

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS AUTHORIZING A TIMING MODIFICATION FOR COMPLETION OF 50% OF THE AFFORDABLE HOUSING REQUIREMENT (*FIRST PHASE OF AFFORDABLE UNITS*) FOR THE SANTANA RANCH DEVELOPMENT.

WHEREAS, Anderson Homes has requested an advance issuance of 13 building permits prior to completion of the performance requirements of the approved Santana Ranch Development Agreement, Section 2.7 (d), which provides that construction of fifty percent (50%) of the affordable units shall be completed prior to commencing construction of the project's five hundredth (500th) unit ("First Phase of Affordable Units") and shall complete construction of the remaining fifty percent (50%) of the affordable units prior to commencing construction of the project's nine hundredth (900th) unit ("Second Phase of Affordable Units), and;

WHEREAS, currently, the project is under a building permit hold placed upon the project with the issuance of the 499th Single Family Dwelling (SFD) permit. Their request has been placed on hold for several months as staff completed a review of project compliance with the existing agreements and working through the deficiencies that were discovered, and;

WHEREAS, staff now reports that the project is substantially in compliance with the Specific Plan and the Development Agreement (there are some outstanding issues, but work plans have been approved to resolve these last items), and;

WHEREAS, these "advanced permits" will allow Anderson Homes to commence construction of up to 512 SFDs prior to completion of construction of 50% of the affordable housing units, and;

WHEREAS, Anderson Homes is making this request to be able to keep their local sub-contractors employed as they wrap up work on the meeting the performance requirement for the First Phase of Affordable Units, and;

WHEREAS, the County Building Official estimates the completion of the requirement and removal of the building permit hold by the end of first quarter 2022.

WHEREAS, this authorization for a timing modification moves the completion of 50% of the affordable units from construction of the Project's four hundred ninety-ninth 499th unit to commencement of construction of the project's 512th unit, and;

WHEREAS, the 512th construction timing threshold re-establishes a "point-certain" for the housing developer to complete and deliver "the First Phase of Affordable Units," and;

WHEREAS, under the clarification of the Planning Director's authority under the Specific Plan Section 8.1.9, the Planning Director is authorized to make Minor Modifications to subsequent

entitlements, subject to making certain findings, that would not constitute amendments to the Specific Plan, and;.

WHEREAS, the Planning Director has brought this matter to the Board of Supervisors for transparency purposes and to provide the Board with a status update of affordable housing construction at the Santana Ranch Specific Plan Project, and;

WHEREAS, this authorization for a timing modification will not:

(1) Modify any zoning regulation or standard;

Evidence: The change of a timing threshold for performance by the developer to deliver the First Phase of Affordable Units per the Specific Plan and Development Agreement does not modify any zoning regulation or standard.

(2) Modify the Figure 2-1 Land Use Map or Table 2-1 in a manner that is inconsistent with Article 2, Section 2.3. of this Specific Plan;

Evidence: The change of a timing threshold for performance by the developer to deliver the First Phase of Affordable Units does not modify the Figure 2-1 Land Use Map or Table 2-1.

(3) Cause any other change to the Project that would result in a new significant adverse, unmitigated environmental impact or any significant increase in any previously identified environmental impact pursuant to Public Resources Code section 21166;

Evidence: The change of a timing threshold for performance by the developer to deliver the First Phase of Affordable Units will not cause any other change to the Project that would result in a new significant adverse, unmitigated environmental impact or any significant increase in any previously identified environmental impact pursuant to Public Resources Code section 21166.

(4) Be inconsistent with the purpose and intent of the Specific Plan.

Evidence: The change of a timing threshold for performance by the developer to deliver the First Phase of Affordable Units will still result in the construction of the First Phase of Affordable Units and is not inconsistent with the purpose and intent of the Specific Plan.

NOW THEREFORE BE IT RESOLVED that the proposal to change to the timing threshold for performance by the developer to deliver the First Phase of Affordable Units is considered a Minor Modification to the Development Agreement within the allowances of the Santana Ranch Specific Plan and is hereby granted.

NOW THEREFORE BE IT FURTHER RESOLVED that the modified language of the *Development Agreement By and Between the County of San Benito and Santana Ranch Landowners Section 2.7 Affordable Housing (d)* is modified as follows:

2.7(d) Owner shall complete construction of fifty percent (50%) of the Affordable Units prior to commencing construction of the Project's five hundredth ~~(500th)~~ **(512th)** unit. ("**First Phase of Affordable Units**") and shall complete construction of the remaining fifty percent (50%) of the Affordable Units prior to commencing construction of the Project's nine hundredth (900th) unit ("**Second Phase of Affordable Units**"); provided, however, that Owner may accelerate said Affordable Unit construction schedule so long as doing so is otherwise consistent with Owner's obligations under this Agreement and Subsequent Approvals.

PASSED AND ADOPTED by the San Benito County Board of Supervisors, State of California, at the meeting of said Board held on January 25, 2022, by the following vote:

Ayes: SUPERVISORS

Noes: SUPERVISORS

Absent: SUPERVISORS

Abstain: SUPERVISORS

By: _____

BEA GONZALES,
Chair of San Benito County Board of
Supervisors

APPROVED AS TO LEGAL FORM:
Barbara J. Thompson, County Counsel

ATTEST:
Jennifer Frechette, Clerk of the Board


By: Joel Ellinwood, Assistant County Counsel

Date: January 25, 2022

By: _____
Date: _____