposed project would not have a significant effect on the environment and, therefore, why an EIR need not be prepared. This IS/MND conforms to the content requirements under CEQA Guidelines §15071.

The San Benito County Resource Management Agency (County RMA) is acting as the Lead Agency pursuant to CEQA Guidelines §15050(a). As the Lead Agency, the County RMA oversaw preparation of this IS/MND pursuant to CEQA Guidelines §15063, §15070, and §15152. This IS/MND will be circulated for agency and public review during a 30-day public review period pursuant to CEQA Guidelines §15073. Comments received by the County RMA on this IS/MND will be reviewed and considered as part of the deliberative process in accordance with CEQA Guidelines §15074.

The following section is consistent with the requirements of CEQA Guidelines §15124 to the extent that it is applicable to the project. This section contains a detailed description of the project location, existing setting, project components and relevant project characteristics, and applicable regulatory requirements.

1.2 Project Location

The proposed project is located at Southside Road, Hollister, California, 95023, in San Benito County (County), at latitude 36° 48' 13.84" North and longitude 121° 21' 56.07" West. See **Figure 1, Vicinity Map**. The project site is comprised of an approximately 5-acre parcel (APN 025-420-007) that is currently undeveloped with the exception of the current row crops as the primary land use. Local access to the project site from Hollister is Union Road to Southside Road. The project site is located approximately 2 miles southeast of the intersection of Union Road and Southside Road.

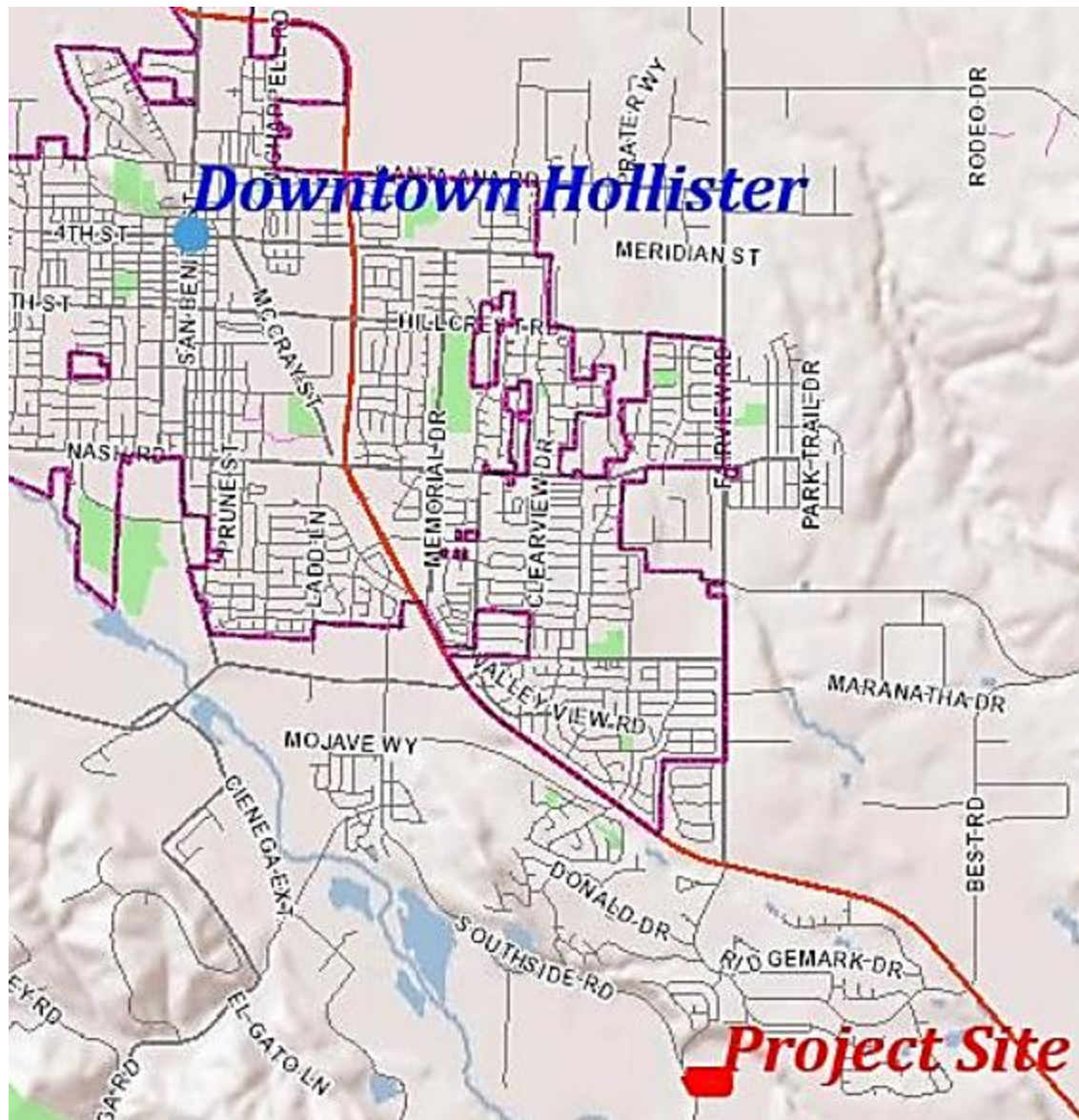


Figure 1 Vicinity Map

Surrounding land uses are primarily agricultural, with some rural residential uses in the vicinity as well. The San Benito County General Plan designates the project site as Residential Mixed (RM) and the project site is zoned Agricultural Productive (AP). The intent of the AP district is to provide for areas within the county to be used for agricultural production of any type as set forth in the general plan, including agriculture support uses, vineyards, wineries and winery supporting land uses. Low-density residential uses, and the preservation of prime farmland. Low-density and farmworker housing are also permitted. Historically, this property has been used for agricultural purposes.

1.3 Project Description

The proposed project consists of an application for a Zone Change and a Minor Subdivision. If the Zone Change from Agricultural Productive (AP) to Residential Mixed (RM) were to be approved, then the minor subdivision into two lots of 2.5-acres could be approved. The application as submitted proposes construction of a driveway for accessibility of the proposed Parcel 2. No other construction is proposed as part of this application. The applicant has not applied for any permits for building, grading, or construction. See **Figure 2, Site Plan**. The project site has been utilized for agricultural cultivation historically.

Construction

There is no construction proposed at this time. However, the approval of this subdivision would result in a density change of a possible one unit per 2.5 acre as the existing septic and well systems limit the development potential under the RM zoning designation.

Water Supply

No new water use is proposed for this project. Existing water is supplied by a shared well located on the boundary of the two parcels. Public water access in the vicinity of this project is not reasonably foreseeable or accessible at this time.

Septic

There are no existing septic systems on the proposed Parcels 1 and 2. Should these parcels be developed in the future, the applicant will be required to provide a soils report demonstrating the capability of the soils on the proposed Parcel 1 and Parcel 2 to support a septic system before any building permits are issued. Public sewer access in the vicinity of this project is not reasonably foreseeable or accessible at this time.

Drainage

Impervious surface increase is unknown at this time as the applicant has not submitted any construction plans at this time.

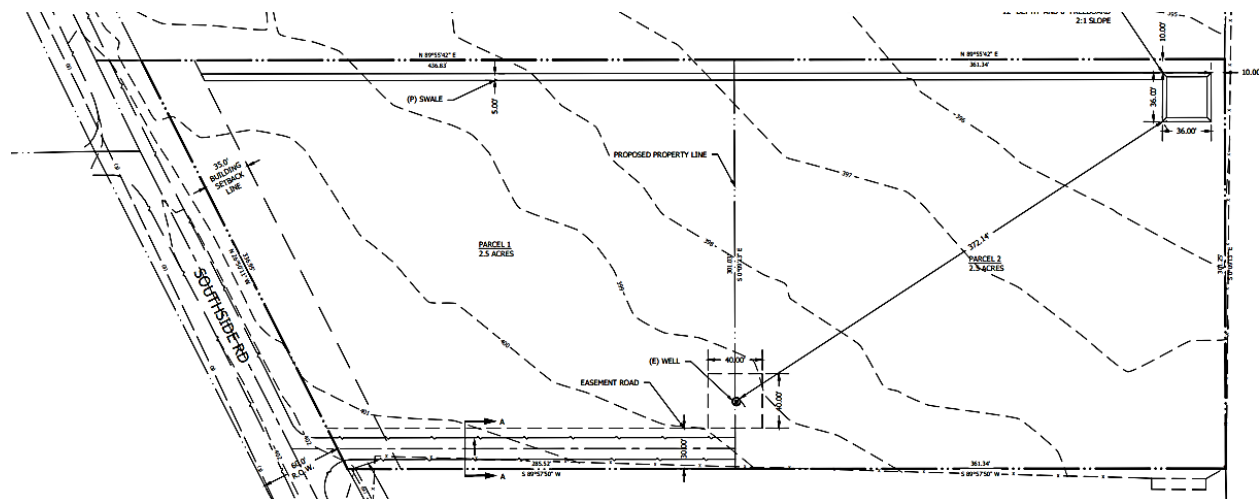


Figure 2 Site Plan

Grading

This project proposes grading of 181 cubic yards (cut) and 181 cubic yards (fill), for the proposed shared driveway. The proposed grading and any future grading must conform and will be reviewed by County Staff for compliance with San Benito County Code Chapter § 19.17: Grading, Drainage And Erosion Control.

Lighting

There are no new light sources proposed as part of this project. All future outdoor lighting would be required to conform to County requirements for Zone II nighttime lighting under County Code Chapter § 19.31.008.

Access and Parking

During future construction, the project would be accessed by Southside Road and the proposed shared private driveway (Parcel 1 and 2). No construction is proposed at this time.

1.4 Required Permits

The County RMA is the Lead Agency responsible for adoption of this IS/MND, an informational document for both agency decision-makers and the public. It is anticipated that the proposed project will require permits and approvals from the following agencies: San Benito County Planning and Building Department, San Benito County Public Works Division, San Benito County Environmental Health Division, San Benito County Water District, San Benito County Fire (Hollister Fire). This list is not considered exhaustive and additional agencies and/or jurisdictions may have permitting authority.

Site Photos



View of the project site from Parcel One facing east towards Ridgemark.



View of the project site from Parcel One facing north towards Promontory along Southside Road.



View of the project site from Parcel One facing South Along Southside Road.



View of the project site from Parcel One facing West with Southside Road in the Foreground and the Gabilan Range and San Benito River Valley in the distance.

1.5 Project Goals and Objectives

The primary goal of the proposed project is to secure approval for a zone change and parcel map for a minor subdivision from the Planning Commission and the Board of Supervisors. The key objectives for the project applicant are as follows:

- Acquire an approval from the Planning Commission and Board of Supervisors for a Zone Change from AP to RM zoning to allow for the proposed subdivision.
- Subdivide the existing 5.0-acre parcel into two parcels of 2.5 acres.

Chapter 2. Environmental Factors Potentially Affected

The environmental factors identified below are discussed within Chapter 4. Initial Study Environmental Checklist Sources used for analysis of environmental effects are cited in parenthesis after each discussion and are listed in Chapter 5. References.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture / Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Chapter 3. Determination

DETERMINATION

- On the basis of this initial evaluation: I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.**
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.**
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.**

Signature

Date

Printed Name

Agency

Chapter 4. Initial Study Environmental Checklist

The following chapter assesses the environmental consequences associated with the proposed project. Mitigation measures, where appropriate, are identified to address potential impacts.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2. All answers must take into account the whole action involved, including offsite as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate information sources for potential impacts (e.g., general plans, zoning ordinances) into the checklist references. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

- a) The significance criteria or threshold, if any, used to evaluate each question; and
- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

4.1 Aesthetics

4.1.1 Environmental Setting

The 2035 County General Plan Update Recirculated Draft EIR (RDEIR) notes that the County's most striking features are the Diablo and Gabilan Mountain Ranges and the San Benito Valley, which lies between these ranges. There are no State-designated scenic highways located in the County. However, three highways are County-designated scenic highways, including US 101, located approximately 14 miles west of the project site; SR 156, located 7 miles west of the project site; and SR 129, located approximately 15 miles west of the project site.

According to the 2035 County General Plan RDEIR, important vistas within San Benito County that define its visual character include agricultural croplands, rangelands, rolling hills, open spaces, historic towns and mining sites, and views of the Diablo and Gabilan ranges. These agricultural and rangeland areas constitute more than 75 percent of the County's total land area. Additionally, the County's topography includes valleys and rolling hills, particularly in the northern portion of the County near Hollister and San Juan Bautista, where most of the County's population dwells.

The existing site is currently used for agricultural activities such as row cropping. Surrounding lands are agricultural and some rural residences primarily. The proposed project would be allowed only as a result of both the Planning Commission and Board of Supervisors approving the zone change from agricultural productive to residential mixed. If that action were approved, then the proposed subdivision would result in the creation of one additional lot. If this project were approved, it would be limited to one unit per 2.5 acres as the project has no public water or sewer available at this time. The project currently proposes no new development beyond the subdivision and the applicant has not applied for any building permits as of September 2024.

No new sources of lighting are proposed as part of this project. A Tentative Map and a site plan have been submitted for this project. Only minor grading is proposed for a driveway to serve

Parcels 1 and 2 and no other construction is proposed as part of this project. No permits have been applied for at this time, either. The existing surrounding agricultural and rural residential uses produce varying degrees of nighttime lighting.

Section 19.31.005 of the San Benito County Code establishes three lighting zones, with Zone I having the strictest regulations and Zone III imposing the least restrictive based on proximity to Fremont’s Peak. The project site is located in Zone II. General requirements are applicable to all zones, under Section 19.31.006, and the special requirements applicable to project set forth in Section 19.31.008 are listed below:

- (A) (1) Total outdoor light output (excluding streetlights used for illumination of county roadways or private roadways related to any development project in Zone II) shall not exceed 50,000 initial raw lamp lumens per net acre, averaged over the entire project.
- (2) Furthermore, no more than 5,500 initial raw lamp lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in Table 19.31.006(1) of this chapter. [...]
- (D) Class 3 lighting must be extinguished at 11:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15 to January 15.

4.1.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Aesthetics. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.1.3 Explanation

a) **Less than Significant Impact.** As described in the County’s General Plan, most of the County consists of agricultural and rangeland uses and many of the County’s scenic vistas consist of views of these areas. The proposed project consists of a subdivision with no proposed construction at this time. However, it is worth noting that if approved the subdivision would be limited to one house per 2.5 acres and two ADUs given the lack of public water and sewer availability. The project is not visible from existing designated scenic roads and the project as proposed would not exceed the 35-foot building height maximum for the proposed zoning district and would not block any neighboring views of distant mountain ranges. The proposed project would not impair County scenic vistas as viewed from the residences in the area; therefore, the impacts would be less than significant. (1, 2, 3, 4)

b) **Less than Significant Impact.** As discussed above, there are many scenic resources in the County; however, the project site is not located within the vicinity of a County-designated scenic roadway or an officially designated State scenic highway. Therefore, the project is not visible from a State-designated scenic highway or County-designated scenic roadway. As a result, the project would have a less than significant impact on scenic resources such as rock outcroppings, trees, or historic buildings within view from a scenic highway. This project would result in a less than significant impact. (1, 2, 3)

c) **Less than Significant Impact.** The proposed project is located within a non-urbanized area and involves potential future residential uses, with a proposed increase in density from 1 unit per 5 acres under the current Agricultural Productive (AP) zoning to 1 unit per 2.5 acres under Residential Multiple (RM) zoning, due to the lack of availability of public water and public sewer. The parcels adjacent to the project site are zoned for agricultural and rural uses.

Consistent with General Plan Policy NCR-8.11, which pertains to landscaping in areas designated for agriculture or rural land uses, the proposed project would maintain an appearance similar to existing agricultural and rural uses in the vicinity. The project aligns with county zoning and regulations governing land use and scenic quality, as discussed in Section 4.1.3 items a and b. As a result, the proposed project is expected to have a less-than-significant impact on the visual character and quality of public views of the project site. (1, 2, 3)

d) **Less than Significant Impact.** The proposed project would not significantly alter the existing lighting conditions in this minimally lit area. Any future lighting installations would be required to comply with the County's "Dark Skies" Ordinance (County Code Chapter 19.31). This ordinance mandates the use of outdoor lighting systems designed to reduce light pollution and glare, thereby protecting the nighttime visual environment and ensuring that outdoor lighting does not interfere with astronomical observations or the enjoyment of the night sky. Compliance with this ordinance will ensure that any potential adverse effects associated with site lighting remain less than significant.

Additionally, as part of the County permitting process, the proposed project will undergo design review and approval in accordance with San Benito County Code § 25.02.001, which governs Development Plan Review. This review process will confirm consistency with applicable standards, requirements, and design guidelines. Consequently, potential impacts from lighting and glare will be less than significant. (1, 2, 3, 4)

4.2 Agricultural and Forest Resources

4.2.1 Environmental Setting

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), established by the State Legislature in 1982, assesses the location, quality, and quantity of agricultural lands. In addition, the FMMP monitors the conversion of these lands over time. The FMMP is a non-regulatory program contained in Section 612 of the Public Resources Code and contains five farmland categories in order to provide consistent and impartial analysis of agricultural land use and land use changes throughout California. The five farmland categories consist of the following:

- Prime Farmland (P) comprises the best combination of physical and chemical features able to sustain long-term agricultural production. Irrigated agricultural production is a necessary land use four years prior to the mapping date to qualify as Prime Farmland. The land must be able to store moisture and produce high yields.
- Farmland of Statewide Importance (S) possesses similar characteristics to Prime Farmland with minor shortcomings, such as less ability to hold and store moisture and presence of more pronounced slopes.
- Unique Farmland (U) has a production history of propagating crops with high-economic value.
- Farmland of Local Importance (L) is important to the local agricultural economy. Local advisory committees and a county specific Board of Supervisors determine this status.
- Grazing Land (G) is suitable for browsing or grazing of livestock.

The existing project site consists of “Grazing Land” in the 2020 FMMP. This parcel does not meet the criteria of Prime, Statewide or Unique Farmland. The adjacent parcels to the south and east contain lands that are designated as Prime Farmland. (See **Figure 4.**)

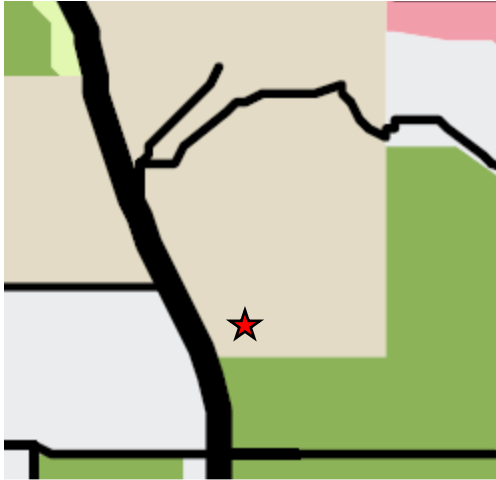


Figure 4 shows the project site (red star) on the 2020 FMMP.

The property currently serves as agricultural land and is otherwise undeveloped. Per the FMMP 2020 this property is categorized as grazing land. Land in this category is land on which the existing vegetation is suited to the grazing of livestock.

The Williamson Act, codified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners to offer tax incentives in exchange for an agreement that the land will remain as agricultural or related open space use for a 10-year period. The project site is not currently under a Williamson Act contract.

According to the California Public Resources Code §4526, the California Board of Forestry and Fire Protection defines “Timberland” as land not owned by the federal government, nor designated as experimental forest land, which is capable and available for growing any commercial tree species. The board defines commercial trees on a district basis following consultation with district committees and other necessary parties. There are no forest land, timberland, or timberland production areas, as zoned by applicable state and local regulations located within the County.

4.2.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Agriculture and Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.2.3 Explanation

a) **No Impact.** As noted above, the FMMP of the California Resources Agency classifies the full project site as "Grazing Land", and therefore the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. No construction

is proposed at this time, and the proposed subdivision would not take place unless the current zone change request to RM were to be approved. The current agricultural uses will be able to continue undisturbed. Thus, the project would result in no impact. (1, 2, 3, 4, 5)

b) **Less than Significant Impact.** If the proposed zone change to Residential Multiple (RM) is approved, the proposed subdivision would be consistent with both the new RM zoning designation and the existing County General Plan designation of Residential Mixed (RM). This alignment would allow for one principal residential dwelling per 2.5 acres, in accordance with the zoning standards of the Residential Multiple designation. Both the proposed zoning and the existing general plan designations support the proposed subdivision.

According to the San Benito County General Plan (Table 3-1, page 3-5) and the San Benito County Zoning Ordinance § 25.03.005 (E), Residential Multiple (RM) zoning allows for residential development. The intensity of development is influenced by the availability of public water and sewer services. In areas with access to both services, smaller lot sizes can be created. In areas lacking one or both services, lot sizes are limited by the capacity of local soils and underground water, consistent with the Building Code and health regulations.

The subdivision would allow for the potential future development of two residences, two accessory dwelling units, and additional accessory structures. Please refer to Section 4.7, Geology and Soils, for a discussion on soil suitability.

This project is not subject to any California Land Conservation Act (Williamson Act) contracts. Any potential future development such as further subdivision or development requiring building permits, will be subject to further evaluation, and require additional approval from the County including but not limited to a design-level geotechnical analysis that identifies recommendations for the design and construction of future project improvements. This process will minimize potential impacts, resulting in a less than significant impact from the proposed project. (1, 2, 3, 4, 5)

c-e) **No Impact.** As noted above, there are no forest land, timberland, or timberland production areas, as zoned by applicable state and local laws and regulations within the County, or otherwise present onsite. As the project site is not designated as forest land, the proposed project would not convert these lands to a non-forest use. The project would not conflict with or require rezoning of forest land or timberland; would not result in the loss or conservation of forest land; and would not involve other changes in the existing environment which could result in conversion of forest land to non-forest land; therefore, there is no impact. (1, 2, 3, 4, 5)

4.3 Air Quality

4.3.1 Environmental Setting

The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of certain air pollutants. Under these Acts, the United States Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific “criteria” pollutants. These pollutants are carbon monoxide (CO₂), ozone (O₃), sulfur dioxide (SO₂), nitrogen oxides (NO_x), particulate matter less than 10 microns in

diameter (PM₁₀), lead, and particulate matter less than 2.5 microns in diameter (PM_{2.5}). The project site is located within the North Central Coast Air Basin (NCCAB), which is comprised of Santa Cruz, San Benito, and Monterey Counties, and is regulated by the Monterey Bay Air Resources District (MBARD), which was formally known as the Monterey Bay Unified Air Pollution Control District. The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and evaluated for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The NCCAB is in attainment for all NAAQS and for all California Ambient Air Quality Standards (CAAQS) except O₃ and PM₁₀. The primary sources of O₃ and PM₁₀ in the NCAAB are from automobile engine combustion. To address exceedance of these CAAQS, MBARD has developed and implemented several plans including the 2005 Particulate Matter Plan, the 2007 Federal Maintenance Plan, and the 2012-2015 Air Quality Management Plan (AQMP), a revision to the 2012 Triennial Plan. NCCAB Attainment Status to National and California Ambient Air Quality can be found in **Table 1 below**.

Pollutant	State Designation ¹	National Designation ²
Ozone (O ₃)	Nonattainment - Transitional	Attainment
Inhalable Particulates (PM ₁₀)	Nonattainment	Attainment
Fine Particulates (PM _{2.5})	Attainment	Attainment
Carbon Monoxide (CO)	Unclassified	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment

Notes:
 1) The State Designations apply to the entire NCCAB and are based on air quality data from 2017. Source: Monterey Bay Air Resources District Air Quality Management Plan 2012-2015; https://www.mbard.org/files/6632732f5/2012-2015-AQMP_FINAL.pdf
 2) The National Designations apply to San Benito County only and are based on air quality data from as recent as January 31, 2021. Source: California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants; https://www3.epa.gov/airquality/greenbook/anayo_ca.html

Table 1

Plans to attain these standards already accommodate the future growth projections available at the time these plans were prepared. Any development project capable of generating air pollutant emissions exceeding regionally established criteria is considered a significant impact for purposes of CEQA, regardless of whether such emissions have been accounted for in regional air planning. Any project that would directly cause or substantially contribute to a localized violation of an air quality standard would generate substantial air pollution impacts. The same is true for a project that generates a substantial increase in health risks from toxic air contaminants.

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Land uses considered sensitive receptors include residences, schools, and health care facilities. Southside Elementary School is located approximately 950 feet from the project site, and there are 10 existing residences within 1,000 feet of the project site. According to MBARD's 2008 CEQA Air Quality Guidelines, a project would have a significant impact on sensitive receptors if it causes

a violation of any CO₂, PM₁₀, or toxic air contaminant standards at an existing or reasonably foreseeable sensitive receptor, as discussed below this project does not exceed these standards.

4.3.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Air Quality. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.2.3 Explanation

a) **Less than Significant Impact.** CEQA Guidelines §15125(b) requires an evaluation of project consistency with applicable regional plans, including the AQMP. As stated above, MBARD has developed and implemented several plans to address exceedance of State air quality standards, including the 2012-2015 AQMP. MBARD is required to update their AQMP once every three years; the most recent update was the 2012-2015 AQMP (MBARD, 2017) was approved in March of 2017. This plan addresses attainment of the State ozone standard and federal air quality standard. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments (AMBAG) and other indicators. The proposed project would not result in any increase in employment and would result in a minimal increase in population growth. The proposed project would be consistent with the MBARD 2012-2015 AQMP. In addition, as noted below, the proposed project would not result in a significant increase in emissions. For these reasons, implementation of the proposed project is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP. The impact of this project is less than significant. (1, 2, 7, 8)

b) **Less than Significant Impact.** Minor grading and cut/filling are proposed as part of this project. However, official plans have applied for and are under review as of September 2024. No permits have been issued at this time. When construction occurs, construction equipment could result in impacts to air quality. The drainage plan for the project would need to provide the grading quantities for cut and fill associated with the project: Site disturbance activities could result in a short-term, localized decrease in air quality due to the generation of particulate emissions (PM₁₀). The MBARD 2016 Guidelines for Implementing CEQA contain standards of significance for evaluating potential air quality effects of projects subject to the requirements of CEQA. According to MBARD, a project would not violate an air quality standard and/or contribute to an existing or projected violation during construction if it would:

- Emit (from all sources, including exhaust and fugitive dust) less than:
 - 137 pounds per day (lb/day) of oxides of nitrogen (NO_x);
 - 137 lb/day of reactive organic gases (ROG);
 - 82 lb/day of respirable particulate matter (PM₁₀);
 - 55 lb/day of fine particulate matter (PM_{2.5}); and
 - 550 lb/day carbon monoxide (CO)
- Not cause or contribute to a violation of any California or National Ambient Air Quality Standard;
- Not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment;
- Not exceed the health risk public notification thresholds adopted by the Air District;
- Not create objectionable odors affecting a substantial number of people; and
- Be consistent with the adopted federal and state Air Quality Plans.

c) **Less than Significant Impact.** A “sensitive receptor” is generally defined as any residence including private homes, condominiums, apartments, or living quarters; education resources such as preschools and kindergarten through grade twelve (“K-12”) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. There are 10 existing residences within 1,000 feet of the project site. MBARD’s 2008 CEQA Air Quality Guidelines state that a project would have a significant impact to sensitive receptors if it would cause a violation of any CO₂, PM₁₀, or toxic air contaminant standards at an existing or reasonably foreseeable sensitive receptor.

As stated above, if the project were to have construction, the project would implement standard air quality Best Management Practices (BMPs). Additionally, the proposed project would not exceed any MBARD thresholds, including CO and PM₁₀. For these reasons, if were to occur construction activities would have a less-than-significant impact to sensitive receptors. (1, 2, 7, 8)

d) **Less than Significant Impact.** Pollutants associated with substantial emissions include sulfur compounds and methane. Typical sources of odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, and refineries (MBARD, 2008).

The proposed project will continue to be used for agriculture and as a rural residence. This will result in no increase in the current land use found on the subject property and in its surroundings.

This would generate odors similar to the current land use and would have no increased or adverse effects to sensitive receptors. Therefore, the project would not result in substantial emissions (such as those leading to odors) adversely affecting a substantial number of people and there would be less than significant impact. (1, 2, 7, 8)

4.4 Biological Resources

4.4.1 Environmental Setting

The entire site is within an area of active agriculture. Active agriculture areas are subject to an anthropogenic disturbance regime related to the cultivation of row cropping and rangeland. (USDA Soil Survey (18)) Due to this disturbance regime all other species or vegetation, besides those species associated with the row cropping and a few weedy species able to persist on the edges, are nonexistent within this habitat type. Ruderal/disturbed habitat occurs within the project site, this habitat type is associated with areas which have been developed or have been subject to historic and ongoing disturbance by human activities and are devoid of vegetation or dominated by non-native and/or invasive weed species. Ruderal/disturbed areas within the project site consist of the proposed driveway, future septic, and detention pond for the proposed Parcel 1 and 2. (18)

4.4.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.4.3 Explanation

a) **Less than Significant Impact.** The project site is currently undeveloped, and future grading will occur for the driveways for Parcels 1 and 2, though no permits have been applied for at this time. The site is currently used as an agricultural parcel and is otherwise undeveloped. There are no native, sensitive, critical, or wetland habitats on the site. Due to the lack of these habitats and the extent of human disturbance and past development, no disturbance to any special-status plant or animal species is expected. Therefore, the impact will be less than significant.

b) **No Impact.** The project site does not contain any riparian or other sensitive natural communities. Therefore, the proposed project would not result in impacts to sensitive habitats. (1, 2)

c) **No Impact.** The project site does not contain any federally protected wetlands. Therefore, the proposed project would not result in any impacts to federally protected wetlands. (1, 2)

d) **No Impact.** The project site is primarily developed or in use for agricultural purposes and does not provide any valuable migratory wildlife corridors. This project site also contains no native wildlife nursery sites for native fish or wildlife species. Therefore, the proposed project would not impede the use of any wildlife corridors or interfere with wildlife movement and would result in no impact. (1, 2, 10)

e) **No Impact.** The proposed project does not include the removal of any trees. Therefore, the proposed project will not conflict with a tree preservation policy or ordinance, resulting in no impact. (1, 2)

f) **No Impact.** There are no adopted habitat conservation plans associated with the project site. (1, 2)

4.5 Cultural Resources

4.5.1 Environmental Setting

The County of San Benito General Plan notes that only three percent of the land area of San Benito County has been surveyed for cultural resources, yet over 1,300 cultural sites have been documented, including over 500 prehistoric and historic archaeological sites and over 850 historic buildings. The 2035 County General Plan Revised Draft Environmental Impact Report (RDEIR) identified that the majority of historic properties in the County are in the incorporated cities of Hollister and San Juan Bautista, with the exception of two small historic communities, Paicines, and Tres Pinos.

This is further addressed in San Benito County Code under § 19.05.001 *et seq.* The intent of this chapter is to protect, preserve and show respect for Native American, Spanish, Mexican, Euroamerican and other archaeological sites and resources within the county of San Benito. See also related discussion in Section 4.18 Tribal Cultural Resources.

4.5.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Cultural Resources. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.5.3 Explanation

a) **No Impact.** CEQA Guidelines §15064.5 describes a historical resources as: 1) any resource that is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; 2) a resource included in a local register of historical resources; and, 3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant based on substantial evidence in light of the whole record. A substantial change includes the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance would be materially impaired (CEQA Guidelines §15064.5(b)).

The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. The project site does not contain any historic resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. Lacking these historic features, the project would have no impact on a historical resource as defined in accordance with the requirements of CEQA. (1, 2, 3)

b) **Less than Significant Impact with Mitigation Incorporated.** Public Resources Code §21083.2 requires that lead agencies evaluate potential impacts to archaeological resources. Specifically, lead agencies must determine whether a project may have a significant effect or cause a substantial adverse change in the significance of an archaeological resource. While no archaeological resources have been documented or found on-site, previously unknown or buried archaeological resources could, nevertheless, be present. The project could impact potentially unknown or buried resources during construction. In order to minimize potential impacts to a less-than-significant level, mitigation is necessary. The implementation of Mitigation Measure CR-1 would ensure that potential impacts would be less than significant. (1, 2, 3, 4)

c) **Less than Significant Impact with Mitigation Incorporated.** No human remains, including those interred outside of formal cemeteries, are known to occur within the project site. While the likelihood of human remains, including those interred outside of a formal cemetery, within the project site is low, it is possible that previously unknown human remains may be present. Previously unknown human remains could be impacted if construction were to occur. In order to reduce potential impacts to a less-than significant level, mitigation is necessary. The implementation of the following mitigation measure, CR-1, would ensure that potential adverse impacts would be reduced to a less than significant level. See also Section 4.18 Tribal Cultural Resources for further tribal-related discussion. (1, 2, 3, 4)

Mitigation

CR-1 A note shall be placed on project improvement plans stating the following:

If human remains are found at any time on the project site, work shall be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5) Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:

- a) If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
- b) Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- c) Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

- d) Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above.
- e) Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code.

4.6 Energy

4.6.1 Environmental Setting

Starting in 2018, all Pacific Gas & Electric (“PG&E”) customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in Central Coast Community Energy (3CE), formerly known as Monterey Bay Community Power. 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses. Formed in February 2017, 3CE is a joint powers authority, and is based on a local energy model called community choice energy. 3CE partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to San Benito County. 3CE’s standard electricity offering is carbon free and is classified as 30 percent renewable (3CE, 2023).

4.6.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Energy. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.6.3 Explanation

a) **Less than Significant Impact.** There is no construction currently proposed other than what is necessary for the required driveway for access to Parcel 1 and 2. This minor construction would involve an amount of energy use typical for the site’s agricultural land use. Even with the addition of two additional residential units and two ADUs, which would be the maximum entitlement granted by this subdivision (with no availability of public water or sewer), the energy use would

still be less than significant. As a result, implementation of the proposed project would not result in a substantial environmental impact on energy resources.

Based on the discussion above, the project as proposed would not result in potentially significant environmental impact, during operation or construction, due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources during project operation or construction. This results in a less than significant impact. (1, 2, 3, 5, 7, 8)

b) **Less than Significant Impact.** As mentioned in discussion (a) above, construction and operation of the proposed project would have a less than significant impact since the project proposes the construction of one additional dwelling with one existing house that would result in a minimal energy increase. Even with the addition of two residences and two additional dwelling units, the maximum entitlement granted by this subdivision, the project would still comply with existing state energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The result would be less than significant impact. (1, 2, 3, 5, 7, 8)

4.7 Geology and Soils

4.7.1 Environmental Setting

Site Conditions: Site topography is mostly flat throughout the property, and the site has historically been used for agricultural production and is minimally vegetated. The existing site will have minimal grading for the future driveway access directly off Southside Road to serve the proposed Parcel 1 and 2, should the proposed zone change be approved. The project if approved would allow one new primary residence on each of the proposed parcels as well as on ADU on each of the parcels as well. However, the applicant has not applied for building permits and has not yet submitted any construction plans.

General Subsurface Conditions: The only soil type that occurs at the project site is Sorrento silt loam with 0 to 2 percent slopes. This soil is classified as having I-1 (14) capability units. Soils in this unit are very deep, well drained, moderately coarse in texture to moderately fine textured, and nearly level. These soils are in the Botella, Hanford, Mocho, Salinas, Sorrento, and Reiff series. The permeability of the subsoil ranges from moderately rapid to moderately slow. Available water holding capacity ranges from about 7.5 to 12.0 inches.

According to the USDA Web Soil Survey (WSS), these soils are generally rated as "not limited" for dwellings without basements up to three stories or less. "Not limited" indicates that the soil possesses features very favorable for dwellings without basements and under three stories. These ratings, derived from the USDA soil study, are based on soil properties affecting the capacity of the soil to support a load without movement, as well as on the property's excavation and construction costs. Properties considered in this evaluation of load-supporting capacity include depth to the water table, ponding flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. On-site investigation, such as a design-level geotechnical report, may be necessary to validate these interpretations and to confirm the identity of the soil on a given site.

Groundwater Conditions: According to the latest California Department of Water Resources (“State”) data this property is located within the Sustainable Groundwater Management Act (SGMA) ground water basin of North San Benito. The San Benito County Water District’s (SBCWD’s) annual report has this property as located in the local subbasin Tres Pinos, as part of the Hollister Management area. By both the SBCWD’s assessment and the State this basin is not critically over-drafted. There is one existing shared well and no new wells proposed as part of this subdivision, and the applicant has not indicated at this time (as of September 2024) that any new water connections will be made.

Slope Stability: According to the Landslide Identification Map, the site area is classified as least susceptible to landslides. The project site is relatively flat, sloping gently to the east and the USDA WSS indicates that the risk of slope failure is low.

Flood Zone Hazard: This property is not located in a FEMA Flood Zone.

Faulting and Ground Shaking: Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California (see Figure 5 – Fault Map). There are no active faults or fault zones that traverse the project site per the California Department of Conservation (Earthquake Hazard Zone App). However, the project site is located in the seismically active Monterey Bay region. The faults in the vicinity of the proposed project include: the San Andreas Fault, located approximately 4 miles southwest of the site; the Quien Sabe Fault, located approximately 5 miles northeast of the site; the Calaveras Fault, located approximately ¼ mile west of the project site; the Sargent Fault, located about 6 miles northwest of the site; and the Zayante Vergeles Fault, also located about 6 miles west of the site.

An earthquake of moderate to high magnitude generated within Northern California region could cause considerable ground shaking at the site, similar to that which has occurred in the past. Potential seismic hazards include surface ground rupture, strong seismic shaking and potential liquefaction, and dynamic settlement. No fault traces cross the property, the potential for surface ground rupture at the site is low. Due to the proximity of the referenced nearby faults, there is potential for some seismic shaking at the site during the life of the proposed subdivision. (5)

Liquefaction, Lateral Spreading, and Seismic Induced Settlement: The term liquefaction refers to the liquefied condition and subsequent softening that can occur in soils when they are subject to cyclic strains, such as those generated during a seismic event. Studies of areas where liquefaction has occurred have led to the conclusion that saturated soil conditions, low soil density, grain sizes within a certain range, and a sufficiently strong earthquake, in combination, create a potential for liquefaction. The effects of liquefaction can include ground settlement, lateral soil spreading, and localized loss of foundation support. The project site has not been studied for liquefaction nor has a geotechnical investigation been done as there is no development proposed. (5)

4.7.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Geology and Soils. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist–Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.7.3 Explanation

a) **Less than Significant Impact.** There are no known active faults crossing the proposed project site and the site is not located within an Earthquake Fault Special Study Zone, the risk of loss,

injury, or death related to rupture of a known fault is considered low. There is one new residence proposed as part of this subdivision as of September 2024. Therefore, the impact would be less than significant. (See **Figure 5.**)

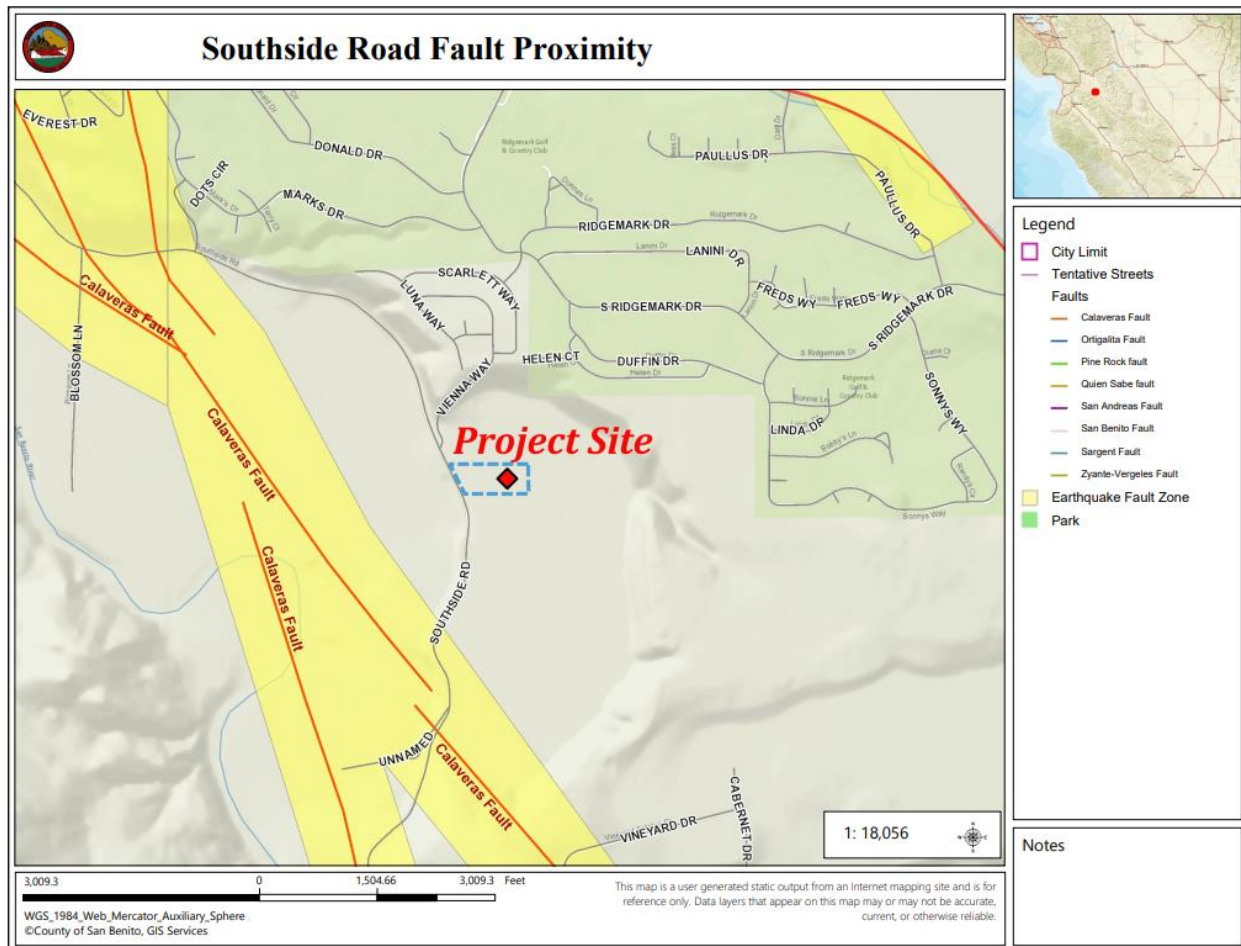


Figure 5. Earthquake Fault Special Study Zone.

a.i) **Less Than Significant Impact.** The potential for surface rupture is low as no active faults cross the project site and the project site is located outside Alquist-Priolo Earthquake Zones. Potential effects associated with the rupture of known faults are discussed separately below; please refer to Response a.ii for more information. This project would represent a Less Than Significant Impact.

a.ii) **Less Than Significant Impact.** The site is not located within the Alquist-Priolo Earthquake Zones. Due to the site's location in a seismically active region though, not within any Earthquake Zone, the proposed project would be subject to a low likelihood of strong seismic ground shaking during its design life. Potential future development would be required to be in compliance with all applicable building requirements related to seismic safety, including applicable provisions of the California Building Code and Title 24 of the California Administrative Code would ensure that potential adverse impacts would be reduced to a Less Than Significant Impact level.

a.iii) **Less Than Significant Impact.** Based on USDA Soil Report (18) liquefaction potential of the soil should be low. As a result, the proposed project is not expected to result in any adverse environmental effects due to liquefaction hazards. Any future development proposals for the

proposed subdivision would be required to have a design-level geotechnical analysis. As part of that analysis, liquefaction potential of site soils should be mapped to ensure building envelopes are not cited within these areas; if development is proposed within areas of liquefaction potential the design-level geotechnical analysis shall incorporate recommendations to reduce adverse impacts. The result would be less than significant impact. (18)

a.iv) **Less than Significant Impact.** The proposed subdivision is located on relatively flat land. This area has not been mapped as a landslide hazard area. This project proposes no construction at this time; however, future construction shall submit a detailed design-level geotechnical analysis to the County for review and approval. The design-level geotechnical analysis shall incorporate the recommendations of Geotechnical Investigation Report and the analysis shall identify recommendations for the design and construction of future project improvements. The development as proposed would result in a less than significant impact.

b) **Less than Significant with Mitigation Incorporated.** The subdivision proposes no construction as part of this application. All future development will be reviewed and expected to substantially comply with all applicable Title 24 requirements and San Benito County Code including but not limited to Chapter 19.17, regulating grading, drainage and erosion. This chapter also contains requirements regarding discharge and construction site stormwater runoff control. Grading associated with site preparation and construction activities on the project site will be minimal and are not expected to significantly disturb soil or increase its susceptibility to erosion. Construction contractors would be required to conform to all legal requirements for avoiding erosion and sedimentation to protect water quality. Any temporary erosion related to future construction would be minimized through the implementation of Mitigation Measure GEO-1 as described below.

Compliance with the Mitigation Measures, as well as local grading requirements would ensure that construction activities associated with the proposed project would not cause substantial soil erosion or the loss of topsoil and would result in a less-than-significant impact. (1, 2, 8, 9)

Lateral spreading is a phenomenon in which soils move laterally during seismic shaking and is often associated with liquefaction. The amount of movement depends on the soil strength, duration and intensity of seismic shaking, topography, and free face geometry. Due to the relatively flat site topography the likelihood of lateral spreading should be very low based on soils type, the Mitigation Measure discussed below, would further reduce this potential impact to less than significant impact. (1, 2, 8, 12)

Mitigation

GEO-1 Erosion control measures and associated BMPs include the following: Mitigation during construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:

- Stockpiling and disposing of demolition debris, concrete, and soil.
- Protecting existing storm drain inlets and stabilizing disturbed areas.
- Hydroseeding/re-vegetating disturbed areas.
- Minimizing areas of impervious surfaces.
- Implementing runoff controls (e.g., percolation basins and drainage facilities).

- Properly managing construction materials.
- Managing waste, aggressively controlling litter, and implementing sediment controls.
- Limiting grading to the minimum area necessary for construction and operation of the project. County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit.

c) **Less than Significant Impact.** As described in a.iii and a.iv above, the potential for the project to result in liquefaction, on- or off-site landslides, lateral spreading, subsidence, or collapse is low based on the County soil survey and USDA soil survey. The geologic unit on which the project is located would not be made unstable by the project as proposed. This would result in a Less than significant Impact. (1, 2, 8, 12, 18)

d) **Less than Significant Impact.** If future development is proposed as part of this subdivision, it will be required to undergo additional review by County Staff. This review will ensure compliance with all applicable State and Local building codes. Additionally, the project will be required to produce a design-level geotechnical report. This report must address the potential for shrink-swell due to liquefaction and determine if the soil is expansive, as defined by the 2022 CBC requirements for seismic design and other applicable Title 24 requirements. The geotechnical report, along with the review by County Staff, will determine whether the proposed project would create substantial direct or indirect risks to life or property. As a result, the project, as submitted, would result in a less than significant impact.

e) **Less than Significant Impact.** The proposed project involves a zone change and, if approved, the creation of a 2-parcel subdivision with no planned construction. Should future development occur, the San Benito County Division of Environmental Health will review the plans for the proposed septic tank in accordance with San Benito County Code § 15.07.001 *et seq.*, as well as San Benito County General Plan Policies PFS-5.5 (Individual Onsite Septic Systems) and PFS-5.6 (Septic System Design). As a standard condition of approval, the Division of Environmental Health will require property owners to show proof that all properties are feasible for the installation of a septic system. This will result in a less than significant impact. (1, 2, 9)

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), O₃, water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural

ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

4.8.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Greenhouse Gas Emissions. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.8.3 Explanation

a) **Less than Significant Impact.** The project is located in the North Central Coast Air Basin (NCCAB), where air quality is regulated by Monterey Bay Air Resources District (MBARD). Neither the State, MBARD, nor San Benito County have adopted Green House Gas (GHG) emissions thresholds or a GHG emissions reduction plan that would apply to the project. However, it is important to note, that other air districts within the State of California have recently adopted recommended CEQA significance thresholds for GHG emissions. For instance, on March 28, 2012, the San Luis Obispo Air Pollution Control District (SLOAPCD) approved thresholds of significance for the evaluation of project-related increases of GHG emissions. The SLOAPCD’s significance thresholds include both qualitative and quantitative threshold options, which include a qualitative threshold that is consistent with the AB 32 scoping plan measures and goals and a quantitative brightline threshold of 1,150 metric tons of carbon dioxide equivalent (“MTCO₂e”)/year. The GHG significance thresholds are based on AB 32 GHG emission reduction goals, which take into consideration the emission reduction strategies outlined in the CARB’s Scoping Plan. Development projects located within these jurisdictions that would exceed these thresholds would be considered to have a potentially significant impact on the environment which could conflict with applicable GHG reduction plans, policies, and regulations. Projects with GHG emissions that do not exceed the applicable threshold would be considered to have a less-than-significant impact on the environment and would not be anticipated to conflict with AB 32 GHG emission reduction goals. Given that the MBARD has not yet adopted recommended GHG significance thresholds, the above thresholds were relied upon for evaluation of the proposed project.

Implementation of the proposed project would contribute GHG emissions that are associated with global climate change. GHG emissions attributable to future development would be primarily associated with increases of CO₂ and, to a lesser extent, other GHG pollutants, such as CH₄ and

N₂O. Greenhouse gas emissions would be generated by the proposed project from sources that include vehicle trips, on-site electricity consumption, on-site natural gas combustion, and solid waste disposal (decomposition of solid waste disposed in a landfill).

The project would generate temporary and minor construction related GHG emissions and will not generate GHG emissions in excess of the above thresholds. However, since the proposed project is not expected to generate additional trips compared to the existing operation of the site (see Section 4.17, Transportation/Traffic), this is not considered a significant impact. Any potential impacts from GHG generation during construction would be short-term and temporary. The proposed project would be consistent with the surrounding land use as well as current zoning for the property. As a result, the project is not anticipated to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, the project would have a less-than-significant impact. (1, 2, 7, 8)

b) **No Impact.** Neither the State, MBARD, nor San Benito County have adopted GHG emissions thresholds or a GHG emissions reduction plan that would apply to the project. As described above, the project would not exceed acceptable thresholds. Also, consistent with the General Plan Goals and Policies, the project would be required to include energy and water-efficient appliances, fixtures, lighting, and windows that meet applicable State energy performance standards if construction were to occur. The proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases as described above. This represents no impact. (1, 2, 7, 8)

4.9 Hazards and Hazardous Materials

4.9.1 Environmental Setting

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

The State of California uses databases such as EnviroStor, GeoTracker, and the Cortese List to map the location of hazardous waste sites including sites that have been remediated, sites currently undergoing remediation, and sites that require cleanup. Based on a search of the above databases, no hazardous materials contamination has been documented within the project site.

To address airport safety hazards, San Benito County created an Airport Land Use Commission (ALUC) to provide orderly growth of San Benito's two publicly usable airports. The Commission ensures compatible land uses around the Hollister Municipal Airport and the Frazier Lake Airpark through the implementation of their respective Comprehensive Land Use Plans. The nearest airport to the project site is the Hollister Municipal Airport, which is approximately 7 miles northwest of the proposed project. The project site is located outside of the airport influence area as defined by the Hollister Municipal Airpark's airport land use plan.

The California Department of Forestry and Fire Protection (“CAL FIRE”) prepares maps of Fire Hazard Severity Zones (“FHSZ”), which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is not located in a moderate, high, or very high fire hazard severity zone, as delineated by CAL FIRE.

4.9.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Hazards and Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.9.3 Explanation

a) **No Impact.** The proposed project entails a zone change that, if approved, would facilitate a two-lot subdivision. At present, no construction is proposed. However, potential future development resulting from this subdivision and zone change could include two primary residences and two ADUs, given the current availability of public water and sewer. This potential future project would be residential in nature and would not involve the routine transport, use, or disposal of hazardous materials. Therefore, this project would result in no impact. (1, 2, 3, 4, 5)

b) **Less than Significant Impact.** There is no proposed construction as part of this project. However, if future construction plans were submitted, it is not anticipated to create significant hazards to the public or the environment through foreseeable upset and accident conditions involving the release of hazardous materials. Construction activities would necessitate the use of hazardous materials, such as fuel for construction equipment, oil, solvents, or paints. These materials would be required to be properly stored within the staging area in accordance with Best Management Practices (BMPs) and applicable regulations. The staging area would also be required to be secured from public access and identified according to the San Benito County Division of Environmental Health's requirements, as they oversee hazardous materials business plans per California Health and Safety Code, Division 20, Chapter 6.95, Article 1 [§§25500-25519]. This will also be included in the standard conditions of approval. Runoff controls would be implemented to prevent water quality impacts, and a spill plan would be developed to address any accidental spills (See Section 4.10, Hydrology). Any waste products resulting from construction and operations would be stored, handled, and recycled or disposed of in accordance with federal, state, and local laws. For these reasons, this is considered a less-than significant impact. (1, 2, 3, 9)

c) **Less than Significant Impact with Mitigation Incorporated.** Southside Elementary is within a one-quarter mile radius of the project boundaries. Although the project proposes no construction at this time, the mitigation measures incorporated in this document (see section 4.7, Geology and Soils, GEO-1) would mitigate the temporary impacts of potential future construction to a less than significant level concerning the temporary generation of hazardous emissions. Therefore, the proposed project would result in a less than significant impact with mitigation incorporated. (1, 2)

d) **No Impact.** The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5. There would be no impact in connection with the proposed project. (1, 2, 11)

e) **No Impact.** As stated earlier, the project site is not located within two (2) miles of an airport. The proposed project involves a subdivision and the construction of a driveway and would not create a safety hazard or excessive noise for people residing in the vicinity of the project area. As a result, there would be no impact in connection with the proposed project. (1, 2, 3, 5, 17)

f) **No Impact.** San Benito County has prepared a Multi-Jurisdiction Local Hazard Mitigation Plan (LHMP) with the cities of Hollister and San Juan Bautista, and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes. Panoche Road is the primary evacuation roadway for the County. The project site, located on Southside Road, would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with the Municipal Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. The project would not

interfere with any emergency response or evacuation plans. There would be no impact in connection with the proposed project. (1, 2, 3, 4, 15)

g) **Less than Significant Impact.** CAL FIRE prepares maps of FHSZs, which are used to develop recommendations for local land use agencies and for general planning purposes. The project site is not located within a fire hazard severity zone as delineated by CAL FIRE. The project is not located in a rural area and wildfire and would not expose people or structures directly or indirectly, to a significant risk of loss. The proposed project would comply with all applicable fire safety provisions of the California Building Code as well as standard conditions of approval, thereby reducing the risk of damage from fire to the maximum extent practicable. The result would be a less-than-significant impact. (1, 2, 13)

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

San Benito County has a moderate California coastal climate with a hot and dry summer season lasting May through October. Average annual rainfall ranges from seven inches in the drier eastern portion of the County, to 27 inches per year in high elevations to the south. Most of the annual rainfall occurs in the fall, winter, and to a lesser extent, spring, generally between November and April (3).

Groundwater is the major source of water supply in the County. Groundwater is generally available throughout the County. The project is located in the Gilroy–Hollister Subbasin (locally). According to the SBCWD Annual report for 2023, the ground water elevation for this site is approximately 370 feet. This would mean that water in this area, based on USGS contour lines would be approximately 30 feet below the surface. As stated earlier in this report this basin is not currently critically over drafted per SGMA.

The site plan indicates that there is an existing shared well on the boundary of the proposed Parcel 1 and Parcel 2. San Benito County Division of Environmental Health and the San Benito County Water District as part of the development review process, ensure that adequate water supply, treatment and delivery facilities are sufficient to serve new development, and are able to be expanded to meet capacity demands when needed. These agencies ensure that facilities have the capacities necessary to comply with all water quality and public safety requirements. This is also consistent with PFS-4.1 Adequate Water Treatment and Delivery Facilities and General Plan Policy PFS-E: Groundwater Monitoring Program. Any potential future development, particularly those that may contribute to increased population density or other significant alterations, will undergo a comprehensive evaluation and require additional approval from the County. (1, 2, 3)

The existing site, which is currently rural and has historically been used for agricultural uses, drains to the west toward the San Benito River. For the proposed development to occur the applicant must indicate building pad and stormwater detention to be designed as part of any future building application after completion of the subdivision and pending approval of the aforementioned zone change.

4.10.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.10.3 Explanation

a) **Less than Significant Impact.** This project proposes no construction at this time. However, temporary soil disturbance could occur during any future construction under the maximum entitlement of this proposed subdivision as a result of earth-moving activities. These earth moving activities could include such activities as excavation and trenching for utilities, soil compaction and moving, cut and fill activities, and grading. If not managed properly, disturbed soil would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project site. Moreover, the project would increase the extent of impervious surfaces on the site thereby potentially generating additional sources of polluted runoff. The types of pollutants contained in runoff would be typical of urban areas, and may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported to downstream drainages and ultimately into collecting waterways, contributing to degradation of water quality.

Chapter 19.17 of the San Benito County Code regulates grading, drainage and erosion, and contains requirements regarding discharge and construction site stormwater runoff control. Compliance with existing laws and regulations would limit erosion, which would reduce temporary impacts to surface water quality. As such, if construction were proposed, the project would not violate water quality standards or contribute additional sources of polluted runoff. Construction impacts to water quality would be less-than-significant. Please refer to discussion (c) below for more information. (1, 2, 9, 14)

b) **Less than Significant Impact.** A potential proposed project would not substantially decrease groundwater supplies or interfere significantly with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table. Future development could include the construction of new residences, wells, septic systems, and detention ponds. This potential project might affect groundwater recharge by increasing impervious surfaces and drawing water from the existing well for new residences on either Parcel 1 or Parcel 2.

However, the project as currently submitted proposes no construction and therefore would not significantly decrease groundwater levels. It would adhere to San Benito County Code Article I, Groundwater Aquifer Protections, which limits groundwater extraction. Additionally, the project must comply with San Benito County Code § 15.05.001 *et seq.*, which regulates groundwater extraction to prevent the undue lowering of the water table.

Increased stormwater runoff from the site would be required to be captured in a detention pond, allowing for some groundwater recharge. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere significantly with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level at the site. Consequently, the impacts would be less than significant. (1, 2, 9, 14, 16)

c.i-c.iii) **Less than Significant Impact.** The proposed project would not substantially alter the existing drainage pattern of the site or area such that it would result in substantial erosion or siltation or flooding on or off-site. Site topography is relatively flat, the San Benito River is located approximately 1,900 feet to the west of the site. As described in Responses a) and b) above, future development would need to include stormwater improvements and retain stormwater runoff in accordance with Best Management Practices (BMPs) standards and requirements of the County

ordinances and permit requirements. A potential future residence on Parcel 1 or Parcel 2 would not alter the course of a stream or river. Any potential future project would be required to comply with standard BMPs, including standard County requirements related to erosion control. The project site is relatively flat, and only minimal grading is proposed for the driveway for Parcel 1 and 2. As a result, the project would have a less-than-significant impact on drainage and erosion potential.

A potential future project could generate or contribute runoff water during its construction and operation phases. To manage this, the project would need to prepare a route for all runoff to a new detention pond on the project site. This pond must be designed to detain the difference between a 10-year pre-development and a 100-year post-development storm event, in accordance with County standards. Additionally, it must detain flows exceeding this to release post-development flows at pre-development levels, thereby meeting the Central Coast Regional Water Quality Control Board's (RWQCB) post-construction requirements, Low Impact Development (LID) requirements, and County stormwater management requirements.

The project would also need to incorporate various stormwater management Best Management Practices (BMPs) to control runoff in accordance with State and Local laws, including but not limited to the Subdivision Map Act, San Benito County Subdivision Ordinance Article III Storm Drainage Design Standards in Chapter 23.31, Chapter 23.17 (Improvements), and Chapter 19.17 (Grading, Drainage, and Erosion Control). Compliance with these regulations, along with the implementation of the proposed project drainage features and BMPs, would reduce impacts due to runoff and water quality to a less-than-significant level.

c.iv) **Less than Significant Impact.** The project site is not located within a FEMA designated 100-year flood hazard area. Along with the measures discussed and the discussion in a, b, and c.i-c.iii, impacts would be less-than-significant. (1, 2, 4, 13, 15)

d) **No Impact.** The proposed project site is not located in an area subject to flood hazard, seiche hazard zone, tsunami, or mudflow risk. There would be no impact in connection with the proposed project. (1, 2, 4, 13)

e) **No Impact.** The project site is not subject to any water quality control plans or sustainable groundwater management plans. Water quality is regulated for this area; See discussion b regarding groundwater supplies. The project is located in the Hollister-Gilroy Water Basin, which is not critically overdrafted as defined by the Sustainable Groundwater Management Act (SGMA) (see North San Benito Water Basin) and has been marked as low priority. These issues are otherwise subject to the General Plan policy. Therefore, the proposed project would have no impact. (1, 2, 3, 4, 15)

4.11 Land Use and Planning

4.11.1 Environmental Setting

The project site is located in an agricultural, rural area of unincorporated San Benito County. The project site consists of an undeveloped parcel that has agricultural uses. Surrounding land uses are primarily agricultural and rural residential uses in the vicinity.

The San Benito County 2035 General Plan is the planning document that guides development within the County. Surrounding lands are rural and currently consist primarily of agricultural uses.

The project site is within the General Plan Residential Mixed (RM) designation and Agricultural Productive (AP) Zoning District. As mentioned earlier in this document, in order for the proposed subdivision to proceed the proposed zone change to Residential Multiple (RM) would need to be approved by the San Benito County Board of Supervisors.

4.11.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Land Use and Planning. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.11.3 Explanation

a) **No Impact.** The proposed project consists of a zone change and subdivision and future plans could include the construction of additional residences, septic systems, and detention ponds. However, given the limited availability of public water and sewer the development potential would be limited to a single residence on each parcel and an ADU on each parcel. This parcel has existing agricultural land and would not physically divide an established community. There would be no impact in connection with the proposed project. (1, 2)

b) **Less than Significant Impact.** The project site is currently designated for agricultural use and would not conflict with applicable land use plans and regulations adopted for the purpose of avoiding or mitigating an environmental effect. If the proposed zone change is approved this site would then be designated for residential only. However, this would still not affect any land use plans and regulations adopted for the purpose of avoiding or mitigating an environmental effect. Thus, impacts would be less-than-significant. (1, 2, 3, 4)

Land use planning in unincorporated San Benito County is regulated by the County’s adopted General Plan, Zoning Ordinance, and other relevant County Code provisions. The 2035 General Plan, adopted on July 21, 2015, includes several elements that provide relevant goals, policies, and objectives for this analysis. These elements are the Land Use Element, Economic Development Element, Housing Element, Public Facilities and Services Element, Natural and Cultural Resources Element, Circulation Element, and Health and Safety Element. The project’s consistency with these elements, as well as other applicable General Plan goals, objectives, and policies, is further described in the analysis.

Land Use Element

- **LU-1.1 Countywide Development.** The County shall focus future development in areas around cities where infrastructure and public services are available, within existing unincorporated communities, and within a limited number of new communities, provided they meet the requirements of goal section LU-7.
- **LU-1.2 Sustainable Development Patterns.** The County shall promote compact, clustered development patterns that use land efficiently; reduce pollution and the expenditure of energy and other resources; and facilitate walking, bicycling, and transit use; and encourage employment centers and shopping areas to be proximate to residential areas to reduce vehicle trips. Such patterns would apply to infill development, unincorporated communities, and the New Community Study Areas. The County recognizes that the New Community Study Areas comprise locations that can promote such sustainable development.
- **LU-1.8 Site Plan Environmental Content Requirements.** The County shall require all submitted site plans, tentative maps, and parcel maps to depict all environmentally sensitive and hazardous areas, including: 100-year floodplains, fault zones, 30 percent or greater slopes, severe erosion hazards, fire hazards, wetlands, and riparian habitats.
- **LU-1.10 Development Site Suitability.** The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).
- **LU-2.1 Sustainable Building Practices.** The County shall promote, and where appropriate, require sustainable building practices that incorporate a “whole system” approach to designing and constructing buildings that consume less energy, water, and other resources; facilitate natural ventilation; use daylight efficiently; and are healthy, safe, comfortable, and durable.
- **LU-3.8 Urban Residential Buffer Requirement.** The County shall encourage the establishment of a buffer, by the residential developer, between new urban density residential development (i.e., greater than two dwelling units per acre) and existing conventional agricultural operations.
- **LU-4.1 Housing Stock Diversity.** The County shall encourage a balance of housing types, locations, and price ranges within the county to accommodate a variety of families from all socio-economic backgrounds.

- **LU-4.2 Urban Residential Development.** The County shall ensure new urban residential development (e.g., greater than two units per acre) occurs in areas that have, or can provide, adequate public facilities and services to support such uses, and are near existing and future major transportation networks, transit and/or bicycle corridors, pedestrian paths and trails, and employment centers.
- **LU-7.10 New Development Design.** The County shall encourage the design of new development to complement its surroundings, including nearby development, nearby open landscapes, and gateways into populated areas, as well as to show coherence within itself, including with regard to architectural style, human-scale development, and street layout.
- **LU-9.7 County General Plan Consistency Report.** The County shall monitor and report to the Local Agency Formation Commission (LAFCO) regarding the consistency with the General Plan with any proposed changes in the sphere of influence or other urban boundaries for governmental entities that provide water or sewer services.

Housing Element

- **HOU-2C.** The County shall assure that new housing efficiently uses land and causes minimum environmental impact.
- **HOU-2L.** The County shall require, through specific plans, neighborhood design standards and development review, a mix of housing types, densities, designs and prices/rents in each planning area where land is available.
- **HOU-5A.** The County shall require energy-conserving construction, as required by State law.
- **HOU-5G.** The County shall require solar access to be considered in environmental review and/or decision-making for all subdivisions.

Circulation

- **C-1.5 Mitigating Transportation Impacts.** The County shall assess fees on all new development to ensure new development pays its fair share of the costs for new and expanded transportation facilities, as applicable, to County, City, regional and/or State facilities.

Public Facilities and Services Element

- **PFS-1.1 Essential Facilities and Services.** The County shall ensure that adequate public facilities and services essential for public health and safety are provided to all county residents and businesses and maintained at acceptable service levels. Where public facilities and services are provided by other agencies, the County shall encourage similar service level goals.
- **PFS-1.11 Pay Fair Share.** The County shall require new development to pay its fair share of public facility and service costs.

4.12 Mineral Resources

4.12.1 Environmental Setting

The California Surface Mining and Reclamation Act (SMARA) of 1975 (California Public Resources Code Division 2 Chapter 9) mandates that the State Board of Mining and Geology Board (SMGB) and Division of Mines and Geology (DMG) prepare a mineral resource report for each county. SMARA is administered by the California Department of Conservation, Office of Mine Reclamation (OMR), and requires cooperative efforts from the California Geological Survey (CGS) and the SMGB to identify and classify mineral areas in the state. According to the map produced from this survey, the project site does not fall within any area of mapped mineral resource zones (MRZs).

4.12.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.12.3 Explanation

a-b) **No Impact.** As stated in the earlier discussion according to the SMGB and DMG maps the project site contains no mapped minerals and therefore would not result in loss of availability of

any known mineral resource of value to the region and the residents of this state. This project would also not result in any loss of availability of a locally important mineral resource recovery site as there is none indicated in the local general plan, specific plan, or and other land use plan for the area. This project would result in no impact.

4.13 Noise

4.13.1 Environmental Setting

Noise is generally defined as unwanted sounds that are disturbing or annoying. The policies in the County 2035 General Plan identify noise standards to avoid conflicts between noise-sensitive uses and noise source contributors. Among the policies, General Plan Policy HS-8.3 (Construction Noise), which states: “The County shall control the operation of construction equipment at specific sound intensities and frequencies during daytime hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays.”

Health and safety policies under Goal HS-8 of the San Benito County 2035 General Plan identify noise and land use compatibility guidelines. San Benito County Code Chapter 19.39 Article IV, Sound Level Restrictions, limits received noise generated by any sources at any property line. The noise guidelines generally utilize an exterior noise limit of 50 (day) and 40 (night) decibels Ldn at residential properties.

The project site is located in an area of agriculture and rural residences; there are 5 existing residences located within 1000 feet of the project. Existing noise levels on the site were not measured but, given the site’s location in a rural/agricultural area, the levels are expected to be low, in the range of 45 to 55 decibels Ldn. The Ldn represents the average sound level over a 24-hour period, accounting for greater noise sensitivity during night hours by adding five (5) decibels to noise between 7 to 10 p.m. and 10 decibels to noise between 10 p.m. to 7 a.m.

4.13.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Noise. Would the project result in:</p> <p>a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.13.3 Explanation

a-b) **Less than Significant Impact.** Potential future construction and implementation of the proposed project would require temporary increases in ambient noise levels in the vicinity of the project in excess of the standards established in the local general plan and noise ordinance.

This project is located within the General Plan’s Agriculture land use district which also allows for higher noise levels up to 75 dB to be “normally acceptable” according to the Land Use Compatibility Guidelines for Community Noise Environments under the San Benito County General Plan. This noise exposure level per the General Plan is “great enough to be of some concern, but common building construction will make the indoor environment acceptable, even for sleeping quarters.” It is worth noting that the proposed zone change would reduce the “normally acceptable” threshold to 60 dB per Table 9-2 in the Health and Safety Element of the General Plan.

When construction plans are submitted, they will be reviewed and are subject to all applicable local and state ordinances for noise. Given adherence to the current standards in the General Plan, California Health and Safety Code §§ 14930 and 14931, and County Code Chapter 19.39 (Noise Control Regulations), any noise resulting from this project would have a less-than-significant impact. (1, 2, 3)

c) **No Impact.** This project is not located within an airport land use plan. The project is not located within 2 miles of a public airport or public use airport. With the provisions and standards in the San Benito County General Plan, County Code Chapter 19.39, and all applicable state law, the project would not expose people to excessive noise levels. Therefore, this project would generate no impact. (1, 2, 5, 17)

4.14 Population and Housing

4.14.1 Environmental Setting

San Benito County’s estimated population, including the incorporated cities of Hollister and San Juan Bautista, was 68,175 in 2023 with a growth rate of 0.78% in 2023 according to the most recent United States Census data. Of California’s 58 counties, San Benito County has the 40th largest population, or the 19th lowest population. The population has grown 23.35% from its 2010 level of 55,269. Unincorporated San Benito County alone (subtracting Hollister and San Juan Bautista, which are incorporated) has a current population of 24,404 based on the 2020 US Census numbers.

4.14.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Population and Housing. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.14.3 Explanation

a) **Less than Significant Impact.** The project is not expected to induce substantial unplanned population growth in the area, either directly or indirectly. While the project could potentially include two additional single-family residences and up to two ADUs, these would not significantly increase the population. Moreover, the project does not require the extension of roads, public water, public sewer, or other substantial infrastructure that could indirectly encourage further population growth. Essential utilities, such as water and wastewater management, would be handled by private wells and septic systems, and the existing road network and utility services are sufficient to accommodate the minimal increase in demand. Therefore, the impact on unplanned population growth would be less than significant.

b) **No Impact.** At maximum entitlement, the project potential includes two residences and two additional dwelling units (ADUs), with further development not foreseeable due to the lack of access to public water and sewer. This scenario, being new housing on unbuilt land, would not

displace existing people or housing, nor would it create a need for replacement housing elsewhere. Therefore, this project would result in no impact. (1, 2)

4.15 Public Services

4.15.1 Environmental Setting

Due to the absence of public water and sewer, the construction of the proposed project would not introduce new residents, thereby resulting in no impact. However, the cumulative effects of population growth in the area may eventually necessitate the expansion of public facilities. The most recent project of similar scale in the vicinity of the project site was completed 2 years ago. It's worth noting that projects such as Promontory, Santana Ranch, San Juan Oaks, and Fairview Corners, despite their significant impacts, have been addressed through environmental mitigation actions evaluated in conjunction with those projects.

Fire Protection: The project site is situated within a Non-Wildland/Non-Urban, an area under local responsibility, with the Hollister Fire Department serving as the County Fire Department and the primary responder for incidents in this area. The closest Hollister Fire Station, Station No. 2, is located at 1000 Union Road, approximately 3 miles north from the project site by road. Additional support would be provided by CAL FIRE, with the nearest CAL FIRE station located at 1979 Fairview Road, Hollister, CA 95023, approximately 5 miles north from the project site by road.

Police Protection: Police protection services are provided to the project site by the San Benito County Sheriff's Office. The County operates one Sheriff's Office located at 2301 Technology Pkwy in the City of Hollister, which is located approximately 7 miles north of the project site by road.

Schools: The project is located within the Southside Elementary School District and the San Benito Joint Union High School District. The closest school to the proposed project is Southside Elementary, which is located approximately a quarter mile south of the project site.

Parks: The closest park to the proposed project is Oak Creek Park, which is located approximately 3 miles by road north of the project site.

4.15.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Public Services. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.15.3 Explanation

a-e) **Less Than Significant Impact.** Construction and implementation of the proposed project would necessitate fire and police protection services. However, since the project involves no construction and lacks access to public water or sewer, the maximum potential build-out would be two new homes and two accessory dwellings. This is a relatively minor addition and would not require an increase in service to accommodate the proposed parcels. The current impact fees charged for a project of this scale also offset and allow the infrastructure to have appropriate staff to accommodate this minimal increase in service demand. As a result, this project would not necessitate additional police staff or vehicles, nor would it require the construction of new or expanded fire or police facilities.

The Hollister Fire Department, CAL FIRE, and San Benito County Sheriff already serve adjacent properties, including the project site. The proposed project would not trigger the need to construct new stations or expand existing services. The impacts from this project represent a less-than-significant impact. (1, 2, 3, 5)

Furthermore, the proposed project would not necessitate additional public services such as schools, parks, or other facilities. It does not include new or physically altered schools, parks, or other public services or facilities. Additionally, the project would not require the construction of new schools, parks, or other facilities, as the population increase resulting from the project would be minimal. Therefore, this project would result in a less-than-significant impact.

(1, 2)

4.16 Recreation

4.16.1 Environmental Setting

Please refer to the discussion under Section 4.15.1, Public Services, above.

4.16.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Recreation.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.16.3 Explanation

a, b) **Less than Significant Impact.** The project proposes no construction at this time, and due to the lack of availability of public water and sewer, development possibilities are limited to two residences and two ADUs at maximum entitlement. This would lead to only a minor increase in population, resulting in a minimal increase in the use of existing parks and recreational facilities. Therefore, the project would not necessitate the construction of new recreational facilities. However, to address park needs in the area, a parkland-dedication fee will be required per County Code § 23.15.008 (Dedication of Parkland). Consequently, the project would result in a less than significant impact. (1, 2)

4.17 Transportation/Traffic

4.17.1 Environmental Setting

The site fronts on Southside Road, which is mapped as an arterial in the General Plan Circulation Element. Southside Road heads southeastward toward Tres Pinos, where the road meets State Route 25, and also heads northwestward to Hollister, which is served by Routes 25 and 156. Other roadways in the study area include Enterprise Road and private driveways to neighboring properties. There are no sidewalks, marked crosswalks, bicycle facilities, or bus stops in the vicinity of the project site.

4.17.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Transportation. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.17.3 Explanation

a) **Less than Significant Impact.** The Circulation Element of the 2035 General Plan includes policies guiding the development of the County transportation network. According to Policy C-1.12, the County aims to maintain a target Level of Service (LOS) D at all locations. The proposed subdivision, as submitted, would not affect traffic during AM or PM peak hours, thereby maintaining the LOS as stipulated in the General Plan. As mentioned in the Public Services discussion (Section 4.15), the only similar projects in scale were completed two years ago, and their impact on the LOS was already accounted for in the most recent General Plan update in 2015 (see Land Use discussion Section 4.11.3(b)).

Furthermore, the cumulative effects on circulation from larger projects in the area, such as Santana Ranch and Promontory, have been addressed in their respective environmental reviews and mitigations. This project, being of a much smaller scale, would have minimal impact on the

circulation system and would not significantly affect the current LOS. Consequently, the proposed project would not conflict with existing policies addressing circulation and would have a less than significant impact. (1, 2, 3)

b) **Less than Significant Impact.** Section 15064.3 (b)(1) of the CEQA Guidelines identifies that VMT exceeding an applicable threshold of significance may indicate that a project has a significant transportation related effect. Currently, the County of San Benito does not have adopted VMT thresholds. As a result, the analysis completed for the proposed project used state published guidance to determine the threshold for significance. Technical Advisory on Evaluating Transportation Impacts in CEQA (Page 10) provides “screening thresholds” for the project description that indicate whether a project may have a significant impact. It states that “Screening thresholds such as project size, maps, transit availability, and provision of affordable housing, quickly identify when a project is expected to cause a less-than-significant impact without conducting a detailed study. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (“SCS”) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.” As described above, trips generated by the proposed project are not expected to change from those generated by current operations; project trips also would be under the 110 trips per day threshold. Therefore, the proposed project would not conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2). This is a less-than-significant transportation impact under CEQA. (1, 2, 3)

c) **Less than Significant Impact.** The project’s driveway is proposed to meet Southside Road at the southwestern boundary of the property’s frontage and run into the project site directly on the boundary between the proposed Parcel 1 and proposed Parcel 2 with neighboring property to the south. This proposed driveway would be 16 feet in width and would be considered adequate as defined in Section 202 of the California Fire Code for the anticipated traffic demand to and from the proposed residence. The driveway would be designed to comply with all current design and safety criteria. The proposed project would not increase hazards or introduce incompatible uses onto a public roadway. This represents a less-than-significant impact. (1, 2, 3)

d) **Less than Significant Impact.** San Benito County has prepared a Multi-Jurisdiction Local Hazard Mitigation Plan (LHMP) with the cities of Hollister and San Juan Bautista, and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes, consistent with General Plan Policy HS-1.7 Multi-Hazard Mitigation Plan. Panoche Road was identified in the LHMP general strategies as the primary evacuation roadway for the County. The project site, located on Southside Road, would not impair implementation of or physically interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with the Municipal Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. The project would not interfere with any emergency response or evacuation plans. Additionally, a 16-foot-wide access driveway would be constructed on the property which would be available for emergency vehicle access. This represents a less-than-significant impact. (1, 2, 3, 9)

4.18 Tribal Cultural Resources

4.18.1 Environmental Settings

California Assembly Bill (AB) 52, in effect since July 2015, provides CEQA protections for tribal cultural resources. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under California Public Resources Code §21074, tribal cultural resources include site features, places, cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the California Register of Historical Resources (CRHR) or a local historic register, or that the lead agency has determined to be of significant tribal cultural value. In compliance with AB 52, the County RMA sent notices to California Native American Tribes notifying the tribes of the proposed project and soliciting requests for consultation. The County received responses from the AB 52 Consultation letters, and the discussion below reflects the results of this consultation process.

4.18.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Tribal Cultural Resources.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.18.3 Explanation

a) **Less Than Significant Impact.** The archaeological study conducted by *Archaeological Resource Management* found no cultural resources within the proposed project area or within a quarter-mile radius. Therefore, it is concluded that the project would not impact cultural resources. However, if any prehistoric traces are discovered during construction, such as human remains or artifacts, San Benito County Code and Mitigation Measure CR-1 (see Section 4.5) outline stringent procedures to be followed. All excavation activities must cease within a 200-foot radius of any discovery or suspected related remains, with a visible stake circle of at least 100 feet radius marking the area. Staking on adjoining properties requires owner authorization, and timely notification to authorities is necessary for human or significant remains, granting authorized representatives the right to enter the property and protect cultural resources according to San Benito County Code and applicable laws. With these measures incorporated, the project's impact would be less than significant. (1, 2, 3)

i) **No Impact.** The project site is not listed or eligible for listing in the California Register of Historical Resources or the local register of historical resources, as defined in Public Resources Code § 5020.1(k). Therefore, the result indicates no impact. (1, 2, 3)

ii) **Less than Significant Impact.** The County sent out tribal consultation letters on May 8th, 2023, and received no requests for tribal consultation within the required 30-day timeframe from any relevant tribes. Additionally, no tribal cultural resources or Native American resources have been documented on the project site. However, as mentioned in Section 4.5 Cultural Resources, previously unknown or buried resources could be present. The interested tribe requests that an archaeological and Native American monitor be present during any grading or ground disturbance at this location due to prior archaeological sensitivity designation. With the practices outlined in Mitigation Measures CR-1 (see Section 4.5), any impact would be maintained at a level less than significant.

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

Water and Wastewater: No construction is proposed as part of this subdivision. However, there is one shared well proposed located on the boundary of Parcel 1 and 2. The applicant will also provide a private new septic system with detention pond. However, this project will have no new utility connections to off-site sewer or water services as public water and sewer are unavailable at this time.

Storm Drainage: The San Benito River, Pajaro River, and the Santa Ana Creek tributary are the three natural channels that receive storm water from the County. This property itself lies within the San Benito River Drainage Basin. This project like most residents and businesses in the unincorporated County will rely on an individual drainage solution/small-scale drainage system. Impervious surface would be increased as a result of the proposed driveway in the proposed Parcel 1 and could potentially be increased by other potential future dwellings. The project would have a maximum potential of two residences and two accessory dwellings (ADUs) given the lack of public water and public sewer availability. The applicant has not proposed any development at this time beyond the proposed driveway. To offset the increased impervious surface of the driveway, the applicant will be building a new retention pond on the proposed Parcel 2. These specifications will be reviewed for compliance with conditions set forth by San Benito County Division of Public Works before any building permits will be issued.

Solid Waste: The current solid waste disposal and recycling service provider for the City of Hollister, the City of San Juan Bautista, and most parts of unincorporated San Benito County is Recology. Recology transports solid waste to the John Smith Road Landfill (JSRL), which is owned by the San Benito County Integrated Waste Management Department (IWMD) and operated by Waste Connections, Inc. The JSRL is the only operating active solid waste landfill in the County. The JSRL is located at 2650 John Smith Road, approximately 5 miles southeast of downtown Hollister, in the unincorporated County. It has a maximum permitted throughput of 1,000 tons per day. As of March 31, 2018, the John Smith Road Landfill (JSRL) has a remaining capacity of approximately 3,499,000 cubic yards (CalRecycle, 2018). According to available information from the Central Coast RWQCB regarding the JSRL, based on current waste disposal rates, the estimated closure date (when capacity is expected to be reached) is 2032 (CalRecycle, 2018).

Electric and Gas: Starting in 2018, all PG&E customers within Monterey, San Benito, and Santa Cruz Counties were automatically enrolled in 3CE. 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses. 3CE partners with PG&E, which continues to provide billing, power transmission and distribution, customer service, grid maintenance services and natural gas services to San Benito County. 3CE's standard electricity offering is carbon-free and is classified as 30-percent renewable. Of the electricity provided by 3CE in 2018, 40 percent was hydroelectric, and 30 percent was solar and wind (eligible renewables) (3CE, 2019).

4.19.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Utilities and Service Systems. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.19.3 Explanation

a) **Less than Significant Impact.** The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects. Even at maximum build-out of two new residences and two ADUs, the proposed project would only require minimal facilities to serve these potential residences and ADUs.

As discussed above, the potential residences and ADUs on the project site would require connections to new septic systems, new wells for water service, and new septic tanks. The County

will review the detention and drainage plans to ensure the facility is designed to detain the difference between a 10-year pre-development and 100-year post-development scenario, in accordance with County standards. The plans must also ensure that post-development flows are released at pre-development levels, satisfying post-construction requirements, Low Impact Development (LID) standards, and County stormwater management regulations.

Electricity for the proposed project would be provided by PG&E through the existing electrical infrastructure in the area. The project will also require natural gas and new telecommunications services. Although the proposed development would increase electricity consumption, the increase is consistent with the typical usage of a standard residence, making the impact on electricity, natural gas, and telecommunications infrastructure less than significant.

In summary, the proposed project will include the necessary installation or improvements to infrastructure to provide stormwater management and electrical power. The remainder of the subdivision will utilize existing infrastructure. With these installations, the project's impact on infrastructure and utilities would be less than significant. (1, 2, 3, 9, 12)

b) **Less than Significant Impact.** The potential at maximum build out for a project of this scale is not anticipated to have a substantial increase in water supply. The project is located in the North San Benito (Santa Ana Valley) Basin, which is not critically overdrafted as defined by the Sustainable Groundwater Management Act (SGMA) and has been marked as low priority. The future residences will not require a new well to be constructed, as they would use their current existing well on the boundary of the proposed Parcel 1 and 2, and therefore would not increase demand on available water supplies. Distance to the nearest municipal water system makes connection to the system infeasible. If the project were to propose two additional residences and two accessory dwellings, as would be the maximum entitlement, the project would still not require or increase demand on the current municipal water supply as it would not require any additional connections. Any future proposals for this subdivision, future proposed residences, and all future accessory dwelling units would be served by the existing well as necessary per San Benito County Water and Environmental Health Division's standards. This represents a less-than-significant impact. (1, 2, 15)

c) **Less than Significant Impact.** The project proposes no new construction at this time. However, with the maximum entitlement granted by this subdivision at a potential of two additional residences and two ADUs, a future development project would need to be served by a new septic system. Any future development would be subject to further review by San Benito County Environmental Health Division. This represents a less-than-significant impact. (1, 2)

d-e) **Less Than Significant Impact.** The project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, negatively impact solid waste services, impair the attainment of solid waste reduction goals. Additionally, the project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. General trash and recycling would be transported to the JSRL near Hollister. There would be less-than-significant impact associated with solid waste generation. (1, 2)

4.20 Wildfire

4.20.1 Environmental Setting

The project site is located within an area of local responsibility. It is not in an area of Very High Fire Hazard Severity Zones (FHSZ), as designated by the California Department of Forestry and Fire Protection (Cal Fire, California Fire Hazard Severity Zone Viewer, 2020).

4.20.2 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.20.3 Explanation

a) **Less than Significant Impact.** San Benito County has prepared a Multi-Jurisdiction Local Hazard Mitigation Plan (LHMP) with the cities of Hollister and San Juan Bautista, and with two water agencies. The LHMP designates certain roadways in the County for primary evacuation routes. Panoche Road is the primary evacuation roadway for the County, as indicated in the LHMP. The project site, located on Southside Road, would not impair implementation of or physically

interfere with designated evacuation routes or otherwise conflict with an adopted emergency response plan or emergency evacuation plan. The proposed project would comply with the Municipal Code and Fire Department standards for emergency vehicle access and would not conflict with the approved LHMP. The project would not interfere with any emergency response or evacuation plans. Additionally, a 16-foot-wide access driveway would be constructed on the property which would be available for emergency vehicle access. The proposed subdivision and the proposed new residence would therefore result in a less than significant impact.

b-d) **No Impact.** The project site is not located within or near a Very High Fire Hazard Severity Zones for wildfires; therefore, the proposed project would not expose project occupants or structures to a significant wildfire. The proposed project would comply with the applicable fire safety provisions of the California Building Code, as well as standard conditions of approval, thereby reducing the risk of damage from fire. As a result, no impact would occur. (1, 2, 3, 5, 15)

4.21 Mandatory Findings of Significance

4.21.1 Environmental Impacts

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.21.2 Explanation

a) **Less than Significant Impact with Mitigation.** The proposed project would result in temporary and permanent impacts that would be mitigated to a less-than significant level through the incorporation of mitigation measures identified in this IS/MND. With these mitigation measures, the proposed project would not 1) degrade the quality of environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number or restrict the range of a rare or endangered plant or animal, or 6) eliminate important examples of major periods of California history or prehistory.

Compliance with the mitigation measures contained in this document would ensure that all impacts are less than significant. Moreover, the proposed project would not adversely impact a cultural or historic resource that is an important example of a major period in California history. The County sent out AB 52 letters on May 8th, 2023, and received no requests for tribal consultation within the required 30-day timeframe from any of the relevant tribes. However, as discussed in section 4.18, with the practices outlined in Mitigation Measures CR-1 (see Section 4.5), any impact would be maintained at a level less than significant. With the implementation of the measures, as described in this IS/MND, the project would not have the potential to degrade the quality of the environment and, overall, impacts would be less-than-significant impact. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND.

b) **Less Than Significant Impact.** Under CEQA “cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The proposed project would not result in a cumulatively considerable adverse environmental effect. The most recent projects of this scale are from 2022 and the addition of this project would cause minimal increase to this already accounted for impact. It is worth noting that projects like Santana Ranch and Promontory, while having significant impacts themselves, have been accounted for through environmental mitigation actions assessed in conjunction with those projects.

This IS/MND contains mitigation to ensure that all impacts would be reduced to a less-than-significant impact level. The project would have temporary air quality impacts, and greenhouse gas (GHG) emissions that would contribute to the overall regional and global GHG emissions. However, air quality impacts and GHG emissions would not exceed the Monterey Bay Air

Resources District's (MBARD) thresholds of significance. In addition, the proposed project would not induce population growth beyond that incorporated in the San Benito County General Plan; therefore, the project would not conflict with and/or obstruct the implementation of the MBARD 2012-2015 AQMP, or any other plans to address exceedance of State air quality standards. For these reasons, the project would have a less-than-significant cumulative impact on the air quality and GHG. This project is consistent with the General Plan land use designation; thus, the potential effects of the project were already considered programmatically as part of the General Plan Recirculated Environmental Impact Report (REIR). Overall, the project would not result in impacts that are individually limited, but cumulatively considerable.

c) **Less Than Significant Impact.** The proposed project would cause only minimal adverse effects on human beings. Potential future construction impacts, including impacts to sensitive receptors, would be temporary in nature and mitigated to a less-than-significant extent of impact. The project would not have a substantial adverse effect on human beings, either directly or indirectly. This is considered a less-than-significant impact with mitigation incorporated.

Table 2. Summary of Mitigation Measures

Mitigation Measure	Requirements of Measure
<i>Cultural Resources</i>	
CR-1	<p>A note shall be placed on project improvement plans stating the following:</p> <p>If human remains are found at any time on the project site, work shall be stopped by the construction manager, and the County Coroner must be notified immediately. If the Coroner determines that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. (Ref: California Public Resources Code Section 5097.98; and Health and Safety Code Section 7050.5) Specific County of San Benito provisions and further measures shall be required as follows if human remains are found:</p> <ol style="list-style-type: none">a) If, at any time in the preparation for, or process of, excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:b) Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.c) Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.d) Notify Resource Management Agency Director shall also be notified within 24 hours if human and/or questionable remains have been discovered. The Sheriff–Coroner shall be notified immediately of the discovery as noted above.e) Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code.

Mitigation Measure	Requirements of Measure
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Geology and Soils

GEO-1	<p>Erosion control measures and associated BMPs include the following: Mitigation during construction activities, the construction contractor shall implement the following erosion control measures and associated BMPs to reduce soil disturbance and the potential for erosion and sedimentation as a result of the project:</p> <ul style="list-style-type: none">• Stockpiling and disposing of demolition debris, concrete, and soil.• Protecting existing storm drain inlets and stabilizing disturbed areas.• Hydroseeding/re-vegetating disturbed areas.• Minimizing areas of impervious surfaces.• Implementing runoff controls (e.g., percolation basins and drainage facilities).• Properly managing construction materials.• Managing waste, aggressively controlling litter, and implementing sediment controls.• Limiting grading to the minimum area necessary for construction and operation of the project. County staff shall verify that the above conditions are shown on project plans prior to issuance of any grading or building permit.
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Chapter 5. References

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- California Department of Fish and Wildlife. 2020. California Natural Diversity Database Rare Fine Occurrences Reports.
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5.1 Checklist Sources

1. CEQA Guidelines
2. Project Plans
3. County of San Benito 2035 General Plan and Recirculated Environmental Impact Report.
4. San Benito County Zoning Code (Title 25 *et seq.*)
5. San Benito County WebGIS. Available online at: gis.cosb.us/gis. Accessed January 2023.
6. San Benito County Important Farmlands Map, 2020.
7. Monterey Bay Unified Air Pollution Control District CEQA Air Quality Guidelines, Revised February 2008.
8. Monterey Bay Air Resources District, 2012-2015 Air Quality Management Plan, adopted by the MBARD Board of Directors March 15, 2017.
9. San Benito County Code of Ordinances. Available Online at: <https://codelibrary.amlegal.com/codes/sanbenitocounty/latest/overview>
10. California Department of Fish and Wildlife. 2017. California Natural Diversity Database Rare Find 5 Report. Available online at: <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.
11. Envirostor, California Department of Toxic Substance Control, Accessed September 2022
12. Drainage Plan, 2021
13. Cal Fire, Fire Hazard Severity Maps, 2007
14. Federal Emergency Management Agency (FEMA) flood hazard mapping program, 2020.
15. San Benito County Operational Area Emergency Operations Plan. August 2015.
16. San Benito County Annual Groundwater Reports. Available online at <https://www.sbcwd.com/wpcontent/uploads/2019/01/FINAL-Annual-Groundwater-Report-2018.pdf>
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Notice of Public Hearing

COUNTY OF SAN BENITO PLANNING COMMISSION

MEETING OF NOVEMBER 20th, 2024, at 6:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, November 20th, 2024, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address <https://zoom.us/join> or dialing one of the following telephone numbers:
+1 408 638 0968 US (San Jose) or
+1 669 900 6833 US (San Jose).
To access the meeting, please enter the Webinar ID **851 1295 3524** AND Webinar Password **334292**

Agenda Packet can be viewed at www.cosb.us/ under "Events" or https://cosb.granicus.com/ViewPublisher.php?view_id=1 under "Upcoming Events" by the Friday before the meeting.

PLN230033 (Minor Subdivision at 859 Cowden Road): OWNER: J.M. O'Donnell Family Ranch LLC. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: 859 Cowden Road (1 mile south of the intersection of Cowden Road and Hospital Road) in unincorporated San Benito County. APNS: 021-120-005 & 021-120-006. REQUEST: This project proposes the subdivision of an existing 115.87-acre parcel into three separate parcels: Parcel One (84.03 acres), Parcel Two (15.11 acres), and Parcel Three (15.00 acres), with a 1.73-acre road dedication. Parcels One and Three consist of undeveloped agricultural land, while Parcel Two includes a residence with a septic system, driveway, accessory structure, as well as both a domestic well and an agricultural well. Additionally, Parcel One contains an existing domestic well that serves both Parcel One and Parcel Three. No new construction is proposed as part of this project. GENERAL PLAN LAND USE DESIGNATION: Agricultural (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b)(3)), §15301 (Categorical Exemptions Class 1, Existing Facilities), and §15304 (Categorical Exemptions Class 4, Minor Alterations to Land, subparagraph a). PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov).

PLN240041 (Minor Subdivision at 4820/4821 Southside Road): OWNER: Lompa, Roy, & Rita Family Trust. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: 4820/4821 Southside Road (2 miles southeast of the intersection of Union Road and Southside Road) in unincorporated San Benito County. APN: 025-420-047. REQUEST: This project proposes the subdivision of an existing 33.27-acre property into two separate parcels: Parcel One (21.75 acres) and Parcel Two (10.54 acres) with a 0.98-acre road dedication. The project currently has one existing residence which will remain on Parcel One. No other construction is proposed as part of this application. GENERAL PLAN LAND USE DESIGNATION: Residential Multiple (RM). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b)(3)), §15301 (Categorical Exemptions Class 1, Existing Facilities) and §15304 (Categorical Exemptions Class 4, Minor Alterations to Land, subparagraph a). PLANNER: Stephanie Reck (sreck@sanbenitocountyca.gov).

PLN230015 (Zone Change and Minor Subdivision at Southside Road): OWNER: Kellogg Family LLC. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: Southside Road (2 miles southeast of the intersection of Union Road and Southside Road) in unincorporated San Benito County. APN: 025-420-007. REQUEST: Approval to subdivide an existing 5-acre parcel into two 2.5-acre lots, with a zone change from Agricultural Productive (AP) to Residential Multiple (RM). This application includes the construction of a driveway to provide access to Parcel Two. No other construction is proposed as part of this application. GENERAL PLAN LAND USE DESIGNATION: Residential Mixed (RM). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study / Mitigated Negative Declaration. PLANNER: Victor Tafoya (vttafoya@sanbenitocountyca.gov)

PLN240013 (Botelho Conditional Use Permit): OWNER: Anthony Joseph & Susan M. Botelho. APPLICANT: Anthony J. Botelho. LOCATION: 10 Flint Road (2.5 miles east of San Juan Bautista and 4.5 miles west of Hollister) in unincorporated San Benito County. APN: 018-160-027. REQUEST: A waiver of certain conditions of approval associated with the project, including but not limited to requirements for road improvements and right-of-way dedication. GENERAL PLAN LAND USE DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorical Exemptions under State CEQA Guidelines §15301 (Existing Facilities), §15303 (New Construction or Subparagraph c), and §15304 (Minor Alterations to Land). PLANNER: Victor Tafoya (vttafoya@sanbenitocountyca.gov)

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the Public Hearing. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at vdelgado@sanbenitocountyca.gov, or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831 637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: November 1st, 2024

PUBLISHED: Friday, November 8th, 2024~ Hollister Free Lance (Pub HF 11/8)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.3

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Jonathan Olivas

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to consider adopting a resolution to approve PLN230033 a tentative map subdividing an existing 115.87-acres parcel into three separate parcels of 15.00 acres, 15.11 acres, and 84.03 acres with a 1.73 acre road dedication. The project is located at 859 Cowden Road approximately 4.5 miles southeast of downtown Hollister within unincorporated San Benito County.

SBC FILE NUMBER: 790

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

This project involves the subdivision of an existing 115.87-acre parcel into three separate parcels: Parcel One (84.03 acres), Parcel Two (15.11 acres), and Parcel Three (15.00 acres). Parcels One and Three consist of undeveloped agricultural land, while Parcel Two includes a residence with a septic system, driveway, accessory structure, as well as both a domestic well and an agricultural well. Additionally, Parcel One contains an existing domestic well that serves both Parcel One and Parcel Three. No new construction is proposed as part of this project.

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

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve PLN230033 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[Free Lance Notice_11.20.2024](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution 2024-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO APPROVE COUNTY PLANNING FILE PLN230033, A PROPOSAL FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE AN EXISTING 115.87-ACRE PARCEL INTO THREE LOTS OF 15.00 ACRES, 15.11 ACRES, AND 84.03 ACRES WITH A 1.73 ACRE ROAD DEDICATION.

WHEREAS the subject parcel is located at 859 Cowden Road near Hollister, San Benito County (“County”), California (Assessor’s Parcel(s) 021-120-005 & 021-120-006) and currently contains 115.87 acres; and

WHEREAS San Benito Engineering has filed an application for a minor subdivision/tentative parcel map (illustrated in **Exhibit C**) to subdivide the property into four lots of 15.00 acres, 15.11 acres, and 84.03 acres with a 1.73 acre road dedication; and

WHEREAS the property is currently a legal lot recorded in San Benito County Official Records as Book 354 page 95 on January 15th, 1970; and

WHEREAS the property is currently undeveloped agricultural land; and

WHEREAS the property currently has a General Plan land use designation of Agriculture (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS the purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas; and

WHEREAS the intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the general plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses; and

WHEREAS the above designations allow the continuation of the current agricultural operations and with a minimum building site of five acres, with the proposed lots having 84.03 acres, 15.11 acres, and 15.00 acres, respectively with a 1.73 acre road dedication; and

WHEREAS the applicant and owner have demonstrated adequate street access, road improvements, existing accessory structures, and wells; and

WHEREAS the Planning Commission has determined the project qualifies for an exemption from the California Environmental Quality Act (CEQA) under State CEQA Guidelines §15061(b)(3) (the “common sense exemption”), Class 1 of Categorical Exemptions §15301 (Existing Facilities, subparagraph c), and Class 4 of Categorical Exemptions §15304 (Minor Alterations to Land, subparagraph a); and

WHEREAS the Planning Commission of the County of San Benito reviewed the minor subdivision application at its regular meeting held on November 20th, 2024; and

WHEREAS the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as stated in **Exhibit A**.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN230033 and its minor subdivision/tentative parcel map subject to the conditions of approval found in **Exhibit B** and as illustrated in **Exhibit C**.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 20th DAY OF NOVEMBER 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

M. Abraham Prado, Director, Planning and Building
Resource Management Agency San Benito County

California Environmental Quality Act (CEQA) Finding:

Finding: The project qualifies for a “common sense” exemption under Article 5 of the California Environmental Quality Act Guidelines Section 15061 (Review for Exemption, subparagraph (b)(3)) and Section 15301 (Existing Facilities, subparagraph c), and Class 4 of Categorical Exemptions §15304 (Minor Alterations to Land, subparagraph a);

Evidence: *The project qualifies for the §15061(b)(3) exemption due to the clear assurance that the proposed subdivision will not result in a significant impact on the environment. This project, as submitted, proposes no construction at this time and, consequently, will not cause disruptions within areas of ecological, seismic, historical, or any other environmental sensitivity. The applicant's proposal primarily involves delineating new property boundaries without plans for new construction. The current zoning regulations already allow for nearly the same level of land use as what could occur with or without this subdivision.*

To comply with San Benito County Code, a typical subdivision would involve ground disturbance activities related to road construction, frontage improvements, grading, water access, or other development requirements. These activities fall under CEQA Class 1 Categorical Exemption (State CEQA Guidelines §15301, Existing Facilities, subparagraph c). This exemption applies to projects that primarily involve the maintenance, repair, or minor alteration of existing infrastructure, such as roads, sidewalks, and bicycle facilities. This exemption further requires that these projects must not expand the existing or former use, such as the addition of extra automobile lanes to roadways. Compliant with the aforementioned exemption, the road improvements that County Code Title 23 (Subdivisions) requires of this project would add no new lanes or expanded use, while the project itself proposes no new construction.

Furthermore, this project also qualifies for Class 4 of Categorical Exemptions §15304 (Minor Alterations to Land, subparagraph a) as the said required improvements above, per County Code Title 23 (Subdivisions), will occur on slopes of less than 10 percent and will involve no removal of healthy, mature, or scenic trees. These improvements are also not within an Alquist-Priolo fault zone nor will they be in any waterway or protected wetland area.

The majority of Parcel Three and the northeastern portion of Parcel Two are located within a 100-year floodplain, as mapped by FEMA in Flood Zone A. Despite the presence of environmentally sensitive and culturally significant areas on the site, the current agricultural use of the land would not impact or disturb these areas, as no construction is proposed at this time. Any future development would be required to adhere to San Benito County Code § 25.08.026 (Floodplain Development Standards), ensuring compliance with General Plan Policy HS-2.1 (Minimum Flood Protection). This policy mandates that all new developments meet flood protection standards that safeguard against a 100-year flood event. These requirements align with local, state, and federal regulations, mitigating potential flood-related damages. (See condition 12)

Additionally, future development must comply with San Benito County Code § 19.17.005 (Riparian Protection), which prohibits grading activities within 50 feet, measured horizontally, from the top of the bank of any stream, creek, river, or within 50 feet of a wetland or body of water. This provision ensures that riparian and wetland areas remain protected from any potential disturbances, maintaining the site's environmental integrity. (See condition 11)

The northern portion of Parcel Three is located within an Alquist-Priolo Earthquake Zone, placing it in a seismically active region where strong seismic ground shaking is possible during the project's design life. However, the impact on people and development is expected to be low. This is because any future development must comply with all applicable seismic safety regulations, including provisions of the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code § 25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project site does not present any other physical hazards.

In the context of safeguarding cultural resources, Condition 14 outlines a set of stringent procedures that are mandated in the event of discovering human remains or significant archaeological artifacts during excavation or ground disturbances. All excavation activities must cease within a 200-foot radius of any discovery or suspected related remains, with a visible stake circle of at least 100 feet radius marking the area. Staking on adjoining properties requires owner authorization, and timely notification to authorities is required for human or significant remains, granting authorized representatives the right to enter the property and protect cultural resources in line with San Benito County Code and applicable laws.

The project is expected to have an insignificant cumulative impact. Comparable nearby subdivisions, such as Minor Subdivision 1100-98, Minor Subdivision 1115-00A, and Minor Subdivision 1142-03, were approved between 2000 and 2008, less than a mile away. These projects involved the creation of lots and easements for a few parcels with no new residences constructed, resulting in minimal impact. Larger developments in the area, such as Sunnyside Estates, Bennett Ranch, Riverview Estates I & II, and Ashford Highlands, have already accounted for their cumulative impacts in their respective environmental reviews. Any potential future development that could increase population density or cause significant changes will undergo comprehensive evaluation and require additional County approval.

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: *The property has an Agricultural (A) designation per the General Plan and is designated as Agricultural Productive (AP) under the Zoning Ordinance. The purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas. This designation permits agricultural support uses, essential facilities, and one primary residential unit per lot, all in aid of preserving agricultural viability. The intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the general plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses. Additionally, this zoning allows for limited low-density residential development while prioritizing the preservation of prime farmland. The proposed project, which involves no construction, aligns with both zoning and General Plan designations. The proposed map remains congruent with the intent of the General Plan's A district and the AP zoning district.*

In addition, this project aligns with General Plan Policy LU-3.2 (Agricultural Integrity and Flexibility). This policy directs the County to protect the integrity of existing agricultural resources and provide both flexibility and economic viability for farming and ranching operations. The project proposes large lots of 84.03 acres, 15.11 acres, and 15.00 acres respectively, which still allow for the existing agricultural

operations to continue. The site would remain commercially viable for the existing agricultural operations in addition to retaining sufficient lot area to be eligible for becoming agricultural preserves under San Benito County Code Chapter 19.01 which sets minimum lot-area standards for parcels to receive property-tax deductions in exchange for agricultural productivity in accordance with the State of California Williamson Act.

Any potential future development, particularly those entailing an increase in density or substantial physical change to the land's grade, would necessitate further evaluation by the County. No specific plan has been adopted in this particular area.

Finding 2: The design or improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

Evidence: *The project maintains consistency with the General Plan concerning the subdivision's layout and enhancements, which the County Resource Management Agency's Planning and Public Works staff have reviewed. The proposed project has demonstrated appropriate access, connections to water services, septic systems, and other infrastructure, all executed in accordance with the guidelines specified in General Plan Policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these topics.*

The layout and enhancements also align with the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. No specific plan pertains to the subject property.

Finding 3: The site is physically suitable for the type of development.

Evidence: *The project proposes to establish three parcels, measuring 84.03 acres, 15.11 acres, and 15.00 acres respectively. This subdivision will not result in increased density or uses beyond current zoning allowances. The General Plan's land use district permits one dwelling per five acres, with the County Zoning Ordinance aligning the minimum lot size with this requirement.*

The majority of Parcel Three and the northeastern portion of Parcel Two are located within a 100-year floodplain, as mapped by FEMA in Flood Zone A. Despite the presence of environmentally sensitive and culturally significant areas on the site, the current agricultural use of the land would not impact or disturb these areas, as no construction is proposed at this time. Any future development would be required to adhere to San Benito County Code § 25.08.026 (Floodplain Development Standards), ensuring compliance with General Plan Policy HS-2.1 (Minimum Flood Protection). This policy mandates that all new developments meet flood protection standards that safeguard against a 100-year flood event. These requirements align with local, state, and federal regulations, mitigating potential flood-related damages. (See condition 12.)

Additionally, future development must comply with San Benito County Code § 19.17.005 (Riparian Protection), which prohibits grading activities within 50 feet, measured horizontally, from the top of the bank of any stream, creek, river, or within 50 feet of a wetland or body of water. This provision ensures that riparian and wetland areas remain protected from any potential disturbances, maintaining the site's environmental integrity. (See condition 11.)

The site is located within the Alquist-Priolo Earthquake Zone, placing it in a seismically active region where strong seismic ground shaking is possible during the project's design life. However, the impact on

people and development is expected to be low. This is because any future development must comply with all applicable seismic safety regulations, including provisions of the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code § 25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project site does not present any other physical hazards.

Finding 4: The site is physically suitable for the density of development.

Evidence: The project aims to create three parcels, measuring 84.03 acres, 15.11 acres, and 15.00 acres, respectively. This subdivision will not result in increased density or uses beyond what is currently allowed by the zoning regulations. The General Plan's land use district permits one dwelling per 5 acres, and the project's lot sizes align with the County Zoning Ordinance minimum lot size of 5 acres as well. The floodplain in the northeastern portion of this property and the Alquist-Priolo Earthquake Zone would not compromise the suitability of this site for any construction (see Finding 3 for further discussion).

Furthermore, this subdivision will change little in terms of entitlements, as the applicant is only proposing new property lines. The existing zoning regulations already permit nearly the same degree of use as the proposed subdivision. This project aligns with the existing zoning and land use regulations, ensuring that it complies with current standards and does not increase density or uses beyond what is allowed, provided compliance with the conditions of approval.

Finding 5: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The site includes areas identified as exceptional habitat for fish and wildlife, specifically riverine and freshwater wetlands. However, as outlined in Condition of Approval 11 (Attachment D), any future development must comply with San Benito County Code § 19.17.005 (Riparian Protection). This regulation prohibits grading activities within 50 feet, measured horizontally, from the top of the bank of any stream, creek, or river, as well as within 50 feet of any wetland or body of water. This provision ensures that riparian and wetland areas remain protected from potential disturbances, thereby preserving the environmental integrity of the site.

The parcel is currently developed with a single residence, an accessory building for agricultural operations, a driveway, two domestic water wells, and one agricultural well. At this time, the applicant is not proposing any new construction or improvements. However, approval of the project would allow for the future construction of two additional accessory dwelling units on parcels one and three.

Since there is no proposed increase in the intensity or density of development at this time, and the County will require a detailed review of any future substantial development, the project will not result in significant impacts, damage, or harm to the environment. As long as the applicant/owner maintains the current land use or seeks necessary County approvals for any additional use, no substantial risk to the environment, including wildlife and their habitats, is anticipated. This minimal degree of change does not pose a high risk of causing substantial environmental damage.

Finding 6: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: The project, which involves no new construction, has been thoroughly reviewed by relevant agencies with a focus on public health. Conditions of approval have been established to ensure public health standards are met, particularly concerning water quality related to well and septic system use, as

well as the management of grading impacts, including water runoff and dust emissions. The evidence on record does not indicate that the proposed project or its improvements would pose serious public health concerns. Any future development on the project site will undergo additional review during the building permit issuance process.

Finding 7: The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

Evidence: The project would affect no such easement.

Finding 8: Subject to Section 66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) contract.

Finding 9: Subject to Cal. Gov't Code § 66474.6, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in a violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Cal. Water Code Division 7 (commencing with § 13000).

Evidence: The project does not include the use of a community sewer system; instead, should any future development occur, new septic systems will be utilized for sewage disposal and the applicant would need to show the viability of these systems via a soils report. The proposed subdivision as submitted has undergone a review by the County Division of Environmental Health and has been determined to be in compliance with all existing requirements set forth by the Central Coast Regional Water Quality Control Board, provided that the conditions of project approval are met.

Finding 10: The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code §4290 and §4291 (per Government Code §66474.02(a)(1)).

Evidence: This property is located in a Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations, accordingly, incorporated into conditions of approval.

Finding 11: Structural fire protection and suppression services will be available for the subdivision through CAL FIRE and/or the San Benito County Fire Department (per Government Code §66474.02(a)(2)).

Evidence: The subject property is within an area designated by CAL FIRE as Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are Hollister Fire Station 2 at 2240 Valley View Drive at the intersection of Avenida Cesar Chavez and Highway 25 is 2.4 miles by road and CAL FIRE at 1979 Fairview Road 4.6 miles by road.

Finding 12: Ingress and egress for the subdivision meet the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code §4290 and any applicable local ordinance.

***Evidence:** Qualified personnel from responsible agencies have reviewed the proposed minor subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval.*

Conditions of Approval:

1. **Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan (illustrated in Exhibit C) and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

4. **Compliance Documentation:** Prior to map recordation, the permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]

5. **Notice of Exemption (California Department of Fish and Wildlife Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. In accordance with State CEQA Guidelines §15062, the notice shall be provided by the County Resource Management Agency and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.⁰⁰ shall be submitted to the Resource Management Agency Planning staff for the filing of the notice. [Planning, California Department of Fish and Wildlife]
6. **Condition of Approval:** Prior to the recordation of the parcel map, the applicant/owner, County Counsel, and the County Planning Director shall agree to and sign the Condition of Approval form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions. If multiple parcel maps are filed, separate agreements with new builders/owners may be required. [Planning]
7. **Staff Review Invoices:** Within 60 days of approval of the tentative map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative map to be paid in full. Additionally, the project applicant shall be responsible for payment of fees associated with the review and monitoring of the conditions of approval. Payment of these invoices shall be a prerequisite to commencing the Staff verification of compliance with the Conditions of Approval for this project. Failure to comply with this condition shall result in a hold on the tentative map until such time that this condition is complied with or that the tentative map expires, whichever occurs first. [Planning]
8. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
9. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of the County Resource Management Agency and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
10. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
11. **Riparian Protection:** Grading activities related to the development of the subdivision, as well as any future development on the property, shall not occur within 50 feet, measured horizontally, from the top of the bank of any stream, creek, river, or within 50 feet of any wetland or body of water, in accordance with § 19.17.005 of the San Benito County Code. Compliance with this setback requirement must be demonstrated in all project plans and verified prior to the issuance of any grading or building permits. A note shall be placed on the map to this effect. [Planning]
12. **Flood Zone:** In consideration of the subject property's location within a 100-year flood zone according to FEMA FIRM panels 06069C0065D & 06069C0075D (April 15, 2009), a note shall be placed on the parcel map to state the following:
 - a. Prior to construction of any new buildings and prior to approval of any further subdivision on the subject property, the applicant shall demonstrate site suitability for such additional use including ability of well(s), septic tank system(s), and site access

to meet applicable standards to prove further developability without conflict from flood hazard.

- b. In accordance with County Code §25.08.026 (G) (Submittal of Construction Plans; Required Flood Elevation) and §25.08.026 (H) (Alternatives to Required Elevation):
- All development shall conform with the standards of the floodplain management ordinance or its successor.
 - Each property owner or his or her agent who proposes a project for which a building permit is required in a floodplain area shall, prior to approval thereof, submit plans prepared by a civil engineer, licensed by the State of California. The plans shall establish the living area, manufacturing area or storage area of any structure for which a building permit is required at a minimum of one foot above the 100-year flood elevation. The Planning Director may require evidence from an engineer to assist in the determination.
 - The engineer preparing the plans shall, on the building site, provide the Building Inspection Department, at a location acceptable to the Building Inspection Department, a reference to the required elevation that will enable the building department to determine that the required flood elevation is adhered to. The county Building Inspector shall require, and a developer shall provide, written certification from the responsible engineer that the required flood elevation has been met.
 - As an alternative to the construction of buildings one foot above the floodplain as provided herein, the site of the buildings may be raised to the required elevation or the site protected by a levee or berm constructed to the elevation necessary to afford adequate protection. The alternatives shall be subject to the terms of the county's grading and erosion control ordinance and floodplain management ordinance or its successor. In either case, plans and specifications for modifications and protection of the site prepared by a licensed civil engineer shall accompany the plans for the building, and, prior to the issuance of a building permit, the site improvement shall be completed and certified in writing by the engineer as having been constructed to prevent flooding. In addition, evidence shall be submitted by a licensed civil engineer that flood hazard is not increased off-site as a result of any development on the property. [Planning]

13. **Construction Hours:** As required the San Benito County General Plan HS-8.3 (Construction Noise) and San Benito County Code, Title 19, Chapter 19.39 *et seq.* Article IV, Sound Level Restrictions; construction shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]

14. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:

- a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
- b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of

discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

- c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

15. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]

16. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]

17. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$1800.00 (\$600 for each lot over 5.1 acres and \$300 per lot 1.1 to 5 acres). [Planning]

18. **Dust Control:** A note shall be placed on the improvement plans for the proposed subdivision to state that the applicant/owner shall incorporate the following requirements into any grading activities occurring as part of this project:

- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
- b. All grading activities during periods of high wind, over 15 mph, are prohibited.
- c. Haul trucks shall maintain at least two feet of freeboard.
- d. All trucks hauling dirt, sand, or loose materials shall be covered.
- e. Inactive storage piles shall be covered.
- f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]

19. **Building Permit Requirement:** Prior to issuance of a building permit, the applicant shall produce, including but not limited to, all necessary tests and reports to ensure compliance with all applicable County Code and State Government Code §66410 *et seq.* (the Subdivision Map Act). A note shall be placed on the Parcel Map to this effect. [Planning]

20. **Wildland-Urban Interface:** Any construction on the subject property shall comply with the requirements of California Building Code R337 Materials and Construction Methods for Exterior Wildfire Exposure *et seq.* [Planning/Building]

San Benito County Water District:

21. **Well Access:** In order to ensure that well ownership is well defined, if well is to be shared between parcels, an agreement and easements regarding said Well shall be executed and reflected on the parcel map. [SBCWD]

County Division of Environmental Health:

22. **Sewage Disposal:** It is the owner's responsibility to ensure all existing septic systems meet the required setback from all property lines and to show proof that all properties are feasible for installation of a septic system prior to issuance of a building permit. [Environmental Health]

23. **Water:** It is the owner's responsibility to ensure all water systems meet the required flow in gallons per minute for the number of connections allowed and that the water quality meets the standards of Title 22 of California Code of Regulations. The owner shall complete the application for a Local Small Water System (LSWS) permit and pay all fees with this department. [Environmental Health]

24. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan (HMBP) shall be completed and submitted to County Division of Environmental Health. [Environmental Health]

San Benito County Fire:

25. **Roadways, Access, and Water Supply for Fire Suppression:** Prior to the commencement of any future development, the applicant shall update all roadways, access routes, and water supply systems to comply with the most current fire code adopted by San Benito County and the State of California. This includes ensuring adequate emergency vehicle access and the provision of water for fire suppression that meets or exceeds the requirements of the California Fire Code, Public Resources Code §§ 4290 and 4291, Ordinances 822 and 823 of the San Benito County Code, and any other related codes applicable to a project of this type and size. All upgrades must be reviewed and approved by the San Benito County Fire Marshal or designee prior to the issuance of any building permits. [County Fire]

26. **Weed Abatement and Fire Safety on Vacant Lots:** The applicant shall maintain all vacant parcels in compliance with San Benito County's weed abatement and fire safety standards, as set forth in San Benito County Code § 25.08.018 (Fire Safety Standards) and pursuant to the authority granted by Article XI, Section 7 of the California Constitution, Cal. Health and Safety Code §§ 14930 and 14931, and Cal. Gov't Code §§ 25845 and 54988, collectively known as the "San Benito County Weed Abatement Ordinance." The applicant must also adhere to the California Fire Code. This includes the regular removal of dry vegetation, weeds, and other fire hazards to mitigate fire risk and promote public safety. Compliance will be subject to periodic inspections by the County's fire authority, and the applicant is responsible for maintaining continuous adherence to these regulations to ensure ongoing fire safety on vacant lots. [County Fire]

Public Works Division:

27. **Dedication of Right-of-Way:** Prior to the recordation of the Parcel Map, the applicant shall irrevocably dedicate to the County of San Benito and the public for public use the following:

- a. Dedicate ROW easement along the whole property frontage on the continuation of Cowden Road or Sally Flat Road to maintain a 30 feet ROW from the existing roadway centerline into the property. In the case where the existing road is totally within the applicant's property, a minimum of 40 feet or up to 60 feet ROW shall be dedicated. In the case where the existing road is totally outside the applicant's property, a minimum of 30 feet from the centerline of the road shall be dedicated.

[§ 23.15.002 Dedication of Streets, Alleys and Other Public Rights-of-Way or Easement; and § 23.25.009 Streets]

28. **Frontage Improvements:** Prior to recordation of the Parcel Map, the applicant shall bond for or make the following roadway improvements [§ 23.17 Improvements]: This requirement may be waived or deferred at the discretion of the Planning Commission.

- a) Full 28 feet AC pavement on 38 feet roadbed along the entire property frontage on Cowden Road or Sally Flat Road, or in the case where the road is outside or partially outside of the applicant's property, the improvement shall be based on 28 feet AC pavement on 38 feet roadbed for whatever lies within the applicant's property.

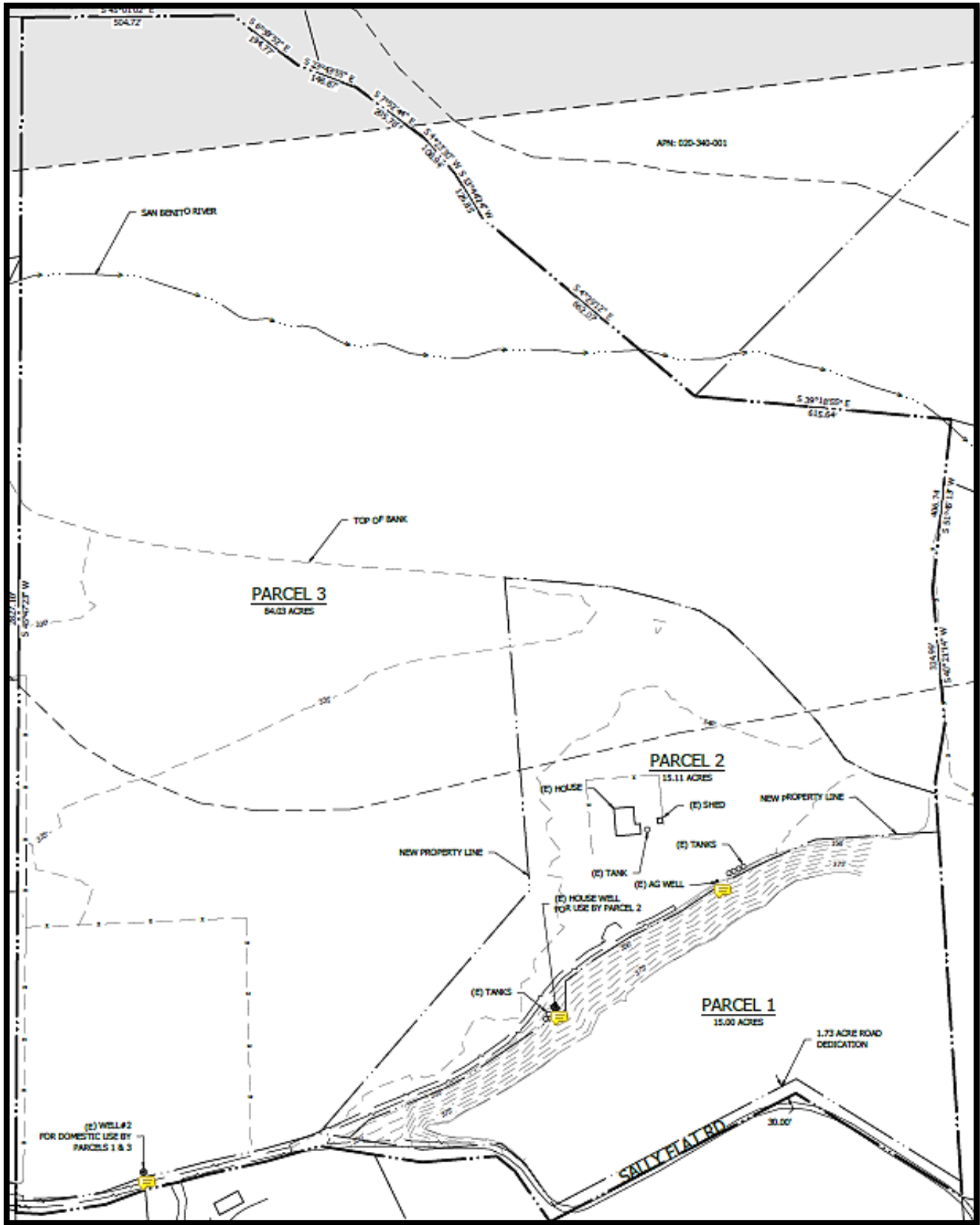
29. **Geotechnical Report:** As part of submission of engineered improvement plans for this project, a design-level geotechnical engineering investigations report shall be submitted for review by the County Engineer, and the same (once reviewed and accepted) shall be the basis of the design of any proposed or required improvements within the property. Prior to acceptance of any required improvements, a letter of geotechnical compliance shall be submitted to Public Works Department upon completion of site improvements. A note shall be placed on the parcel map to this effect. [§ 23.31.023]

30. **Drainage:** As part of submission of engineered improvement plans for this project, the applicant shall comply with County Storm Drainage Design Standards, hence, shall mitigate concentrated or increased runoff resulting from the impermeable surfaces created by the project. Included in this will be drainage calculations and construction details for either a retention or detention pond for the impermeable surfaces created as part of this project. Details and direction of flows of drainage swales and grades shall also be included. Applicant shall ensure that runoff from the proposed improvement(s) shall be directed to existing drainage systems and/or drainage easements and shall not negatively impact neighboring properties. Applicant shall also be required to implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways, hence, erosion control measures shall also be shown on the plans. All drainage improvements must be installed in conjunction with any improvements that would create impermeable surfaces as part of this project. [§ 23.17.003 (B); § 23.31 Article III]

31. **Underground Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, unless waived by the Planning Commission in lieu of a fee for undergrounding. Each unit or lot within the subdivision shall be served by gas, electric, telephone and cablevision facilities where available. All necessary utilities must be installed prior to recordation of the Parcel Map. [§ 23.17.003 REQUIRED IMPROVEMENTS, (E); (F)]

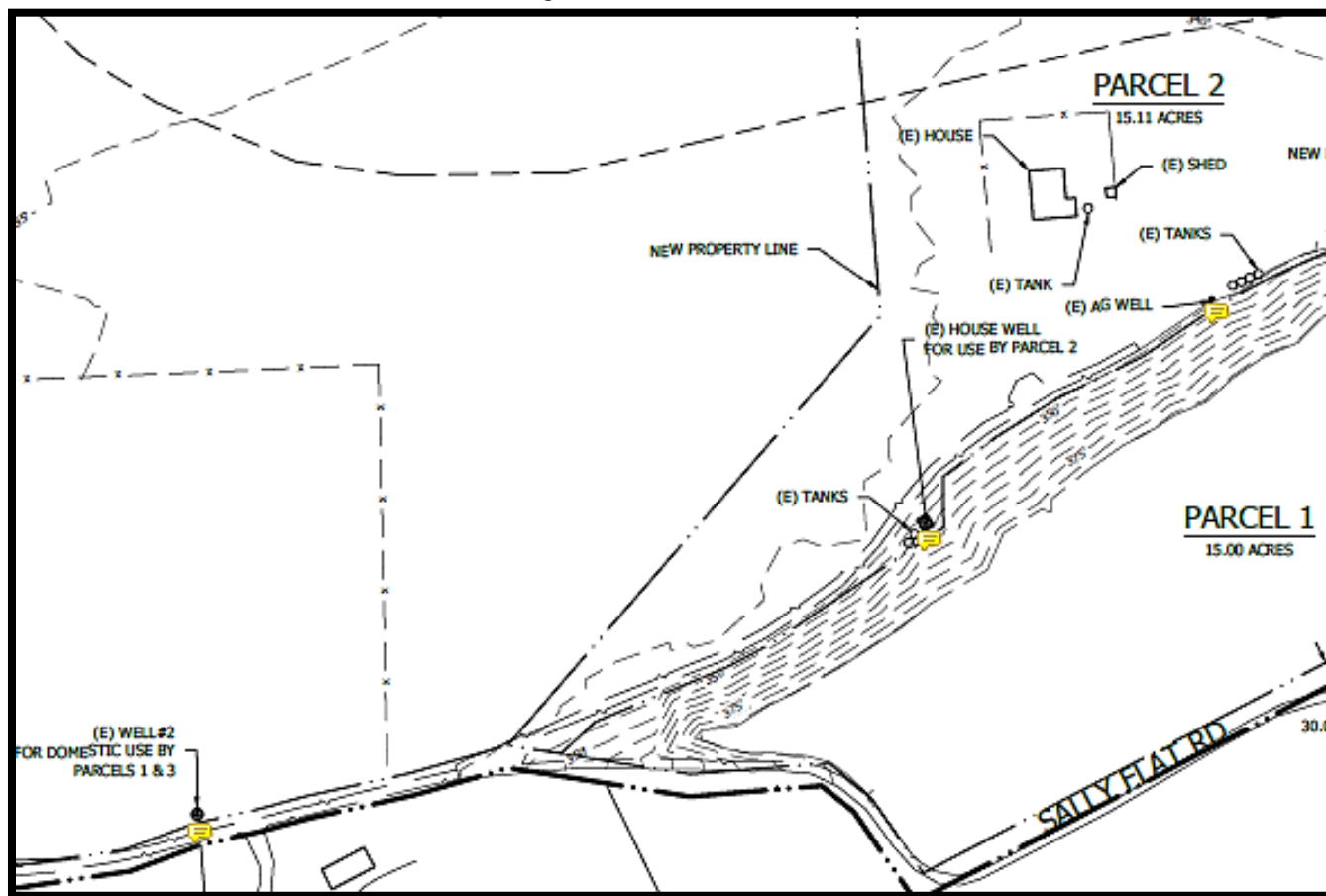
32. **Improvement Plan:** As part of submission of Improvement Plan for this project, applicant shall include utility plans and have them approved by each corresponding utility company when applicable, which includes but not necessarily limited to water, gas, electric, telephone, and cablevision, and shall furnish copies of said approved plans to the Public Works Department for concurrence. Said plans shall be part of the final or approved Improvement Plan.
33. **Communities Facilities District:** Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general county costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study.
34. **Dedication of Parkland:** Prior to recordation of the Parcel Map, pursuant to San Benito County Code of Ordinances Section 23.15.008 Dedication of Parkland, the subdivider shall dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes.
35. **Encroachment Permits:** Pursuant to § 19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project.
36. **Warranty Security:** Upon completion of required improvements, applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)]
37. **As Built Improvement Plans:** Prior to the recording of the Parcel Map or before release of alternate Bond, one set of "As Built" Improvement Plans shall be prepared by the applicant's engineer and delivered to the Public Works Department. [§ 23.31.002.(K)(1)]

Exhibit C to Planning Commission Resolution (Site Plan)



The above image shows the site plan as submitted.

Exhibit C to Planning Commission Resolution (Site Plan) (cont.)



This image provides a close-up of the westerly portion of Parcel Three, showing the location of the domestic well that serves both Parcels One and Three. It also indicates the locations of the existing residence, accessory structure, domestic well for Parcel Two, and the agricultural well on Parcel Two. Additionally, the 1.73-acre road dedication is marked.

STAFF REPORT

PROJECT INFORMATION:

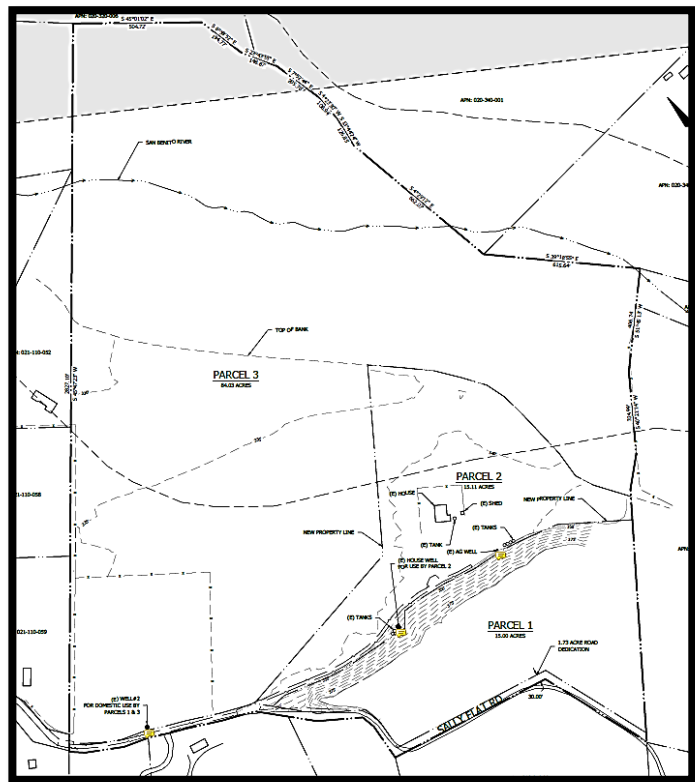
Application: PLN230033 (Minor Subdivision)
Date of Hearing: November 20th, 2024
Applicant: San Benito Engineering
Owner(s): J.M. O' Donnell Family Ranch LLC
Location: 859 Cowden Road (approximately 1 mile south of the intersection of Cowden Road and Hospital Road)
APN: 021-120-005 & 021-120-006
General Plan: Agricultural (A)
Zoning: Agricultural Productive (AP)
Project Planner: Jonathan Olivas

PROJECT DESCRIPTION

This project involves the subdivision of an existing 115.87-acre parcel into three separate parcels: Parcel One (84.03 acres), Parcel Two (15.11 acres), and Parcel Three (15.00 acres). Parcels One and Three consist of undeveloped agricultural land, while Parcel Two includes a residence with a septic system, driveway, accessory structure, as well as both a domestic well and an agricultural well. Additionally, Parcel One contains an existing domestic well that serves both Parcel One and Parcel Three. No new construction is proposed as part of this project.

SITE DESCRIPTION

The proposed project is situated at 859 Cowden Road and encompasses an approximately 115.87-acre parcel (Assessor's Parcel Number(s) [APN(s)] 021-120-005 & 021-120-006). The site is located approximately 4.5 miles southwest of downtown Hollister within unincorporated San Benito County. Positioned around 1 mile to the southeast of the intersection of Cowden Road and Hospital Road, this project occupies a rural area surrounded by agricultural activities. The proposed project has existing access from Cowden Road, which will also serve all three proposed parcels.



The proposed project has existing access from Cowden Road, which will also serve all three proposed parcels.

This property has historically been utilized for agricultural purposes and some mining activities. Importantly, no new construction is proposed as part of this project. The neighboring parcels are predominantly used for agricultural functions, including grazing and row crops, as well as housing rural residences. Only one of the contiguous parcels to the project site is under the Land Conservation Act (Williamson Act) as agricultural preserves, however, the project site itself is not. Properties similar in size to the subject property in the vicinity are commonly dedicated to activities such as grazing, agricultural support uses, and the establishment of rural residences. (See Figure 1, Vicinity Map.)

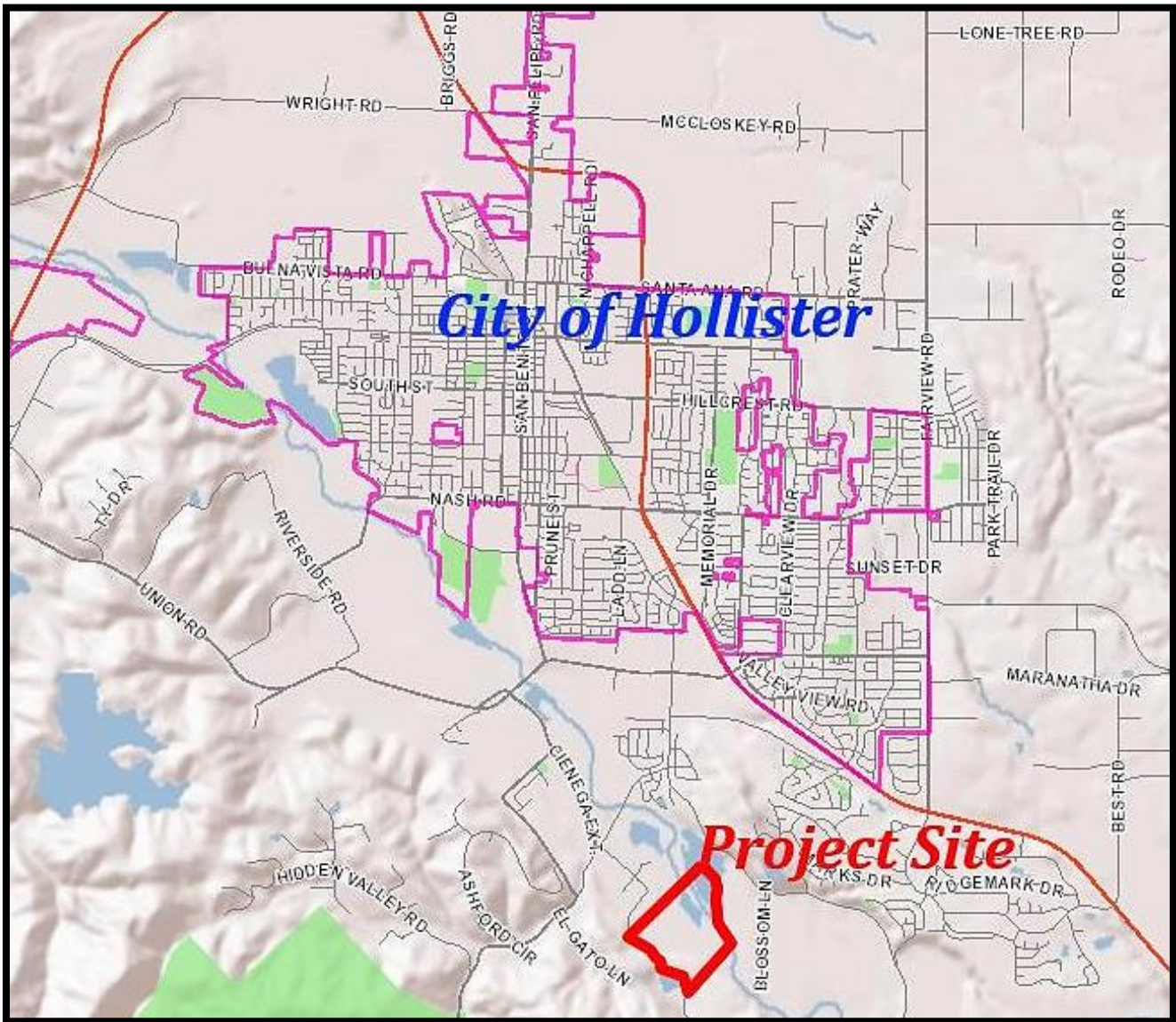


Figure 1. Vicinity Map

Legal Lot of Record: The property is currently a legal lot recorded in San Benito County Official Records as Book 354 page 95 on January 15th, 1970

Minimum Building Site Allowed: 5 acres under AP zone.

Sewage Disposal: Septic System.

Water: Private well producing 9.6 GPM.

State Farmland Map Designation: Prime Farmland, Unique Farmland, Grazing Land, and Other Land (per 2020 Farmland Mapping & Monitoring Program (FMMP)).

Land Conservation Act (Williamson Act): Not under Williamson Act Contract.

Soils: Metz Gravelly Sandy Loam, 0 to 2 percent slopes, somewhat excessively drained, capacity of the most limiting layer to transmit water (Ksat): High 1.98 to 5.95 in/hr, Prime Farmland if irrigated. Metz Sandy Loam, 0 to 2 percent slopes, somewhat excessively drained, capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr), Prime Farmland if irrigated. Sandy Alluvial Land, 1 to 4 percent slopes, somewhat excessively drained, capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98

in/hr), Not Prime Farmland. **Riverwash**, 0 to 5 percent slopes, capacity of the most limiting layer to transmit water (Ksat): High to very high (1.98 to 99.90 in/hr), Not Prime Farmland. **Sorrento Silt Loam**, 0 to 2 percent slopes, 0 to 2 percent slopes, capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr), Prime Farmland if irrigated. **Terrace Escarpments**, Not Prime Farmland. **Sorrento silt loam**, 2 to 9 percent slopes, well drained, capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr), Prime Farmland if irrigated. **Diablo clay**, 30 to 50 percent slopes, eroded, well drained, capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr), Not Prime Farmland. **Sorrento silty clay loam**, 0 to 2 percent slopes, well drained, capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.60 in/hr), Prime Farmland if irrigated. **Badland**, 30 to 75 percent slopes, capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr), Not Prime Farmland. **Sorrento silty clay loam**, 2 to 9 percent slopes, well drained, Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.60 in/h), Prime Farmland if irrigated. (*Data Source Information: USDA Websoil Survey Soil Survey Area: San Benito County Survey Area Data: Version 25, Sep 8th, 2024.*)

Seismic: Parcel Three northeast corner is located within an Alquist-Priolo Fault Zone.

FEMA Flood Zone: Majority of the eastern portion of the project site is located within a FEMA Flood Zone.

Fire Severity: Non-Wildland/Non-urban

Archaeological sensitivity: Yes.

Habitat Conservation Plan Study Area Interim Mitigation Fee: Within fee area.

Other Endangered or Sensitive Species: None of special consideration.

PLANNING AND ZONING

The property has an Agricultural (A) designation per the General Plan and is designated as Agricultural Productive (AP) under the Zoning Ordinance. The purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas. This designation permits agricultural support uses, essential facilities, and one primary residential unit per lot, all in aid of preserving agricultural viability. The intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the General Plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses. Additionally, it allows for limited low-density residential development while prioritizing the preservation of prime farmland. Given that the proposed project involves no construction, and that the existing agricultural and single residence on Parcel Two use aligns with both zoning and General Plan designations, the proposed map is consistent with the intent of the General Plan's A district and the AP zoning district. This project is also consistent with General Plan policy as well. (See Staff Analysis for more detailed consideration.)

ENVIRONMENTAL EVALUATION

The project qualifies for the §15061(b)(3) exemption due to the clear assurance that the proposed subdivision will not result in a significant impact on the environment. This project, as submitted, proposes no construction at this time and, consequently, will not cause disruptions within areas of ecological, seismic, historical, or any other environmental sensitivity. The applicant's proposal primarily involves delineating new property boundaries without plans for new construction. The current zoning regulations already allow for nearly the same level of land use as what could occur with or without this subdivision.

To comply with San Benito County Code, a typical subdivision would involve ground disturbance activities related to road construction, frontage improvements, grading, water access, or other development requirements. These activities fall under CEQA Class 1 Categorical Exemption (State CEQA Guidelines §15301, Existing Facilities, subparagraph c). This exemption applies to projects that primarily involve the maintenance, repair, or minor alteration of existing infrastructure, such as roads, sidewalks, and bicycle facilities. This exemption further requires that these projects must not expand the existing or former use, such as the addition of extra automobile lanes to roadways. Compliant with the aforementioned exemption, the road improvements that County Code

Title 23 (Subdivisions) requires of this project would add no new lanes or expanded use, while the project itself proposes no new construction.

Furthermore, this project also qualifies for Class 4 of Categorical Exemptions §15304 (Minor Alterations to Land, subparagraph a) as the said required improvements above, per County Code Title 23 (Subdivisions), will occur on slopes of less than 10 percent and will involve no removal of healthy, mature, or scenic trees. These improvements are also not within an Alquist-Priolo fault zone nor will they be in any waterway or protected wetland area.

The majority of Parcel Three and the northeastern portion of Parcel Two are located within a 100-year floodplain, as mapped by FEMA in Flood Zone A. Despite the presence of environmentally sensitive and culturally significant areas on the site, the current agricultural use of the land would not impact or disturb these areas, as no construction is proposed at this time. Any future development would be required to adhere to San Benito County Code § 25.08.026 (Floodplain Development Standards), ensuring compliance with General Plan Policy HS-2.1 (Minimum Flood Protection). This policy mandates that all new developments meet flood protection standards that safeguard against a 100-year flood event. These requirements align with local, state, and federal regulations, mitigating potential flood-related damages. (See condition 12.)

Additionally, future development must comply with San Benito County Code § 19.17.005 (Riparian Protection), which prohibits grading activities within 50 feet, measured horizontally, from the top of the bank of any stream, creek, river, or within 50 feet of a wetland or body of water. This provision ensures that riparian and wetland areas remain protected from any potential disturbances, maintaining the site's environmental integrity. (See condition 11.)

The northern portion of Parcel Three is located within an Alquist-Priolo Earthquake Zone, placing it in a seismically active region where strong seismic ground shaking is possible during the project's design life. However, the impact on people and development is expected to be low. This is because any future development must comply with all applicable seismic safety regulations, including provisions of the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code § 25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project site does not present any other physical hazards.

In the context of safeguarding cultural resources, Condition 12 outlines a set of stringent procedures that are mandated in the event of discovering human remains or significant archaeological artifacts during excavation or ground disturbances. All excavation activities must cease within a 200-foot radius of any discovery or suspected related remains, with a visible stake circle of at least 100 feet radius marking the area. Staking on adjoining properties requires owner authorization, and timely notification to authorities is required for human or significant remains, granting authorized representatives the right to enter the property and protect cultural resources in line with San Benito County Code and applicable laws.

The project is expected to have an insignificant cumulative impact. Comparable nearby subdivisions, such as Minor Subdivision 1100-98, Minor Subdivision 1115-00A, and Minor Subdivision 1142-03, were approved between 2000 and 2008, less than a mile away. These projects involved the creation of lots and easements for a few parcels with no new residences constructed, resulting in minimal impact. Larger developments in the area, such as Sunnyside Estates, Bennett Ranch, Riverview Estates I & II, and Ashford Highlands, have already accounted for their cumulative impacts in their respective environmental reviews. Any potential future development that could increase population density or cause significant changes will undergo comprehensive evaluation and require additional County approval.

STAFF ANALYSIS

The proposed project is consistent with both its zoning designation and General Plan policies, specifically aligning with San Benito County General Plan Policy LU-3.2 (Agricultural Integrity and Flexibility). This policy prioritizes the protection of agricultural resources while allowing for flexibility and economic viability in farming and ranching operations. The subdivision proposes three large lots—84.03 acres, 15.11 acres, and 15.00 acres—designed to support ongoing agricultural use. These lot sizes are substantial enough to maintain commercial viability for current agricultural operations and meet the minimum lot-area requirements under San Benito County Code Chapter 19.01, enabling eligibility for agricultural preserves with property tax benefits per the California Williamson Act.

The project adheres to the density limits established by both zoning regulations and the General Plan's land use designation, which permits one dwelling per 5 acres. The proposed lot sizes meet the County Zoning Ordinance's 5-acre minimum lot size requirement. The subdivision does not propose an increase in density or use beyond what current zoning allows; instead, it introduces only new property lines without changing the permitted uses. The existing floodplain in the eastern portion of the property and the Alquist-Priolo Earthquake Zone will not impact the overall suitability for future development. Any future development involving density increases or significant alterations to the land's grade will require further County evaluation.

This project remains compliant with San Benito County Code Title 23 (Subdivisions) and California Government Code Section 66410 et seq. (Subdivision Map Act). No specific plan has been adopted for this area, but the project aligns with existing land use and zoning regulations, thereby ensuring consistency with current standards and conditions of approval.

Improvements. The proposed project would provide adequate access, connections to water service, and other infrastructure in a manner compliant with General Plan Policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). County Resource Management Agency Planning and Public Works staff and the County Environmental Health Division have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with the aforementioned General Plan policies, the Subdivision Map Act, and the San Benito County Subdivision Ordinance design standards in Title 23 (Subdivisions) Chapter 23.25 (Design Requirements) provided compliance with conditions of approval. Any potential future development such as further subdivision or development requiring building permits, will be subject to further evaluation, and require additional approval from the County including but not limited to a design-level geotechnical analysis that identifies recommendations for the design and construction of future project improvements.

The project does not include the use of a community sewer system; instead, should any future development occur, new septic systems will be utilized for sewage disposal, and the applicant would need to show the viability of these systems via a soils and/or a Geotechnical Report report. The proposed subdivision, as submitted, has undergone a review by the County Division of Environmental Health and has been determined to be in compliance with all existing requirements set forth by the Central Coast Regional Water Quality Control Board, provided that the conditions of project approval are met.

Project improvements have been reviewed by relevant agencies in consideration of public health, and conditions of approval have been included to ensure public health. This includes an emphasis on water quality concerning well and septic system use and controlling effects from grading, including water runoff and dust emissions. Evidence in the record does not suggest that the proposed project or improvements could cause serious problems for public health. Any future development on the project site will be subject to additional review as part of building permit issuance.

Furthermore, the County Fire Department, comprising personnel contracted from the City of Hollister Fire Department, has evaluated the design of the proposed subdivision, including its proposed ingress/egress improvements. Their assessment resulted in a series of recommendations that have been integrated into the conditions of approval for the project in response to the project's location in a high fire hazard zone. Any future development on the project site will undergo additional review as part of the building permit issuance process. The project does not affect any easements for public access through the site, and the project site is not subject to a Land Conservation Act (Williamson Act) contract.

Natural features and hazards. The site includes areas identified as exceptional habitat for fish and wildlife, specifically riverine and freshwater wetlands. However, as outlined in Condition of Approval 11 (Attachment D), any future development must comply with San Benito County Code § 19.17.005 (Riparian Protection). This regulation prohibits grading activities within 50 feet, measured horizontally, from the top of the bank of any stream, creek, or river, as well as within 50 feet of any wetland or body of water. This provision ensures that riparian and wetland areas remain protected from potential disturbances, thereby preserving the environmental integrity of the site.

The parcel is currently developed with a single residence, an accessory building for agricultural operations, a driveway, two domestic water wells, and one agricultural well. At this time, the applicant is not proposing any new construction or improvements. However, approval of the project would allow for the future construction of two additional accessory dwelling units on parcels one and three.

Since there is no proposed increase in the intensity or density of development at this time, and the County will require a detailed review of any future substantial development, the project will not result in significant impacts, damage, or harm to the environment. As long as the applicant/owner maintains the current land use or seeks necessary County approvals for any additional use, no substantial risk to the environment, including wildlife and their habitats, is anticipated. This minimal degree of change does not pose a high risk of causing substantial environmental damage.

The subject property is within an area designated by CAL FIRE as Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are Hollister Fire Station 2 at 2240 Valley View Drive at the intersection of Avenida Cesar Chavez and Highway 25 is 2.4 miles by road and CAL FIRE at 1979 Fairview Road 4.6 miles by road.

Furthermore, the County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations, accordingly, incorporated into conditions of approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN230033 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS

- A. Site Photos
- B. Planning Commission Resolution 2024-___ (draft) including:
 - Attachment A California Environmental Quality Act (CEQA) Findings

- Attachment B Conditions of Approval
- Attachment C Tentative Map

Attachment A
Site Photos



The project site facing north towards Hollister from Parcel Two.

Attachment A
Site Photos



The project site facing south towards Tres Pinos from Parcel Two.

Attachment A
(continued)

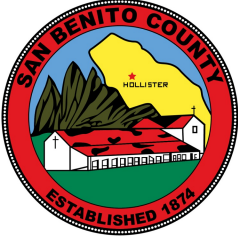


The project site facing East towards the San Benito River from Parcel Two.

Attachment A
(continued)



The project site facing west towards Hollister Hills from Parcel Two.



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 7.4

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Hold a public hearing to consider adopting a resolution to approve PLN240041 a tentative map subdividing an existing 33.27-acres parcel into two separate parcels of 21.75 acres and 10.54 acres with a 0.98 acre road dedication. The project is located at 4820/4821 Southside Road approximately 5 miles southeast of downtown Hollister within unincorporated San Benito County.

SBC FILE NUMBER: 790

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

The proposed project involves subdividing an existing 33.27-acre parcel into two separate parcels: Parcel One, measuring 21.75 acres, and Parcel Two, measuring 10.54 acres, with an additional 0.98-acre area dedicated to road access. Parcel One contains an existing residence, septic system, and well, while Parcel Two consists of undeveloped agricultural land. No construction is proposed as part of this project.

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

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

No

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve PLN240041 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS:

[Resolution](#)

[Staff Report](#)

[Free Lance Notice_11.20.2024](#)

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution 2024-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, TO APPROVE COUNTY PLANNING FILE PLN240041, A PROPOSAL FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE AN EXISTING 33.27-ACRE PARCEL INTO TWO LOTS OF 21.75 ACRES AND 10.54 ACRES WITH A 0.98 ACRE ROAD DEDICATION.

WHEREAS the subject parcel is located at 4820/4821 Southside Road near Hollister, San Benito County (“County”), California (Assessor’s Parcel 025-420-047) and currently contains 33.27 acres; and

WHEREAS San Benito Engineering & Surveying has filed an application for a minor subdivision/tentative parcel map (illustrated in **Exhibit C**) to subdivide the property into two lots of 21.75 and 10.54 acres with a 0.98 acre road dedication; and

WHEREAS the property is currently a legal lot recorded in San Benito County Official Records as Book 17 of Subdivision Maps Page 28 on June 3rd, 2022; and

WHEREAS the property currently has one existing residence and is otherwise undeveloped agricultural land; and

WHEREAS the property currently has a General Plan land use designation of Residential Mixed (RM) and Agricultural (A) and a zoning designation of Agricultural Productive (AP); and

WHEREAS the purpose underlying the RM General Plan designation is to allow for unincorporated urban areas with existing circulation and utility services to support primarily residential uses, along with some commercial uses; and’

WHEREAS the purpose underlying the A General Plan designation is to uphold agricultural productivity, particularly on Prime Farmland, encompassing various productive land types such as crops, vineyards, and grazing areas; and

WHEREAS the intent of the AP zoning designation is to facilitate diverse agricultural activities as articulated in the General Plan, which includes supporting agriculture-related activities like vineyards, wineries, and associated uses; and

WHEREAS the above designations allow the continuation of the current agricultural operations and with a minimum building site of five acres, with the proposed lots having 21.75 and 10.54 acres, respectively; and

WHEREAS the applicant and owner have demonstrated adequate street access, road improvements, existing accessory structures, and wells; and

WHEREAS the Planning Commission of the County of San Benito reviewed the minor subdivision application at its regular meeting held on November 20th, 2024; and

WHEREAS the Planning Commission of the County of San Benito reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as stated in **Exhibit A**.

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves County Planning file PLN240041 and its minor subdivision/tentative parcel map subject to the conditions of approval found in **Exhibit B** and as illustrated in **Exhibit C**.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 20th DAY OF NOVEMBER 2024 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Gibson, Chair
San Benito County Planning Commission

ATTEST:

M. Abraham Prado, Director, Planning and Building
Resource Management Agency San Benito County

California Environmental Quality Act (CEQA) Finding:

Finding: The project qualifies for a “common sense” exemption under Article 5 of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (Review for Exemption, subparagraph (b)(3)) and Section 15301 (Class 1 of Categorical Exemptions, Existing Facilities, subparagraph c), and Section 15304 (Class 4 of Categorical Exemptions, Minor Alterations to Land, subparagraph a).

Evidence: *The project qualifies for the §15061(b)(3) exemption because it clearly demonstrates no potential for significant environmental impacts. This subdivision proposal involves only the delineation of new property boundaries, with no plans for construction or site disturbance. The site’s current zoning allows for nearly the same level of land use as could occur regardless of the subdivision, thus ensuring consistency with existing regulations. The site’s location along Southside Road, which will form the new lot line, further minimizes potential impacts by utilizing an existing boundary and reducing the need for additional infrastructure. By not involving construction, the project avoids any disruption to ecologically, seismically, historically, or environmentally sensitive areas. Future land use within the subdivided parcels would remain subject to environmental review if additional development is proposed. Given this, and with the assurance that current zoning and General Plan policies support the existing land use without environmental disruption, the project qualifies for the §15061(b)(3) exemption from CEQA requirements.*

To comply with San Benito County Code, a typical subdivision would involve ground disturbance activities related to road construction, frontage improvements, grading, water access, or other development requirements. These activities fall under CEQA Class 1 Categorical Exemption (State CEQA Guidelines §15301, Existing Facilities, subparagraph c). This exemption applies to projects that primarily involve the maintenance, repair, or minor alteration of existing infrastructure, such as roads, sidewalks, and bicycle facilities. This exemption further requires that these projects must not expand the existing or former use, such as the addition of extra automobile lanes to roadways. Compliant with the aforementioned exemption, the road improvements that County Code Title 23 (Subdivisions) requires of this project would add no new lanes or expanded use, while the project itself proposes no new construction.

Furthermore, this project also qualifies for Class 4 of Categorical Exemptions §15304 (Minor Alterations to Land, subparagraph a) as the said required improvements above, per County Code Title 23 (Subdivisions), will occur on slopes of less than 10 percent and will involve no removal of healthy, mature, or scenic trees. These improvements are also not within an Alquist-Priolo fault zone nor will they be in any waterway or protected wetland area.

The site is located within the Alquist-Priolo Earthquake Zone, placing it in a seismically active region where strong seismic ground shaking is possible during the project's design life. However, the impact on people and development is expected to be low. This is because any future development must comply with all applicable seismic safety regulations, including provisions of the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code § 25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project site does not present any other physical hazards.

In the context of safeguarding cultural resources, Condition 12 outlines a set of stringent procedures that are mandated in the event of discovering human remains or significant archaeological artifacts during

excavation or ground disturbances. All excavation activities must cease within a 200-foot radius of any discovery or suspected related remains, with a visible stake circle of at least 100 feet radius marking the area. Staking on adjoining properties requires owner authorization, and timely notification to authorities is required for human or significant remains, granting authorized representatives the right to enter the property and protect cultural resources in line with San Benito County Code and applicable laws.

Moreover, this project is anticipated to have an insignificant cumulative impact on the area. The most recent comparable subdivisions are Minor Subdivision 225-75, was last amended in 2008, within a mile of the project site. This Minor Subdivision was amended twice from its original adoption in 1976 as Parcel Map No. 225-75 to allow for an easement for Parcel A in 1982 and it was further amended in 2008 to further subdivide Parcel A. None of these amendments or the original subdivision itself resulted in any development.

Projects of larger size in the vicinity, such as Ridgemark, Promontory, Sunnyside Estates, and Bennett Ranch have already had their cumulative impacts accounted for in their respective environmental reviews. Any potential future development, especially those leading to increased population density or other significant alterations, will undergo a comprehensive evaluation and require additional approval from the County.

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: *The property in question has dual General Plan designations—Agricultural (A) and Residential Mixed (RM)—and is zoned as Agricultural Productive (AP) under the Zoning Ordinance. Southside Road divides the property into two parcels, with one designated as Agricultural (A) and the other as Residential Mixed (RM), both subject to AP zoning. The Agricultural (A) General Plan designation prioritizes agricultural productivity, especially on Prime Farmland and other productive areas, such as vineyards, crop lands, and grazing lands. This designation focuses on sustaining agricultural operations and protecting productive land by allowing agricultural support facilities, essential infrastructure, and one primary residential unit per lot. The Residential Mixed (RM) General Plan designation applies to unincorporated urban areas with existing circulation and utility services, supporting a balanced mix of residential and limited commercial uses. This designation encourages a village-like neighborhood setting, equipped with public infrastructure to support higher residential density and local-serving commercial amenities.*

The Agricultural Productive (AP) zoning designation complements the goals of the Agricultural designation by emphasizing the preservation of prime farmland and encouraging diverse agricultural uses, including crop production, vineyards, and wineries. AP zoning permits limited low-density residential development that supports agricultural operations and allows for agriculture-related commercial activities that enhance agricultural viability. With no new construction proposed, the project respects the agricultural focus of the Agricultural designation by maintaining compatibility with existing agricultural uses and infrastructure. It aligns with the RM designation’s goal of preserving a community-oriented, developed area, making efficient use of existing infrastructure and circulation systems. Furthermore, the project supports AP zoning by maintaining agricultural productivity while allowing for limited residential use in support of agricultural operations.

The project aligns with General Plan Policy LU-3.12 (Agricultural Viability of Small Parcel Sizes) and Policy LU-4.1 (Housing Stock Diversity). Policy LU-3.12 requires applicants to demonstrate that subdivided agriculturally zoned parcels under 40 acres can support viable commercial agriculture. Since these parcels are already too small for large-scale agricultural operations, the project meets this policy's intent. Any future increase in residential density will still require County review to ensure compliance with land use and zoning standards. Policy LU-4.1 promotes diverse housing types, locations, and price points to support a range of socio-economic needs. While the project currently includes one existing residence, the proposed subdivision would allow for additional housing and Accessory Dwelling Units (ADUs) in the future, supporting Policy LU-4.1's objective to enhance housing diversity across various parcel types.

Additionally, no specific plan has been adopted for this area, meaning that future development will adhere to County-wide planning and zoning ordinances.

Finding 2: The design or improvements of the proposed subdivision is consistent with the General Plan and any applicable specific plan.

Evidence: *The project maintains consistency with the General Plan concerning the subdivision's layout and enhancements, which the County Resource Management Agency's Planning and Public Works staff have reviewed. The proposed project has demonstrated appropriate access, connections to water services, septic systems, and other infrastructure, all executed in accordance with the guidelines specified in General Plan policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these topics.*

The layout and enhancements also align with the Subdivision Map Act and the San Benito County Subdivision Ordinance's design standards, contingent upon compliance with the stipulated conditions of approval. No specific plan pertains to the subject property.

Finding 3: The site is physically suitable for the type of development.

Evidence: *The project proposes the subdivision of two parcels, measuring 21.75 and 10.54 acres, respectively. This subdivision will not result in increased density or land uses beyond what is permitted under current zoning regulations. The General Plan's land use district allows one dwelling per 2.5 acres due to the lack of public water and sewer availability, and the County Zoning Ordinance aligns with this minimum lot size requirement.*

The site is located within the Alquist-Priolo Earthquake Zone, placing it in a seismically active region where strong seismic ground shaking is possible during the project's design life. However, the impact on people and development is expected to be low. This is because any future development must comply with all applicable seismic safety regulations, including provisions of the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code § 25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Additionally, the project site does not present any other physical hazards.

Finding 4: The site is physically suitable for the density of development.

Evidence: *The project proposes to create two parcels, measuring 21.75 acres and 10.54 acres, respectively. This subdivision will not increase density or introduce uses beyond those allowed under current zoning regulations. The General Plan's land use district permits one dwelling per 2.5 acres due to the lack of public water and sewer services, and the lot sizes comply with the County Zoning Ordinance's 5-acre minimum.*

Additionally, the Alquist-Priolo Earthquake Zone located in the western portion of Parcel One does not affect the site's suitability for construction (see Finding 3 for further details).

Furthermore, this subdivision will change little in terms of entitlements, as the applicant is only proposing new property lines. The existing zoning regulations already permit nearly the same degree of use as the proposed subdivision. This project aligns with the existing zoning and land use regulations, ensuring that it complies with current standards and does not increase density or uses beyond what is allowed, provided compliance with the conditions of approval.

Finding 5: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The project proposes no new construction at this time. The site is not mapped or otherwise identified as exceptional habitat for fish or wildlife. The parcel at present has only the existing residence on Parcel One and the existing agricultural operations on both of the proposed parcels. The aforementioned potential uses are currently allowed under the current zoning even without the proposed subdivision, with the exception of one potential ADU. However, this minor degree of change would not create high risk of substantial damage to the environment, including wildlife and its habitat.

Finding 6: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: The project, which involves no new construction, has been thoroughly reviewed by relevant agencies with a focus on public health. Conditions of approval have been established to ensure public health standards are met, particularly concerning water quality related to well and septic system use, as well as the management of grading impacts, including water runoff and dust emissions. The evidence on record does not indicate that the proposed project or its improvements would pose serious public health concerns. Any future development on the project site will undergo additional review during the building permit issuance process.

Finding 7: The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision.

Evidence: The project would affect no such easement.

Finding 8: Subject to Section 66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and the resulting parcels following a subdivision of that land are not too small to sustain their agricultural use.

Evidence: : As confirmed by the office of the County Assessor, the project site is not subject to a Land Conservation Act (Williamson Act) contract.

Finding 9: Subject to Cal. Gov't Code § 66474.6, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in a violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Cal. Water Code Division 7 (commencing with § 13000).

Evidence: The project does not include the use of a community sewer system; instead, should any future development occur, new septic systems will be utilized for sewage disposal and the applicant would need to show the viability of these systems via a soils report. The proposed subdivision as submitted has undergone a review by the County Division of Environmental Health and has been determined to be in compliance with all existing requirements set forth by the Central Coast Regional Water Quality Control Board, provided that the conditions of project approval are met.

Finding 10: The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code §4290 and §4291 (per Government Code §66474.02(a)(1)).

Evidence: This property is located in a Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations, accordingly, incorporated into conditions of approval.

Finding 11: Structural fire protection and suppression services will be available for the subdivision through CAL FIRE and/or the San Benito County Fire Department (per Government Code §66474.02(a)(2)).

Evidence: The subject property is within an area designated by CAL FIRE as Non-Wildland/Non-Urban fire hazard zone. The County Fire Department, staffed by the City of Hollister Fire Department, generally gives response for fire suppression and other related emergency services, with additional aid given by the California Department of Forestry and Fire Protection, or CAL FIRE. The closest fire stations are Hollister Fire Station 2 at 2240 Valley View Road 5th at the intersection of Avenida Cesar Chavez and Valley View Road is 2.6 miles by road and CAL FIRE at 1979 Fairview Road 4.8 miles by road.

Finding 12: Ingress and egress for the subdivision meet the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code §4290 and any applicable local ordinance.

Evidence: Qualified personnel from responsible agencies have reviewed the proposed minor subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval.

Conditions of Approval:

1. **Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter “COUNTY”) free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as “Legal Action”), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys’ fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT’S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant’s decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY’S actions with competent legal counsel of APPLICANT’s choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY’S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys’ fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
2. **Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan (illustrated in Exhibit C) and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
3. **Conditions of Approval:** Prior to or upon approval of the subdivision by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all Conditions of Approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

4. **Compliance Documentation:** Prior to map recordation, the permittee shall submit a summary response in writing to these Conditions of Approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]

5. **Notice of Exemption (California Department of Fish and Wildlife Fees):** The applicant/owner shall be required to file a Notice of Exemption for the project. In accordance with State CEQA Guidelines §15062, the notice shall be provided by the County Resource Management Agency and filed with the County Clerk within five (5) days of approval of the project. An administrative fee of \$50.⁰⁰ shall be submitted to the Resource Management Agency Planning staff for the filing of the notice. [Planning, California Department of Fish and Wildlife]
6. **Condition of Approval:** Prior to the recordation of the parcel map, the applicant/owner, County Counsel, and the County Planning Director shall agree to and sign the Condition of Approval form(s). A deposit will be collected from the applicant proportionate to staff time to administer verification of applicant's satisfaction of conditions. If multiple parcel maps are filed, separate agreements with new builders/owners may be required. [Planning]
7. **Staff Review Invoices:** Within 60 days of approval of the tentative map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative map to be paid in full. Additionally, the project applicant shall be responsible for payment of fees associated with the review and monitoring of the conditions of approval. Payment of these invoices shall be a prerequisite to commencing the Staff verification of compliance with the Conditions of Approval for this project. Failure to comply with this condition shall result in a hold on the tentative map until such time that this condition is complied with or that the tentative map expires, whichever occurs first. [Planning]
8. **Assessment:** Prior to recordation of the parcel map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final parcel map is recorded. [Planning, Assessor]
9. **Recordation:** The applicant shall submit a parcel map to the County subject to the approval of the County Resource Management Agency and recorded with the County Recorder. The tentative parcel map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a parcel map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
10. **Easements:** The parcel map shall show all easements for access, utilities, and drainage. All future development shall maintain a ten (10) foot setback from the noted easements. [Public Works, Planning]
11. **Construction Hours:** As required the San Benito County General Plan HS-8.3 (Construction Noise) and San Benito County Code, Title 19, Chapter 19.39 *et seq.* Article IV, Sound Level Restrictions; construction shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 5 p.m. on Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
12. **Cultural Resources:** If, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovery occurs of any human remains of any age, or any significant artifact or other evidence of an archeological site, the applicant or builder shall:
 - a. Cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains.
 - b. Arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of not less than one hundred feet from the point of

discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking. Said staking shall not include flags or other devices which may attract vandals.

- c. Notify the Sheriff–Coroner of the discovery if human and/or questionable remains have been discovered. The Resource Management Agency Director shall also be notified.
- d. Subject to the legal process, grant all duly authorized representatives of the Coroner and the Resource Management Agency Director permission to enter onto the property and to take all actions consistent with Chapter 19.05 of the San Benito County Code and consistent with §7050.5 of the Health and Human Safety Code and Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code. [Planning]

13. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited. [Planning]

14. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II or Zone III regulations as applicable within Ordinance 748). [Planning]

15. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall contribute, prior to recordation of the parcel map, a habitat conservation plan mitigation fee of \$1200.00 (\$600 for each lot over 5.1 acres and \$300 per lot 1.1 to 5 acres). [Planning]

16. **Dust Control:** A note shall be placed on the improvement plans for the proposed subdivision to state that the applicant/owner shall incorporate the following requirements into any grading activities occurring as part of this project:

- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
- b. All grading activities during periods of high wind, over 15 mph, are prohibited.
- c. Haul trucks shall maintain at least two feet of freeboard.
- d. All trucks hauling dirt, sand, or loose materials shall be covered.
- e. Inactive storage piles shall be covered.
- f. Streets shall be swept if visible soil material is carried out from the construction site. [Planning]

17. **Building Permit Requirement:** Prior to issuance of a building permit, the applicant shall produce, including but not limited to, all necessary tests and reports to ensure compliance with all applicable County Code and State Government Code §66410 et seq. (the Subdivision Map Act). A note shall be placed on the Parcel Map to this effect. [Planning]

San Benito County Water District:

18. **Well Access:** Applicant must indicate well ownership by parcel. If well is to be shared between parcels, easements shall be shown on the map to ensure access to water for each parcel. [SBCWD]

County Division of Environmental Health:

19. **Sewage Disposal:** Prior to issuance of a building permit the owner shall provide a plot plan showing the locations of the existing septic systems, including distances to the proposed property lines. The owner shall also show proof that installation of a septic system is feasible and meets current state and county codes. A note shall be placed on the map to this effect. [Environmental Health]
20. **Water:** The proposed project does not appear to impact existing water system(s) at the project site. It is the owner's responsibility to ensure all water systems meet the required rate of gallons per minute for the number of connections allowed and that the water quality meets Title 22. The owner shall complete Local Small Water System Application. A note shall be placed on the map to this effect. [Environmental Health]
21. **Hazardous Materials:** If any hazardous materials are to be stored in any existing or proposed facilities/buildings/structures, a Hazardous Materials Business Plan (HMBP) shall be completed and submitted to County Division of Environmental Health. [Environmental Health]

San Benito County Fire:

22. **Fire:** Any development on this property shall comply with the standards set forth in the latest editions of the California Fire Code, Public Resources Code Sections 4290 and 4291, San Benito County Ordinances 822 and 823, and any other applicable codes and regulations related to fire safety for projects of this type and size. The applicant shall ensure that the fire access roadway is updated and maintained to a minimum width of 20 feet when improved and developed, in accordance with the relevant fire access requirements.

Public Works Division:

23. **Right-of-Way:** Prior to the recordation of the Parcel Map, the applicant shall show on the tentative map the existing ROW along the entire property frontage of Southside Road and shall irrevocably dedicate ROW to complete the full 110 (or 84*)-foot required right-of-way along the entire property frontage on Southside Road to the County of San Benito and the public for public use. [§ 23.15.002 Dedication of Streets, Alleys and Other Public Rights-of-Way or Easement] *Note: The 110-foot right-of-way requirement for Southside Road may be reduced to 84 feet if Southside Road is reclassified in the circulation element. [Public Works]
24. **Road Improvements :** Prior to the recordation of the Parcel Map, the applicant shall improve Southside Road by constructing half of 94 (64*)-foot Asphalt Concrete (AC) on 96 (66*)-foot Aggregate Base (AB) along the whole property frontage. Design of improvements shall comply with County Code improvement standards. This requirement may be waived or deferred at the discretion of the Planning Commission. *Note: The pavement width requirement is subject to change if Southside Road is reclassified in the circulation element.
25. **Geotechnical Report:** As part of the submission of Improvement/Grading Plans for project improvements, applicant shall be required to submit a geotechnical investigation report for review by PW Department and once reviewed and accepted, recommendations by the Geotechnical Engineer shall be the basis for the design of improvements for the project.
26. **Drainage:** As part of submission of engineered improvement plans for this project, the applicant shall comply with County Storm Drainage Design Standards (§ 23.31.040-045), hence, shall mitigate concentrated or increased runoff resulting from the impermeable surfaces created by the project.

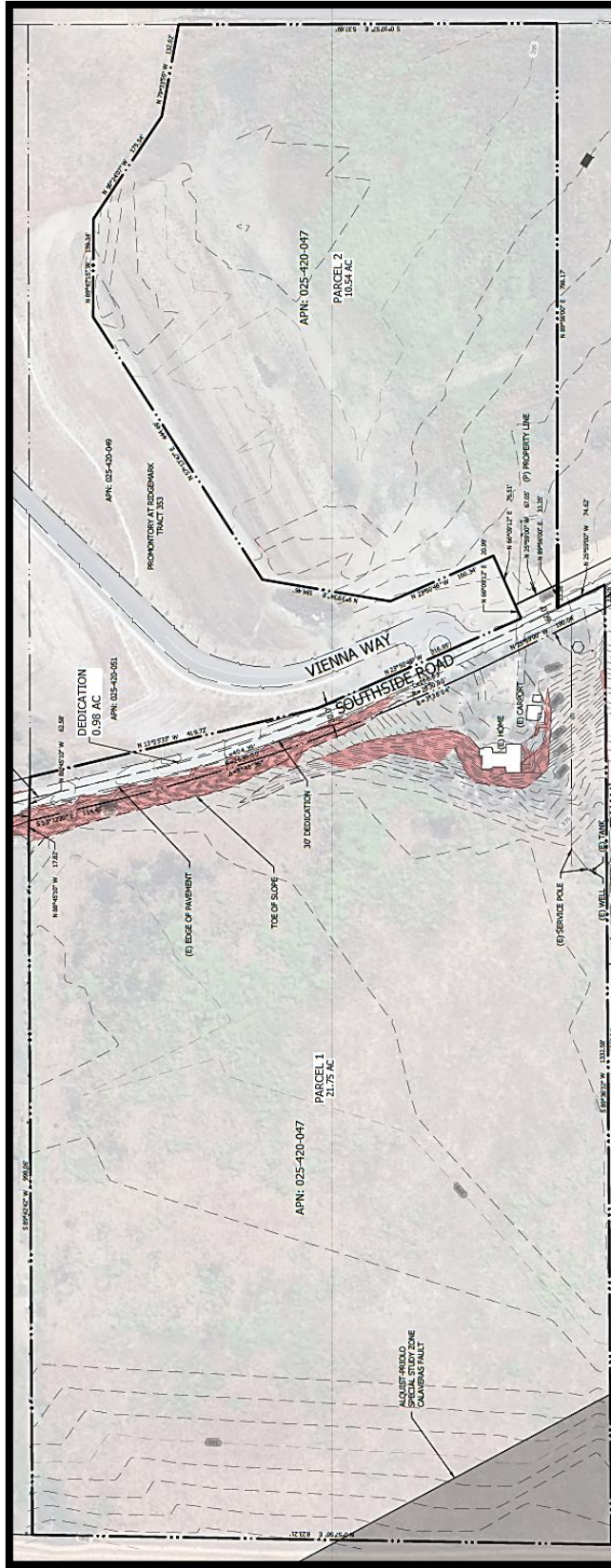
Included in this will be drainage calculations and construction details for the required detention/retention pond. Details and direction of flows of drainage swales and grades shall also be included. Applicant shall ensure that runoff from the proposed improvement(s) shall be directed to existing drainage systems and/or drainage easements and shall not negatively impact neighboring properties. Applicant shall also be required to implement drainage and erosion control measures for the project during construction operations to mitigate storm water runoff, to avoid contamination to natural drainage easements, creeks and/or waterways, hence, erosion control measures shall also be shown on the plans. All drainage improvements must be installed in conjunction with any improvements that would create impermeable surfaces as part of this project.

27. **Utility Plans:** As part of submission of Improvement Plan for this project, applicant shall include utility plans and have them approved by each corresponding utility companies when applicable, which includes but not necessarily limited to water, gas, electric, telephone, and cablevision, and shall furnish copies of said approved plans to Public Works Department for concurrence. Said plans shall be part of the final or approved Improvement Plan.
28. **Underground Utilities:** All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, unless waived by the Planning Commission in lieu of a fee for undergrounding. Each unit or lot within the subdivision shall be served by gas, electric, telephone and cable-vision facilities where available. All necessary utilities must be installed prior to recording of the Parcel Map. [§ 23.17.003 Required Improvements, (E); (F)]
29. **Storm Water Pollution Prevention Plan:** If disturbed area exceeds one (1) acre, the applicant shall be responsible for complying with the California State Water Resources Control Board's Construction Stormwater General Permit (General Permit) as amended, file a complete Notice of Intent (NOI) package, and develop a Storm Water Pollution Prevention Plan (SWPPP) conforming to the General Permit. A Waste Discharge Identification (WDID) number or Erosivity Waiver shall be provided to the Public Works Division prior to the start of any construction activities as part of this project. A note to this effect must be added to the Improvement Plans.
30. **Community Facilities District:** Prior to the recordation of the Parcel Map, the project area shall annex into Mello-Roos Community Facilities District (CFD) No. 2018-1 to fund the project's fair share of project-specific costs, as well as to offset the project's impact on general county costs. The applicant, on behalf of future landowners, shall agree to pay any such taxes/fees as may be determined in the reasonable discretion of the County to fund both project specific and countywide costs, through the CFD process. Applicant shall further pay all costs incurred by the County for the CFD annexation process, including but not limited to any necessary fiscal impact fee study.
31. **Dedication of Parkland:** Prior to recordation of the Parcel Map, pursuant to San Benito County Code of Ordinances Section 23.15.008 Dedication of Parkland, the subdivider shall dedicate land, pay a fee in lieu thereof or a combination of both, at the option of the County, for park and recreational purposes.
32. **Encroachment Permit:** Pursuant to § 19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project.
33. **Warranty Security:** Upon completion of required improvements, applicant shall provide warranty security in an amount not less than 10% of the estimated cost of construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in

the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [§ 23.17.009(C)(4)]

34. **As Built Improvement Plans:** Prior to the recording of the Parcel Map or before release of alternate Bond, one set of “As Built” Improvement Plans shall be prepared by the applicant’s engineer and delivered to the Public Works Department. [§ 23.31.002.(K)(1)]

Exhibit C to Planning Commission Resolution (Site Plan)



This image shows the site plans as submitted with the existing well for both proposed parcels located on Parcel One along with the existing house and accessory structure. The proposed boundary is on Southside Road's eastern edge. North is to the left.

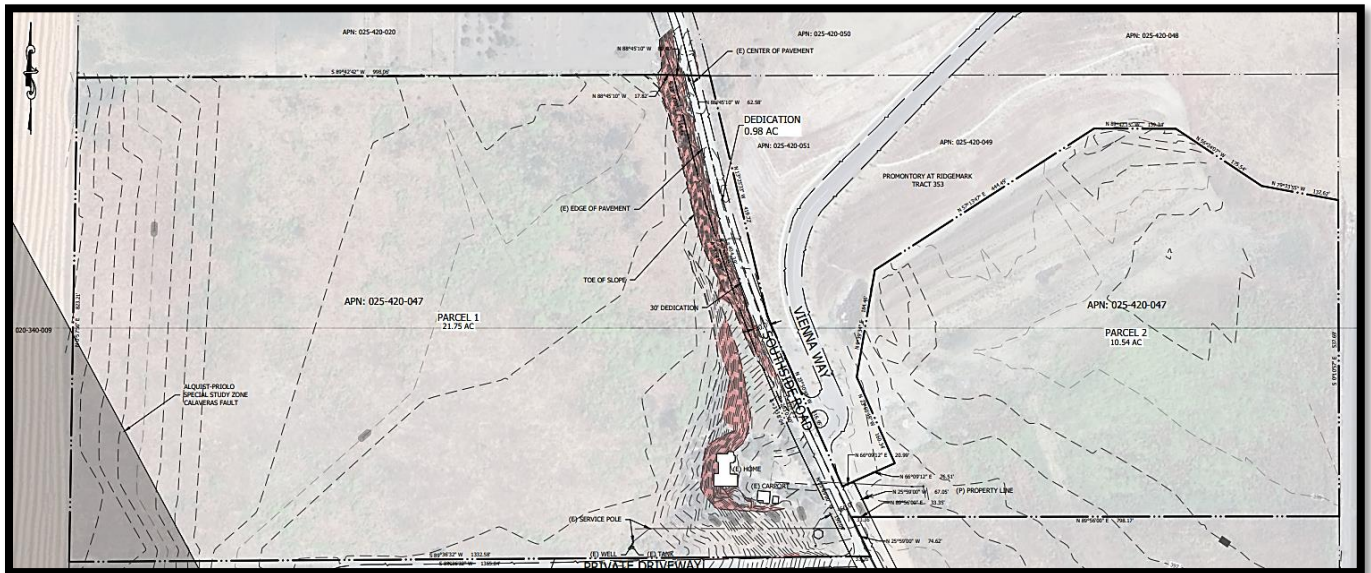
STAFF REPORT

PROJECT INFORMATION:

Application: PLN240041 (Minor Subdivision)
Date of Hearing: November 20th, 2024
Applicant: San Benito Engineering & Surveying
Owner(s): (Estate of) Roy & Rita Lompa Family Trust
Location: 4820/4821 Shore Road (approximately 2 miles southeast of the intersection of Union Road and Southside Road)
APN: 025-420-047
General Plan: Residential Mixed (RM) and Agricultural (A)
Zoning: Agricultural Productive (AP)
Project Planner: Stephanie Reck

PROJECT DESCRIPTION

The proposed project involves subdividing an existing 33.27-acre parcel into two separate parcels: Parcel One, measuring 21.75 acres, and Parcel Two, measuring 10.54 acres, with an additional 0.98-acre area dedicated to road access. Parcel One contains an existing residence, septic system, and well, while Parcel Two consists of undeveloped agricultural land. No construction is proposed as part of this project.



SITE DESCRIPTION

The project site is located at 4820/4821 Southside Road on an approximately 33.27-acre parcel (Assessor's Parcel Number [APN] 025-420-047), about 5 miles southeast of downtown Hollister within unincorporated San Benito County. Situated roughly 1 mile southeast of the intersection of Union Road and Southside Road, the site is in a rural area surrounded by agricultural lands. Existing access from Southside Road will continue to serve the two newly proposed parcels.

Historically, the site has been used for agricultural purposes. Currently, it hosts one residence on Parcel One, while Parcel Two remains undeveloped farmland. Neighboring parcels primarily support agricultural uses, such as grazing and row crops, along with rural residences. Neither the project site nor adjacent properties are enrolled in the Land Conservation Act (Williamson Act) as agricultural preserves. Nearby properties, similar in size to the

subject parcel, are commonly dedicated to grazing, agricultural support uses, and rural residential development. (See Figure 1, Vicinity Map.)

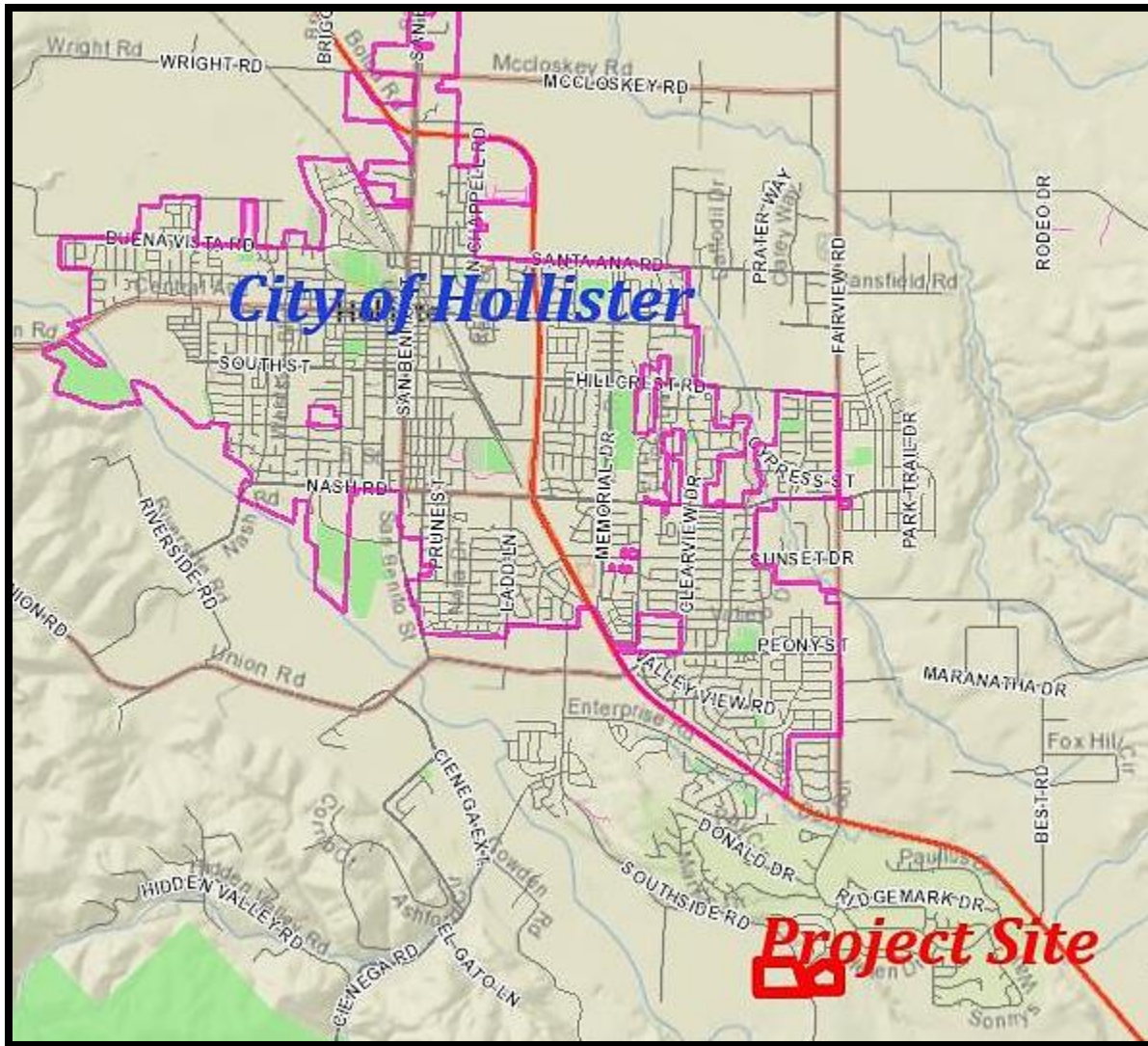


Figure 1. Vicinity Map

Legal Lot of Record: The property is currently a legal lot recorded in San Benito County Official Records as Book 17 of Subdivision Maps Page 28 on June 3rd, 2022.

Minimum Building Site Allowed: 5 acres under AP zone.

Sewage Disposal: Septic System.

Water: Private well producing 19.9 GPM.

State Farmland Map Designation: Grazing Land (per 2020 Farmland Mapping & Monitoring Program (FMMP)).

Land Conservation Act (Williamson Act): No

Soils: Sorrento Silt Loam, 0 to 2 percent slopes, soils are well drained, capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr), Prime Farmland if irrigated. Reif Sandy Loam, 0 to 2 percent slopes, soils are well drained. capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 5.95 in/hr), Prime Farmland if irrigated. Terrace Escarpments, Not Prime Farmland.

Seismic: Project is partially located within an Alquist-Priolo Fault Zone (Calaveras Fault).

FEMA Flood Zone: Project is not located within a FEMA Flood Zone.
Fire Severity: Non-Wildland/Non-Urban
Archaeological sensitivity: Yes.
Habitat Conservation Plan Study Area Interim Mitigation Fee: Within fee area.
Other Endangered or Sensitive Species: None of special consideration.

PLANNING AND ZONING

The property has dual General Plan designations of Residential Mixed (RM) and Agricultural (A), and is zoned as Agricultural Productive (AP) under the Zoning Ordinance. The RM designation supports unincorporated urban areas with existing infrastructure, allowing for residential development in a village-like setting with some commercial uses to serve the community. The A designation prioritizes agricultural productivity, particularly on Prime Farmland, and permits agricultural support facilities and one residential unit per lot. The AP zoning aligns with both designations by promoting diverse agricultural activities like crop production and wineries, while also allowing limited low-density residential development that preserves prime farmland. The proposed project, which involves no construction, is consistent with both the RM and A General Plan designations and the AP zoning, maintaining compatibility with residential and agricultural uses. Additionally, the project aligns with relevant General Plan policies, ensuring compliance with the County’s goals for land use and agricultural viability. (See Staff Analysis for more detailed consideration.)

ENVIRONMENTAL EVALUATION

The project qualifies for a §15061(b)(3) exemption because it is clear that the proposed subdivision will not result in any significant environmental impacts. The proposal, as submitted, does not include any construction activities and, therefore, will not disturb areas of ecological, seismic, historical, or other environmental sensitivity. The applicant’s plan primarily involves delineating new property boundaries, with no current plans for construction. The existing zoning regulations allow for nearly identical land use, whether or not this subdivision is approved.

Under the San Benito County Code, a typical subdivision would involve ground-disturbing activities, including road construction, frontage improvements, grading, and provision of water access, all of which fall under the CEQA Class 1 Categorical Exemption (§15301, Existing Facilities, subparagraph c). This exemption applies to projects that involve maintenance, repair, or minor alteration of existing infrastructure such as roads, sidewalks, and bicycle facilities, without expanding current or former use, such as adding new lanes. Complying with this exemption, any required road improvements under County Code Title 23 (Subdivisions) would not expand the use or add new lanes, and the project itself proposes no new construction.

The site is within the Alquist-Priolo Earthquake Zone, a seismically active area where strong ground shaking is possible. However, the risk to people and development is expected to be low, as any future development would need to meet all applicable seismic safety standards, including the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code §25.08.028 (Seismic Safety Development Standards). These measures ensure that potential adverse impacts are reduced to a less-than-significant level. Furthermore, the project site does not present any other physical hazards.

To safeguard cultural resources, Condition 12 outlines stringent procedures in the event of discovering human remains or significant archaeological artifacts during excavation or ground disturbances. Should such remains be encountered, all excavation activities within a 200-foot radius must cease, with a 100-foot radius marked by visible staking. Staking on adjacent properties requires owner authorization, and authorities must be notified promptly to protect cultural resources, in compliance with San Benito County Code and applicable laws.

Additionally, this project is anticipated to have an insignificant cumulative impact on the surrounding area. The most recent comparable subdivision is Minor Subdivision 225-75, which was last amended in 2008 within a mile of the project site. This minor subdivision, initially adopted as Parcel Map No. 225-75 in 1976, was amended to

allow an easement for Parcel A in 1982 and further subdivided in 2008. Neither the amendments nor the original subdivision resulted in any development.

Larger projects in the vicinity, such as Ridgemark, Promontory, Sunnyside Estates, and Bennett Ranch, have had their cumulative impacts fully addressed in their respective environmental reviews. Any potential future development that could increase population density or cause other significant changes will undergo a comprehensive review and require additional County approval.

STAFF ANALYSIS

The proposed project must remain consistent with both its zoning and General Plan designation and comply with additional requirements in San Benito County Code Title 23 (Subdivisions) and California Government Code Section 66410 et seq. (Subdivision Map Act).

The project aligns with General Plan Policy LU-3.12 (Agricultural Viability of Small Parcel Sizes) and Policy LU-4.1 (Housing Stock Diversity), which encourage varied housing options for families across socio-economic backgrounds. Currently, the project includes one residence, and the proposed subdivision would allow additional housing and ADUs, though none are currently planned, supporting Policy LU-4.1's aim of enhancing housing diversity. Policy LU-3.12 requires that subdivided agriculturally zoned parcels under 40 acres can still support viable agriculture. In this case, the parcel is already too small for large-scale agriculture, even before subdivision. Any future development that increases residential density would undergo County review to ensure compliance with land use and zoning requirements. Additionally, as there is no specific plan for the area, future development will be guided by county-wide planning and zoning ordinances.

Any potential future development that increases density or results in significant physical changes, such as grade alterations, will also require further County evaluation. This project proposes subdividing two parcels, measuring 21.75 and 10.54 acres. This subdivision will not increase density or introduce land uses beyond those allowed under current zoning. The General Plan's land use designation allows one dwelling per 2.5 acres due to the lack of public water and sewer services, and the County Zoning Ordinance requires a minimum lot size of 5 acres, which the proposed parcels exceed.

The project site is within the Alquist-Priolo Earthquake Zone, a seismically active region where strong ground shaking is possible. Future construction will be required to meet all applicable seismic safety standards outlined in the California Building Code, Title 24 of the California Administrative Code, and San Benito County Code §25.08.028 (Seismic Safety Development Standards), ensuring that any seismic impacts are mitigated to a less-than-significant level. No other significant physical hazards are present on the site.

This subdivision primarily involves redefining property boundaries with no plans for new construction at this time. Existing zoning regulations allow nearly the same level of land use as the proposed subdivision, ensuring compliance with current standards and maintaining consistency with zoning and land use requirements.

Improvements. The project has been reviewed by the County Resource Management Agency's Planning and Public Works staff and determined consistent with the General Plan regarding subdivision layout and improvements. The project demonstrates appropriate access, water connections, septic systems, and other infrastructure, in alignment with General Plan policies PFS-4.1 (Adequate Water Treatment and Delivery Facilities), PFS-5.6 (Septic System Design), and LU-1.10 (Development Site Suitability). Conditions of approval address these areas.

The layout and improvements also comply with the Subdivision Map Act and San Benito County Subdivision Ordinance's design standards, contingent upon the project's adherence to conditions of approval. No specific plan applies to the subject property.

The project does not include a community sewer system. Should any future development occur, new septic systems would be installed, with a soils report required to verify their viability. The County Division of Environmental Health reviewed the project and found it in compliance with all Central Coast Regional Water Quality Control Board requirements, contingent upon conditions of approval.

The project, which involves no new construction, has been reviewed by relevant agencies with a focus on public health. Conditions of approval ensure that public health standards, particularly those regarding water quality for well and septic system use and grading impacts like runoff and dust control, are met. No evidence on record indicates that the proposed project or its improvements would present serious public health concerns. Any future development will undergo further review during the building permit issuance process.

The County Fire Department, staffed by City of Hollister Fire Department personnel, evaluated the subdivision's design, including ingress and egress improvements. Their recommendations have been incorporated into the conditions of approval due to the project's location in a Non-Wildland/Non-Urban fire zone. Future development on the project site will also be subject to additional review as part of the building permit process. The project does not interfere with any public access easements through the site.

As confirmed by the County Assessor, the project site is not under a Land Conservation Act (Williamson Act) contract.

Natural Features and Hazards. The project proposes no new construction at this time. The site is not identified as essential habitat for fish or wildlife. The existing residence on Parcel One and agricultural operations on both parcels are currently allowed under zoning, with the minor addition of one potential ADU as the only anticipated change. This minor adjustment is unlikely to pose significant risk to the environment or wildlife habitat.

The property is in a Non-Wildland/Non-Urban fire hazard zone, and fire services are provided by the County Fire Department, aided by CAL FIRE. The nearest fire stations are Hollister Fire Station 2, 2.6 miles away, and CAL FIRE at Fairview Road, 4.8 miles away.

In light of these natural features and hazards, and based on agency reviews, the proposed minor subdivision is unlikely to result in substantial environmental impacts, ensuring that any future development will continue to be guided by existing standards and requirements.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report and review the attached draft resolution in Attachment B, which includes findings and recommended conditions of approval. Staff further recommends that the Planning Commission make the findings included in the resolution and adopt the resolution to approve the PLN240041 minor subdivision/tentative parcel map, subject to the conditions of approval found in the resolution.

ATTACHMENTS

- A. Site Photos
- B. Planning Commission Resolution 2024-___ (draft) including:
 - Attachment A California Environmental Quality Act (CEQA) Findings
 - Attachment B Conditions of Approval
 - Attachment C Tentative Map

Attachment A
Site Photos



*The project site facing north towards Promontory from Parcel One with Southside Road just beyond the trees.
The west edge of Southside Road and the terrace on which it runs is to the right of this view out of frame.*

Attachment A
Site Photos



The project site facing South towards the Southside School from Parcel One with the main access for 4820 Southside off Southside Road in the foreground.

Attachment A
(continued)



The project site facing East toward Ridgemark from Parcel Two alongside the intersection of Vienna Way and Southside Road.

Attachment A
(continued)



The project site facing west toward the San Benito River just beyond the trees from the perspective of Parcel One below the terrace which Southside Road runs atop.

Notice of Public Hearing

COUNTY OF SAN BENITO PLANNING COMMISSION

MEETING OF NOVEMBER 20th, 2024, at 6:00 p.m.

NOTICE IS HEREBY FURTHER GIVEN that the Planning Commission will hold a Public Hearing on the following items in the San Benito County Board of Supervisors Chambers located at 481 Fourth Street, Hollister, California, on **Wednesday, November 20th, 2024, at 6:00 p.m.** or as near as possible thereafter, at which time and place interested persons may appear and be heard thereon.

The public may join this meeting using Zoom by visiting the web address <https://zoom.us/join> or dialing one of the following telephone numbers:
+1 408 638 0968 US (San Jose) or
+1 669 900 6833 US (San Jose).
To access the meeting, please enter the Webinar ID **851 1295 3524** AND Webinar Password **334292**

Agenda Packet can be viewed at www.cosb.us/ under "Events" or https://cosb.granicus.com/ViewPublisher.php?view_id=1 under "Upcoming Events" by the Friday before the meeting.

PLN230033 (Minor Subdivision at 859 Cowden Road): OWNER: J.M. O'Donnell Family Ranch LLC. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: 859 Cowden Road (1 mile south of the intersection of Cowden Road and Hospital Road) in unincorporated San Benito County. APNS: 021-120-005 & 021-120-006. REQUEST: This project proposes the subdivision of an existing 115.87-acre parcel into three separate parcels: Parcel One (84.03 acres), Parcel Two (15.11 acres), and Parcel Three (15.00 acres), with a 1.73-acre road dedication. Parcels One and Three consist of undeveloped agricultural land, while Parcel Two includes a residence with a septic system, driveway, accessory structure, as well as both a domestic well and an agricultural well. Additionally, Parcel One contains an existing domestic well that serves both Parcel One and Parcel Three. No new construction is proposed as part of this project. GENERAL PLAN LAND USE DESIGNATION: Agricultural (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b)(3)), §15301 (Categorical Exemptions Class 1, Existing Facilities), and §15304 (Categorical Exemptions Class 4, Minor Alterations to Land, subparagraph a). PLANNER: Jonathan Olivas (jolivas@sanbenitocountyca.gov).

PLN240041 (Minor Subdivision at 4820/4821 Southside Road): OWNER: Lompa, Roy, & Rita Family Trust. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: 4820/4821 Southside Road (2 miles southeast of the intersection of Union Road and Southside Road) in unincorporated San Benito County. APN: 025-420-047. REQUEST: This project proposes the subdivision of an existing 33.27-acre property into two separate parcels: Parcel One (21.75 acres) and Parcel Two (10.54 acres) with a 0.98-acre road dedication. The project currently has one existing residence which will remain on Parcel One. No other construction is proposed as part of this application. GENERAL PLAN LAND USE DESIGNATION: Residential Multiple (RM). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Exempt under State CEQA Guidelines §15061 (Review for Exemption, subparagraph (b)(3)), §15301 (Categorical Exemptions Class 1, Existing Facilities) and §15304 (Categorical Exemptions Class 4, Minor Alterations to Land, subparagraph a). PLANNER: Stephanie Reck (sreck@sanbenitocountyca.gov).

PLN230015 (Zone Change and Minor Subdivision at Southside Road): OWNER: Kellogg Family LLC. APPLICANT: San Benito Engineering & Surveying Inc. LOCATION: Southside Road (2 miles southeast of the intersection of Union Road and Southside Road) in unincorporated San Benito County. APN: 025-420-007. REQUEST: Approval to subdivide an existing 5-acre parcel into two 2.5-acre lots, with a zone change from Agricultural Productive (AP) to Residential Multiple (RM). This application includes the construction of a driveway to provide access to Parcel Two. No other construction is proposed as part of this application. GENERAL PLAN LAND USE DESIGNATION: Residential Mixed (RM). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Initial Study / Mitigated Negative Declaration. PLANNER: Victor Tafoya (vttafoya@sanbenitocountyca.gov)

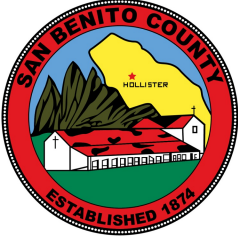
PLN240013 (Botelho Conditional Use Permit): OWNER: Anthony Joseph & Susan M. Botelho. APPLICANT: Anthony J. Botelho. LOCATION: 10 Flint Road (2.5 miles east of San Juan Bautista and 4.5 miles west of Hollister) in unincorporated San Benito County. APN: 018-160-027. REQUEST: A waiver of certain conditions of approval associated with the project, including but not limited to requirements for road improvements and right-of-way dedication. GENERAL PLAN LAND USE DESIGNATION: Agriculture (A). ZONING DISTRICT: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Categorical Exemptions under State CEQA Guidelines §15301 (Existing Facilities), §15303 (New Construction or Subparagraph c), and §15304 (Minor Alterations to Land). PLANNER: Victor Tafoya (vttafoya@sanbenitocountyca.gov)

If you challenge these items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the County of San Benito at, or prior to, the Public Hearing. Written comments on any of these items may be submitted to Vanessa Delgado, Clerk of the Board, at vdelgado@sanbenitocountyca.gov, or comments can be sent via U.S. mail to: Vanessa Delgado, Clerk of the Board, 481 Fourth Street, 1st Floor, Hollister, CA 95023. Verbal and written comments may also be submitted at the public hearing.

Documents related to these items may be inspected by the public on weekdays between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at the County Resource Management Agency, 2301 Technology Parkway, Hollister, CA. Please note that the items listed are only the agenda items that require a public hearing. Please call the Project Planner if there are any questions and/or for complete agenda information at 831 637-5313. Si desea información en español por favor llame al 831 637-5313 o visítenos al 2301 Technology Parkway, Hollister, CA.

Dated: November 1st, 2024

PUBLISHED: Friday, November 8th, 2024~ Hollister Free Lance (Pub HF 11/8)



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 8.1

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Stephanie Reck

SUBJECT:

**RESOURCE MANAGEMENT AGENCY - A.PRADO, DIRECTOR OF PLANNING AND BUILDING -
Receive presentation and participate in discussion regarding land use policy for upzoning and
value capture to create and capture value from real estate developments.
SBC FILE NUMBER: 790**

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

Value capture refers to the idea that certain activities of governmental entities create benefits for existing and future property owners, and, as such, some of the increase in property values should be recouped for the public benefit.

The attached paper from Florida University investigates how certain U.S. local governments (Boston, Chicago, New York, San Francisco, Seattle) are using land use regulation power to create and capture value for the public benefit by using techniques such as incentive zoning, negotiated zoning, and linkages

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

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

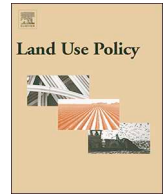
STAFF RECOMMENDATION:

Staff recommend the Planning Commission receive the presentation and participate in a discussion reviewing the attached research on upzoning and value capture.

ATTACHMENTS:

[Upzoning and Value Capture](#)

[More Value Capture Presentation](#)



Upzoning and value capture: How U.S. local governments use land use regulation power to create and capture value from real estate developments



Minjee Kim

Land Use Planning and Real Estate Development, Florida State University, 336 Bellamy Building, 113 Collegiate Loop, P.O. Box 3062280, Tallahassee, FL, 32306, United States

ARTICLE INFO

Keywords:

Value capture
Upzoning
Zoning negotiations
Land use exactions
Real estate development

ABSTRACT

The public sector can harness its authority to control land uses to secure valuable public benefits from real estate developments. This paper investigates how five major U.S. cities—Boston, Chicago, New York, San Francisco, and Seattle—are using their land use regulation powers to create and capture value for the public benefit. An analysis of the zoning and entitlement processes of the 20 largest real estate development projects in each city reveals that value has been captured from all 100 projects. Furthermore, these cities implicitly differentiated value capture into two distinct components: value creation and value capture. Among the 100 projects, cities created value for 90 projects by allowing greater density and height—a practice often referred to as “upzoning.” Distinguishing such upzoning incidences from traditional land use exaction tools is important because the added value gives local governments greater legitimacy in asking for public benefits. The experience of the five cities further revealed that value capture strategies can be customized to adapt to unique regulatory, political, and cultural contexts. Lastly, despite the fact that the majority of the upzoned projects increased density and height through project-specific negotiations, none of the cities had clear standards or evaluation frameworks for determining: how much value was created, what can be asked for in return, and who should benefit from the value captured. Cross-national scholarship on value capture can be leveraged to address these important questions.

1. Introduction

The concept of “value capture” is regaining popularity in planning practice both in the U.S. and internationally (Alterman, 2011; Biggar, 2017; Calavita, 2015; Ingram and Hong, 2012; Levinson and Istrate, 2011; McAllister, 2017; Muñoz-Gielen, 2014; Rebelo, 2017; Salon et al., 2019; Smolka and Amborski, 2000; Smolka, 2013; Walters, 2013; Wolf-Powers, 2019). Value capture refers to the idea that certain activities of governmental entities create benefits for existing and future property owners, and, as such, some of the increment in property values should be recouped for the public benefit. This is not a new concept; however, it has recently reemerged as an important, but underutilized, plan implementation tool as local governments are increasingly faced with dwindling subsidies from higher levels of government and local opposition towards additional taxation (Altshuler and Luberoff, 2003; Amborski, 2016; Frug and Barron, 2008; Ingram and Hong, 2010; Sagalyn, 1990).

Value capture, in fact, underpins many existing public financing and regulatory techniques. Some of the most well-known techniques include: tax increment financing (TIF), special assessments, land value

taxation, land use exactions, zoning bonuses, public-private developments, and leasing of publicly owned land. Scholars of planning practice, real estate, and urban economics have extensively investigated the efficiencies, impacts, and externalities of these techniques; but, such studies have largely been conducted in silos and have rarely been brought together and systematically analyzed under the overarching concept of value capture.

Moreover, despite the fact that American zoning has been acknowledged as one of the richest breeding grounds for developing value capture tools (Alterman, 2011; Hagman and Misczynski, 1978), specific zoning and land use control techniques, such as: incentive zoning, negotiated zoning, and linkages, have rarely been framed and analyzed as value capture tools in the U.S. Thus, we know little about how these zoning techniques impact existing and future property values and, subsequently, what value can be recaptured for public purpose. This paper aims to fill this gap by investigating how certain U.S. local governments are using land use regulation power to create and capture value for the public benefit.

This paper empirically investigates how major U.S. cities are employing various zoning techniques for value capture. To do so, I analyze

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the zoning and entitlement processes of 100 largest ground-up developments that were underway in 2017¹ in five major U.S. cities: Boston, Chicago, New York City, San Francisco, and Seattle. I focus on large-scale developments because they present unique opportunities for local governments to engage in project-specific zoning negotiations, which is a particularly under-documented and under-investigated area within American zoning practice.

2. Conceptual framework

2.1. Origins and definitions of value capture

Value capture is the idea that activities of governmental entities may increase property values and as such, the value increment should be recaptured for public purpose. Hagman and Misczynski's (1978) pioneering report, *Windfalls for Wipeouts*, which was funded by the U.S. Department of Housing and Development and published by the American Society of Planning Officials (later merged with American Institute of Planners to become American Planning Association), was the first scholarly work in the U.S. to crystallize the concept of value capture, explore its legitimacy, and synthesize existing value capture practices. The idea, however, can be traced back to Henry George's *Progress and Poverty* (published in 1879), in which he proposed taxing away the value of land that is produced by anything other than private efforts for the benefit of the public (Brown, 1997).

In contrast to the U.S., Britain has a much longer history of exploring and experimenting with various forms value capture strategies beginning in the early 20th century. As analyzed by Booth (2012) and Crook (2016a), earlier British attempts were focused on establishing nationally imposed taxes and nationally designed land banking schemes. However, these early attempts were short-lived. Local planning agencies rather started to capture value increment through negotiated, contractual agreements with the developers, referred to as "planning obligations" (Booth, 2012). A myriad of developer contributions, such as community facilities, infrastructure, and affordable housing, have been extracted through planning obligations (Crook, 2016b).

Despite its long history, value capture has been an elusive term. This largely stems from the fact that the concept has been applied in extremely diverse contexts and at varying scale. The concept also implicitly underlies numerous planning and revenue-raising instruments used in practice, such as TIFs and land use exaction schemes, but these instruments rarely refer to value capture in an explicit manner. In the U.S., moreover, value capture has been frequently associated with large-scale transit projects to the extent that many scholars equate value capture as *transit* value capture (Batt, 2001; Smith and Gihring, 2006; Levinson and Istrate, 2011; Salon et al., 2019). Nevertheless, the origin of the idea, as described above, has a much deeper theoretical and ideological significance; and thus, wider application. The following section will introduce some of the most common policies and programs that are underpinned by the idea of value capture and propose an analytical framework to better comprehend the practice of value capture as a research subject.

2.2. Classifying existing value capture instruments

Many existing public financing and land use control measures are, in fact, underpinned by the concept of value capture (Smolka and Amborski, 2000). Within the domain of public financing, for instance, special assessment is one of the oldest and most well-established examples of a value capture tool (Misczynski, 2012). It is essentially a fee

¹ This includes projects that secured entitlement, but have yet to begin construction, and those that were under construction at the time of data collection. Furthermore, gross square footage was used to identify "largest" projects.

that is imposed on the future beneficiaries of an infrastructure improvement project to fund for that same improvement. Land value taxation is another tool, albeit less employed in the U.S. Land value taxation schemes essentially separate out taxes on land from any improvements made on the land and impose differential tax mileages (Foldvary and Minola, 2017; Muñoz-Gielen, 2014). Public land leasing can also become a form of value capture if the public sector adjusts the rents based on the increases in land value (Anderson, 2012). Another common tool is TIF, which essentially uses the anticipated future increment in property taxes to finance for public infrastructure projects (Wolf-Powers, 2019).

A myriad of land use regulations, on the other hand, also embody the value capture concept, both explicitly and implicitly. For example, the public sector's decision to increase the allowable density and height of a future development in exchange for developer concessions is a popular value capture instrument practiced in countries worldwide (Biggar, 2017; Calavita, 2015; Muñoz-Gielen and Tasan-Kok, 2010; Moore, 2013; Muñoz-Gielen, 2014; Rebelo, 2017; Smolka, 2013). American land use exactions, such as: impact fees, linkages, and conditions attached to development permits, have also been included within the value capture toolkit (Alterman, 2011; Hagman and Misczynski, 1978). Others have also framed inclusionary zoning as one variant of value capture (Calavita and Mallach, 2019).

Finally, public/private joint development has been recognized as a distinct form of value capture that often employs a mixture of public financing and land use tools enumerated (Amborski, 2019; Valtonen et al., 2018). The following table classifies existing menu of value capture mechanisms into three broad categories: tools that are based on the government's authority to raise taxes and revenues; tools that are based on land use regulatory authority; and finally, public/private joint developments. This paper primarily focuses on the set of tools that falls within the land use regulation category (Table 1).

2.3. The use of land use regulations for value capture in America

Scholars have long recognized American zoning as one of the richest breeding grounds for developing value capture tools and have included popular zoning techniques such as incentive zoning and impact fees as such (Alterman, 2011; Hagman and Misczynski, 1978). In the U.S., however, the value capture concept has rarely been used to describe these zoning strategies. This is because the "right to develop" is far more central to the concept of property rights in the U.S. when compared to other countries (Calavita and Mallach, 2019). Only recently, value capture has re-entered into the discourse of land use planning. The June 2015 issue of *Zoning Practice*, a monthly publication by the American Planning Association that discusses latest trends in land use regulations, introduced the value capture practice of several U.S. cities (Calavita, 2015).

Moreover, little standard practice, legal justification, and policy guidance have been developed as to if and when value increments occur from government regulations and how these increments can be recaptured (Shapiro, 2012). Three U.S. Supreme Court cases on land use exactions, *Nollan v. California Coastal Commission* (1987), *Dolan v. City of Tigard* (1994), and *Koontz v. St. Johns River Water Management District* (2013), delimit the permissible boundaries of if and how governments can ask for public benefits from property owners when granting quasi-judicial zoning reliefs. However, these cases do not apply to legislative zoning decisions, such as incentive zoning programs, impact fees and linkages, and density negotiations on a project-by-project basis. More importantly, the tested cases do not involve value increments, and thus it is unclear whether value capture will be upheld by courts when land use decisions clearly increase the value of the future development.

Value capture through the use of land use regulation can occur in two ways. It can happen either based on a predetermined schedule or by case-by-case negotiations (Calavita, 2015; Kim, 2020). According to the first category, local governments ask for public benefits, such as

Table 1
Categories of value capture tools based on their legal and administrative foundations.

Land use regulations	Taxes/User fees/Other fiscal tools
<ul style="list-style-type: none"> ● Density negotiations in exchange for public benefit ● Schedule-based incentive zoning program ● Inclusionary zoning ● Impact fees* ● Linkages ● Concurrencies 	<ul style="list-style-type: none"> ● Taxation schemes that separates land from improvements on it ● Tax Increment Financing districts ● Special assessment districts ● Infrastructure/Business Improvement Districts ● Public land leasing ● Impact fees*
Public/Private Joint Developments	

* In the U.S., impact fees may be classified as a type of land use regulation as they are enforced as part of local land development codes, which is grounded on police power, not taxing power. However, impact fees are analogous to user fees in nature, and thus can be categorized as such.

affordable housing, funds for infrastructure improvements, and public open spaces, based on a predetermined schedule clearly laid out in the zoning code. The negotiated value capture, on the other hand, has been less documented and analyzed in the U.S. This is because, generally speaking, the notion of negotiating land use regulation is antithetical to the very idea of American zoning. Over time, however, many land use, planning, and real estate scholars and practitioners have convincingly argued that negotiating zoning on a project-by-project basis for large-scale, multi-parcel, and multi-phase development projects is not only legal, but also preferable (Calavita, 2015; Callies, 2014; Camacho, 2005; Juergensmeyer and Roberts, 2013; Rose, 1983; Ryan, 2002; Wegner, 1986).

Therefore, the ways in which the value capture concept has permeated through American zoning practice and whether the specific programs and policies will be upheld in courts have varied significantly from city-by-city and state-by-state. Value capture implicitly underlies many American zoning techniques, but these techniques are rarely framed and analyzed as value capture tools. The goal of this study is to provide a better understanding of how U.S. zoning instruments can be used for value capture and identify key areas for future research.

3. American zoning practice

The legal and institutional context of American zoning practice is explained here for the international audience that may not be familiar with these contexts. Principles of federalism and dual sovereignty firmly underpin the structure of the American government, giving all 50 states the power to create and enforce their own constitution as long as it does not conflict with the Constitution of the United States. Accordingly, each state has established unique legal and institutional contexts, setting boundaries for their local governments to control land use.

It is critical to understand that zoning is a local bylaw in the U.S., unlike many other countries where land development codes are more centrally governed. Most states have adopted some version of the Standard State Zoning Enabling Act of 1924 published by the U.S. Department of Commerce to empower local governments to create their own set of land use regulation bylaws. In those states where a state zoning enabling act does not exist, localities have either been expressly granted the power to regulate land use by specific state statutes or have been granted broad power to govern local matters (referred to as Home Rule power in the U.S.).

Another notable consequence of federalism and dual sovereignty is that only some states require municipalities to create and update comprehensive plans. In those states where plans are not mandated, it is up to each city to decide whether to have a plan and if so, what elements should be included and what the planning process would look like.

The legal and institutional framework described thus far render the American zoning practice extremely diverse, localized, and difficult to analyze. Each city essentially has its own way of regulating land use. On the other hand, such diversity makes American zoning an extremely interesting subject to study because by comparing the varied local practices, insights may be gleaned about how the differences in regulatory design and political context may lead to different outcomes.

4. Methods

4.1. Case selection

This study examines the zoning practices of five major U.S. cities—Boston, Chicago, New York, San Francisco, and Seattle—to understand if and how they engaged in practices that can be characterized as value capture. While all five cities have comprehensive plans and periodically update them, plans are mandated by state statute only in the case of San Francisco and Seattle.

These cities were chosen for their high concentrations of large-scale real estate development projects. Large projects tend to open up room for zoning negotiations, which is a less documented and understood phenomenon within planning academia and practice as noted in the section 2.3. An analysis of how the five cities engaged with proposals to build large-scale real estate projects will add new knowledge to our current understanding of American value capture practice, particularly the negotiated variant.

Nevertheless, these five cities should not be taken as representative of all, or even some, major U.S. cities. The case selection was rather determined by the accessibility of data and the author’s familiarity with these cities. The findings of this paper still matter in the sense that they illustrate the breadth of value capture practices found in the U.S. and how the different political, cultural, and regulatory contexts resulted in the varied value capture styles.

4.2. Data collection

For each city, a database of twenty largest development projects, ranked by floor area, was compiled from a multitude of data sources. The first step was to identify the largest projects by square footage. San Francisco and Seattle maintained a list of active land use permits, which were available on open data portals. The first quarterly land use permit data for 2017 was used for San Francisco; Master Use Permit data downloaded on August 11, 2017 was used for Seattle. In the case of Boston, a database provided by the Boston Planning and Development Agency in October 2017 was used. For all three cities, some manual post processing of data was needed to identify the largest projects by their square footage. For Chicago and New York, such centrally managed list of land use permit applications did not exist, and thus information gathered from local newspapers and online news outlets was used to compile the list.²

For all five cities, additional information was collected to triangulate and finalize the list of 20 largest projects in each city. These sources were comprised of interviews with city officials and local news reporters and articles from various media outlets, including: online platforms that specialize in development and construction news, such as *Curbed.com* and *The Real Deal*, other more general business-focused newspapers, such as *Crain’s* and *The Business Insider*, and renowned local newspapers, such as *The Boston Globe*, *Chicago Tribune*, and *SF Chronicle*.

The next step was to analyze the entitlement processes of each of the 100 projects. This entitlement data was collected mostly from the

² The *Chicago Tribune* article published on June 23, 2017, “No little plans: More than \$20 billions of megaprojects in Chicago’s pipeline” and *Curbed.com* post accessed in July 2017, “A guide to the major megaprojects transforming New York City” were particularly useful.

Table 2
Example of a project-level database.

Project title	Riverside Center
Development team	Extell Development Company & Carlyle Realty Partners
Public-private joint decision-making	No
Role of the government	City – acting as the governing body of local zoning code
Address	1 West End Avenue
Neighborhood	Manhattan
Project description	five towers, residential, commercial, and community facility
Land use	Mixed-use
Phase	Under construction
Total development cost	
Gross square feet	3 million sf
Site area	8 acres
Zoning and exaction mechanisms	Zoning text amendment; Mandatory affordable housing program
Proposal filed	
Proposal approved	10/27/2010 (City Planning Commission); 12/20/2010 (City Council)
Note	Zoning secured by Extell for five towers, later sold three towers to GID Development (relabelled Waterline Square), one to Silverstein and one to Dermot; constructed over transit right-of-way or yard that is not being used, 421a tax exemption to the condo buyers, \$220 M in tax exempt bonds from the state (GID Development); FAR increases
Major public amenities/developer concession	<ul style="list-style-type: none"> ● Compliance with the Inclusionary Housing Program ● New publicly accessible open spaces ● Commitment to set aside land and pay for the construction of cost and shell of a public school with 480 seats ● \$17.5 million contribution to the City's \$2.5 million to finish the renovation and modernization of Riverside Park South and also to renovate the West 59th Street Recreation Center
Primary data sources	Department of City Planning staff memorandum to City Planning Commission dated 10/27/2010 (C 100296(A) ZSM); DNAinfo article dated 10/26/2010 (for the school negotiation); Curbed.com article by Joey Arak dated 12/20/2010 (for cash contribution)

records of public meetings and hearings, such as staff reports and memos, as well as meeting agenda and minutes. Zoning ordinances of each city, relevant state legislations, and case law had also been consulted to accurately capture the zoning decisions that accompanied each of the entitlements. Lastly, information garnered from blog posts, neighborhood news websites, and community organizations, as well as interviews with city officials, staff from local politician's offices, community members, and local reporters were used to supplement and cross-validate the project-level data.

For each project, the following information was collected: the development team, simple project descriptions, total gross floor area, site area, project value, whether the project was a public-private partnership project, and project filing and approval dates. Next, zoning strategies for each project had been analyzed. The first step was to identify if and how zoning for these projects deviated from what was allowed by right. If so, the specific zoning techniques that were used to secure departures from as-of-right zoning were recorded. If there were previous entitlement processes that preceded the most recent one, the project's history was also noted. Lastly, any developer concessions that accompanied the entitlement were identified and recorded. Table 2 is an example of the data that had been collected for each development project. Appendix A includes a table that summarizes all 100 development projects.

5. Findings and discussions

5.1. Capturing value with land use regulations

All five cities utilized one or more land use control measures to extract public benefits from all 100 large-scale developments. These measures ranged from flexible zoning tools, which allowed for the cities to create a customized set of land use regulations for individual projects, to conventional land use exaction programs, such as impact fees and inclusionary zoning. Table 3 summarizes the specific land use regulations used in each municipality for public benefit extraction. The instruments furthered a variety of objectives, with some targeting specific outcomes such as securing affordable housing or open space. The applicability of the instruments also varied greatly. Some were applied citywide and others had specific target areas.

The majority of the instruments were enforced through local land

development codes,³ with the exception of the inclusionary housing programs⁴ in Boston and Chicago and the development agreement in San Francisco. Pertinent laws for these exceptions were either found under general ordinances or enforced as executive policy orders. Nevertheless, inclusionary housing programs are typically enforced through zoning, and thus often referred to as "inclusionary zoning," and development agreements are considered to be an alternative to zoning. Therefore, it could be said that all of the measures in Table 3 are based on land use regulatory power.

5.2. Creating value first

A deeper investigation into the entitlement processes of the large-scale developments revealed that the cities were implicitly differentiating value capture into two distinct components: value creation and value recapture. For 90 out of 100 projects, cities granted rights to build more and higher than what was allowed by right. This was done either by tapping into existing incentive zoning programs or by making zoning amendments. I label these projects as "value-added" because the higher density and height likely increased the values of these projects upon completion. This in turn provides greater legitimacy for local governments to ask for public benefit packages in exchange.⁵ All 20 projects in Boston created value through zoning. 18 out of 20 projects in New York City, San Francisco, and Chicago; and 16 out of 20 projects in Seattle also created value through zoning (Fig. 1).

A number of different zoning techniques were used to create value. These included: the planned unit development (PUD) approach, traditional text/map amendments, development agreements, special purpose districts, and incentive zoning programs. The first three instruments allowed cities to create a customized set of land use regulations on a project-by-project basis, whereas the other two instruments created

³ Local bylaws in the U.S. typically consists of two components: general ordinances and land development codes.

⁴ Inclusionary housing programs ask developers of private real estate development projects to make contributions to the city for the purpose of building affordable housing. These programs are very common in major U.S. cities where the cost of housing is high.

⁵ This is what Alterman (2011) would classify as direct value capture opportunities.

Table 3
Land use control measures used for value capture in Boston, Chicago, New York City, San Francisco, and Seattle.

	Land use regulation tools	Legal foundation	Descriptions	Objectives furthered	Applicability/Eligibility
Boston	Developer concessions recorded as part of Large Project Review approval	Article 80B of Boston Zoning Code	Amends an existing or establishes a new planned unit development overlay district to allow for greater density and height and in exchange asks for developer concessions	Determined on a project-by-project basis	Projects over 50,000 square feet
	Developer concessions recorded as part of Planned Development Area (PDA) approval	Article 80C of Boston Zoning Code	Amends an existing or establishes a new planned unit development overlay district to allow for greater density and height and in exchange asks for developer concessions	Determined on a project-by-project basis	Project site has to be over an acre
	Developer concessions recorded as part of Institutional Master Plan (IMP) approval	Article 80D of Boston Zoning Code	Amends an existing or establishes a new planned unit development overlay district to allow for greater density and height and in exchange asks for developer concessions	Determined on a project-by-project basis	Only for large educational and medical institutions to manage their campus expansions
	Linkage program (locally referred to as Development Impact Projects)	Article 80B-7 of Boston Zoning Code	Fee charged to mitigate the impact of new non-residential projects, payment goes to Neighborhood Housing Trust and Neighborhood Jobs Trusts	Affordable housing, Job creation and workforce training	Any new commercial development projects over 100,000 square feet
	Inclusionary Development Policy (IDP)	Mayor's Executive Order	Fee charged or developers required to provide below market rate units at a certain percentage of new residential units	Affordable housing	Any new residential development projects that seek zoning relief or amendments from the city
Chicago	Developer concessions recorded as part of Planned Developments (PD) approval	Chapter 17-8, Title 17 Chicago Zoning Ordinance, Municipal Code of Chicago	Amends an existing or establishes a new planned unit development overlay district to allow for greater density and height and in exchange asks for developer concessions	Determined on a project-by-project basis	Only for projects of substantial scale and impact, thresholds of PD eligibility differs greatly by zoning districts; some projects and mandated to secure PD approval
	Affordable Requirements Ordinance (ARO)	Chapter 2-44-080, Title 2 City Government and Administration, Municipal Code of Chicago	Fee charged or developers required to provide below market rate units at a certain percentage of new residential units	Affordable housing	New residential projects of 10 or more units that seeks zoning amendments or is a PD
	Neighborhood Opportunity Bonus	Chapter 16-14 Neighborhoods Opportunity Fund Ordinance, Title 16 Land Use, Municipal Code of Chicago	Grants additional development capacity and height in exchange for payment that goes into three different funds: Neighborhood Opportunity Fund, Citywide Adopt-A-Landmark Fund, and Local Impact Fund	neighborhood amenities, cultural facilities, historic preservation, transportation, transit, public spaces, and streetscape improvements	Project located within Downtown zoning district
	Open Space Impact Fee	Chapter 16-18 Open Space Impact Fee Ordinance, Title 16 Land Use, Municipal Code of Chicago	Fee charged for land acquisition and park improvements	Open space	New residential projects
New York	Incentive Zoning (IZ) programs	Found in various parts of the New York City Zoning Resolution	Grants additional development capacity and height according to predefined schedules; different programs exist for different public benefits	Public space, infrastructure improvements, affordable housing, performing arts space, etc.	Each IZ program has its own applicable boundaries, often established and adopted as part of area-wide special district creation
	Developer concessions recorded as part of Special Districts adoption	Articles VIII through XIV Special Purpose Districts, New York City Zoning Resolution	New public benefit exaction programs established in exchange for creating a new special overlay district	Determined on a project-by-project basis	Evaluated on a project-by-project basis
	Developer concessions recorded as part of text/map amendment	Department of City Planning staff memo to the Planning Commission and Board of Supervisors	Public benefits requested in exchange for amending the applicable zoning ordinance	Determined on a project-by-project basis	Evaluated on a project-by-project basis
	Mandatory Inclusionary Housing (MIH)	Section 23-154, New York City Zoning Resolution	Developers required to provide affordable housing as a certain percentage of new residential floor area	Affordable housing	Projects within area zoned for (MIH), projects that goes through rezoning

(continued on next page)

Table 3 (continued)

	Land use regulation tools	Legal foundation	Descriptions	Objectives furthered	Applicability/Eligibility
San Francisco	Developer obligations recorded as part of Development Agreements	Chapter 56 of the San Francisco City and County Administrative Code	Contracts between the city and the developer that records a customized set of land use regulations, as well as obligations by the developer and the city	Determined on a project-by-project basis	Only for projects of substantial scale and impact, determined on a project-by-project basis
	Impact fees	Article 4 of the Planning Code of San Francisco	Fee charged to mitigate the impact of a new development project	Transit, transportation, streets, open spaces, community facilities, affordable housing, job training, childcare facilities, business assistance, libraries, recreational facilities, etc.	Certain impact fees are charged citywide, others only applied to specific areas
	Inclusionary Affordable Housing Program	Section 415, Article 4 of the Planning Code of San Francisco	Fee charged or developers required to provide below market rate units at a certain percentage of new residential units	Affordable housing	New residential projects of 10 or more units
Seattle	Incentive Zoning (IZ) programs	Chapter 23.58A, Subtitle III Land Use Regulation, Title 23 Land Use Code	Grants additional development capacity and height according to predefined schedules; different programs exist for different public benefits	Regional growth management, historic preservation, affordable housing, childcare facilities, open space	Each IZ program has its own applicable boundaries, established and adopted as part of area-wide upzonings
	Developer concessions recorded as part of text/map amendment	Gets incorporated as various parts of Subtitle III Land Use Regulation, Title 23 Land Use Code	Public benefits requested in exchange for amending the applicable zoning ordinance	Determined on a project-by-project basis	Evaluated on a project-by-project basis
	Impact fee program has been under development since 2017	Not yet adopted as local bylaw			
	Mandatory Housing Affordability adopted in 2019	Chapter 23.58B & C, Subtitle III Land Use Regulation, Title 23 Land Use Code	Developers required to provide affordable housing as a certain percentage of new residential floor area or make a payment in lieu	Affordable housing	Applies when the City Council approves a rezoning application that increases maximum height or FAR limits or applies a different zoning designation

density/height bonus programs *a priori* of a particular development proposal. The special purpose districts and incentive zoning programs, therefore, were applied to multiple projects within a defined boundary.

PUD is a zoning instrument that became popular in the 1960s. It offers a flexible alternative to the traditional lot-based zoning by allowing developers and local governments to create a customized set of land use regulations when existing zoning would not allow for innovative use of land. It is most often used for projects of substantial scale, allowing flexibility in site planning, density distribution, and design standards (Hirt, 2014; Lai, 1988; Mandelker, 2007). Some localities use PUDs to allow for greater density and height, as was the case in Boston and Chicago.

Traditional map/text amendment is an approach that amends the applicable zoning designation or zoning text for a particular project. For example, a site that has a mixture of lower and higher density residential designations may be rezoned to the higher density designation for the entire site. This approach runs the risk of being challenged as an illegal spot zoning or contract zoning—which can be viewed as illegal bargaining of police power.⁶ However, for projects of substantial scale, cities have been able to justify the map/text amendment approach as legitimate exercise of legislative power.

Development agreements are the newest and most flexible form of negotiated zoning techniques (Green, 2004). They were devised in response to the need to protect projects from subsequent zoning changes when projects are anticipated to be constructed over many years (Hammes, 1993). Local governments and developers who employ development agreements enter into long-term contracts to codify land use regulations, fees, and other conditions to be applied to the property, thereby ensuring both government and developer of entitlement certainty over time. Development agreements oftentimes allow for greater density and height than what the underlying zoning would have allowed for. San Francisco used this tool most frequently, where value was added through development agreements for 14 projects.

Special purpose district is a zoning instrument that creates a new zoning district for a specific area of a city, either as an overlay district or as a replacement of the underlying zoning district designation. New York and Seattle utilized this instrument and rezoned particular areas of the city with built-in density and height bonus programs. The main difference between the special purpose district approach and PUD is that: PUDs are often used for individual projects and are negotiated on a project-by-project basis; whereas, the special purpose districts are created at a neighborhood scale with the limitations to land use being established prior to any specific development proposal. As an example, the 2005-adopted Special Hudson Yards District in New York City rezoned 33 acres of land, which created a district-wide incentive zoning program. In contrast, Boston's overlays are for any development project with over an acre of land. The special district approach is thus a zoning strategy that values certainty and uniformity of predetermined rules over project-specific zoning formation.

Incentive zoning is a term that encompasses zoning approaches that establish predetermined trade-off schedules for gaining additional density and height. To illustrate, an incentive zoning program may grant additional density for a project five times the amount of square footage of open space provided by the developer. Incentive zoning could thus be part of a new special purpose district, or it could be a standalone program that applies to multiple zoning districts in the city when a development proposal meets particular criteria.

5.3. Creating value, the local way

There were distinct patterns of upzoning strategies undertaken by each city, which reflected their zoning histories and political cultures.

⁶ Police power is the capacity of governments to impose regulations for the health, safety, morals, and general welfare of their inhabitants.

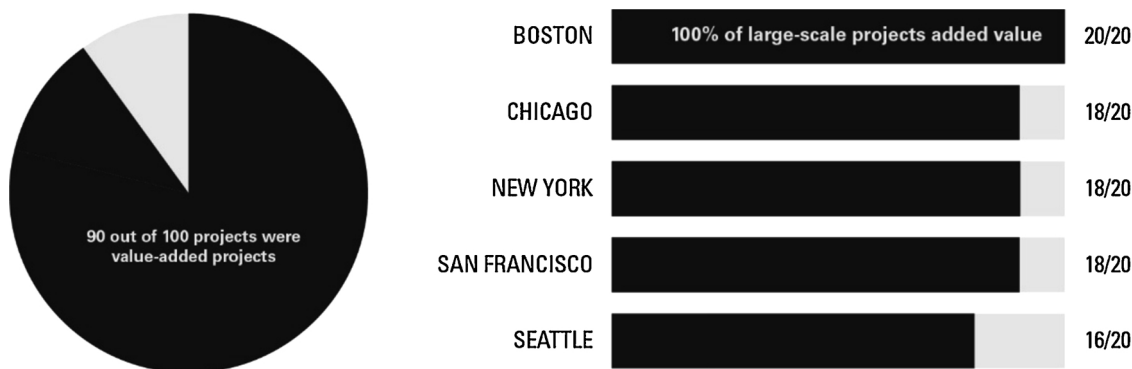


Fig. 1. Number of value-added projects in aggregate (left) and per city (right).

Cities essentially had a choice to use either negotiation-based or schedule-based zoning strategies to create value. Boston, Chicago, and San Francisco predominantly used negotiation-based strategies; whereas, New York City and Seattle engaged less frequently with project-by-project negotiations. Overall, 73 out of 90 value-added projects were upzoned through project-specific negotiation (Fig. 2).

The PUD strategy was heavily used in Boston and Chicago. In Boston, these districts were called Planned Development Areas or Institutional Master Plans. This extensive use of the PUD approach is indicative of the city's long history of being a non-plan city, where piecemeal development projects take priorities over comprehensive planning (Curtin and Witten, 2005). PUDs have offered the flexibility to customize land use regulations on a project-by-project basis with relatively little procedural encumbrances.

Chicago also relied heavily on PUDs, using the tool for all 18 upzoned projects. Locally referred to as Planned Developments (PDs), the city essentially has more than 500 standing PDs, dating back to 1957. The prevalence of PDs is also the product of the city's zoning history. Schwieterman and Caspall (2006) documented how PDs have gradually come to take over the conventional zoning approach in Chicago and that the tool has been used to negotiate zoning in return for public benefits. In 1974, with strong support from Mayor Daley, the minimum area of land for projects to be eligible for PDs were greatly reduced, which further accelerated the use of PDs.

Development agreement was San Francisco's go-to approach to entitle large-scale development projects. 14 out of 18 value-added projects were approved through development agreements negotiated between the city and the development team. Among the 14 projects, ten were initiated by the city as they involved publicly owned real estates, such as former public housing complexes, navy yards, or transportation facilities. The remaining four projects were privately owned, initiated, financed, and implemented, but the city maintained considerable influence on the project design, programming, phasing, and delivery through the development agreement negotiations process. San Francisco's extensive use of development agreements is also reflective of its robust civic engagement culture and the preference towards direct democracy that has been the bedrock of the city and state politics. These projects went through extensive planning processes that incorporate numerous opportunities for public participation, treating each project as a planning opportunity rather than a development project.⁷

New York City employed a balanced mix of zoning instruments. Among the 18 value-added projects, five took advantage of existing

incentive zoning programs, and four entailed the creation of a new special purpose district. Seven involved traditional map and text amendments, which increased the allowable density and height and negotiated developer concessions in return. The state's economic development agency overrode local zoning for two projects. Density and height were increased for both the World Trade Center redevelopment and the Atlantic Yards project. The reliance on incentive zoning and special purpose districts in New York City is also reminiscent of the city's zoning innovation legacy that invented these strategies.

The incentive zoning approach was used almost extensively in Seattle. The city added density and/or height for 16 out of 20 projects; among which, 12 of them secured the bonuses through incentive zoning programs. Seattle also employed the special purpose district strategy, similar to that of New York City, for one of its mega-developments, South Lake Union. In this case, the city began with a neighborhood-wide planning process in 2004 and ultimately created a new district-wide zoning ordinance, which added a new incentive zoning program. The zoning was adopted in 2013. Seattle's upzoning style also reflects the city's ethos: viewing land use decisions largely as a technical rather than a political one. The city charter grants the director of construction and inspection broad decision-making authorities for land use-related decisions, including: variances, reliefs, special permits, and design reviews. Such decisional law reflects the ethos of valuing professional expertise and non-discretionary decision-making over project-by-project negotiations.

5.4. Capturing value as a condition for upzoning

The upzoning strategies used by each city oftentimes double-functioned as value capture instruments. Among the 90 upzoned projects, cities asked for and secured public benefit packages from 79 projects. As an example, Boston increased the permissible heights and Floor-Area-Ratio (FAR)⁸ for a 10.62-acre site development, locally referred to as the South Bay project. Base zoning allowed for a maximum of 45 ft height and 2.0 FAR, whereas the new PUD zoning allows for a maximum of 65 ft height and 3.0 FAR. In return, the developer has pledged to create new open spaces that will include pedestrian only courtyards, a dog park, and a playground; build 62 affordable housing on site; offer approximately \$1.2 million to various neighborhood organizations and neighborhood beautification projects (City of Boston, 2016).

The developer concessions were memorialized either as part of the zoning text itself, or as part of the entitlement document package. Boston created "cooperation agreements," a supplemental document to the PUD approval, for all of the value-captured projects to enforce the negotiated concessions. Chicago codified the agreements by including them in the actual body of the new or amended zoning ordinance,

⁷ Not all upzoning decisions are followed by planning process. In fact, tools such as incentive zoning are considered to be a technical/administrative land use decision, for which public participation is not mandated. For PUD projects, planning process is not mandated but cities have created enhanced opportunities for public input.

⁸ Floor-Area-Ratio is the ratio of a building's total floor area to the size of the piece of land upon which it is built.

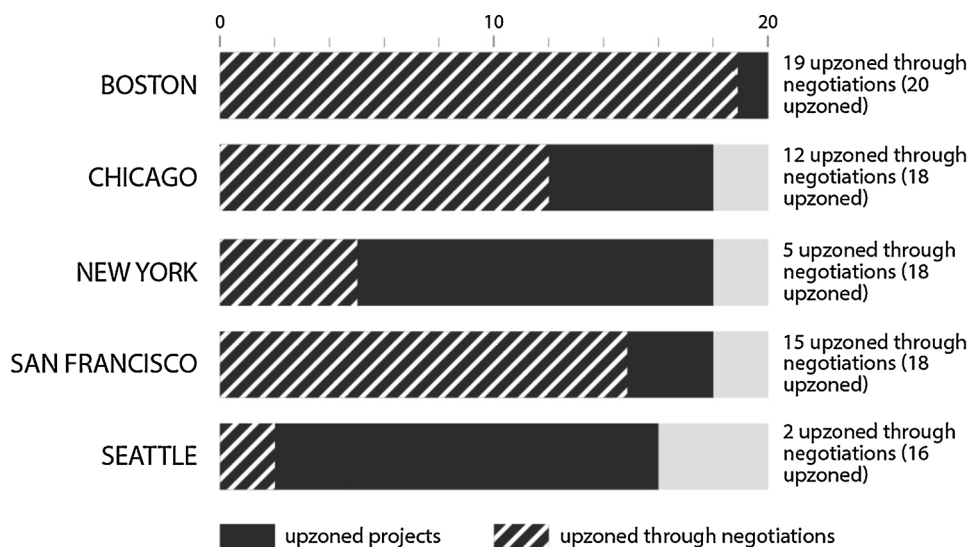


Fig. 2. Number of projects that created value through negotiations in each city.

referred to as the “statements” section of the PD ordinances. Similarly, San Francisco recorded the obligations in the development agreements. When New York and Seattle engaged with the area-wide special purpose district approach, they created and adopted new incentive zoning programs as part of the new zoning ordinance.

For the projects that were upzoned through existing incentive zoning programs, developer concessions were documented as part of the entitlement process, and were reviewed and approved by the city staff. In Seattle, for instance, the contributions per incentive zoning programs were recorded in the “declarations” documents, which is one component of the entitlement packet.

Among the 11 projects that lacked explicit developer concessions, six of them were public-private joint developments that furthered broader public sector interest, such as: replacing public housing, creating government office spaces, and rehabilitating cultural institutions. The five remaining projects were large-scale campus expansions by educational or medical institutions. At least two of these institutional projects involved informally negotiated agreements between the developers and community members.⁹ It could thus be concluded that value capture occurred for every value-added project; however, the specific recapture process and the public sector’s involvement varied widely.

5.5. Variations in the negotiation processes

The five cities also had highly idiosyncratic procedures and accepted norms for negotiating project-specific public benefit packages. The practice varied widely even across the three cities that frequently captured value through negotiation. In Boston, for example, the city’s executive branch acted as a clearinghouse for all development negotiations, with the city’s planning and development agency administering formal public review processes for its large-scale development projects.¹⁰ The general public were invited to participate by: attending

⁹ Columbia University’s campus expansion project in Manhattanville, NYC, entailed a Community Benefits Agreement (CBA) between the University and neighboring residents and property owners; the expansion of Seattle’s Children’s Hospital similarly resulted in a Settlement Agreement.

¹⁰ The process is commonly referred to as the “Article 80 process.” The following infographic provided by the city’s planning and development agency lays out the whole process. <http://www.bostonplans.org/getattachment/1662c8d7-30bd-4704-96da-dc4bb3fc461c>

public meetings hosted by the agency, submitting written comments, or serving as a member of the citizen’s advisory groups convened for individual projects.¹¹ All of these participation opportunities were centrally organized and managed by the planning and development agency. The agency staff typically gathered all of the feedback from the public in an attempt to incorporate the comments as they negotiate with developers.

The executive branch in Chicago, on the other hand, engaged less directly with development negotiations. The city’s elected officials filled in that gap, playing a central role in managing the negotiation dynamics. One interviewee noted that developers would always reach out to aldermen’s office to obtain their “blessings” and the community even before filing an application with the city. Such a system has also meant that negotiation processes and accepted norms varied significantly from ward to ward. According to one interviewee, some wards organize and maintain a standing citizen’s review committee for reviewing development applications; whereas, others negotiate ad hoc and informally. Negotiation skillsets of the aldermen’s offices also depended heavily on the ward’s familiarity with large-scale developments and the professional expertise of the office staff.

San Francisco did not have a standard process for project review and negotiation, but rather treated each negotiated development as an individual planning opportunity. As noted on the city’s website, development agreements are employed “to strengthen the public planning process by encouraging private participation in the achievement of comprehensive planning goals and reducing the economic costs of development” and to enable the city “to obtain public benefits beyond those achievable through existing ordinances and regulations.”¹² Numerous opportunities for public participation were considered as integral components of the development agreement negotiation process.

New York City had a highly institutionalized and sophisticated public review process for major land use changes,¹³ but this process was

¹¹ Impact Advisory Group (IAG) is an appointed group of community representatives, created specifically for individual development projects. The role of IAG is to provide input on the public benefit negotiations process. IAGs can have up to 15 members and they are appointed by local public officials.

¹² San Francisco Office of Economic and Workforce Development <http://oewd.org/development-agreements>

¹³ The process is called the Uniform Land Use Review Procedure. This flow-chart provided by the Department of City Planning offers a good overview of the process. <https://www1.nyc.gov/assets/planning/download/pdf/applicants/applicant-portal/lur.pdf>

not framed as a negotiation platform. In practice, however, community activists and politicians often took advantage of the official review processes in order to negotiate benefits and further their interests. It was also fairly common for deals to be struck directly between vocal community groups and developers, which would then become formalized as community benefits agreements.¹⁴

Seattle, as noted in the previous section, engaged little with project-specific negotiations. Zoning and land use decision-making processes were treated as technical rather than political process. Among the four projects that required legislative zoning amendments, the city directly engaged in the negotiations for only two of the projects: one of which was treated more so as a planning project than a development proposal. The other project was a redevelopment led by the public housing authority. The other two legislative amendments were campus expansion projects of medical institutions, one of which involved an informal community benefits agreement that was negotiated outside of the city's purview. Therefore, it could be concluded that project-specific negotiation was unobserved in Seattle.

6. Directions for future research

Two most critical questions posed by scholars of value capture are: whether the amount of value captured is appropriate, in other words, whether the city asking for too much or too little (McAllister, 2017; McAllister et al., 2018; Sagalyn, 1997; Seyfried, 1991); and what the distributional impacts of the benefits are (Wolf-Powers, 2019). These questions are particularly salient for the upzoning cases where additional value is created from the zoning changes. In the case of incentive zoning, the prescribed schedules for exactions were typically backed by studies that demonstrated the relationship between density being offered and public benefits being asked for.

In the case of negotiated upzonings, however, the five cities had neither standards nor analytical frameworks for evaluating the proportionality of the value created by upzoning and what is being asked for in return. Accordingly, the scope, breadth, magnitude, and beneficiaries of the public benefit packages varied widely. One project, for instance, may only offer a modest concession, such as creating and maintaining a small pocket park. Meanwhile, another may contribute millions of dollars to transit improvements.

When cities engage with the negotiated variant of upzoning, there must be a pre-established evaluation framework to gauge the relative gives and takes. Lessons from practice, both in the U.S. and internationally, could offer guidance. A study published by the Urban Land Institute, titled *The Economics of Inclusionary Development* (2016), offers a practical step-by-step guidance for designing successful inclusionary zoning policies based on financial feasibility analyses of hypothetical development scenarios. The City of Vancouver in Canada has also grappled with the issue of how to analyze the economics of zoning change to determine the relative public benefit asks (Moore, 2013). A model platform for financial feasibility analysis has become widely used in the U.K., albeit with great controversy (McAllister, 2017).

McAllister (2017) cautions against the over-reliance on financial feasibility studies, criticizing that the inputs of these models are oftentimes arbitrarily chosen and favor developer interests over that of the public. Such shortcomings may be minimized if the models and the processes for choosing the inputs are open to public scrutiny and debate. Moreover, recent progress in real estate investment analysis could also help. The financing feasibility model proposed by Geltner and de Neufville (2018), for instance, factors in the uncertainty of the input

¹⁴ Some CBAs do take place under the city's purview, such as the Staples Center project in LA. However, these are few and far between. Many scholars have argued and demonstrated that because most CBAs take place outside of the city's purview renders their enforceability weak at best (Been, 2005; Wolf-Powers, 2010).

variables in feasibility analysis, which would allow decision-makers and the public to evaluate the trade-offs under a wide range of future possibilities.

There are additional challenges associated with calculating the gives and takes of value capture. For example, some of the public benefits (most notably open space) often adds value to the development. Such reciprocal relationship between value creation and capture further complicates calculating the value capture balance sheet.

Wolf-Powers (2019) recently elevated the equity implications of value capture into policy debates. She comments, "in the [Atlanta's] Beltline case, value capture involves increasing the housing cost burden of people who are already struggling, without protecting them from displacement. And at [New York's] Hudson Yards, the value generated overwhelmingly benefits a 'public' whose members already have plenty of wealth." These equity questions have yet to be addressed explicitly in the value capture literature. Related questions such as: who exactly falls under the "public" that benefits versus who is excluded, and what are the opportunity costs of furthering one objective over others, must be addressed by future researchers.

More specifically, the ways in which negotiation takes place is also known to greatly influence who benefits and loses from the negotiations. Given the wide variations in the negotiation processes of the five case cities, it will be critical for future research to analyze how the various elements of the negotiation process—institutional design, politics, the role of the city staff, and the composition of participating actors—influence the: scope, breadth, magnitude, and beneficiaries of developer concessions. In-depth case studies and case comparisons that investigate the details of the deal negotiations, project execution, and project performance are needed to identify the conditions under which value capture can further redistributive planning agenda, rather than providing additional amenities for those who are already well-off.

7. Conclusion

American zoning has been acknowledged as one of the richest breeding grounds for developing value capture tools. Nevertheless, due to the complexities and variations of the legal and institutional contexts of American zoning and the strong private property rights regime in the U.S., zoning strategies, such as incentive zoning, PUDs, and special purpose districts, have rarely been conceived of as value capture tools.

An analysis of the zoning practices of five major U.S. cities—Boston, Chicago, New York City, San Francisco, and Seattle—revealed that these cities are deeply engaged in harnessing their land use regulation powers for value capture. All five cities applied one or more land use regulation instruments to extract public benefits from large-scale developments. In doing so, these cities implicitly differentiated value capture into two distinct components: value creation and value recapture. For most projects, cities created value, in the form of density and/or height bonuses, *prior to* capturing the public benefits.

Furthermore, the experiences of the five cities show that value capture strategies can be designed to adapt to local political, regulatory, and cultural contexts. While all cities employed upzoning techniques to create value, some cities clearly preferred project-by-project negotiations; whereas, others relied on the schedule-based incentive zoning approach. Such variations of practice found in the U.S. can serve as guiding posts for cities and countries when choosing value capture tools that is most suitable for their political, regulatory and cultural contexts.

Despite the fact that cities frequently created value through negotiations, there was a lack of clear standards and evaluative framework for determining the: types, magnitudes, and beneficiaries of the public benefit asks in the U.S. Moreover, the processes of negotiations varied

widely across the cities and sometimes even within one city. A greater degree of international knowledge-sharing would allow scholars and practitioners to establish a rich knowledge repository of value capture tools, techniques, and practices that would likely result in equitable development outcomes.

CRedit authorship contribution statement

Minjee Kim: Conceptualization, Methodology, Formal analysis, Investigation, Resources, Data curation, Writing - original draft, Writing - review & editing.

Appendix A

Proj ID	City	Proj title	PPP	Upzoned	Upzoning strategy	Developer concessions in return for upzoning	Exaction programs applied
1.1	Boston	Seaport Square	N	Y	PDA	Y	Linkage, Incl hsg
1.2	Boston	Boston College	N	Y	IMP	Y	Incl hsg
1.3	Boston	Fan Pier	N	Y	PDA	Y	Incl hsg
1.4	Boston	South Station Air Rights project	Y	Y	PDA	Y	Linkage, Incl hsg
1.5	Boston	Government Center Garage	N	Y	PDA	Y	Linkage, Incl hsg
1.6	Boston	Boston Garden	N	Y	Urban renewal	Y	Linkage, Incl hsg
1.7	Boston	Boston Landing	N	Y	PDA	Y	Linkage, Incl hsg
1.8	Boston	Harvard Allston Campus	N	Y	IMP	Y	Linkage, Incl hsg
1.9	Boston	Back Bay Station	N	Y	PDA	Y	Linkage, Incl hsg
1.10	Boston	Tremont Crossing	Y	Y	PDA	Y	Linkage, Incl hsg
1.11	Boston	Hood Business Park	N	Y	PDA	Y	Linkage, Incl hsg
1.12	Boston	Fenway Center	N	Y	PDA	Y	Linkage, Incl hsg
1.13	Boston	Pier 4	N	Y	PDA	Y	Linkage, Incl hsg
1.14	Boston	South Bay	N	Y	PDA	Y	Linkage, Incl hsg
1.15	Boston	Washington Village	N	Y	PDA	Y	Linkage, Incl hsg
1.16	Boston	One Dalton	N	Y	PDA	Y	Linkage, Incl hsg
1.17	Boston	Boston University Charles River Campus	N	Y	IMP	Y	Linkage, Incl hsg
1.18	Boston	Copley Place Residential Addition and Retail Expansion	N	Y	PDA	Y	Linkage, Incl hsg
1.19	Boston	Harrison-Albany Block	N	Y	PDA	Y	Linkage, Incl hsg
1.20	Boston	380 Stuart St	N	Y	PDA	Y	Linkage, Incl hsg
2.1	Chicago	Lakeshore East	N	Y	PD	Y	
2.2	Chicago	McCormick Square	Y	Y	PD	N	
2.3	Chicago	Wolf Point	N	Y	PD	Y	Impact fee, Incl hsg
2.4	Chicago	Riverline	N	Y	PD; Incentive zoning	Y	Impact fee, Incl hsg
2.5	Chicago	Cook County Hospital Redevelopment	Y	Y	Dev agmt	Y	
2.6	Chicago	Atrium Village	N	Y	PD	Y	Impact fee, Incl hsg
2.7	Chicago	Lathrop Homes	Y	Y	PD	Y	Impact fee
2.8	Chicago	130 North Franklin	N	Y	PD; Incentive zoning	Y	
2.9	Chicago	Old General Growth Building	N	Y	PD; Incentive zoning	Y	
2.10	Chicago	Lincoln Common	N	Y	PD	Y	
2.11	Chicago	One Grant Park	N	N	PD		Impact fee, Incl hsg
2.12	Chicago	1000 South Michigan	N	Y	PD; Incentive zoning	Y	Impact fee, Incl hsg
2.13	Chicago	One South Halsted	N	Y	PD; Incentive zoning	Y	Impact fee, Incl hsg
2.14	Chicago	Alta Roosevelt	N	N	Misc zoning reliefs		Impact fee, Incl hsg
2.15	Chicago	Gallery on Wells	N	Y	PD; Incentive zoning	Y	Impact fee, Incl hsg
2.16	Chicago	Essex on the Park	N	Y	PD; Incentive zoning	Y	Impact fee, Incl hsg
2.17	Chicago	SoMi	N	Y	PD; Incentive zoning	Y	Impact fee, Incl hsg
2.18	Chicago	110 N Carpenter, McDonald's HQ	N	Y	PD; Incentive zoning	Y	
2.19	Chicago	H2O site	N	Y	PD	Y	Impact fee, Incl hsg
2.20	Chicago	465 N Park	N	Y	PD	Y	Impact fee, Incl hsg
3.1	NYC	WTC	Y	N	local zoning override		
3.2	NYC	Hudson Yards	Y	Y	Incentive zoning	Y	Incl hsg
3.3	NYC	Atlantic Yards	Y	Y	local zoning override	N (informal CBA)	
3.4	NYC	Columbia Manhattanville expansion	N	Y	Special district	N (informal CBA)	
3.5	NYC	Manhattan West	N	Y	Incentive zoning	Y	
3.6	NYC	Willets Point Phase 1	Y	N	Text/map amendment		
3.7	NYC	Riverside Center	N	Y	Text/map amendment	Y	Incl hsg
3.8	NYC	The Spiral	N	Y	Incentive zoning	Y	
3.9	NYC	Domino	N	Y	Text/map amendment	Y	Incl hsg
3.10	NYC	Halletts Point	Y	Y	Text/map amendment	Y	Incl hsg
3.11	NYC	NYU Core Campus expansion	N	Y	Text/map amendment	N	
3.12	NYC	Cornell Tech	Y	Y	Special district	N	
3.13	NYC	Astoria Cove	N	Y	Text/map amendment	Y	
3.14	NYC	3 Hudson Boulevard	N	Y	Incentive zoning	Y	
3.15	NYC	Essex Crossing	Y	Y	Text/map amendment	N	
3.16	NYC	Greenpoint Landing	Y	Y	Text/map amendment	N (informal CBA)	
3.17	NYC	One Vanderbilt	N	Y	Text/map amendment	Y	
3.18	NYC	Hunters Point South	Y	Y	Special district	Y	Incl hsg
3.19	NYC	One Manhattan Square	N	Y	Incentive zoning	Y	Incl hsg
3.20	NYC	Flushing Commons	Y	Y	Text/map amendment; Special district	N	
4.1	SF	Mission Bay North and South Redevelopment	Y	Y	Dev agmt	Y	Impact fee
4.2	SF	Hunters Point Shipyard and Candlestick Point	Y	Y	Dev agmt	Y (also CBA)	Impact fee

4.3	SF	Parkmerced	N	Y	Dev agmt; Special district	Y	Impact fee
4.4	SF	Pier 70 Mixed-use District Project	Y	Y	Dev agmt; Special district	Y	Impact fee
4.5	SF	Treasure Island Development Phase 1	Y	Y	Dev agmt; Special district	Y	Impact fee
4.6	SF	Mission Rock	Y	Y	Dev agmt; Special district	Y	Impact fee
4.7	SF	Transbay Zone 1	Public	Y	Redevelopment plan	Y	Impact fee
4.8	SF	Oceanwide Center (First St Tower + Mission St Tower)	N	Y	Incentive zoning (Mello-Roos tax)	Y	Impact fee; Incl hsg
4.9	SF	Trinity Plaza	Y	Y	Dev agmt	Y	Impact fee
4.10	SF	Sunnydale HOPE SF	Y	Y	Dev agmt; Special district	Y	Impact fee
4.11	SF	Potrero HOPE SF	Y	Y	Dev agmt; Special district	Y	Impact fee
4.12	SF	Visitacion Valley/Schlarke Lock	Y	Y	Dev agmt	Y	Impact fee
4.13	SF	CPMC HOSPITAL	N	Y	Dev agmt	Y	Impact fee
4.14	SF	5M	N	Y	Dev agmt; Special district	Y	Impact fee; Incl hsg
4.15	SF	1500 Mission St	Y	Y	Special district	N	
4.16	SF	706 Mission St	Y	Y	Special district	Y	Impact fee; incl hsg
4.17	SF	302 Silver Ave (Jewish Home of SF)	N	Y	Special district; PUD	N	
4.18	SF	181 Fremont St	N	Y	Dev agmt; Incentive zoning (Mello-Roos tax)	Y	Impact fee; Incl hsg
4.19	SF	555 Howard	N	N	Misc zoning reliefs		Impact fee; Incl hsg
4.20	SF	33 Tehama	N	N	Misc zoning reliefs	N	Incl hsg
5.1	Seattle	South Lake Union	N	Y	Text/map amendment	Y	
5.2	Seattle	Yesler Terrace Redevelopment	Y	Y	Redevelopment plan	Y	
5.3	Seattle	Amazon Biosphere	N	Y	Incentive zoning	Y	
5.4	Seattle	Swedish Medical Center, Cherry Hill Campus	N	Y	Text/map amendment	N	
5.5	Seattle	Expedia Campus	N	N	Misc zoning reliefs		
5.6	Seattle	Children's Hospital	N	Y	Text/map amendment	N	
5.7	Seattle	Rainier Square	N	Y	Incentive zoning	Y	
5.8	Seattle	808 Howell	N	Y	Incentive zoning	Y	
5.9	Seattle	201 S KING ST (Stadium Place/North Lot Development)	N	Y	Incentive zoning	Y	
5.10	Seattle	1120 DENNY WAY	N	Y	Incentive zoning	Y	
5.11	Seattle	1200 STEWART ST	N	N	Misc zoning reliefs		
5.12	Seattle	Fred Hutchinson Cancer Research Center expansion	N	N	Misc zoning reliefs		
5.13	Seattle	2301 7TH AVE	N	Y	Incentive zoning	Y	
5.14	Seattle	2200 7TH AVE	N	Y	Incentive zoning	Y	
5.15	Seattle	The Mark	N	Y	Incentive zoning	Y	
5.16	Seattle	2nd + Stewart	N	Y	Incentive zoning	Y	
5.17	Seattle	2 + U	N	Y	Incentive zoning	Y	
5.18	Seattle	970 Denny Way	N	Y	Incentive zoning	Y	
5.19	Seattle	Nexus	N	Y	Incentive zoning	Y	
5.20	Seattle	University Village	N	N	Misc zoning reliefs		

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Value Capture and Upzoning in Urban Planning

A Case Study of Five U.S. Cities: Boston, Chicago, New York, San Francisco, and Seattle
By Minjee Kim, Land Use Planning and Real Estate Development, Florida State University

Planning Commission
November 20, 2024

Presented By: Stephanie Reck, Associate Planner

Introduction to Value Capture

Definition:

- ▶ Value capture refers to the process of securing public benefits from the increased land value that arises from public actions, such as upzoning (increasing density and height limits).

Objective of the Paper:

- ▶ Investigate how land use regulations are used to create and capture value in real estate development projects.

Upzoning and It's Role in Value Creation

Upzoning Explained:

- ▶ Allows for higher density and greater building height. Generates additional value by enabling more development.

Key Insight:

- ▶ Upzoning creates value for the city, which can then be captured for public benefit. This differs from traditional land use tools like fees or taxes.

How can Value Capture Translate into Public Benefits:

1. Affordable Housing
2. Public Infrastructure and Amenities
3. Community Benefits Agreements (CBAs)
4. Increased tax Revenue
5. Environmental Sustainability
6. Economic Development
7. Improved Urban Design
8. Social Equity and Inclusion

Cities Analyzed

Five Cities Examined:

- ▶ Boston
- ▶ Chicago
- ▶ New York
- ▶ San Francisco
- ▶ Seattle

Focus:

- ▶ Analysis of the 20 largest real estate development projects in each city.

Key Findings on Value Capture

Value Capture Found in 100 Projects:

- ▶ 90 out of 100 projects involved upzoning (greater density and height).
- ▶ Value Creation: Cities created value by allowing more intense development.
- ▶ Value Capture: Local governments secured public benefits through negotiations.

Implicit Differentiation (Value Creation vs. Value Capture):

- ▶ Value Creation: The additional value generated from upzoning.
- ▶ Value Capture: Public benefits secured in exchange for allowing the upzoning.

Customization of Value Capture Strategies

Adapting to Local Contexts:

- ▶ Strategies were customized to fit the unique regulatory, political, and cultural environments of each city.

Key Insight:

- ▶ Local governments adapted value capture approaches based on specific city dynamics.

Challenges in value capture

Lack of Clear Standards or Frameworks:

- ▶ No consistent method to evaluate:
 - How much value was created and how is this measured?
 - What should be requested in return?
 - Who should benefit from the captured value?

Project-Specific Negotiations:

- ▶ Many value capture agreements were negotiated on a case-by-case basis.

Conclusion & Policy Recommendations

Conclusion:

- ▶ Upzoning effectively creates value, but inconsistent frameworks for value capture limit its potential.

Policy Recommendations:

- ▶ Develop clearer guidelines for evaluating value creation.
- ▶ Establish standard processes for determining public benefits in exchange for upzoning.
- ▶ Consider the balance between private development and public needs.



Thank You

Questions



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

**Vincent
Ringheden**
District No. 1

**Richard
Way**
District No. 2

**Robert
Scagliotti**
District No. 3
- Vice-Chair

**Robert
Gibson**
District No. 4
- Chair

**Celeste Toledo-
Bocanegra**
District No. 5

Item Number: 8.2

MEETING DATE: 11/20/2024

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

AGENDA ITEM PREPARER: Arielle Goodspeed

SUBJECT:

RESOURCE MANAGEMENT AGENCY - A. PRADO, DIRECTOR OF PLANNING AND BUILDING - Receive report and recommendation for the Notice of Property Acquisition of the San Benito High School District's intent to acquire two (2) parcels, together approximately 13.98 acres (APN's: 019-120-041 and 019-120-042). The purpose of this acquisition is for the District's new high school campus.
SBC FILE NUMBER: 790

AGENDA SECTION:

REGULAR AGENDA

BACKGROUND/SUMMARY:

On November 7, 2024, the San Benito High School District ("District") provided the attached notice of its intent to acquire APNs 019-120-041 and 019-120-042 to become part of the District's proposed new high school campus. Under state law identified below, the District is required to consider the report and recommendation of the Planning Commission prior to the acquisition of those parcels. Ultimately, as the District stated in its November 7, 2024 notice, "the governing board of a school district, that has complied with the requirements of Section 65352.2 of [the Government Code Code] and Section 21151.2 of the Public Resources Code, by a vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by the school district." (Gov. Code, § 53094, subd. (b).)

Given that the County cannot exercise land use authority over the development of the proposed future high school and the District can render the County's zoning ordinance inapplicable to the proposed high school site, staff recommend that the Planning Commission's recommendation regarding the District's acquisition of the parcels include the request that the District prepare a full Environmental Impact Report ("EIR") under the California Environmental Quality Act ("CEQA") for the proposed high school to ensure that concerns of the community and potential impacts to the environment are fully considered and mitigated.

While the County could not serve as the lead agency for an EIR, an EIR would ensure that the potential impacts of the proposed high school would be disclosed and mitigated, including potential impacts to the loss of agricultural lands and impacts to the existing residents and future students related to wildfire and evacuation. An EIR would also ensure a thorough traffic study is completed to analyze and design safe access and that impacts to the County roadway system are mitigated.

The County has requested the District to provide any documents supporting its due diligence and considerations in acquiring the parcels as well as a summary of its analysis supporting the District's decision for the location of the proposed future high school. Any such documents will be provided to the Planning Commission, if received. Planning Staff have also invited the District to make a presentation to the Planning Commission during the agenda item.

Relevant government code related to this item:

[Government Code section 65402:](#)

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. . . .

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

[Public Resources Code section 21151.2:](#)

A school district may not acquire title to property for a new or expanded school site without giving written notice to the planning commission that has jurisdiction over the site. The planning commission must investigate the site and report back to the school board within 30 days, and the board may not purchase the site until the report has been received. If the commission report does not favor the acquisition of the site, the board must wait 30 days after receiving the report before acquiring the site.

[Education Code subdivision 17215.5\(a\):](#)

Prior to commencing the acquisition of real property for a new school site in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the governing board of a school district shall make all of the following findings:

(1) The school district has notified and consulted with the city, county, or city and county within which the

prospective school site is to be located.

(2) The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.

(3) The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site.

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

No

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

STAFF RECOMMENDATION:

Staff recommend the Planning Commission consider the two (2) parcel locations and overall location of the new high school and provide direction to staff regarding any recommendations to include in a report to the District, including the finding that the San Benito High School District should prepare an EIR for the development of the new high school.

ATTACHMENTS:

[Notice of Property Acquisition - New High School Site 11.4.2024.pdf](#)

[SBHSD - 2023-24 All Students \(Heat Map\) & Projected Students from New Development 2024_02_09_REVISED](#)

[All Sites Specific Plans \(8.22.24\)](#)

[Facilities Needs Committee Report 2022-23](#)

[Facilities Needs Committee Presentation \(5.23.23\)](#)



San Benito
 HIGH SCHOOL DISTRICT
Continuing Excellence

1220 Monterey Street
 Hollister, CA 95023

Phone (831) 637-5831x1132
www.sbhs.sbhsd.org

Dr. Shawn Tennenbaum
 Superintendent

November 4, 2024

VIA U.S. MAIL & EMAIL

County of San Benito
 Planning & Land Use Department
 Attn: Abraham Prado, Director
 2301 Technology Parkway 1st Floor
 Hollister, CA 95023
[Email: aprado@cosb.us](mailto:aprado@cosb.us)

Re: Notice of Property Acquisition – New High School Site

Dear Mr. Prado,

The purpose of this letter is to provide notice to the County of San Benito ("County") of the San Benito High School District's ("District") intent to acquire two (2) parcels, together approximately 13.98 acres (Assessor's Parcel Numbers 019-120-041 and 019-120-042), located on Westside Road, and depicted in the attachment to this letter ("Property"). The purpose of this acquisition is for the District's new high school campus.

Government Code section 65402 requires the County's Planning and Land Use Department to submit its opinion regarding the conformity of the Property, and its proposed acquisition by the District for siting its new high school, with the County's adopted general plan within forty (40) days of receipt of this notice. In addition, Public Resources Code section 21151.2 requires the County's planning commission to investigate the proposed Property and within thirty (30) days after receipt of the District's notice submit its written report and any recommendations concerning acquisition of the Property. The District has combined both statutory notice requirements with this letter.

Please note that because the District intends to acquire the Property to serve as a part of its new high school campus, the District's Board of Trustees may, by a vote of two-thirds of its members, render local zoning ordinances and regulations, including the County's Code of Ordinances and General Plan, inapplicable to the Property pursuant to Government Code section 53094.

The District looks forward to your response.

Sincerely,

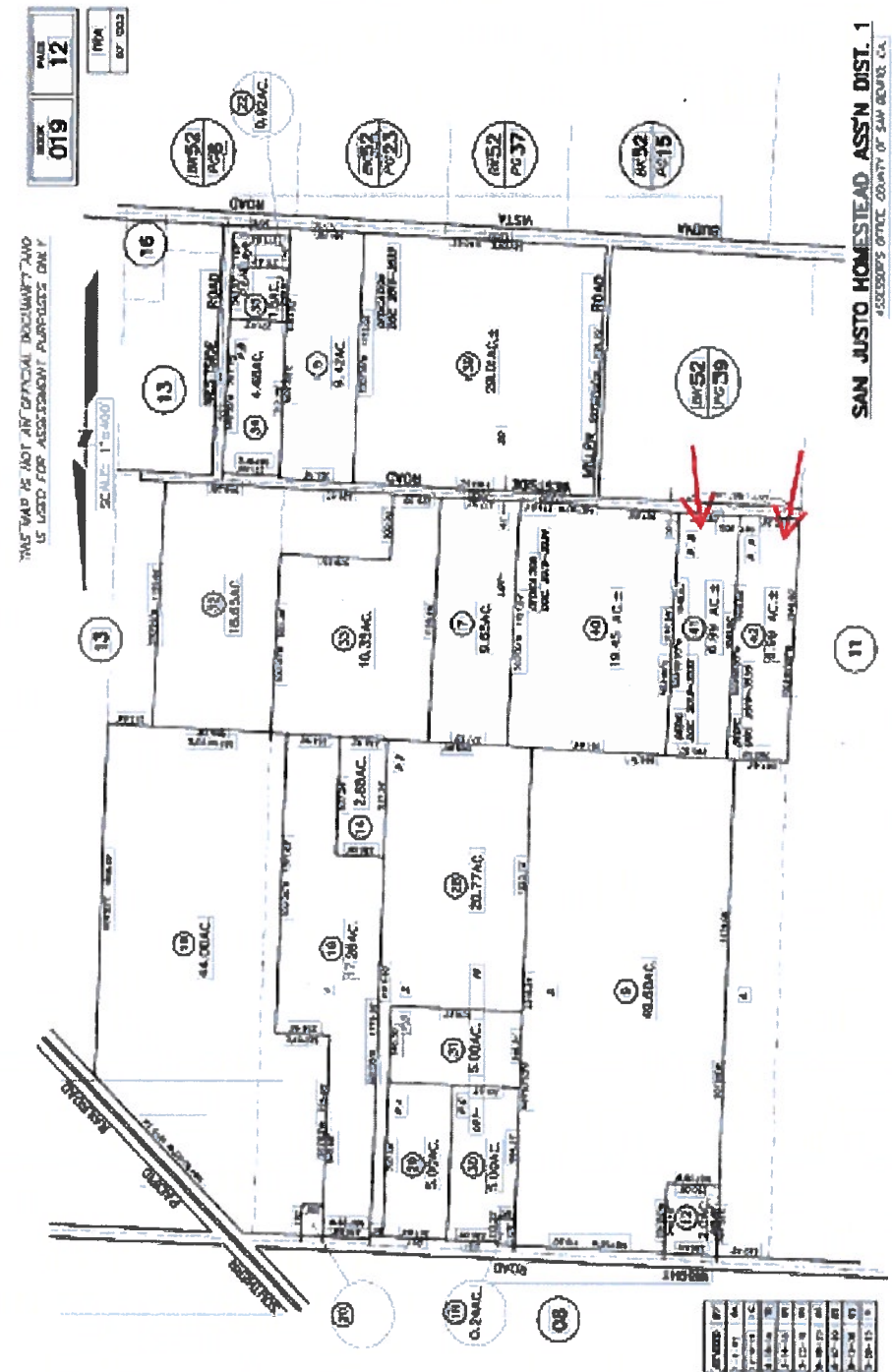
Shawn Tennenbaum, Ed.D.
 Superintendent

Attachment

cc: Karina K. Samaniego, Esq., Dannis Woliver Kelley (Via Email Only)

The mission of San Benito High School District is to educate all students to their highest potential so they will have the greatest range of personal options upon graduation.

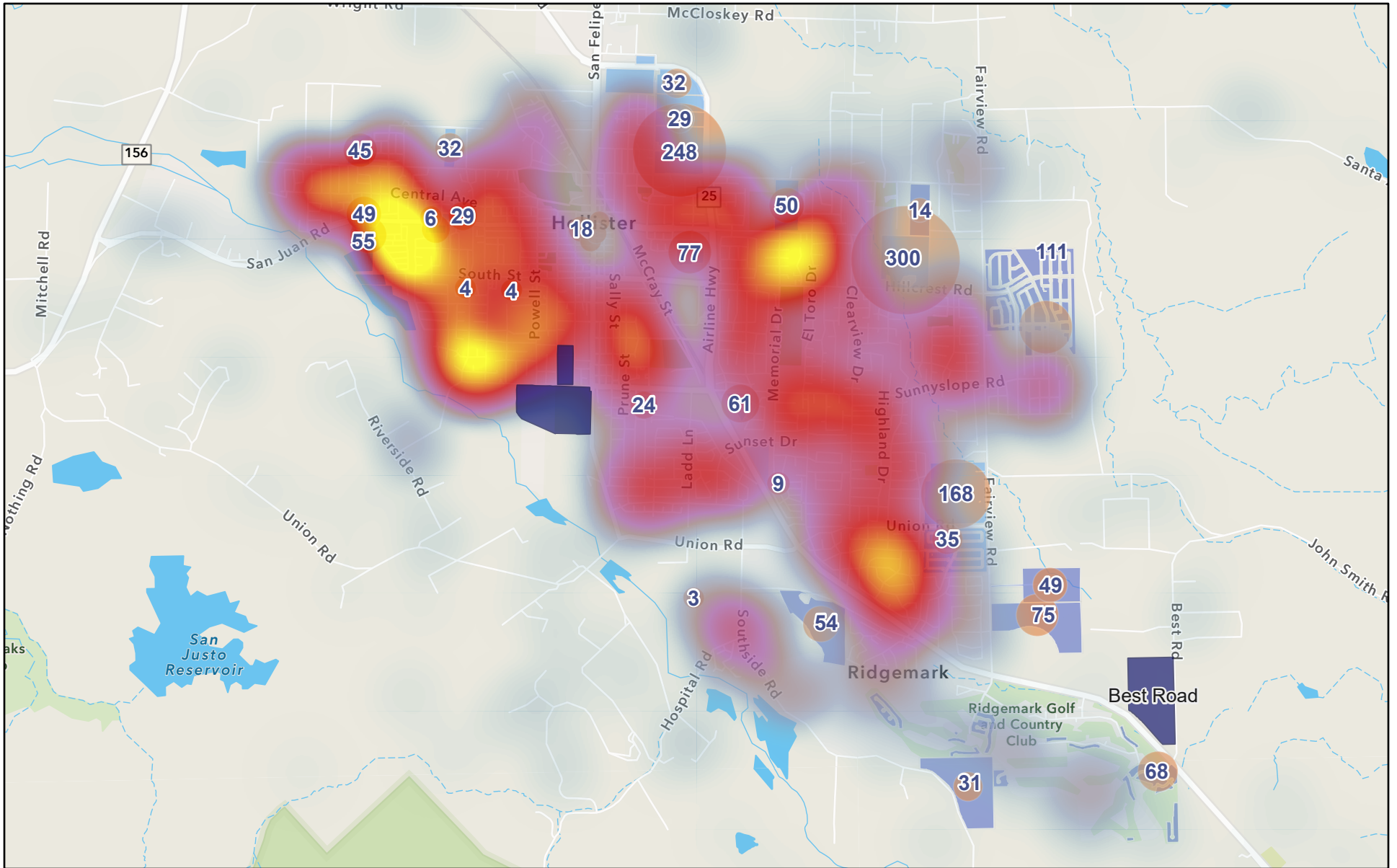
ATTACHMENT



Description: San Benito, CA Assessor Map 19.12 Page: 1 of 1
 Order: 7150220 Comment:

The mission of San Benito High School District is to educate all students to their highest potential so they will have the greatest range of personal options upon graduation.

SBHSD - 2023/24 All Students (Heat Map) & Current Projected Students from New Development



2/9/2024

All Student Density



Residential Development Projects - Projected Students

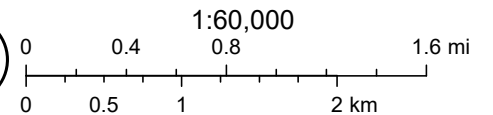


Residential Development Projects

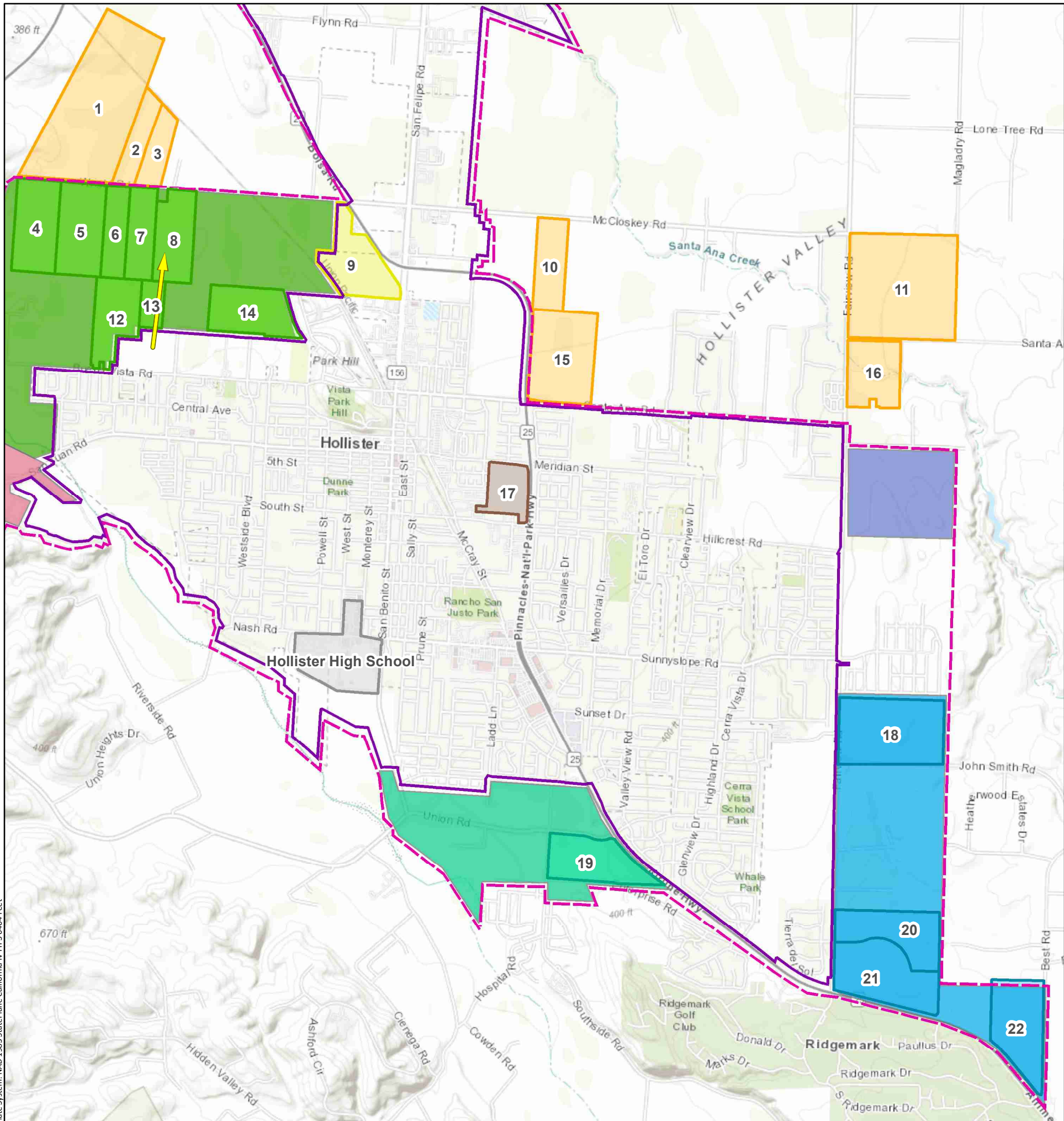


There are total of 1,680 projected students shown on this mapping from approved, planned and proposed residential developments.

The projected number of students were derived from data included in the Board of Trustee's adopted August 2023 Facilities Master Plan, which incorporated a total of 4,840 new residential dwelling units in both the City of Hollister and San Benito County, with a Student Generation Rate of 0.350 9-12 students per unit.



California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA,



Legend

Hollister Sphere of Influence

- Current Sphere of Influence
- Proposed Sphere of Influence
- Potential Walking Path from Residential Area

Hollister 2040 General Plan Specific Plan Areas

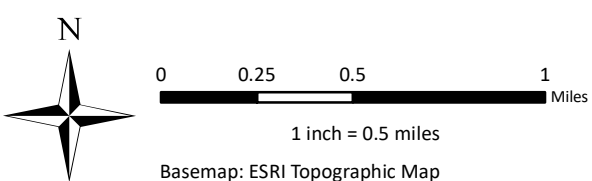
- Buena Vista
- East Side Area A
- East Side Area B
- Southwest
- Union Road

Potential School Site

Land Uses in 2040 General Plan

- High Density Residential
- Mixed Use
- Specific Plan - Buena Vista Road
- Specific Plan - East Side Area B
- Specific Plan - Union Road
- Outside Proposed Sphere of Influence

Specific Plan Maximum Allowed Development					
	Buena Vista	Southwest	Union Road	East Side Area A	East Side Area B
Single-Family Units	3,599 units	1,450 units	1,240 units	540 units	1,450 units
Multifamily Units	3,175 units	1,280 units	1,090 units	475 units	1,280 units
Commercial Uses	100,000 sq ft	--	108,900 sq ft	--	65,340 sq ft
Office Uses	43,500 sq ft	--	21,800 sq ft	--	--
Industrial Uses	109,000 sq ft	54,500 sq ft	217,800 sq ft	--	--



SAFETY FIRST

Dannis Woliver Kelly
 San Benito High School District
 Hollister, CA
 PROJECT NUMBER: 0243.013.005

Potential Future School Sites and Hollister 2040 General Plan

FIGURE 1



San Benito

HIGH SCHOOL DISTRICT

FACILITIES NEEDS COMMITTEE ANNUAL REPORT FISCAL YEAR 2022-23

MAY 23, 2023



Capitol | PFG

Capitol Public Finance Group, LLC
2436 Professional Drive, Suite 300
Roseville, CA 95661
T (916) 641 2734
F (916) 921 2734

www.capitolpfg.com

**San Benito High School District
School Board Members**

John Corrigan, President
Patty Nehme, Clerk
Steve Delay, Member
Juan Robledo, Member
Miguel Sahagun, Member

School District Administration

Dr. Shawn Tennenbaum, Superintendent
Adam Breen, Communication's Officer
Dr. Paulett Cobb, Director of Specialized Student Services and Special
Education
John Frusetta, Chief Business Officer
Elaine Klauer, Director Academic and Instructional Programs
Cindi Krokower, Director of Human Resources
Emmanuel Nelson, Director of Student Support Services

Facilities Needs Committee

Betsy Lemay, Chairperson
Carlos Galvez, Vice Chairperson

District Facilities Planning and Financial Advisors

Cathleen Dominico, Capitol Public Finance Group
Jeffrey Small, Capitol Public Finance Group

2022-23 Facilities Needs Committee



- October 26, 2022 - Meeting #1: Introduction and Background
- November 30, 2022 - Meeting #2: School Construction Funding and the Site Selection
- January 21, 2023 - Meeting #3: Vision for a New High School and Campus Tour of Hollister High School
- March 1, 2023 - Meeting #4: Vision for a Second High School
- March 22, 2023 - Meeting #5: Educational Program Drives School Facilities
- April 12, 2023 - Meeting #6: Facility Components of the New High School
- April 26, 2023 - Meeting #7: Recommendations and Findings to the Board of Trustees

The mission of San Benito High School is to educate all students to their highest potential so they will have the greatest range of personal options upon graduation.



Introduction

By way of background, in 2020, the Board of Trustees adopted a Facilities Master Plan (FMP) that called for the construction of a second high school to serve the rapidly growing student population. In August 2022, the FMP was updated to better define the concept for the second high school, update development projections and identify a school funding plan.

The Facilities Needs Committee (FNC) was formed in October 2022 to help create a vision for the second high school. The FNC was asked to accomplish the following:

- Review the community's need for a second high school;
- Examine the potential costs and funding challenges of a second high school;
- Provide input on the location of a second high school;
- Obtain community perspective on the educational programs that could be offered at a second high school; and
- Provide findings and recommendations on the second high school.

The FNC consisted of approximately 60 community members and student representatives who met at least once a month for an 8 month period. Through the leadership of Betsey Lemay, Chairperson and Carlos Galvez, Vice Chairperson, the FNC was able to accomplish its goals and build consensus on the delivery of the second high school.

This report provides a summary of the work completed by the FNC. The Board of Trustees is grateful for the time, effort and contributions of the FNC. Through the Committee's efforts, the Board of Trustees will have the input it needs to deliver a safe and valuable second high school for our students and community.

FACILITIES NEEDS COMMITTEE MEMBERS

Heidi Andrade
Kristy Betencourt
CC Biggs
Denise Black
Kevin Byers
Paulette Cobb
Renee Contreras
Mary Damm
Jenna Ellis
Brad Fannin
Damon Felice
Lorena Fernandez
Alice Flores
Carlos Garcia
Arielle Goodspeed
Stephanie Gwinn
Shawn Herrera
Ian Hudson
Edward Huston
Suyeon Hwang
Cindy King
Karson Klauer
Catalina Lemos
Jennifer Logue
Irma Lozano
Margarita Manzo
Araceli Maupin
Luciano Medeiros
Gabriel Mendez
Leaon Vienjamir Mendoza
Kathleen Moorer
Bret Painter
Timothy Pierson
Abraham Prado
Jade Ramirez
Robert Reading
Allan Renz
Isaias Rivera
Abraham Rivera Carvajal
Vanya Robles Davidson
John Schilling
Eric Taylor
Jacqueline Taylor
Tod Thatcher
Joe Vela
Scott Wilbur

Meeting #1 – Introduction and Background

October 26, 2022

Meeting #1 consisted of an Introduction and Goals presentation for the Committee. The Committee selected FNC Chair, Betsey Lemay and FNC Vice Chair, Carlos Galvez. The Presentation included an overview of the Facilities Master Plan, including enrollment, capacity and need for a second high school. A key take-away from the presentation was that Hollister High School as of 2022-23 school year does not have available capacity as shown in the chart below.

Available Capacity of Hollister High School	
2022-23 School Capacity	3,437
2022-23 Enrollment	3,467
Existing Available Capacity	(30)

The FNC gathered in break-out discussion groups regarding facilities needs and challenges. Below are key take-aways from these discussions:

- o Many FNC members were aware of school capacity challenges at Hollister High School, including long lunch and restroom lines.
- o Several FNC members suggested alternative ways to provide education such as virtual learning, summer and year-round options, and longer hours.
- o Other members suggested additional funding from new development; partnering with Gavilan College; and adding additional portable classrooms on the Hollister High School campus.
- o FNC members want students at the second high school to obtain the same Baler experience as Hollister High School.
- o FNC members discussed the location of the second high school, including critical issues such as traffic, equity, potential use of the Best Road site or purchasing a new site.

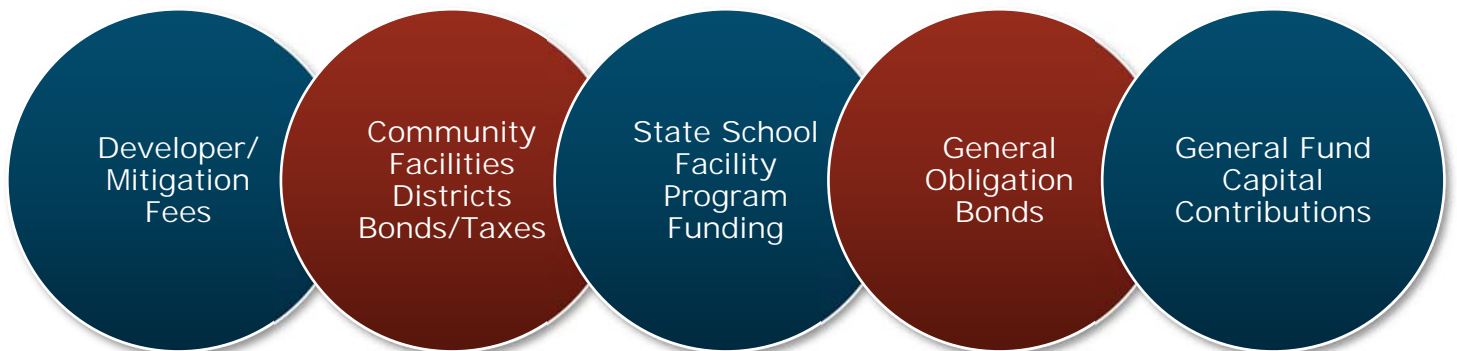
Meeting #2 – School Construction Funding and the Site Selection Process

November 30, 2022

Meeting #2 consisted of a panel discussion regarding a second high school that could serve 1,200-1,400 students, with the potential to expand over time. The first phase of the second high school could include amenities such as classrooms and programs for career technical education, science, art, and music as well as a gymnasium, library, and cafeteria/kitchen.

School construction funding was also discussed. Schools are funded in three ways: 1) from developer fees and voluntary mitigation payments from new construction; 2) state matching funds; and 3) from local revenues such as general obligation bonds and joint use projects with other community partners. The following experts engaged in a question and answer discussion:

- Joe Vela & John Diffenderfer, Aedis Architects
- Jeff Small, Capital Public Finance Group
- Brad Fannin, Bach Construction
- Kevin Sullivan, School Facility Consultants
- Daman Felice, Felice Consulting
- Brian Meyers & Sherri Sajadpour, HMC Architects



The FNC gathered in break-out discussion groups to brainstorm on ways for the District to educate and inform the community about facilities needs and funding. Ideas included, meeting with elementary school parents, community groups, conducting a survey to see if there is a support for a bond and engage in community education.

Meeting #3 – Vision for a New High School and Campus Tour

January 21, 2023

In Meeting #3, the Committee received presentations on recently built high schools in the State of California, including Twelve Bridges High School of the Western Placer Unified School District and Del Oro High School of the Kern High School District.

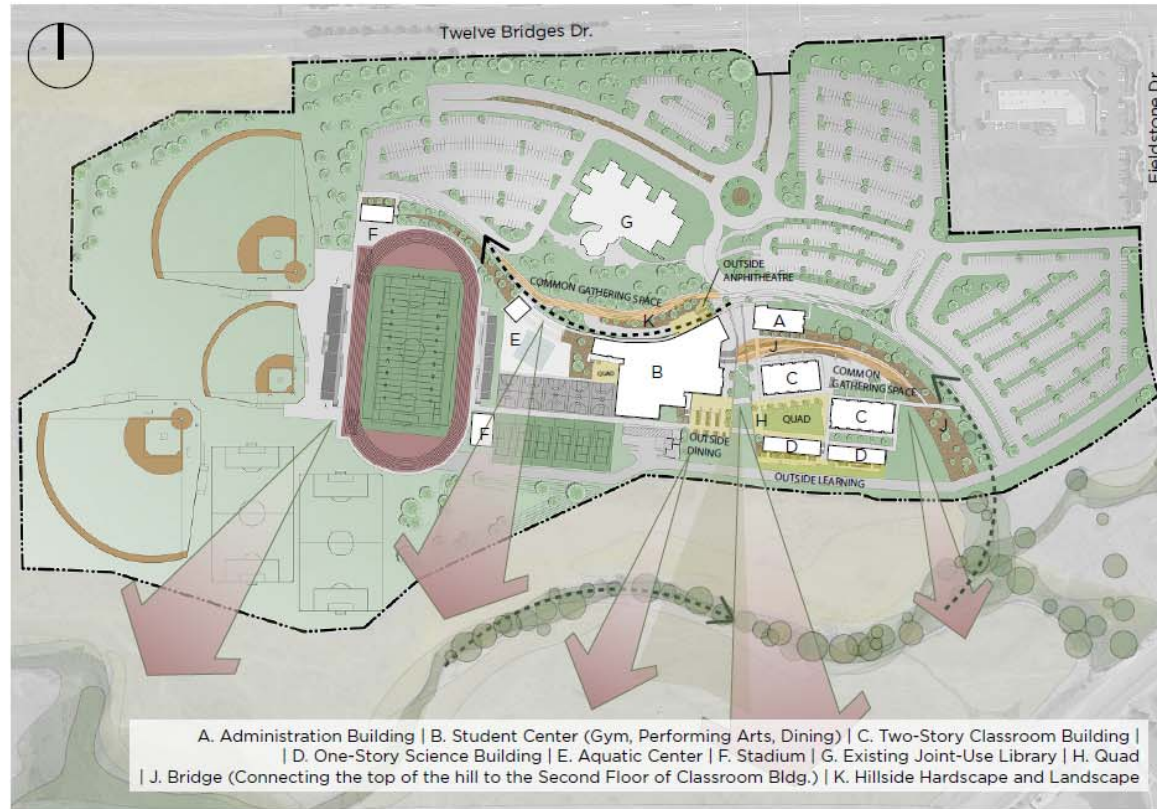
Following the case studies, there was a tour of Hollister High School.



WESTERN PLACER USD

Twelve Bridges High School

LEARNING IN THE PRESERVE - INTEGRATING A CAMPUS INTO IT'S NATURAL SETTING



A. Administration Building | B. Student Center (Gym, Performing Arts, Dining) | C. Two-Story Classroom Building | D. One-Story Science Building | E. Aquatic Center | F. Stadium | G. Existing Joint-Use Library | H. Quad | J. Bridge (Connecting the top of the hill to the Second Floor of Classroom Bldg.) | K. Hillside Hardscape and Landscape

PROJECT DETAILS

- / Completion 2021
- / Size / Cost 126,650 SF / \$86.5M
- / Services Programming, Planning, Educational Specifications, Full Architectural Services, Interior Design



STRATEGIES

- Create **dedicated learning spaces** designed specifically for their unique requirements
- Allow the Performing Arts Center to **cascade down the natural topography**
- Locate science classrooms **near open space preserve** and offer **hands-on biology and environmental studies opportunities**
- Weave fingers of the **natural landscape** into the context of the campus
- **Remove accessibility barriers** by creating a ramp sculpted into the natural hillside to allow for vertical mobility
- Consider the **existing context**
- Reduce the number of buildings on campus to create an **economy of scale**
- Place the two-level buildings on the lowest portion of the site to help **preserve open space for natural integration into the environment**
- Locate single-level buildings on both the upper and lower levels of the site to **complement the scale of the neighborhood and maintain views to the grasslands**
- Design the classrooms buildings with a **locally built modularized facade**

HMC Architects 333 W. San Carlos Street, Studio 750, San Jose, CA 95110 / 408.977.9160 / www.hmcarchitects.com

KERN HSD

Del Oro High School

MORE FOR LESS - CREATING A NEW APPROACH TO DESIGNING A COST EFFECTIVE ZNE CAMPUS FOR A COMMUNITY IN NEED

BRIAN MEYERS
916.956.5457 | BRIAN.MEYERS@HMCARCHITECTS.COM

MARKO BLAGOJEVIC
702.461.6153 | MARKO.BLAGOJEVIC@HMCARCHITECTS.COM



PROJECT DETAILS

- / **Completion**
2022 (Phase 1); 2024 (Phase 2)
- / **Size / Cost**
227,000 SF / \$112M
- / **Services**
Programming, Planning, Full Architectural Services, Interior Design

STRATEGIES

- Use a **kit-of-parts approach** for learning space designs
- Design the campus to be a **quilted landscape** to fit with the agricultural context
- Distribute student and staff **collaboration zones** across campus
- Plan a campus center as a **before/after school hangout space**
- Design **flexible** classroom buildings to accommodate many different uses
- Create **outdoor spaces** to accommodate many different uses
- Strategically separate **distinct drop-off and pick-up zones**
- Create a **single and secure campus entry** through the admin building after the bell rings
- Design the PAC, admin building, campus center, and gym to be **public facing**
- Use **passive measures** first to make efficient buildings, then consider **renewables to achieve zero net energy**
- Minimize east/west campus buildings, **utilize long south/north facades**
- Create **outdoor dining availability at classroom buildings** for easy access to a meal or snack between classes



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Meeting #4 – Vision for a New High School March 1, 2023

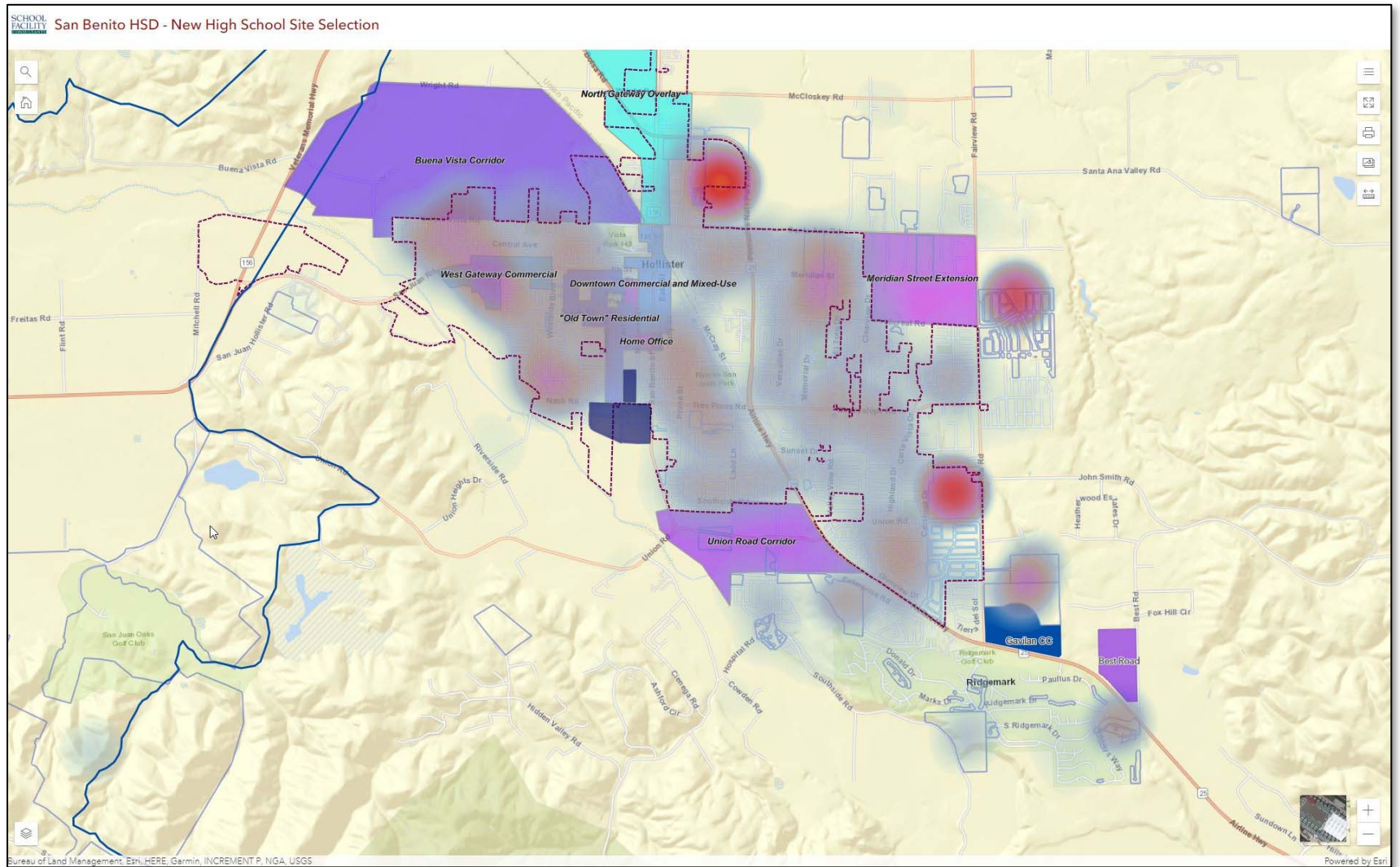
In meeting #4, the FNC heard two additional case studies of recently built high schools, including Liberty High School of the Perris Union High School District and Rancho San Juan High School of the Salinas Union High School District.

The FNC also received a GIS Mapping Presentation. The presentation showed the existing student population; the locations of future developments and planning areas; and a projection of where future students would likely originate from based on known future development. The mapping presentation incorporated the location of Hollister High School, elementary schools, Gavilan College and the Best Road site.

Following the presentation, the FNC engaged in a group activity whereby they ranked factors in selecting the location of a school site. The table below shows the results of the Dot Game Activity.

School Site Factor Ranking		
Rank	Factor	Score
1	Location as Compared to Targeted Student	30
2	Equity between Campuses	23
3	Health and Safety	16
4	Cost	15
5	Layout of School Buildings and Facilities	11
6	Location with Consideration of Ability to Share	9
7	Site Configuration	5
8	Site Size	2

2021-22 Students Augmented with Students from Known Potential Development



Meeting #5 Educational Programs Drives School Facilities March 22, 2023

The FNC received a presentation on educational programs offered and potential opportunities for a Second High School. The presenters included, Director Klauer and Coordinator Grissom of the San Benito High School District. The presentation focused on A-G requirements, career pathways, academies, dual enrollment, and early college high school.

CTE Pathway Sectors/Pathways

What SBHSD Currently Offers	What SBHSD Could Offer
<ol style="list-style-type: none"> 1. Agriculture and Natural Resources (5/7) 2. Business and Finance (1/3) 3. Engineering and Architecture (1/4) 4. Building and Construction Trades (1/4) 5. Transportation (1/3) 6. Hospitality, Tourism, and Recreation (1/3) 7. Arts, Media, and Entertainment (2/4) 8. Health Science and Medical Technology (1/6) 9. Manufacturing and Product Development (1/4) 	<ol style="list-style-type: none"> 1. Information & Communication Technologies (4) 2. Fashion & Interior Design (3) 3. Education, Child Development, and Family Services (4) 4. Marketing, Sales, and Services (3) 5. Energy, Environmental, and Utilities (3) 6. Public Service (3)

After the presentation, there were break-out discussion groups that ranked support on potential educational programs that could be offered. The results are shown below.

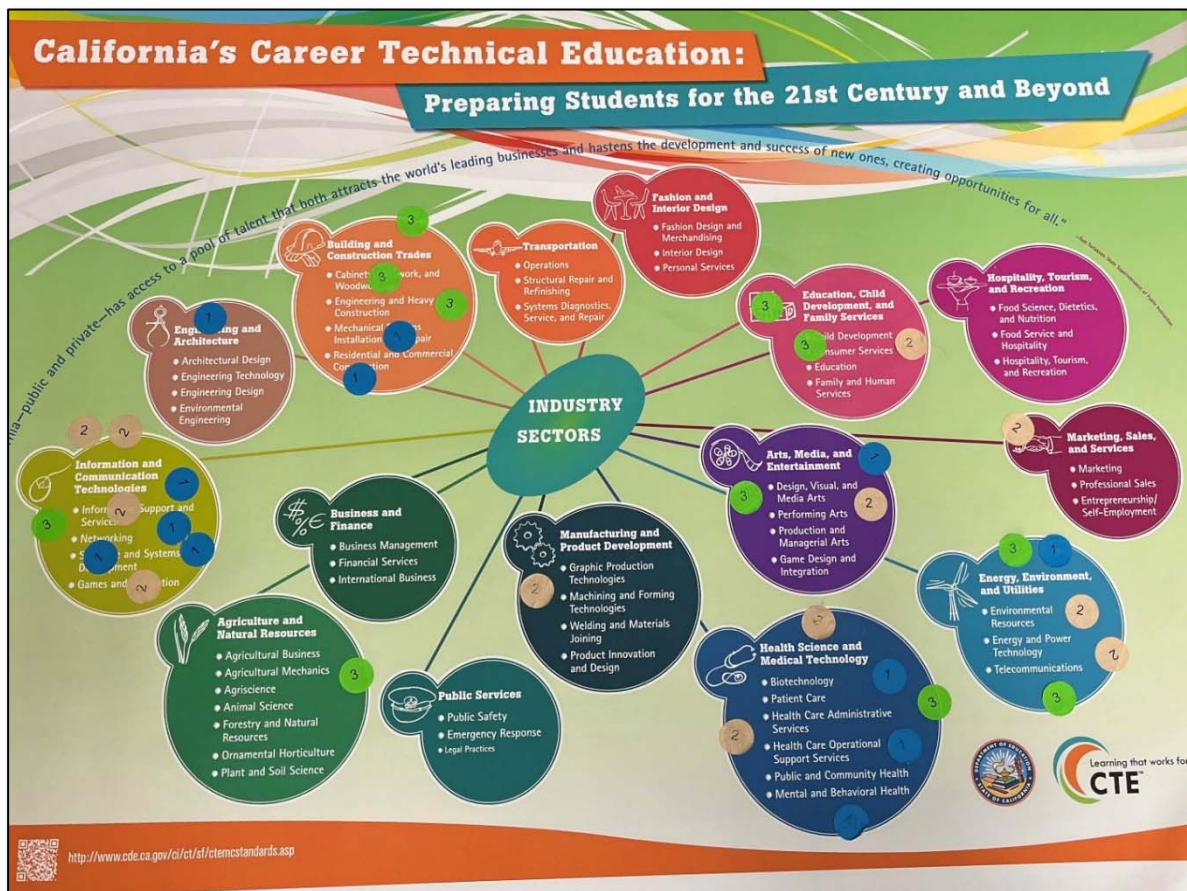
Educational Programming Preferences		
Rank	Programs	Votes
1	Dual Enrollment	33
2	Academies	32
3	Early College High School	14

Meeting #6 – Facility Components of the New High School April 12, 2023

During meeting #6, Director Klauer and Coordinator Grissom reviewed the educational programs for a second high school. This included potential “Academy” options and a discussion on how academies and other programs could be offered, including dual enrollment.

Following the presentation, break-out discussion groups identified the top 3 potential academies to offer at a second high school. The academies were prioritized based on industry sectors.

The FNC discussed facility components to be included in the second high school, including a prioritization of the facility components.



Facilities Needs Committee Members Prioritization of Industry Sectors				
Rank	Industry Sectors	#1s	#2s	#3s
1	Information and Communication and Technologies	4	4	1
2	Health Science and Medical Technology	3	2	1
3	Energy, Environment, and Utilities	1	2	3
4	Building and Construction Trades	2	0	3
5	Arts, Media, and Entertainment	1	1	1
6	Education, Child Development, and Family Services	0	1	2
7	Engineering and Architecture	1	0	0
8	Marketing, Sales, and Services	0	1	0
9	Manufacturing and Product Development	0	1	0
10	Agriculture and Natural Resources	0	0	1
11	Hospitality, Tourism, and Recreation	0	0	0
12	Transportation	0	0	0
13	Fashion and Interior Design	0	0	0
14	Public Services	0	0	0
15	Business and Finance	0	0	0

Facility Prioritization Results		
Rank	Project	Percentage
1	Specialized Classrooms - CTE	28.35%
2	Collaborative Spaces/Common Areas	27.63%
3	Outdoor Learning Environments	17.13%
4	Specialized Classrooms - Arts	10.13%
5	Performing Arts Center/Theater	8.98%
6	Enhanced Athletic Fields	5.14%
7	Stadium	1.89%
8	Aquatic Center	0.74%
		100%

To assist with prioritizing facility components, Blach Construction provided estimated order of magnitude cost estimates for the facility components of a second high school.



Building Type	Budget Range (In Millions)	
	Low	High
Hollister HS Projects (Already Completed)		
Athletic Facilities & Concessions Stand	\$ 25	\$ 27
Science & Robotics	\$ 21	\$ 23
CTE Building	\$ 24	\$ 26
Multi-Use Fields/Practice Fields	\$ 6	\$ 7
Other Potential HS Building Types		
General Classroom Building (12 classrooms)	\$ 14	\$ 15
BioMed/Sciences Building (12 labs)	\$ 21	\$ 23
Performing Arts/Theater	\$ 44	\$ 49
Administration & Library	\$ 23	\$ 25
Cafeteria/Food Services	\$ 24	\$ 26
Aquatics Center	\$ 18	\$ 20
Gymnasium & Locker Rooms	\$ 23	\$ 26

Notes:

Budgets are in today's dollars

Efficiency factor has been applied to account for multiple buildings being constructed at one time.

Meeting #7 – Develop Board Recommendations April 26, 2023

Recommendation #1

Funding for the second high school should come from a combination of funding sources, including new residential and non-residential development, the State of California, and the local community through a General Obligation Bond measure. To the extent possible, the District should explore joint use partnerships with other local agencies or organizations (e.g., community college, city, county, etc.) to reduce costs and create opportunities for students. Specific comments from break-out groups included the following:

- Consider opportunities for grants, private donations, corporate philanthropy/partnerships, community foundations, banking institutions, and funding from the Federal Government.
- Be mindful of community needs and desires related to local GO Bond funding.
 - Buy-in from individual community members/donors.
- Promote that the second high school is for everyone and will have positive impacts on the community as well.
- Joint use could be a community center, performing arts center, connection to community college, library, apprenticeship partnerships.
- Pursue every possible funding source that may exist.

Recommendation #2

Community outreach and education is essential to the success of the new high school, School District, and community. Parents should be consulted as the District is planning for the second high school. When school bonds are needed, the District should reach out to taxpayers to educate them and seek insight on the need for the second school and funding challenges. Specific comments from break-out groups included the following:

- Educate the community on cost, need, and community benefits.
 - Students who graduate from the high school become contributing community members and support the local workforce.
- Provide outreach at local community events.
- Students can advocate for their needs by being educated and educating others through speaking engagements and direct advocacy.
- Outreach and education should be approached differently.
- Explain how the District has been a good steward of taxpayer money
- Leverage local dollars to obtain state funds.
- Build trust that money will be used wisely in the future, as it has been in the past.
- Educate community on how previous bonds have been used.
 - Clarify that not all money went to athletic facilities.
- Engage a professional community outreach organization to assist in education efforts beyond the District's scope.
- Begin education efforts sooner rather than later.
- Get people to feel/connect with the need for the second school.
- Work with influential connections.

Recommendation #3

When determining the location of the new high school, the most important factors that should be considered include:

- The location of the future student population.
 - Consider ease for commuter access.
- Equity between campuses (equitable access to site).
 - Equity is equal access to services, not necessarily the same as existing campus.
- Health and safety of students and staff.
- Cost of the site and adjacent to development.
 - Unlike some items, this decision is permanent.
 - Small portion of the cost of the school itself.
- Proximity to potential joint-use opportunities.
- Consider complexities of site location, existing ownership of site, access to utilities, transportation.
- Consider transportation between campuses for complimentary campus.
- Topography of site to aid in outdoor learning environments (views, natural resources, etc.).

Recommendation #4

Educational and co-curricular programs offered at the second high school should have unique opportunities and enhance those offered at Hollister High School.

- Equitable student opportunities, educational equity.
- Programs at the second high school should not negatively impact what exists at Hollister High.
- The second high school provides an opportunity for something new.
- Include visual and performing arts.
- Fill educational gaps with new high school.
- New school will gain its own identity and culture.
- Phased approach may require transportation between campuses.

Recommendation #5

The second high school should provide students with a variety of educational options, including dual enrollment and academies that provide hands-on learning opportunities to prepare students for college and/or high demand, high wage jobs.

Specifically, the Committee feels that the District should consider offering one or more academies in the following areas by priority:

- Information and Communications Technologies,
- Health Science and Medical Technology,
- Energy, Environment, and Utilities,
- Building and Construction Trades,
- Arts, Media, and Entertainment, and
- Education, Child Development and Family Services.
- Programs can be linked to sponsorship/partnership.
- Programs are not mutually exclusive.
- Offerings have flexibility to not restrict students.

Recommendation #6

The second high school should include necessary facilities including: general classrooms, science labs, administrative space, library, cafeteria/multi-purpose room, PE fields, locker rooms, and a gymnasium. Additionally, as funding may limit the District's ability to build a comprehensive high school in phase 1, the District should consider augmenting the required facilities with the following in order of priority:

- Specialized CTE classrooms that support the academic programs offered.
- Indoor and outdoor collaborative spaces.
- Outdoor learning environments, and
- Specialized VAPA classrooms.

Additional feedback included,

- A shared performing arts building.
- Community members could benefit from collaborative spaces.
- Multi-use of facilities.



Capitol | PFG

Facilities Needs Committee

May 23, 2023



San Benito
HIGH SCHOOL DISTRICT

2022-23 Facilities Needs Committee



- Meeting #1: Introduction and Background
- Meeting #2: School Construction Funding and the Site Selection
- Meeting #3: Vision for a New High School and Campus Tour
- Meeting #4: Vision for a New High School
- Meeting #5: Educational Program Drives School Facilities
- Meeting #6: Facility Components of the New High School
- Meeting #7: Develop Board Recommendations

Introduction

Facilities Needs Committee: Objectives and Desired Outcomes

Review the community's need for a second high school;

Examine the potential costs and funding challenges of a second high school;

Provide input on the location of a second high school;

Obtain community perspective on the educational programs that could be offered at a second high school; and

Provide findings and recommendations on the second high school.

Facilities Needs Committee

- ▶ The FNC consisted of approximately 60 community members and student representatives who met at least once a month for an 8 month period from October of 2022 through April of 2023.
- ▶ Through the leadership of Betsey Lemay, Chairperson and Carlos Galvez, Vice Chairperson, the FNC was able to accomplish its objectives and desired outcomes, as well as build consensus on the delivery of the second high school.

Meeting #1

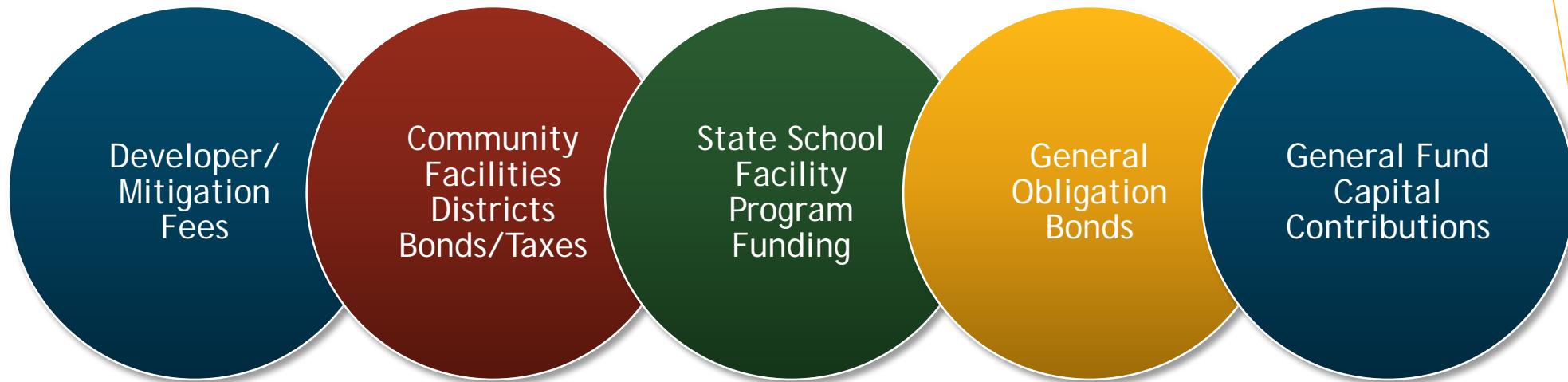
Introduction &
Background

- ▶ The FNC gathered in break-out discussion groups regarding facilities needs and challenges. Below are key take-aways from these discussions:
 - ▶ Many FNC members were aware of school capacity challenges at Hollister High School, including long lunch and bathroom lines.
 - ▶ Several FNC members suggested alternative ways to provide education such as virtual learning, summer and year-round options, and longer hours.
 - ▶ Other members suggested additional funding from new development; partnering with Gavilan College; and adding portable classrooms.
 - ▶ FNC members want students at the second high school to obtain the same Baler experience as Hollister High School.
 - ▶ FNC members discussed the location of the second high school, including critical issues such as traffic, equity, use of the Best Road site or purchasing a new site.

Meeting #2

School
Construction
Funding and the
Site Selection
Process

School Construction Funding



Community Facilities Funding Education and Information

Ways for the District to educate and inform the community about facilities needs and funding:

- Meeting with elementary school parents,
- Community groups,
- Conducting a survey(s) to see if there is a support for a bond and
- Engage in community education and outreach.

Meeting #3

Vision for a New
High School and
Campus Tour

Hollister High School Tour



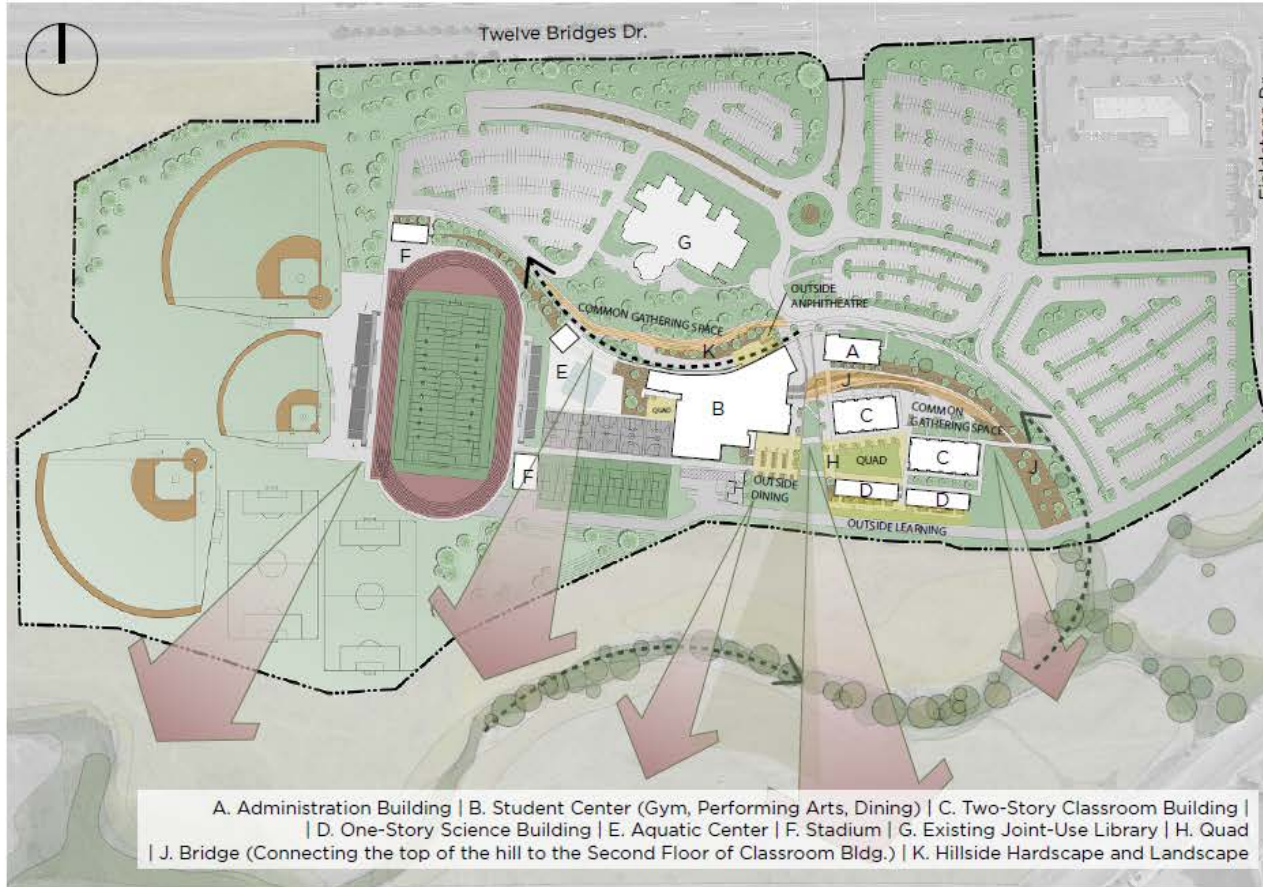
WESTERN PLACER USD

Twelve Bridges High School

LEARNING IN THE PRESERVE - INTEGRATING A CAMPUS INTO IT'S NATURAL SETTING

BRIAN MEYERS
916.956.5457 | BRIAN.MEYERS@HMCARCHITECTS.COM

MARKO BLAGOJEVIC
702.461.6153 | MARKO.BLAGOJEVIC@HMCARCHITECTS.COM



PROJECT DETAILS

- / Completion 2021
- / Size / Cost 126,650 SF / \$86.5M
- / Services Programming, Planning, Educational Specifications, Full Architectural Services, Interior Design

STRATEGIES

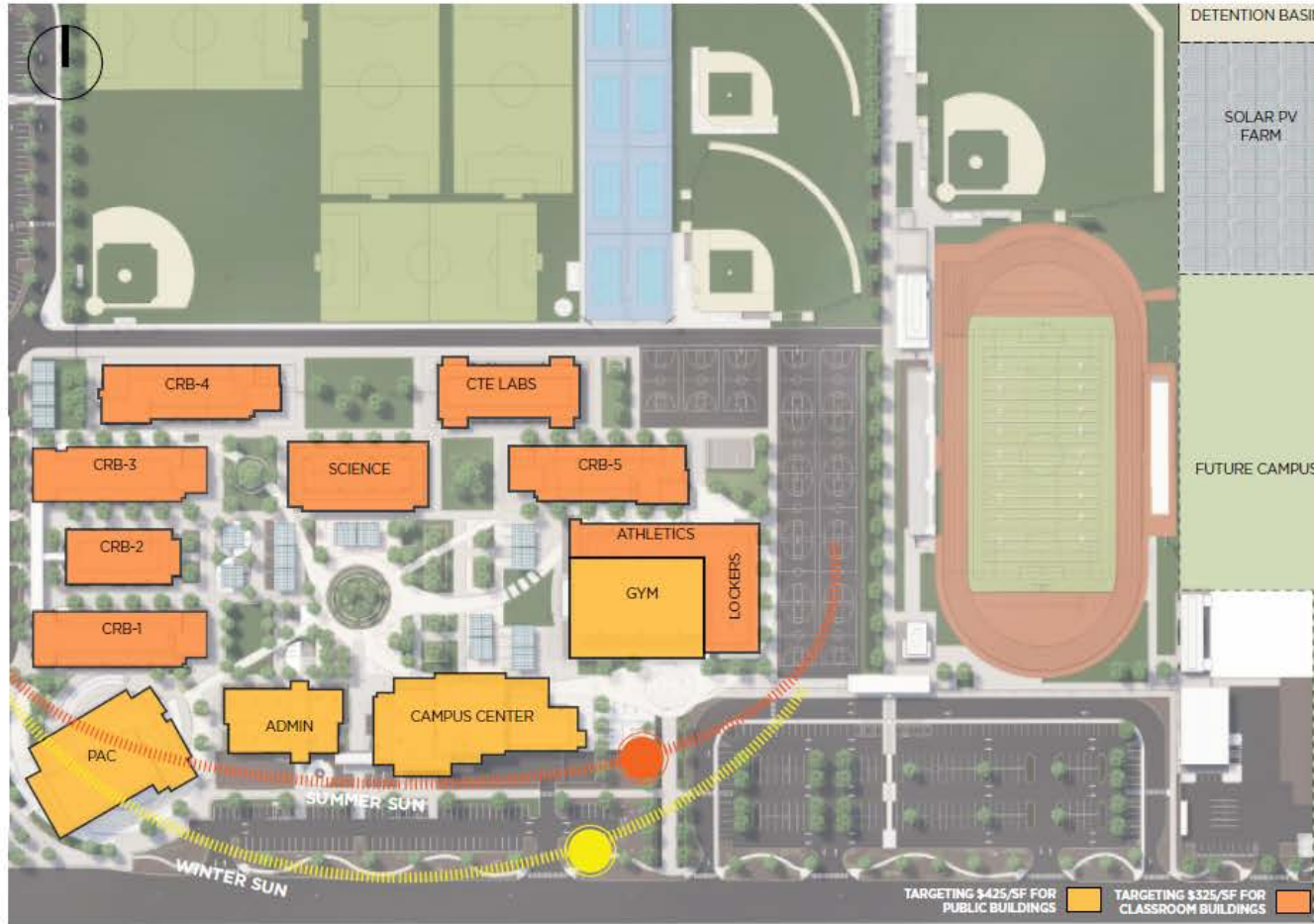
- Create **dedicated learning spaces** designed specifically for their unique requirements
- Allow the Performing Arts Center to **cascade down the natural topography**
- Locate science classrooms **near open space preserve** and offer **hands-on biology and environmental studies opportunities**
- Weave fingers of the **natural landscape** into the context of the campus
- **Remove accessibility barriers** by creating a ramp sculpted into the natural hillside to allow for vertical mobility
- Consider the **existing context**
- Reduce the number of buildings on campus to create an **economy of scale**
- Place the two-level buildings on the lowest portion of the site to help **preserve open space for natural integration into the environment**
- Locate single-level buildings on both the upper and lower levels of the site to **complement the scale of the neighborhood and maintain views to the grasslands**
- Design the classrooms buildings with a **locally built modularized facade**



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Del Oro High School

MORE FOR LESS - CREATING A NEW APPROACH TO DESIGNING A COST EFFECTIVE ZNE CAMPUS FOR A COMMUNITY IN NEED



PROJECT DETAILS

- / **Completion**
2022 (Phase 1); 2024 (Phase 2)
- / **Size / Cost**
227,000 SF / \$112M
- / **Services**
Programming, Planning, Full Architectural Services, Interior Design

STRATEGIES

- Use a **kit-of-parts approach** for learning space designs
- Design the campus to be a **quilted landscape** to fit with the agricultural context
- Distribute student and staff **collaboration zones** across campus
- Plan a campus center as a **before/after school hangout space**
- Design **flexible** classroom buildings
- Create **outdoor spaces** to accommodate many different uses
- Strategically separate **distinct drop-off and pick-up zones**
- Create a **single and secure campus entry** through the admin building after the bell rings
- Design the PAC, admin building, campus center, and gym to be **public facing**
- Use **passive measures** first to make efficient buildings, then consider **renewables to achieve zero net energy**
- Minimize east/west campus buildings, **utilize long south/north facades**
- Create **outdoor dining availability at classroom buildings** for easy access to a meal or snack between classes



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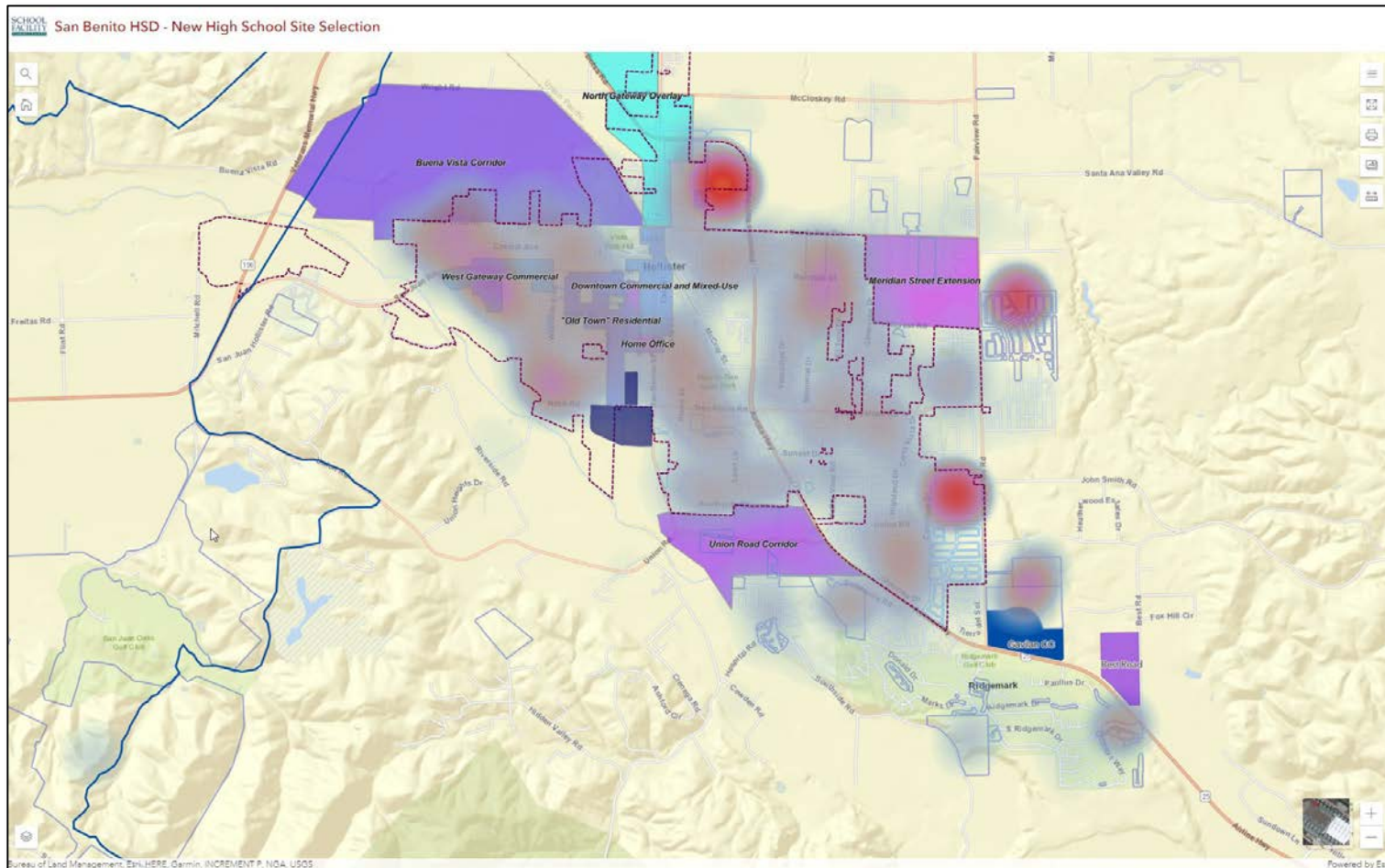
Meeting #4

Vision for a New
High School

School Site Factor Ranking

School Site Factor Ranking		
Rank	Factor	Score
1	Location as Compared to Targeted Student	30
2	Equity between Campuses	23
3	Health and Safety	16
4	Cost	15
5	Layout of School Buildings and Facilities	11
6	Location with Consideration of Ability to Share	9
7	Site Configuration	5
8	Site Size	2

2021-22 Students Augmented with Students from Known Potential Development



Meeting #5

Educational
Programs Drive
School Facilities

Career Technical Education Pathways

CTE Pathway Sectors/Pathways

What SBHSD Currently Offers

1. Agriculture and Natural Resources (5/7)
2. Business and Finance (1/3)
3. Engineering and Architecture (1/4)
4. Building and Construction Trades (1/4)
5. Transportation (1/3)
6. Hospitality, Tourism, and Recreation (1/3)
7. Arts, Media, and Entertainment (2/4)
8. Health Science and Medical Technology (1/6)
9. Manufacturing and Product Development (1/4)

What SBHSD Could Offer

1. Information & Communication Technologies (4)
2. Fashion & Interior Design (3)
3. Education, Child Development, and Family Services (4)
4. Marketing, Sales, and Services (3)
5. Energy, Environmental, and Utilities (3)
6. Public Service (3)

Educational Programming Preferences

Educational Programming Preferences		
Rank	Programs	Votes
1	Dual Enrollment	33
2	Academies	32
3	Early College High School	14

Meeting #6

Facility
Components of
the New High
School

Prioritization of Industry Sectors

Facilities Needs Committee Members Prioritization of Industry Sectors				
Rank	Industry Sectors	#1s	#2s	#3s
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7	Engineering and Architecture	1	0	0
8	Marketing, Sales, and Services	0	1	0
9	Manufacturing and Product Development	0	1	0
10	Agriculture and Natural Resources	0	0	1
11	Hospitality, Tourism, and Recreation	0	0	0
12	Transportation	0	0	0
13	Fashion and Interior Design	0	0	0
14	Public Services	0	0	0
15	Business and Finance	0	0	0

Facility Prioritization

Facility Prioritization Results		
Rank	Project	Percentage
1	Specialized Classrooms - CTE	28.35%
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		100%

Meeting #7

Develop
Recommendations
for the SBHSD
Board of Trustees

Recommendation #1

- ▶ Funding for the second high school should come from a combination of funding sources, including new residential and non-residential development, the State of California, and the local community through a General Obligation Bond measure. To the extent possible, the District should explore joint use partnerships with other local agencies or organizations (e.g., community college, city, county, etc.) to reduce costs and create opportunities for students. Specific comments from break-out groups included the following:
 - ▶ Consider opportunities for grants, private donations, corporate philanthropy/partnerships, community foundations, banking institutions, and funding from the Federal Government.
 - ▶ Be mindful of community needs and desires related to local GO Bond funding.
 - ▶ Buy-in from individual community members/donors.
 - ▶ Promote that the second high school is for everyone and will have positive impacts on the community as well.
 - ▶ Joint use could be a community center, performing arts center, connection to community college, library, apprenticeship partnerships.
 - ▶ Pursue every possible funding source that may exist.

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 - ▶ Students can advocate for their needs by being educated and educating others through speaking engagements and direct advocacy.
 - ▶ Outreach and education should be approached differently.
 - ▶ Explain how the District has been a good steward of taxpayer money
 - ▶ Leverage local dollars to obtain state funds.
 - ▶ Build trust that money will be used wisely in the future, as it has been in the past.
 - ▶ Educate community on how previous bonds have been used.
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 - ▶ Engage a professional community outreach organization to assist in education efforts beyond the District's scope.
 - ▶ Begin education efforts sooner rather than later.
 - ▶ Get people to feel/connect with the need for the second school.
 - ▶ Work with influential connections.

Recommendation #3

- ▶ When determining the location of the new high school, the most important factors that should be considered include:
 - ▶ The location of the future student population.
 - ▶ Consider ease for commuter access.
 - ▶ Equity between campuses (equitable access to site).
 - ▶ equity is equal access to services, not necessarily the same as existing campus.
 - ▶ Health and safety of students and staff.
 - ▶ Cost of the site and adjacent to development.
 - ▶ Unlike some items, this decision is permanent.
 - ▶ Small portion of the cost of the school itself.
 - ▶ Proximity to potential joint-use opportunities.
 - ▶ Consider complexities of site location, existing ownership of site, access to utilities, transportation.
 - ▶ Consider transportation between campuses for complimentary campus.
 - ▶ Topography of site to aid in outdoor learning environments (views, natural resources, etc.).

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- ▶ Educational and co-curricular programs offered at the second high school should have unique opportunities and enhance those offered at Hollister High School.
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 - ▶ Include visual and performing arts.
 - ▶ Fill educational gaps with new high school.
 - ▶ New school will gain its own identity and culture over time.
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- ▶ Programs can be linked to sponsorship/partnership.
- ▶ Programs are not mutually exclusive.
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Recommendation #6

- ▶ The second high school should include necessary facilities including: general classrooms, science labs, administrative space, library, cafeteria/multi-purpose room, PE fields, locker rooms, and a gymnasium. Additionally, as funding may limit the District's ability to build a comprehensive high school in phase 1, the District should consider augmenting the required facilities with the following in order of priority:
 - ▶ Specialized CTE classrooms that support the academic programs offered.
 - ▶ Indoor and outdoor collaborative spaces.
 - ▶ Outdoor learning environments, and
 - ▶ Specialized VAPA classrooms.
- ▶ Additional feedback, included:
 - ▶ A shared performing arts building.
 - ▶ Community members could benefit from collaborative spaces.
 - ▶ Multi-use of facilities.

Questions & Discussion