



## SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios  
District No. 1

Anthony Botelho  
District No. 2  
Chairman

Pat Loe  
District No. 3

Reb Monaco  
District No. 4  
Vice Chairman

Jaime DeLaCruz  
District No. 5

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County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

### SPECIAL MEETING WEDNESDAY, DECEMBER 16, 2009 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *special session*. Supervisors Monaco, Loe, Barrios, De La Cruz and Botelho were all present. Also present was County Administrative Officer Susan Thompson, County Counsel Matthew Granger and Clerk of the Board Linda Churchill. Chairman Anthony Botelho called the meeting to order.

#### **9:00 A.M. CALL TO ORDER:**

- a) Chairman Botelho led the Pledge of Allegiance.
- b) *Upon motion duly made, seconded and carried, acknowledged Certificate of Posting.*

#### **REGULAR AGENDA:**

##### **PLANNING DEPARTMENT – A. Henriques:**

- 1) **Hold discussion on the Inclusionary Housing ordinance and related Housing Element issues and provide direction to staff.**

Planning Director Art Henriques provided background information stating that on December 1, 2009 the Board of Supervisors reviewed the entire record pertaining to the Inclusionary Housing Ordinance and the recommendations from the Planning Commission and at that time the Board directed staff to report on the ramifications of potentially suspending the existing ordinance. Mr. Henriques provided a PowerPoint presentation providing an update on the Inclusionary Housing Ordinance and an analysis of the ramifications of suspending the existing ordinance, detailing the process necessary to suspend the ordinance providing alternatives to the Inclusionary Ordinance, and items that may be impacted by suspending the ordinance and the recommendations by Planning staff.

The following members of the public provided input: Joan Moore, local resident; Jennifer Coile read from her handout as well as submitting input from the Non-Profit Housing Association of Northern California; Joe Thompson, local resident; Scott Fuller representing San Juan Oaks Golf Club; Bernadette Abramson, property owner; Michael Groves, representing Fairview Corners; Gabriel Torres, CHISPA/CCRB; Dennis Lalor, South County Housing; Marty Richman, local resident; David Nicholaysen, local resident; Brad Sullivan, Lombardo & Gilles, LLP; Bill Young, property owner; Jim Conklin, Hollister Business Council; Jeannette Langstaff, local resident, submitted and read her hand written letter to the Board of Supervisors; Janet Brians, local resident; Al Guerra, Santana Ranch; and Anita Pedrazzi-Minkle, local resident.

The Board adjourned at 10:30 a.m. for a 10 minute break and reconvened at 10:40 a.m.

Lengthy discussion by Board members ensued and questions and suggestions were addressed. It was suggested that an ad hoc committee be appointed to monitor the progress being made on this item and to return to the Board in six months with their findings and suggestions.

**BOARD ACTION:** Supervisor Loe made a motion to direct staff to come back with CEQA documents that accomplish goals set forth by the Board of Supervisors, namely to suspend this ordinance for a 6-month period and during that six months affordable housing will be addressed per development (*So we're not just saying we're going to throw out all affordable housing. It will have to be addressed per development*) and at the end of the six months we will be looking at total repeal or changing the ordinance as an ad hoc committee and the members of the community that are vested come forward with whatever the new ordinance will say. Supervisor Monaco seconded the motion.

Roll Call Vote:

Monaco - Yes

Loe - Yes

Barrios - Yes

De La Cruz - Yes

Botelho - Yes

The motion passed unanimously. (*File #790*)

**PUBLIC HEARINGS – 9:00 a.m. (or as soon thereafter as the matters may be heard):**

**PLANNING DEPARTMENT – A. Henriques:**

- 2) **Hold a public hearing to adopt a resolution amending the San Benito County General Plan, Housing Element, for the 2007-2014 planning period and to adopt a Negative Declaration relating thereto.**

It was decided to suspend the presentation by staff and to go ahead and hear public input since the prior action changed the outcome of this item.

Chairman Botelho opened the public hearing.

The following members of the public provided testimony: Ted Thoeny, San Juan Bautista resident; Joe Thompson, local resident; and Marty Richman, local resident.

Clementine Lico-Jones, Lico & Greco Properties, submitted a letter dated November 17, 2009 to Gordon Machado, Chair of the San Benito County Planning Commission requesting that a specific parcel of land owned by Lico & Greco Properties LLC located on Enterprise Road be considered for inclusion in the Draft Housing Element along with adjacent land that is already under consideration for inclusion. Ms. Lico Jones requested that this parcel be included.

Chairman Botelho closed the public hearing.

**BOARD ACTION:** *Supervisor Loe made a motion to continue this item until we have the CEQA documents. Supervisor Monaco seconded the motion.*

Assistant Planning Director Byron Turner clarified that based on the last speaker (Clemistine Lico Jones) who testified today, the property that was requested to be included in the Housing Element was not included in the Initial Study that was circulated for the previous Housing Element. Mr. Turner stated that now that we have direction to circulate a new Initial Study we have the opportunity include properties that were not included, specifically this property that was just mentioned. Mr. Turner stated that in the past Planning staff has supported inclusion of this property into the circulation of the Housing

Element so if it's the Board's wish we can include this property as part of the re-circulation of the Housing Element Initial Study and the Housing Element so when we return to the Board that property is included.

*Supervisor Loe amended her motion to include the property as explained by Mr. Turner. Supervisor Monaco concurred.*

Chairman Botelho noted that we have a motion to continue this item pending the CEQA documents and also to allow for inclusion of the (Lico) parcel.

Chairman Botelho called for the question.

*The motion, as amended, passed unanimously. File #790*

The Board adjourned for lunch break at 11:50 a.m. and reconvened at 1:00 p.m.

3) **Hold a public hearing to adopt an ordinance revising the Growth Management Ordinance, Section 21.07.001 through 21.07.085 of Articles I through V of Chapter 21.07 of Title 21 of the San Benito County Code and adoption of the Negative Declaration related to those changes.**

Planning Director Art Henriques provided background information stating that the Planning Commission reviewed the draft ordinance at their meeting of November 18, 2009 and have made their recommendations to the Board of Supervisors.

Assistant Planning Director Byron Turner provided a report explaining the proposed changes which should provide flexibility and potentially increase the 1% growth cap. Mr. Turner referred to a PowerPoint presentation which was handed out to the Board, with copies available to the public, and highlighting the following points: TDC (Transfer of Development Credits) projects; Development Agreements; PRGI (Potential Residential Growth Increase) ordinance; Existing High-density Residential Projects; Family Exemptions; and Other Items.

Chairman Botelho opened the public hearing.

The following members of the public provided testimony: Scott Fuller, San Juan Oaks Golf Club supported the ordinance.

Michael Groves, representing Fairview Corners, referred to Section 21.07.004K stating that one of the revisions to this ordinance ought to include an exemption for Special Treatment Areas. Mr. Groves stated that in order for financing purposes for investment money to be a part of the project it is important to have some assurances that this is part of the exemption process. Mr. Groves noted that they submitted a letter to the Planning Department on November 12, 2009 with their comments pertaining to the Special Treatment Area and also having to do with the Fish and Game credits. Mr. Groves also referred to the environmental effect stating he did not feel it made any sense that there would be any change in the decision process of the environmental document.

Brian Curtis, representing Santana Ranch, expressed his concern with regards to the high density zoning.

Jeanette Langstaff, San Benito Conservation Alliance, submitted a letter to the Board of Supervisors in the event they felt there was something to challenge at some point. Ms. Langstaff stated that the letter simply states that the Board may not repeal, or significantly increase, the County Growth Management Ordinance, without preparing an Environmental Impact Report.

Discussion and question and answer period ensued.

Supervisor De La Cruz stated that he would not support approval of this ordinance unless the Special Specific Plan agenda was discussed.

**BOARD ACTION:** *Upon motion made by Supervisor Loe and seconded by Supervisor Barrios, adopted **Resolution No. 2009-118** Regarding Adoption of an Ordinance, Amending Section 21.07.001 ET. SEQ of Title 21 of the San Benito County Code (Ordinance No. 733, Growth Management Ordinance) Revising the Growth Management*

System, and making the CEQA findings and adopting the Negative Declaration; and, adopted **Ordinance No. 848** Amending the County's Growth Management Ordinance Codified in Chapter 21.07 of Title 21 of the San Benito County Code as recommended by the Planning commission on November 18, 2009. (4-1 Vote. De La Cruz voted no.)  
**File #790**

**CLOSED SESSION:**

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

- 4) **Conference with Legal Counsel – Existing Litigation** – (Subdivision(a) of Section 54956.9) Name of Cases:  
a) Larsen vs. County of San Benito, et al. (San Benito Superior Court, Case No. CU-09-00176)

**BOARD ACTION:** County Counsel Matthew Granger reported that the Board authorized County Counsel's Office to file a Writ of Mandate in this case. (Unanimous) **File #235.6**

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The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES: SUPERVISORS: Monaco, Loe, Barrios, De La Cruz, Botelho  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None

There being no further business the Board adjourned at 1:50 p.m. to January 12, 2010 at 9:00 a.m.

**ANTHONY BOTELHO, CHAIRMAN**  
San Benito County Board of Supervisors

ATTEST:  
Linda Churchill, Clerk of the Board