

Betabel Road Rezone Commercial Thoroughfare (C-1) Combining District

Board of Supervisors

April 7, 2020



Betabel C-1 Zoning Action for the Board of Supervisors

- Staff Recommends that the Board of Supervisors:

Adopt an Ordinance to establish the C-1 combining district for the 29-acre area including portions of APNs: 013-150-017, 018, 024 & 025

On November 20, 2019, the San Benito County Planning Commission recommended 3-2 that the Board of Supervisors consider the addendum to the certified 2035 General Plan FEIR, and add the C-1 Commercial Thoroughfare designation to the subject property.



Background

- 2035 General Plan was adopted by the BOS in July 2015 with a certified FEIR
- 2035 General Plan designated “nodes” on Land Use Diagrams as Commercial Regional opportunity areas along U.S. Highway 101, including one at Betabel Road
- On September 24, 2019, the Board of Supervisors adopted Ordinance No. 991, adopting the new C-3 zoning regulations implementing adopted General Plan goals and rezoned 29 acres of the Applicant’s land at Betabel Road to Regional Commercial (C-3) (Ordinance No. 992)



Background

(continued)

- On October 15, 2019 the Betabel Property Owner applied for an alternative zoning designation (C-1) for the property to implement General Plan policies encouraging commercial development.
- A citizens referendum was filed on October 23, 2019, that suspended Ordinance No. 991, the C-3 zoning regulations.
- Betabel Road C-3 zoning of applicant's land remained in place with no corresponding zoning standards to implement the Commercial Regional (CR) land use designation.



Background

(continued)

- On November 20, 2019 the Planning Commission considered the alternative to the C-3 designation, and recommended 3-2 to the Board of Supervisors that a C-1 zoning designation be established for the Betabel property.
- On March 3, 2020, Measure K, to affirm Ordinance No. 991 failed, resulting in the absence of zoning standards for the Commercial Regional nodes, including Betabel.
- State law requires zoning ordinances be amended to be consistent with the General Plan (Gov. Code § 65860)
- On March 24, 2020, the Board of Supervisors opened the Public Hearing to consider the Planning Commission's recommendation that a C-1 combining zone designation be established for the Betabel property.



Background

(continued)

- On March 24, 2020, the Board of Supervisors:
 1. Adopted Resolution 2020-20 to Approve the Addendum to the certified 2035 General Plan FEIR;
 2. Adopted Ordinance No. 1006 to repeal Ordinance No. 992 – C-3 zoning for 29 acres, and re-establish the AR/FP zoning for the entirety of applicants' parcels; and
 3. Continued the Public Hearing to April 7, 2020 to review an Ordinance to establish a C-1 combining district for the 29-acre area of applicants' property previously zoned C-3.

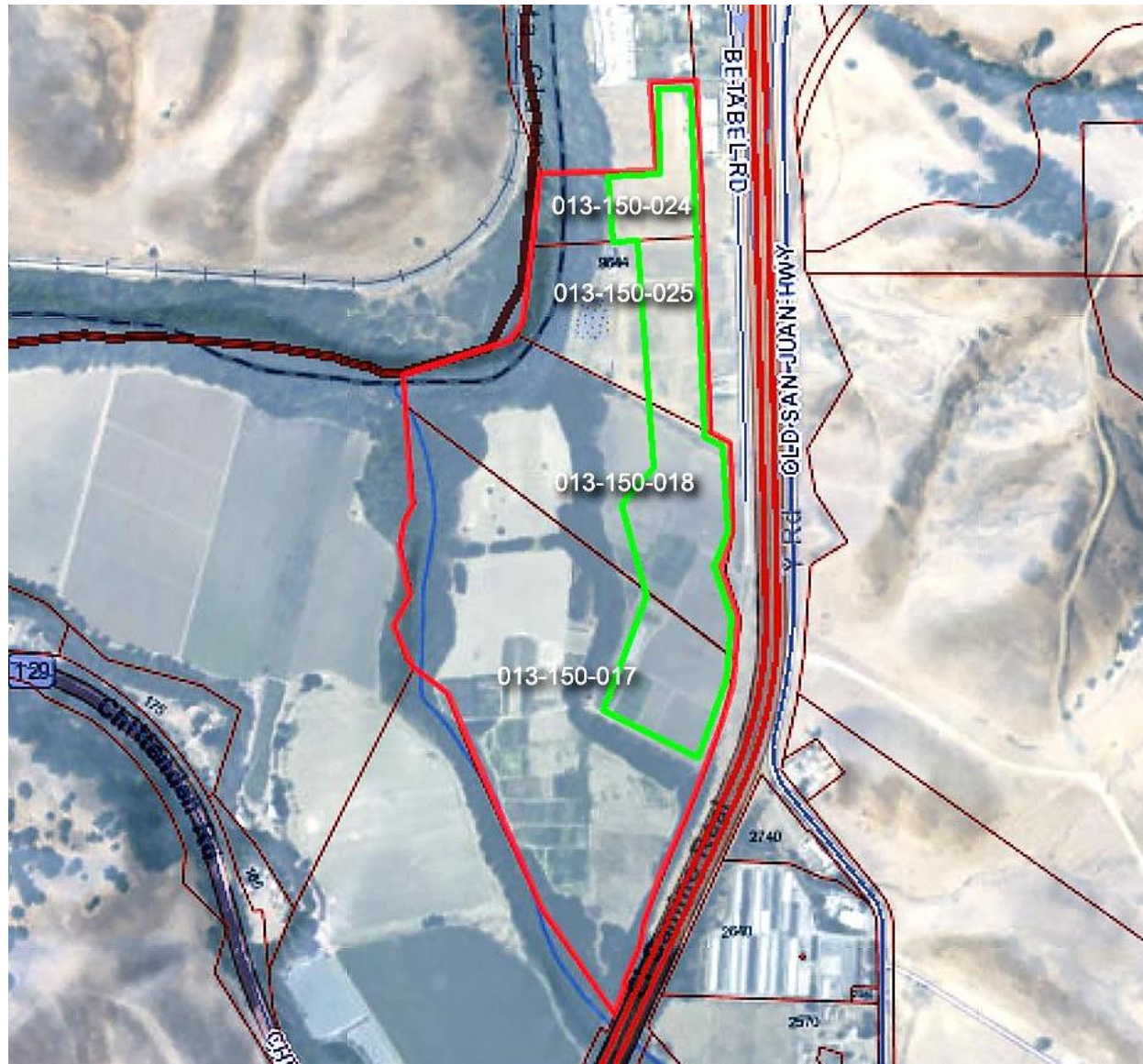
Betabel Road

- Total Acres owned by Property Owner ~114 acres in four parcels: APNs: 013-150-017,-018,-024 & -025
- Located on the west side of U.S. Highway 101 south of the Betabel Road interchange and east of the San Benito and Pajaro Rivers



Betabel Road

29 acres of the applicants' property proposed for C-1 combining district zoning (green outline)



Commercial Thoroughfare C-1 Overlay

- The Commercial Thoroughfare (C-1) district is a combining district. Except as modified by the C-1 regulations, the base zone (AR-FP) regulations apply.
- C-1 includes discretionary approvals for any new development :
 - administrative permit for permitted uses;
 - use permit for conditional uses;
- Discretionary design review by Planning Commission required by General Plan Policies LU-5.3 and 5.4
- No residential development is permitted by C-1 zoning



C-1 Consistency with the Commercial Regional Land Use Designation

- The Betabel Road C-1 Overlay area is located adjacent to US Highway 101 frontage road and limits buildings to 40% of the 29-acre area with a maximum height of 35 feet, less than the .8 Floor Area Ratio in the General Plan for Commercial Regional Land Uses
- The site is easily accessible and the largely flat site adjacent to Highway 101 frontage road could provide visibility for commercial businesses, with appropriate design review.
- The Betabel Road C-1 Overlay is consistent with the 2035 General Plan in an area designated as for commercial regional uses.

General Plan Policies

- **General Plan Policy LU-5.3**, all development projects will be required to undergo design review at the Planning Commission.
- **General Plan Land Use Policy LU-5.4** New Commercial Nodes Vision states: “The County shall encourage developers to reflect a cohesive vision for node development in site plans submitted as a part of applications for discretionary approval that recognizes the importance of the County’s scenic resources and local character and quality of life attributes.”

General Plan Policies

- **General Plan Land Use Policy LU-5.5 Strip Commercial** states: *“The County shall discourage the creation of new strip commercial developments (e.g., non-cohesive commercial fronting a major arterial or state highway) in favor of centralized commercial node development that is located in the commercial nodes identified on the Land Use Diagram, and in Policies LU-5.1 to LU-5.3.”*
- **General Plan Land Use Policy LU-5.6 Visitor-Oriented Commercial Uses** states: “The County shall encourage visitor-oriented commercial uses that promote the local history, local economy (e.g., agriculture, wineries, recreation), and market locally-produced agricultural products.”

CEQA Compliance

Per CEQA Guidelines § 15164, Addendum to an EIR,

- (a) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (b) The decision-making body shall consider the addendum with the final EIR prior to making a decision on the project.
- Addendum prepared for the proposed rezone adding C-1 to the Betabel Road site.
- It was determined through the environmental analysis completed, that there would be no new or substantially more severe impacts than those identified in the certified 2035 General Plan EIR
- The addendum was approved by Resolution No. 2020-20 on March 24, 2020.



CEQA Compliance

No specific development plan application has been filed at this time. Any impact analysis would be speculative until the nature, location, scale and extent of the impacts are known.

Site-specific project review will be required for any new development within the C-1 combining district zone that will address all comments regarding potential impacts that have been submitted, including cultural and biological resources, visual impacts, and water supply.

C-1 Consistency with GP Policies

- The C-1 Overlay area at Betabel Road is consistent with the 2035 General Plan Figure 3-5 and related policies.
 - Consistent with designated node location in the 2035 General Plan;
 - Overlay area is limited to previously approved 29-acre C-3 boundaries;
 - Strategically located along U.S Highway 101 near an interchange;
 - Easily accessible;
 - Requires Planning Commission design review to consider:
 - a cohesive vision to protect County's scenic resources, local character, and quality of life attributes;
 - Discouraging strip development;;
 - Encouraging visitor oriented development, hotels, motels, restaurants, recreation to promote the local history, local economy, and market locally produced agricultural goods.



Recommended Actions to be taken by the Board of Supervisors:

- Receive additional public testimony from the public and the applicant;
- Direct questions from the Board to staff, the applicant, or members of the public;
- Close the public hearing;
- Deliberate regarding the evidence presented;
- Entertain motions from members of the Board to adopt the ordinance as drafted, or with amendments as may be directed by the Board.