

Joel Ellinwood

From: Mark Wolfe <mrw@mrwolfeassociates.com>
Sent: Monday, January 04, 2021 10:38 AM
To: Joel Ellinwood
Cc: Barbara Thompson
Subject: Request to suspend/postpone effective date of Ordinance 1016- Rezoning of Searle Rd/SR 129 Commercial Node

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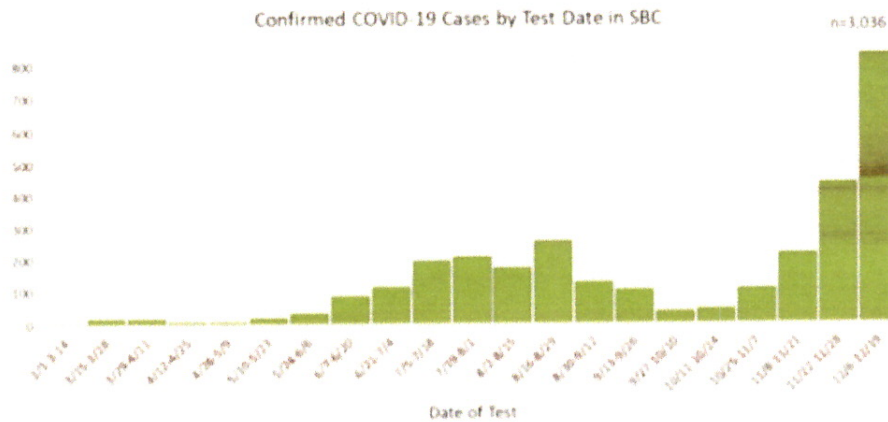
Dear Joel,

In light of the current COVID situation in San Benito County, PORC has directed me to request that you ask the Board of Supervisors to convene a special or emergency meeting by telephone or videoconference, consistent with Gov't Code sec. 54956 and/or 54956.5, to deliberate and vote on a resolution to suspend the effective date of Ordinance 1016 rezoning a portion of the Searle Rd./SR 129 commercial node until 30 days after the County moves to "**Tier 3: Moderate**" status, and vaccines are available to signature gatherers. which is reflective of the situation the County was facing in June, 2020, when the "Guidance for Petition Circulation" was issued by the Interim Health Officer.

Today, San Benito County's number of confirmed COVID cases is about 27 times the number of confirmed cases on June 3, 2020 when the County Health Officer issued "Guidance for Petition Circulation". The County's COVID status was Tier 3: Moderate on June 3, 2020. Today, the County's COVID status is Tier 1: Widespread. The June Guidance is therefore no longer relevant or reflective of current conditions.

As Dr. Mark Ghaly, the state's Health and Human Services Secretary, observed in his December 29, 2020 COVID update, "Things that were a month ago, or two months ago, a low-risk activity, today are really high risks because of the level of COVID that's circulating in our communities". (See <https://deadline.com/2020/12/coronavirus-california-lockdown-extended-hospitals-overwhelmed-gavin-newsom-1234662437>)

The County's COVID test positivity rate is now more than twice that of Santa Clara and Santa Cruz counties. Below is the latest COVID data from San Benito County Health Department's website.



San Benito Co. COVID-19 test Positivity rate is 16.7% which is more than twice the rate in Santa Clara & Santa Cruz Co.

County	San Benito	Santa Clara	Santa Cruz	Monterey	Merced
Total Confirmed COVID-19 Cases	3,489	67,423	8,202	26,752	19,066
Population	64,022	1,967,585	273,999	448,732	287,420
Adjusted Case Rate* (per 100K population)	87.0	29.5	25.7	59.3	43.7
Current Positivity Rate*	16.7%	7.8%	7.6%	17.0%	12.0%

If the County can agree to a reasonable period of time before a referendum petition on the Searle Rd/129 rezone ordinance must be submitted, it would save time, costs, and attorneys fees in pursuing an ex parte application for emergency relief.

Please advise me of the Supervisors' willingness to meet and consider this request before **5 pm on Wednesday, January 6, 2021.**

Thank you.

Mark R. Wolfe
M. R. Wolfe & Associates, P.C. | Attorneys
Land Use | Environmental Law | Elections

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