

SAN BENITO COUNTY

Housing Advisory Committee

Committee:

Board of Supervisor Bea Gonzales, District 5;
Board of Supervisor Dom Zanger, District 1;
Chair of the Planning Commission, Robert Gibson, District 4;
Planning Commissioner, Richard Way, District 2;
Development Community Public Member, Victor Gomez;
Affordable Housing Public Member, Seth Capron, and
Financial or Accounting Public Member, Jonathan Casey



MINUTES

Monday, February 13, 2022

11:00 A.M.

San Benito County Administration Building
Board of Supervisors Chambers
481 Fourth Street, Hollister, California

Webinar ID: 884 6515 6673

Webinar Password: 534704

Pursuant to AB 361, and the resolution adopted thereunder, relating to the convening of public meetings in response to the COVID-19 pandemic, and pursuant to the recommendation from Dr. Gellert dated January 5, 2022, members of the Committee are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

The meeting will be available through Zoom those who wish to join or require accommodations with the instructions below:

This meeting can be accessed in the following methods:

Through Zoom (<https://zoom.us/join>) per the instruction stated below

Participating by Zoom:

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A. Zoom on Web-browser:

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d. The participant can launch audio through their computer or set it up through the phone.

e. **Public Comment:** Select the **"Participants Tab"** and click **"Raise hand"** icon, and the Zoom facilitator will unmute you when your turn arrives.

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d. Once you enter the Zoom meeting, you will automatically be placed on mute.

e. **Public Comment:** If you are using a phone, please press **"*9"** (star-nine) to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Friday prior to the meeting to the Assistant Planner, Stephanie Reck, at sreck@cosb.us

Public Comment Guidelines

A. The Committee 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. Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact **Stephanie Reck**, at (831) 902-2289, or email sreck@cosb.us

The San Benito County Housing Advisory Committee welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Committee, please state your name for the record. Please address the Committee as a whole through the Chair.
- If you wish to speak on an item contained in the agenda, please seek recognition from the Chairman prior to consideration of the item.

11:00 A.M. CALL TO ORDER

1. TELECONFERENCE INSTRUCTIONS

Dana Serpa-Ostojka, Office Assistant II, read the teleconference instructions to members participating remotely.

No public comment at this time.

2. PLEDGE OF ALLEGIANCE

Robert Gibson, Chair of the Planning Commission, led the pledge of allegiance.

3. ROLL CALL

Committee Members:

1. *Bea Gonzales, Board of Supervisor District 5;*
2. *Dom Zanger, Board of Supervisor District 1;*
3. *Robert Gibson, Chair of the Planning Commission, District 4;*
4. *Richard Way, Planning Commissioner, District 2;*
5. *Victor Gomez, Development Community Public Member;*
6. *Seth Capron, Affordable Housing Public Member; and*
7. *Jonathan Casey: Financial or Accounting Public Member.*

Bea Gonzales, Board of Supervisor, was present in chambers.

Dom Zanger, Board Supervisor, was present via zoom.

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

Richard Way, Planning Commissioner, was present in chambers.

Victor Gomez, Development Community public member, was present via zoom.

Seth Capron, Affordable Housing public member, was late for the meeting and present via zoom.

Jonathan Casey, Financial or Accounting public member, was present via zoom.

4. ACKNOWLEDGE CERTIFICATE OF POSTING

Robert Gibson, Chair of the Planning Commission, acknowledged the certificate of posting.

Bea Gonzales, Board of Supervisor, seconded this.

Motion passed six (6) to zero (0).

No public comment at this time.

5. PUBLIC COMMENT: Opportunity to address the Committee on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

G.W. Devon Pack, resident of San Benito County, stated that he wanted to bring up some news from the Bay Area, which is the group YMBI California two weeks ago, there have been actions against 125 of 140 municipalities in the bay area, basically seeking to invoke the builders remedy, which is a provision of California department of housing law. This is similar to the challenge that was raised to Santa Monica's housing element in 2021 basically housing advocacy groups are currently engaged in the maker action to overturn the housing elements of most of the cities of the Bay Area as having excessively long permitting processes. Additionally, I am conducting my master's thesis which is geared towards evaluating and preparing the current "To-Shovel Rates" of the Planning Department's in Central California Coast. I don't know if the local agency would like to support me on this topic, but I want to make myself available as a resource if this committee is interested in hearing more information on hearing statistics for permitting of residential developments in the region.

Bea Gonzales, Board of Supervisor, stated this is a good idea and asked if this can be directed as a future agenda item.

Stephanie Reck, Assistant Planner, stated that she will add this to our list of future agenda items.

No public comment at this time.

REGULAR AGENDA

6. PROPOSED RESOLUTION PURSUANT TO AB 361: Adopt proposed resolution authorizing teleconferencing options for meetings of the Committee for the period of February 1, 2023, through March 1, 2023, pursuant to AB 361.

Joel Ellinwood, Assistant County Counsel, stated that there have been some updates to teleconference options. The current AB 361 is tied to the Covid State of Emergency, which expires at the end of the month. However, the revision of the law allows member of the Board Committee, or Commission to seek permission to attend via teleconference if they cannot participate in-person. This is limited to only twice per year. So, the teleconference options are amended for members, but the public can still participate remotely.

Richard Way, Planning Commissioner, stated that we still have the option to attend remotely, but we would not have the voting right in doing so if we exceeded the 2 allotted absences, is this correct?

Joel Ellinwood, Assistant County Counsel, stated that was correct.

Richard Way, Planning Commissioner, motioned to adopt the resolution pursuant to AB 361.

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

Motion passed six (6) to zero (0).

Bea Gonzales, Board of Supervisor, mentioned that since our attendance is now required in-person without an excuse to participate remotely, is there an attendance requirement for excessive absences in the instance we have issues establishing a quorum.

Stephanie Reck, Assistant Planner, stated that in the bylaws if any members are absent for 3 consecutive meetings, then we have the authority to then review their participation, and potentially replace them. So, it's 3 or more absences, consecutive absences.

Victor Gomez, Development Community public member, stated that he travels a lot for his clients and my work in land use, and so I can't always be there in-person. It will create a bit of a challenge for me. But obviously I will give you a heads up if I cannot attend. I don't know what our schedule will look like this year, we had a lot of work to do last year, but I am hopeful things will slow down.

Bea Gonzales, Board of Supervisor, stated that she appreciates the public members for their input and would not like to see them replaced due to being absent at these meetings. But do we have anything set up in in the bylaws for maybe an alternate? I wouldn't think, maybe, for like the elected officials, because, you know, we're expected to be here, but for those that are participating on their own. Could there be an alternate that set up for the community members?

Stephanie Reck, Assistant Planner, stated that we can work that into the bylaws as we can amend them at any time, so we can review the bylaws and make any changes or amendments to them. I know it's one of the duties of the chair and vice chair to a point alternates. Should the need arise.

Bea Gonzales, Board of Supervisor, asked if we have any pressing matters that we need to address this year.

Stephanie Reck, Assistant Planner, stated there were some items and that we will review them during item 14 on the agenda.

Arielle Goodspeed, Principal Planner, besides amending the bylaws, if someone cannot attend a meeting we can go through the items with that person prior to the meeting and share their comments during the scheduled meeting time.

No public comment at this time.

7. REVIEW: COMMITTEE BYLAWS

Bea Gonzales, Board of Supervisor, stated that you tend to be very detail oriented in your presentations, and I thank you, I would call that thorough. But since these are voluminous pages for us to go through. I would ask that you point out the highlights and give us the option to go over at our own leisure.

Stephanie Reck, Assistant Planner, stated that she understands and will do this for all future meetings.

Stephanie Reck, Assistant Planner, presented a review of the committee bylaws.

Jonathan Casey, Financial or Accounting public member, asked if we can review what project we are going to be looking at this year? Does the project have to have an affordable component for us to look at it or will we be looking at any housing project that comes through the county?

Stephanie Reck, Assistant Planner, stated that we will only be looking at projects that have an affordability component.

Arielle Goodspeed, Principal Planner, stated this goes back to our inclusionary ordinance and that any project that requires this component will be presented before this committee.

No public comment at this time.

8. APPOINTMENT: COMMITTEE CHAIR AND VICE CHAIR

Robert Gibson, Chair of the Planning Commission, nominated Bea Gonzales, Board of Supervisor, to be Chair of the Housing Advisory Committee.

Richard Way, Planning Commissioner, seconded this motion.

Motion passed six (6) to zero (0).

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, nominated Robert Gibson, Chair of the Planning Commission, to be Vice-Chair of the Housing Advisory Committee.

Dom Zanger, Board Supervisor, seconded this motion.

Motion passed six (6) to Zero (0).

Public Comment:

Elia Salinas, resident of San Benito County, asked if the votes count for the remote members? And if so, it would be a three (3) to Zero (0) vote and not a six (6) to Zero (0).

Richard Way, Planning Commissioner, stated that the provision for teleconference does not expire until the end of February, so the remote votes stand at this time.

Elia Salinas, resident of San Benito County, stated that she knows of another meeting where a remote vote was excluded. Can legal respond to this?

Joel Ellinwood, Assistant County Counsel, stated that it depends on whether or not the absence is "excused", if you will. On if the participant is exercising their right to participate remotely with one of the two allotted times they can participate remotely throughout the year.

Richard Way, Planning Commissioner, so the question at hand is whether the remote votes we have taken so far count towards each motion.

Joel Ellinwood, Assistant County Counsel, stated the provision requires that all votes be taken by roll call when there is teleconferencing. Other than the fact that all votes today were unanimous, it is form over substance to require that votes be conducted by roll call.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked if we can conduct a roll call vote for the nomination of chair and vice-chair.

Dana Serpa-Ostojka, Office Assistant II, conducted a roll call vote for the nomination of Bea Gonzales, Board of Supervisor, as Chair of the Housing Advisory Committee:

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, voted yes.

Dom Zanger, Board Supervisor, votes yes.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, votes yes.

Richard Way, Planning Commissioner, votes yes.

Victor Gomez, Development Community public member, votes yes.

Seth Capron, Affordable Housing public member, was absent for this vote.

Jonathan Casey, Financial or Accounting public member, voted yes.

Motion passed six (6) to zero (0) with one (1) absence.

Dana Serpa-Ostojka, Office Assistant II, conducted a roll call vote for the nomination of Robert Gibson, Chair of the Planning Commission, as Vice-Chair of the Housing Advisory Committee:

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, voted yes.

Dom Zanger, Board Supervisor, votes yes.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, votes yes.

Richard Way, Planning Commissioner, votes yes.

Victor Gomez, Development Community public member, votes yes.

Seth Capron, Affordable Housing public member, was absent for this vote.

Jonathan Casey, Financial or Accounting public member, voted yes.

Motion passed six (6) to zero (0) with one (1) absence.

No public comment at this time.

9. SCHEDULE: REGULARLY STANDING MEETINGS

Arielle Goodspeed, Principal Planner, stated that we need to complete our Housing Element Update of the General Plan this year and this committee will be vital to that along with several other items we have to look into. I think frequent meetings may still be needed. One of the things for the bylaws as for attendance is requiring the in-person for our quarterly meetings and count those towards our missed absences. It doesn't seem right if we count the absences outside of the quarterly meetings we may need to meet more than what is provided for in the bylaws.

Victor Gomez, Development Community public member, shared that the only first Monday of the month on which there appears to be a conflict is on Labor Day in September. The following Monday is the 11th which is another important day for the community. September may be the only issue.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, stated that she likes the suggestion about looking at the mandatory meetings being quarterly and only looking at those dates as counting towards the mandatory participation or absences.

Stephanie Reck, Assistant Planner, stated that we could count February as the first quarterly mandatory meeting of the HAC then the next two meetings will be special meetings before reconvening the quarterly. We will keep the same schedule as last year and meet on the first Monday of every month at 11am.

No public comment at this time.

10. ADOPT: NOVEMBER 7, 2022 MINUTES

Victor Gomez, Development Community public member, motioned to adopt the minutes.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, seconded this motion.

Dana Serpa-Ostojka, Office Assistant II, conducted a roll call vote for the adoption of the minutes:

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, voted yes.

Dom Zanger, Board Supervisor, votes yes.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, votes yes.

Richard Way, Planning Commissioner, abstained as he was not a member of the committee last year.

Victor Gomez, Development Community public member, votes yes.

Seth Capron, Affordable Housing public member, was absent for this vote.

Jonathan Casey, Financial or Accounting public member, voted yes.

Motion passed five (5) to zero (0) with one (1) abstention.

No public comment at this time.

11. REPORT: HOUSING ELEMENT ANNUAL PROGRESS REPORT

Stephanie Reck, Assistant Planner, presented an overview of the Housing Element of the General Plan and shared the progress the county has made in the implementation of the Housing Element.

Stephanie Reck, Assistant Planner, shared that For 2022 we built 2 units in the very-low category and 10 units on the low-income category. These units are the second phase of Riverview II. Phase I of Riverview II is captured in 2021 with 4 units in the very low category and 8 units in the low category. No moderate units were permitted or granted their certificate of occupancy in 2022, however 160 above moderate units were constructed. The green cells on the right show how many units we have remaining per our RHNA allocation, you will notice that we have not progressed very far for below moderate-income levels. In the above moderate category, you will notice the opposite, we have built 1,070 units when we were only required to build 355. Our total RHNA allocation is 837 split up among the different income categories.

Arielle Goodspeed, Principal Planner, noted for the record that the information staff present on REAP was incorrect and the funds were reallocated to be used towards our zoning code update and to complete our pre-approved ADU plans. REAP funding is not available for the Housing Element at this time just the LEAP funding. Other funds will come out of the General Fund or this Committee can decide if we want to use the in-lieu fund for this purpose. In regard to the RFG the county reached out to other consultants and at least one said they would respond and we are hopeful to get that application this month.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked when we will get to see the ADU plans and when will they be available to the public because there is a ton of public interest.

Arielle Goodspeed, Principal Planner, stated that staff met with the consultants last week and nailed down some last-minute requirements. I was informed it would be completed in a few weeks then they will be available.

Stephanie Reck, Assistant Planner, stated that the PDF of the report is difficult to read offline, and that staff will send the excel of the report via email to the committee members.

Dana Serpa-Ostojka, Office Assistant II, stated for the record that Seth Capron, Affordable Housing public member, has joined the meeting.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated that in regard to this report is it unfortunately not A-typical for jurisdictions to not meet the below moderate RHNA needs.

Arielle Goodspeed, Principal Planner, stated that in order to get the units to be applicable for our below moderate RHNA we have to have development. If there isn't development occurring, there is not percentage of units to meet those requirements. So, it will be good to discuss grant opportunities to help further this along.

Seth Capron, Affordable Housing public member, asked what the RHNA numbers say about the approach lands of lee was taking and the shift to above moderate. Do we know how many of the RHNA units are covering the workforce category?

Stephanie Reck, Assistant Planner, stated that we need to accurately define what workforce housing income looks like for our county before we can determine if those needs are being met with our RHNA numbers.

Joel Ellinwood, Assistant County Counsel, stated that based on median sales price for homes in the area it is likely that very few workforce-income eligible residents are being met in the lower band of the above moderate-income category.

Seth Capron, Affordable Housing public member, stated that it would be nice to see some numbers on that because the median does not tell the full story.

Joel Ellinwood, Assistant County Counsel, all of the sales are recorded and it is just a data collection issue and I can work with Stephanie Reck, Assistant Planner, on how to collect this.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, motioned to have Stephanie Reck, Assistant Planner, present this report to the Planning Commission for recommendation to the Board.

Richard Way, Planning Commissioner, seconded this motion.

Dana Serpa-Ostoja, Office Assistant II, conducted a roll call vote for this motion.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, voted yes.

Dom Zanger, Board Supervisor, votes yes.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, votes yes.

Richard Way, Planning Commissioner, voted yes.

Victor Gomez, Development Community public member, votes yes.

Seth Capron, Affordable Housing public member, voted yes.

Jonathan Casey, Financial or Accounting public member, voted yes.

Motion passed seven (7) to zero (0).

Public Comment:

G.W. Devon Pack, resident of San Benito County, stated that Rob Bonta, Attorney General, has formed a Housing Strike Force which has been litigating against municipalities and counties. Most recently they developed a settlement with the city of Huntington Park regarding the inadequacies of their 2023 General Plan. They have also developed memorandums with the county of Fresno, so as you work towards developing your housing element. Just be aware that the State Attorney General's office is active in ensuring that counties and cities are complying with SB 9 and other affordable housing provisions in the code.

No public comment at this time.

Public comment period is over.

12. OVERVIEW: CALHOME GRANT

Stephanie Reck, Assistant Planner, presented an overview of the CalHome Super NOFA and eligible uses.

Stephanie Reck, Assistant Planner, stated that ADU's can be counted towards our Below Moderate income levels if the County of San Benito were to adopt an ordinance allowing for the sale of deed restricted ADU's. So, this is an item staff would like to agendaize for a future meeting.

Arielle Goodspeed, Principal Planner, stated this comes from AB587 Friedman, which creates a narrow exemption to the prohibition for ADU's to be sold or otherwise sold separately from the primary dwelling by allowing deed restricted sales to occur. To qualify the jurisdiction must adopt an ordinance and also the construction of the ADU is to be built by a qualified non-profit whose mission is to provide units to low-income households. This particular requirement covers those 80% of the AMI or below. This can be a possibility if we partner with CSDC or CHISPA, but we haven't been able to connect with them yet. However, the county thinks this can be a viable option along with the First Time Homebuyer Mortgage Assistance. The City of San Juan Bautista is interested in partnering with us, but we have not received the same commitment from the City of Hollister.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked if these conversations were occurring in the 2022 calendar year or the 2023 calendar year. And if so, why the City is not interested.

Stephanie Reck, Assistant Planner, stated these conversations have been ongoing in the 2023 calendar year.

Arielle Goodspeed, Principal Planner, stated that the city is interested in participating in a different program than the county is looking into.

Seth Capron, Affordable Housing public member, so am I correct in my understanding that kind of the normal, deed restricted ADU would be a unit that was owned by the landowner in the primary residence, and that landowner was restricted to renting it to an income qualified renter. I would hope it would also say they were required to rent the unit. They couldn't just use it themselves.

Arielle Goodspeed, Principal Planner, stated that was incorrect and the ADU would be owned by the family who is deed restricted within the home. They would not own the land, but they would own the home. It could be akin to renting the air space, however we still need to review this potential ordinance with County Counsel.

Joel Ellinwood, Assistant County Counsel, added that we have not had the chance to discuss the potential sale of deed restricted units. There were 40 or more bills passed for affordable housing in the last legislative session that span hundreds of pages. Right now I am not familiar with this particular bill or what the requirements may be. Many of the bills include so many conditions and qualifications that are very difficult to achieve. Those are practical realities of conditions to be met, so how much of an opportunity this is remains to be seen.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated that I could see it if it's modular and doesn't have a foundation that's poured into the ground.

That would make sense. If you don't own the land, why would you want to necessarily attach it, because if it's based on your employment and your employment changes it's a lot easier to pull something up that is on a frame.

Stephanie Reck, Assistant Planner, stated that something else we should note is that while Staff had one intention originally for this grant, staff were given direction from Ray Espinosa, County Administrative Officer, and the Mindy Sotelo, Chair of the Board of Supervisors, to potentially look at a different route, and these are discussions that are still ongoing. I have a meeting at one to continue that discussion. So, this may or may not change after this afternoon, and Staff will present an update.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked if Assistant County Counsel, Joel Ellinwood, would be in that meeting as well.

No public comment at this time.

13. DIRECTION: FUTURE AGENDA ITEMS TO BE ADDRESSED

Stephanie Reck, Assistant Planner, presented a review of items we will be discussing over the next year with the committee.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, stated that items that were requested by the Board should be our priority.

Joel Ellinwood, Assistant County Counsel, stated that we have an effective ordinance. You need an administrative manual to implement it. You can amend the ordinance, but you need the Administrative Manual to implement to existing ordinance that is already been amendments. My recommendation would be that the Administrative Manual take priority.

Stephanie Reck, Assistant Planner, stated that staff will begin reviewing the administrative manual to determine where updates need to be implemented.

Joel Ellinwood, Assistant County Counsel, stated that one element of the administrative manual that may be helpful would be to address prioritization of local residents or employees or government essential workers in the selection for home buyers or tenants of affordable units.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked for staff to review the Board direction from the regularly scheduled public hearing on January 17th 2023 to determine the adequacy of staff's statements regarding Board direction for additional amendments.

Dom Zanger, Board Supervisor, asked if Victor Gomez, Development Community public member, Had any recommendation on the discussion of increasing the 15% to either 20% or 25%.

Victor Gomez, Development Community public member, stated that one community I can think of off the top. My head that is at 20% is om Santa Cruz, and that has slowed down production of it in Santa Cruz, because they jump from 15% to 20% about 2 years ago. I would recommend for those who want to gather mor information, and if staff can help with this, see how production has been impacted in communities where they have increased because the normal percentage is 15%, but there are other communities that are at 20%. I think, just looking at the production numbers of those communities that have increased from 15% to 20%, I haven't seen any community at 25%, but those that I've seen for 20% could potentially help you and others make a decision.

Stephanie Reck, Assistant Planner, stated that staff are simply relaying the direction provided to staff via the Board and are not presenting all of these options as feasible options, but that they are discussion items we must explore.

Joel Ellinwood, Assistant County Counsel, stated that state law requires that anything above 15% requires a feasibility study to determine if that would make private development infeasible with the affordable units. That study needs to be sent to HCD for review. It is not something that can be done without a considerable additional effort.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked if we can take these concerns back to the Board of Supervisors so we as the HAC can express concerns and difficulties based on the ask of the Board.

Arielle Goodspeed, Principal Planner, stated that staff could do that and also maybe staff could at least get a scope of work with a cost and a timeline to help with that discussion that we bring back to the Board, and so maybe Staff will pursue that first. Just so we can answer all those all those questions.

Stephanie Reck, Assistant Planner, stated that she will also review the Board direction and minutes from the meeting on January 17th, 2023. To gather direct verbiage of direction provided to staff.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated that rather than burn a lot of staff time, that if we have to go to the state to have them approve the feasibility, study, and go through the cost of another study itself, it wouldn't be worth the increase in 5% in my humble opinion.

Abraham Prado, Director of Planning and Building, stated that if the number is higher for affordability, then developers will have to find a way to recuperate those costs, and so more than likely, the way that they would do that is by raising the cost of all the other market rate homes. And that's where it may be infeasible where it's just too high for anybody to be able to purchase a home. As Joel Ellinwood, Assistant County Counsel, mentioned right now, it's at about \$770,000 on average, and I know that there are some homes that are going actually higher on some areas. Those are the thing that HCS wants us to review in a study and I am sure the BIA would also be involved and they would review and make a recommendation to our jurisdiction if we can go higher or not.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, reiterated that he thinks it would be a waste of staff time to work on this. We can address affordable housing in other ways, like promoting tiny homes or manufactured homes.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated that if we remove the option to pay in-lieu fees for 5 to 10 units then were going to force them to build units which is more than 15%, it doesn't make sense it is illogical.

Dom Zanger, Board Supervisor, stated that he brought up the review qualification for in-lieu payment during the Board meeting and he has heard that members of the HAC would like to strike that as a potential amendment. The concern that that I was having at the time was, was why have the option for an in-lieu payment as opposed to building off-site. If the issue was a proximity issue, be 10 miles from the city, or having services, why would the in-lieu payment make more sense than just building low income off-site.

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Stephanie Reck, Assistant Planner, stated that it is infeasible to the developer to build affordable units if any of the 3 qualifications are present. If that is the case, we'd rather you pay us a fee. We're acknowledging that it's going to be infeasible to the developer to build affordable housing, and that we would like to capture a portion of those funds to continue perpetuating affordable housing within the county.

Dom Zanger, Board Supervisor, stated that if we're trying to hit the numbers, why, it wouldn't be advantageous for us as a county to just require the building of the units off-site. I just don't understand how it would be better to get the in-lieu payment because it's not enough to build it is not realistic.

Arielle Goodspeed, Principal Planner, stated the larger picture we have to look at is this inclusionary ordinance isn't going to build the units we need, it is just one option. We need to look at multiple other options to meet those numbers.

Seth Capron, Affordable Housing public member, stated that there are not easy answers here, and it may be infeasible to increase the percentage, but I would favor staff collecting data from the localities around us to see what they are doing.

Stephanie Reck, Assistant Planner, stated that staff have already conducted the majority of that research last year when we were working on the amendments so staff will go back to that information and pass it along.

Arielle Goodspeed, Principal Planner, stated that the in-lieu fees are important because sometimes the grants we go after require so much contribution or match funds. So that is another reason why it is good to have in-lieu funds available.

Dom Zanger, Board Supervisor, stated if the board requested information. I think we probably should do that not just to some of them, we can't strike some of them. We need to work on all of the items.

Arielle Goodspeed, Principal Planner, stated that staff intent was just to present these today and bring them back for a larger discussion in the future.

Joel Ellinwood, Assistant County Counsel, stated that it is his understanding that the direction of the Board was that these items were to return as a discussion of the Board and not necessarily a full-fledged amendment of the Affordable Housing Regulations. The Board directed that future agendas include a discussion of those issues and then the Board can decide on the direction they should take.

Stephanie Reck, Assistant Planner, stated that it sounds like staff will collect information to present to the Board based on these items and then receive further direction from the Board on how or if they would like us to implement these items in the Affordable Housing Regulations.

Public Comment:

G.W. Devon Pack, resident of San Benito County, stated that I wish to comment with regards to the future discussion item of workforce housing and also towards the in-lieu fee. One discussion

item that I would recommend that the HAC consider exploring as far as policy topic is a joint powers authority, which has been adopted by San Jose, Santa Rosa, Sacramento, and Milpitas. It's basically an intergovernmental agency where basically counties and municipalities pull together for the acquisition and operation of housing projects. The one that I'm most familiar with was in Milpitas. There was a residential apartment complex that was basically acquired through a joint powers authority created with San Jose, Milpitas, and Santa Clara County. The reason I bring this up with regards to in-lieu fees is that while the county may not necessarily have a large housing fund to embark individually on a housing project, being able to contribute, in the event that the county decides to pursue the development of a joint Powers authority, possibly with Hollister, San Juan Batista, possibly with Santa Clara County, in-lieu fee payments would then be a way of San Benito County, demonstrating its partnership. If there's ever a joint powers authority considered in the future. So that's an emerging new and promising new approach to tackling low income and middle-income housing programs, and I hope this commission will look into it.

Elia Salians, resident of San Benito County, stated that I am recalling from the Board of Supervisors meeting that it was requested to review up to 20%. One supervisor wanted to see up to 25%, but an increase was agreed upon by 3 voting members of the Board. So, I strongly suggest you all review the video to confirm what it is. Also just bringing to the attention with regards to the workforce and then you have the farm worker housing, and the issue of the individual who were displaced on Lover's Lane where they have 0 housing available and they don't fall in-between workforce housing and farmworker housing.

Arielle Goodspeed, Principal Planner, stated that we were looking at the CalHome grant for those displaced at Lover's Lane however the grant funding has strict stipulations and qualifications. But staff are exploring all options for Lover's lane.

Victor Gomez, Development Community public member, stated that at the end of the day this really comes down to the desire for more affordable housing. I grew up in affordable housing here Hollister and it's definitely needed. So I'm happy to have an offline conversation to talk about the potential options, because there are additional options. I'm actually working on 2 projects in the city that are pure affordable. So, we're not doing any market right it's all full deed restricted affordable. And those that really the types of projects that we need to see in our community, but that funding is quite a bit different. And then last is Abraham's point and is certainly something that needs to be taken into consideration, and its basic math. The way we do it is if you go from 15% to 20%, we're just going to take whatever is going to cost us and that additional 5%, or the total 20%, and we put that on top of the market rate houses. So, the market rate units then go up \$10, \$20, \$30, \$40,000 more to subsidize the 20% affordable. It's a little bit more complicated than that, but just more of a high level.

Seth Capron, Affordable Housing public member, stated that there may be some effect of the market rate houses going up, but those houses are sold in the market, and the prices they sell for are going to be determined by the market as much as what the developer feels like they need to sell them for. So, I think it's complicated.

No public comment at this time.

14. SCHEDULE: NEXT MEETING DATE

Stephanie Reck, Assistant Planner, scheduled the next meeting for Monday March 6th, 2023, at 11 am.

ADJOURNMENT:

As required by Gov. Code Section 54957.5 any public record distributed to the San Benito Housing Advisory Committee less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, 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 office of the Clerk of the Board.

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.