

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

Resolution No. 2019- 23

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING COMMISSION
RECOMMENDING TO THE BOARD OF SUPERVISORS ADOPTION OF AN ORDINANCE TO
APPROVE AND REZONE THE REAL PROPERTY DESCRIBED HEREIN TO ADD THE
COMMERCIAL THOROUGHFARE (C-1) OVERLAY DISTRICT TO THE EXISTING REGIONAL
COMMERCIAL (C-3) DISTRICT

WHEREAS, in regard to File PLN190060 "*Betabel Road*," the subject parcel is located at 9664 and 9644 Betabel Road, San Juan Bautista on the west side of U.S. 101 in San Benito County, California (portions of Assessor's Parcel 013-150-017, -018, -024 & -025) and is approximately 29 acres in area; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the Betabel Road rezone at its duly noticed, regularly scheduled meeting held on November 20, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, the subject property currently has a General Plan Land Use Diagram designation of Rangeland and Commercial Regional; and

WHEREAS, the subject property's zoning is Regional Commercial (C-3) as adopted by the Board of Supervisors by Ordinance 992 on September 24, 2019; and

WHEREAS, the Board of Supervisors adopted the Article IV Regional Commercial (C-3) District Zoning Regulations by Ordinance 991 on September 24, 2019; and

WHEREAS, by a citizens' referendum petition, Ordinance 991 has been suspended, thereby suspending the C-3 District Zoning Regulations pending an outcome; and

WHEREAS, the Planning Commission found that the Commercial Thoroughfare (C-1) Overlay District implements the purpose and intent of the General Plan Commercial Regional land use designation regardless of the outcome of the referendum petition; and

WHEREAS, the application and implementation of the rezone to add the Commercial Thoroughfare (C-1) Overlay to the existing Regional Commercial (C-3) zoning requires amendments to the County Zoning Map; and

WHEREAS, the property owner executed a reimbursement agreement with the County to fund the change of the County Zoning Map to add a Commercial Thoroughfare (C-1) Overlay; and

WHEREAS, in accordance with County Code § 25.45.005, the Planning Commission found the Zoning Map amendments (1) consistent with the 2035 General Plan, (2) that they will serve the public necessity, convenience and general welfare, and (3) are a good zoning practice; and

WHEREAS, in accordance with County Code §25.45.004, the Planning Commission passed and adopted Resolution No. 2019-_____ recommending the Board of Supervisors approve the Zoning Map amendments; and

WHEREAS, the project does not currently propose any new construction on the subject properties; and

WHEREAS, the Planning Commission has determined the project qualifies for an addendum to the 2035 General Plan Update Final Environmental Impact Report (Resolution 2015-58) under Sections 15162 and 15164 of the California Environmental Quality Act Guidelines; 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 all of the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Finding:

Finding: Pursuant to San Benito County Local Guidelines for the California Environmental Quality Act, this project qualifies for an addendum to the 2035 General Plan Environmental Impact Report (Resolution 2015-58) under Sections 15162 and 15164 of the California Environmental Quality Act Guidelines.

***Evidence:** The project proposes changes to the Zoning Map to implement the 2035 General Plan goals, policies and land use element. The project does not include the construction of any new buildings and creates no physical changes to the existing environment. An addendum to the Final Environmental Impact Report San Benito County 2035 General Plan, State Clearinghouse No. 2011111016, certified on July 21, 2015 ("General Plan EIR") has been prepared for the zoning action. The General Plan EIR analyzed the San Benito County 2035 General Plan Update ("General Plan"), which was adopted by the San Benito County ("County") Board of Supervisors on the same date. The subject addressed by this addendum is the change to the Zoning Map to rezone the Betabel Road site to add a C-1 Overlay (referred to interchangeably as "proposed project").*

Zone Change Findings:

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

***Evidence 1:** For the reasons set forth in the staff report, incorporated herein by this reference, the Planning Commission finds that the zone change is consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan. The Zoning Map changes are consistent with the General Plan Land Use Element and the C-1 District. No other special plan, such as a specific plan, is in effect at this location.*

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

***Evidence 2:** The changes to the Zoning Map would serve the public necessity, convenience and general welfare in that the 2035 General Plan goals and policies, and Land Use and Economic Development Elements will be implemented. The zoning map change is a good zoning practice in that allows for the implementation of the 2035 General Plan Commercial Regional land use designation.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that based on the foregoing findings and considerations, and based on the evidence in the record, the Planning Commission hereby makes the following findings and recommends that the Board of Supervisors adopt the proposed ordinance, attached hereto as Exhibit "A," to amend the County Zoning Map for the subject location from its current zoning as noted above to Commercial Thoroughfare (C-1).

1. The program level 2035 General Plan EIR (Resolution 2015-58) is adequate and sufficient to provide environmental clearance of the proposed project based on substantial evidence in the record.

2. The zone change is consistent with the 2035 General Plan, and there is not any applicable special plan.
3. The approval of the zone petition will serve the public necessity, convenience, and general welfare, and is a good zoning practice.

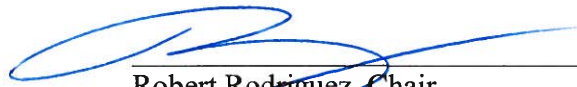
PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO ON THIS 20th DAY OF NOVEMBER 2019 BY THE FOLLOWING VOTE:

AYES: *Commissioner Robert Rodriguez, Valerie Egland & Robert Gibson*

NOES: *Commissioner Edward Navarro & Robert Eggers*

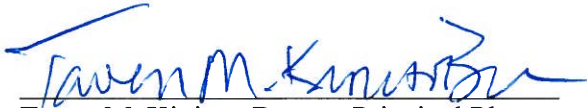
ABSENT:

ABSTAIN:



Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:



Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County