

STAFF REPORT

PROJECT INFORMATION

Application:	<u>PLN190009-GPA</u> General Plan Text Amendment to add affordable housing as an allowed use in the Public Quasi Public Land Use Designation, and <u>PLN190009-ZC</u> Zone Change from Agricultural Productive (AP) to Single-family Residential (R1), and <u>PLN190009-TSM</u> Subdivide 4.88-acres into 24-lots for 100% affordable single-family detached residential units
Date of Hearing:	November 20, 2019, Planning Commission
Applicant/Owner:	Community Services Development Corporation (CDSC)
Location:	West side Southside Road, southerly of Hospital Road
Assessor's Parcel No:	020-320-032
General Plan Designation:	Public Quasi Public (PQP)
Zoning District:	Agricultural Productive (AP), R1 proposed
CEQA:	Exempt per Guidelines Section 15061 (b) (3)
Project Planner:	Darryl Boyd, Principal Planner

PROJECT DESCRIPTION

On February 26, 2019, the Community Services Development Corporation (CSDC) filed a request to; 1) amend the 2035 General Plan Land Use Diagram designation, 2) change the zoning to Single-family Residential (R1) and 3) subdivide their 4.88-acre property located at 3110 Southside Road (APN 020-320-032). The proposed tentative subdivision map is for the development of 24-lots as 100% affordable single-family residences. A portion of the affordability will be achieved by the use of a unique owner/builder mutual self-help construction program. The income levels of the self-help families will be low or very low.

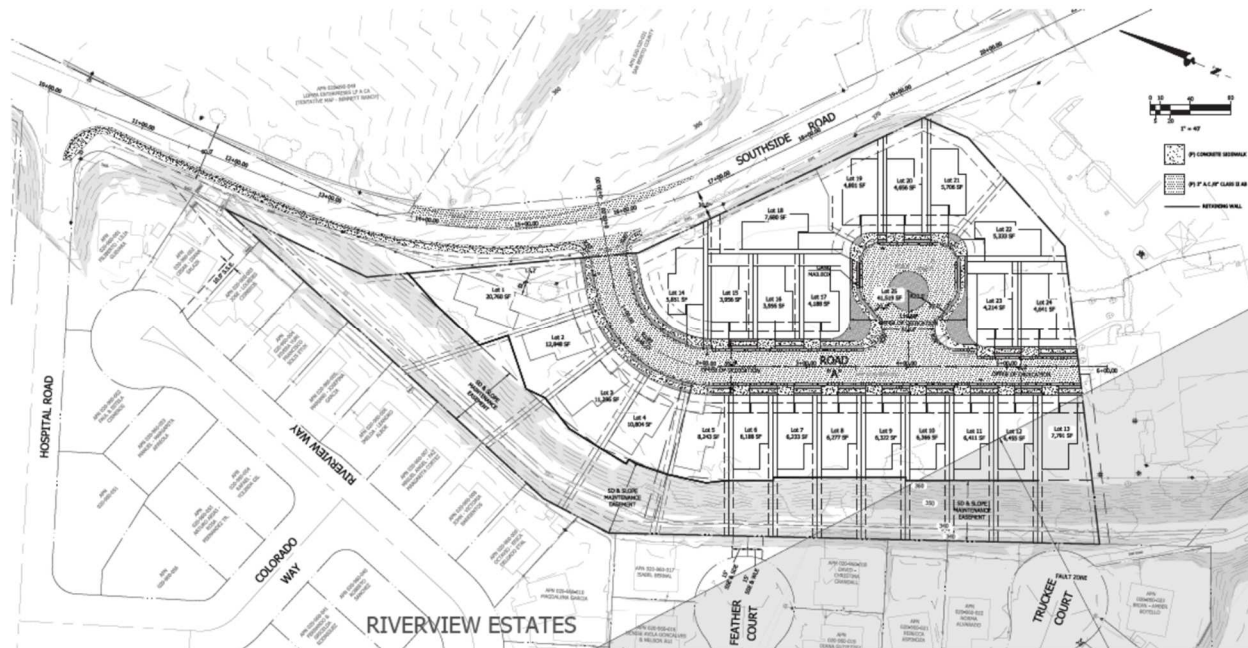
The proposed lots range in size from 3,784 – 20,796 square feet with a gross average size of 7,124 sq. ft. The proposed houses will be approximately 1,385 sq. ft. with four bedrooms and single-story. All have a two-car attached garage. The applicant has submitted a density bonus request for concessions on some development standards. This request is discussed in more detail below.

Access to the project site is from Southside Road. The project includes right-of-way dedication and improvements on Southside Road frontage. The site access will be improved for safety and operations with the construction of a new street connection to Southside Road that will maximize line of sight distances. The project includes the dedication and construction of a new internal residential street with curb, gutter and sidewalks. All of the new residential lots will front onto and take access from the new internal street. Street trees will be installed as part of the project.

Domestic water service for the project will be provided by the City of Hollister. The City of Hollister will provide sanitary sewer and wastewater treatment service. The City issued a “will serve” letter dated August 17, 2018. The project will be added to the existing Riverview Community Service Area for street maintenance, street lighting and storm drainage. There is an

existing storm drainage detention pond located in the adjacent Riverview I subdivision that will be enlarged to accommodate the additional flows from the proposed Riverview II project.

Proposed Tentative Map



SITE DESCRIPTION

The 4.88-acre project site is located on the west side of Southside Road. A Lot Line Adjustment (PLN170007) was approved by the County in December 2017 that created the existing parcel configuration. The site was previously developed with the former San Benito County Hospital building that was demolished by CDSC in 2018 after purchasing the property from the County for \$1.00. Surrounding land uses include the Fay-Bennett Ranch subdivision currently under construction to the northeast, County owned land with farm work force housing to the east, County offices and the fleet maintenance/corporation yard to the south and the Riverview Estates I subdivision to the west. CDSC completed required site remediation for toxic materials. The site was cleared for residential development by the State Department of Toxic Substance Control.

The site is generally flat in the area to be developed with steep, approximately 30%, slopes along the western side next to the existing subdivision. The existing non-native trees and vegetation will be removed. A large oak tree will be saved and designed into the project. Existing specific site conditions are listed in the table below.

<u>Condition</u>	<u>Site Status</u>
Special Status Animal Species or Habitat	None
Earthquake Fault Zone	Calaveras Zone along western edge
FEMA Flood Zone	None
Fire Severity	Non wildland/Non-urban
Landslide Susceptibility	Least

Liquefaction Potential
School District, Elementary
School District, Secondary
Soils

Medium
Southside Elementary
San Benito High School
Grade 1

*Aerial Views of Project Site
Before County Hospital Demolition*



After County Hospital Demolition



GENERAL PLAN AMENDMENT

The County's 2035 General Plan Land Use Diagram designation for the site is Public/Quasi-Public (PQP). The purpose of the PQP designation is to provide for public and quasi-public uses, including public utility facilities and services. This designation applies to the following uses: schools, landfills, recycling, resource recovery, government lands (non-parkland), sewage treatment plants, fire stations, sheriff stations/substations, jails, religious meeting areas, libraries, energy generation and distribution, water distribution, and public meeting halls, and other similar uses related to the operation of County government services.

Residential or affordable housing development is not allowed in the PQP designation. The applicant's request includes a general plan amendment. The initial approach was to change the land use designation for the site to one that allowed residential uses, such as Residential Mixed (RM). However, after careful deliberation, staff is recommending the PQP designation text be amended to provide flexibility for allowing additional uses, such as affordable housing, that serve a clear public benefit. This approach also supports implementation of the County's Housing Element. The analysis section of this staff report elaborates the rationale and merits for the proposed text amendment. Staff recommends the 2035 General Plan text for the Public/Quasi-Public land designation be amended as follows:

Public/Quasi-Public (PQP)

The purpose of this designation is to provide for public and quasi-public uses, including public utility facilities and services. This designation applies to the following uses: schools, landfills, recycling, resource recovery, government lands (non-parkland), sewage treatment plants, fire stations, sheriff stations/substations, jails, religious meeting areas, libraries, energy generation and distribution, water distribution, and public meeting halls, and other similar uses related to the operation of County government services. An alternate use of property designated PQP may be approved without an amendment to the Land Use Diagram if such alternate use is compatible with existing and planned uses on neighboring properties and is consistent with applicable General Plan policies.

The County's 2014-2023 Housing Element of the General Plan is a state mandated document that provides local strategies for addressing state and local housing needs. The Housing Element is the major Local Housing Strategy Document intended to provide citizens and public officials with the understanding of the housing needs of the community. This element sets forth policies and programs aimed at attainment of defined goals. The total allocation of need for unincorporated San Benito County is 837 housing units. The number of housing units needed for the very low-income group is 198 units (23.7% of jurisdiction total) and for the low income group is 120 units (14.3%).

ZONING CHANGE

The existing zoning for the site is Agricultural Productive (AP). The AP district does not allow residential subdivision like the proposed project. The applicant's request includes a change to the County zoning map for the project site to Single-family Residential (R1) Zoning District. The development standards and regulations for the R1 district are found in County Code Chapter 25.11 Article II. In the R1 district, the minimum building site area shall be 5,000 square feet

where a public sewer and public water supply are available. Furthermore, where a public sewer and public water supply are available, and the project involves the construction of five dwelling units or more, mixed residential development types are required. Building setbacks in the R1 district shall be as follows:

Front yard	20 feet
Side yards	The minimum width of each yard shall be 10% of the lot width but in no case less than six feet, nor required to be more than 20 feet. Where parcel sizes of less than 7,200 square feet are provided, the minimum side yard setback shall be six feet and the minimum front yard setback shall be 15 feet
Rear yard	20% of the lot depth with a minimum requirement of 20 feet and a maximum requirement of 35 feet

ENVIRONMENTAL DETERMINATION

All three of the project components, general plan amendment, rezoning and tentative map are projects subject to the California Environmental Quality Act (CEQA). The proposed general plan text amendment allows alternate uses in the PQP land use designation. As explained in the following staff analysis the proposed text amendment will have very limited applicability. The proposed rezoning is to Single-family Residential (R1), which is a conventional district that allows many different permitted and conditional uses. Neither of these actions will directly result in any changes to the existing physical environment. Per CEQA Guidelines Section 15061(b) (3), these activities are exempt and not subject to CEQA because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

The proposed tentative subdivision map is for a 100% affordable housing project for the very low and low-income groups. The proposed project meets all of the criteria for the Affordable Housing Exemption found in CEQA Guidelines Sections 15194 and 15192, except that the project does not meet the location requirement relating to population density. As stated in the Housing Element the need for affordable housing is not any less in an area with a lower population density. The project density is considered dense by County standards. Except for this density requirement, the project would otherwise be exempt from CEQA. Based on this reasoning, the tentative subdivision map can also be found exempt per CEQA Guidelines Section 15061(b) (3). This approach facilitates implementation of the County Housing Element and is consistent with the Governor's recent direction to construct more affordable housing units.

STAFF ANALYSIS

The analysis will separately discuss the three project components; general plan amendment, rezoning and tentative subdivision map as well as reviewing the applicant's density bonus request.

General Plan Text Amendment

Chapter 19.29 of the County Code governs amendments to the General Plan. The Planning Commission is required to hold at least one public hearing to consider all applications. Notice of

the public hearing shall be given pursuant to Cal. Gov't Code § 65090. The Planning Commission shall make a written recommendation to the Board of Supervisors about the application. Staff has prepared a draft resolution for Commission consideration that is attached to this report.

The proposed general plan text amendment will allow additional land uses in the PQP designation with a determination of neighborhood compatibility and general plan policy conformance. This amendment would allow the proposed affordable housing project at the proposed location, formerly owned by the County.

The applicability and potential use of the proposed text amendment is very limited. One key consideration for this text amendment is the potential for other PQP designated properties to take advantage of alternate uses. According to the County GIS there are currently 12 parcels designated PQP, including the project site, in the unincorporated county. The existing use of each parcel and its size is identified in the table below. Based on the current use of the parcels, it seems highly unlikely that any of them would potentially redevelop in the near future and utilize the proposed text amendment. The only exception might be the Gavilan College site if it should not be developed as a college.

PQP Designated Parcels

SITE USE	GP	Acres
County Corporation yard & Farm Labor Camp Housing	PQP	78.62
Gavilan College - Fairview Road (vacant)	PQP	44.95
High School	PQP	11.39
High school	PQP	75.35
Landfill	PQP	60.64
Landfill	PQP	34.42
Landfill	PQP	104.53
Landfill	PQP	4.15
SBCWD Well	PQP	6.48
Sherriff's Shooting Range	PQP	3.81
Southside Elementary School	PQP	5.07
Tres Pinos Elementary School	PQP	4.02

TOTAL UNINCORPORATED ACRES

433.42

Zoning Map Change

County Code Chapter 25.45 authorizes changing the provisions of Title 25 "Zoning Code" whenever the public necessity, convenience and general welfare require such amendments. This chapter also establishes the procedures to be followed for such proposed changes. Following the presentation of a staff report and recommendation at a duly noticed public hearing, the Planning Commission is required to make a report of its findings and recommendations with respect to the proposed amendment and by resolution forward its recommendations to the Board of Supervisors. The Commission may recommend approval of the proposed change if it finds it will

serve the public necessity, convenience and general welfare, and is good zoning practice. Staff has prepared a draft resolution for Commission consideration that is attached to this report.

The proposed rezoning can be found consistent with the General Plan Land Use designation if the proposed general plan text amendment is approved. Rezoning the property so that it can be used for affordable housing is consistent with the goals and policies of the General Plan. The rezoning represents good zoning practice in that it will allow uses compatible with the surrounding neighborhood.

Tentative Subdivision Map

The proposed project includes a proposed tentative subdivision map. The State Subdivision Map Act and Title 23 of the County Code govern the subdivision process and requirements. County Code §23.07.006 states that the Planning Commission may approve or conditionally approve the tentative map if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan, and any applicable specific plan. The Planning Commission may modify or delete any of the conditions of approval recommended in the Planning Department report. The Planning Commission may add additional requirements as a condition of its approval. This section also sets forth the grounds and findings on which the Planning Commission may deny approval of the tentative map. Other chapters in Title 23 address dedications, improvements, road standards and other design requirements.

The Residential Development policies of the General Plan guide residential development in the county. Policy LU-4.1 encourages a balance of housing types, locations, and price ranges within the county to accommodate a variety of families from all socio-economic backgrounds. Policy LU-4.2 requires the County to 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. The project is consistent with these goals and policies.

The proposed design of the subdivision does **not** meet the requirements of Code §23.25.002 for subdivisions with a minimum parcel size of less than five acres. The proposed minimum lot size and proposed setback do not conform to the County Zoning Ordinance. The minimum average lot-width ratio of the width of the lot to its depth is not to exceed one to three. The project does not meet this requirement due to its design to avoid the need for a homeowner's association.

The project as proposed does not meet the R1 development standards. The project proposes seven (7) lots that do not meet the R1 minimum lot size of 5,000 sq. ft. None of the lots will meet the R1 setbacks. The R1 minimum front setback is 15-feet under any circumstance and the project proposes 8-feet. The project minimum side yard setback is 5-feet with 12-feet in the rear yard, and the R1 district requires 6-feet and 20-feet respectively. The steep slopes along the westerly side of the project are included in the private lots in order to avoid the need for creating a Home Owners Association. This helps to keep the project an affordable housing development.

Density Bonus

The project that does not conform to the General Plan in one important aspect. The proposed tentative subdivision map does not conform to the General Plan requirement for providing a mix of residential uses with a variety of development types. The project is limited to only single-family detached residential. In addition, the new internal residential street does not meet the County's required public street standard width of 60 feet. Under normal circumstances, staff would recommend the Planning Commission deny the proposed tentative subdivision map for the reasons stated above. However, because it is an affordable housing project it qualifies for a "density bonus" under state law and county code.

County Code §21.03.013 'Density Bonus and Incentives' requires the County to provide density bonuses, incentives or concessions for the production of housing units and/or child care facilities in accordance with Cal. Gov't Code §§ 65915 through 65916. The county may, in its discretion, grant a density bonus greater than required by Cal. Gov't Code § 65915 for a development that meets the requirements of Cal. Gov't Code § 65915, or grant a proportionately lower density bonus than what is required by Cal. Gov't Code § 65915 for developments that do not meet the requirements of Cal. Gov't Code § 65915.

Subsection (D) of 21.03.013 provides for an applicant/developer to submit to the county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section. The county is required to grant the concession or incentive requested by the applicant developer unless the county makes a written finding, based upon substantial evidence. CDSC did submit a density bonus request letter, dated July 11, 2019, prepared by Goldfarb Lipman Attorneys. The letter requests three regulatory concessions; undergrounding, lot depth requirements and mixed development types. The request also includes waivers for public street width, R1 setbacks and on-site recreation. A copy of the letter is attached to the staff report.

Conclusion

In summary, staff's opinion is the approval of the proposed general plan text amendment and zoning map change will serve the public necessity, convenience and general welfare in that both actions will implement the County's adopted 2035 General Plan goals and policies. The proposed rezoning fulfills the direction and vision of the General Plan for facilitating affordable housing and includes the components necessary for good zoning practice.

Granting the density bonus request for the identified concessions allows the County to find the proposed tentative subdivision map consistent with the General Plan and Zoning Code. The project includes conditions of approval intended to ensure the project develops as an affordable housing project. Staff recommends approval of the proposed tentative subdivision map with standard and special conditions as included in the draft resolution.

RECOMMENDATION

Staff recommends the Planning Commission:

- 1) Find the General Plan Amendment, Zoning Change and Tentative Subdivision Map Exempt from the requirements of CEQA; and
- 2) Adopt a resolution (*Attachment 1*) recommending the Board of Supervisors;
 - a. Adopt a resolution to approve the General Plan Text Amendment as recommended by staff; and
 - b. Adopt an ordinance to change the Zoning Map for the site from AP to R1 with findings the proposed Zoning Map change will serve the public necessity, convenience and general welfare, and is good zoning practice; and
 - c. Adopt a resolution granting the Density Bonus Request and approving the TSM with Conditions of Approval.

ATTACHMENTS

1. Draft Recommendation Resolution to BOS
2. Draft Resolution for General Plan Text Amendment
3. Draft Zoning Ordinance and Map
4. Draft TSM Resolution and Conditions of Approval
5. Tentative Subdivision Map
6. Density Bonus Request Letter

C: Property Owner

Mr. Sonny Flores, Executive Director
Community Services Development Corporation
1101 San Felipe Road
Hollister, CA 95023

Ms. Anne Hall
San Benito Engineering