

RESOLUTION NO. 2009-184

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING PROGRAM FOR GENERAL PLAN AMENDMENT 2009-2**

WHEREAS, under the provisions of Government Code Title 7 Planning and Land Use, Division 1, Chapter 3, Article 10.6 Housing Element, the City of Hollister is required to periodically update the General Plan Housing Element and forward a draft revision of the California Department of Housing and Community Development for review and comment prior to adoption; and

WHEREAS, under the provisions of section 65302 of the Government Code, the City of Hollister is required to concurrently amend the Land Use, Conservation and Safety Elements of its general plan and forward the draft revisions to the California Geological Survey of the Department of Conservation and the Office of Emergency Services for review and comment prior to adoption; and

WHEREAS, an initial study was prepared for the revisions to the Housing Element and the Land Use, Conservation and Safety Elements ("Project") and it was determined that potentially significant impacts from the Project could be reduced to an insignificant level with the incorporation of mitigation measures into the project and that a Mitigated Negative Declaration could be prepared; and

WHEREAS, the programs in the draft Housing Element and amendments related to flood hazards require amendments to Chapter 17, Zoning Code to provide a variety of housing types for all income levels and to comply with provisions in State law; and

WHEREAS, the Mitigated Negative Declaration for General Plan Amendment 2009-2 (Housing Element Update and Amendments Re: Geologic and Flood Hazards) SCH# 2009-051085 was circulated for a 30 day public review period from May 18, 2009 to June 17, 2009 to the State Clearinghouse, the Association of Monterey Bay Area Governments and local agencies; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 27, 2009, and after considering the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, staff reports, and written and oral comments, recommended that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

WHEREAS, the City of Hollister City Council held a duly noticed public hearing on December 7, 2009, to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and to hear and consider written and oral comment; and

WHEREAS, after considering written and oral comment, the City of Hollister City Council deliberated and determined to adopt the Mitigated Negative Declaration; and,

WHEREAS, the Initial Study, the Mitigated Negative Declaration and the Mitigation Monitoring Program are in compliance with the provisions of the California Environmental Quality Act; and,

WHEREAS, pursuant to Section 711.4 of the Fish and Game Code, a de minimis finding cannot be made for the proposed project and the City shall be required to pay Fish and Game fees when the Notice of Determination is filed.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF HOLLISTER adopt the following findings:

1. The Mitigated Negative Declaration for General Plan Amendment 2009-2 evaluates (a) the impacts of amendments to Title 17 Zoning of the Hollister Municipal Code to implement programs H.D (transitional housing), H.E (exemption for accessory second units in multi-family districts, H.H and H.I (reduction in multi-family off-street parking and amendments to mixed use standards), H.I and H.M (mobile home standards) and (b) changes to implement standards to avoid flood hazards. The Council has reviewed and considered the information contained in the Mitigated Negative Declaration, Mitigation Monitoring Program and based on the whole record before the Council, including the initial study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment.
2. The Council has reviewed and considered the information contained in the Mitigated Negative Declaration, Mitigation Monitoring Program and based on the whole record before the Council, including the initial study and any comments received, that there is not substantial evidence that the Project will have a significant effect on the environment.
3. The Mitigated Negative Declaration and the Mitigation Monitoring Program comply with the California Environmental Quality Act, the State CEQA Guidelines, and the City of Hollister CEQA process.

4. The proposed mitigated negative declaration reflects the City of Hollister's independent judgment and analysis.
5. The mitigation measures contained in the Mitigation Monitoring Program were agreed to by the City of Hollister and are adequate to reduce the impacts of the project on the physical environment to a less than a significant level.
6. The documents and other materials that constitute the record of proceedings on which the City's determinations are based are located at the City of Hollister Development Services Department, 420 Hill Street, Building A, Hollister, CA 95023.

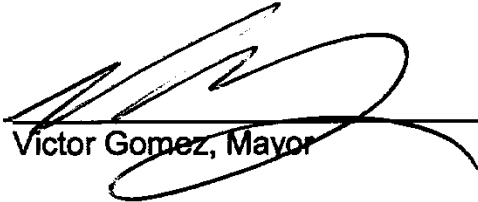
BE IT FURTHER RESOLVED THAT THE CITY COUNCIL HEREBY adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for General Plan Amendment 2009-2. .

PASSED AND ADOPTED, at a regular meeting of the City of Hollister held this 7th day of December 2009, by the following vote:

AYES: Council Members Sanchez, Valdivia, Friend and Mayor Gomez.

NOES: None.

ABSENT: Council Member Emerson.


Victor Gomez, Mayor

ATTEST:


Geri Johnson, City Clerk

APPROVED AS TO FORM:


Stephanie Atigh, City Attorney