



HOLLISTER PLANNING COMMISSION AGENDA

Regular Meeting
November 17, 2022
6:00 PM

CITY OF HOLLISTER
CITY COUNCIL CHAMBERS, CITY HALL
375 FIFTH STREET
HOLLISTER, CA 95023
(831) 636-4360
www.hollister.ca.gov

NOTICE TO PUBLIC

Persons who wish to address the Planning Commission are asked to complete a Speaker's Card and give it to the Secretary before addressing the Planning Commission. Those who wish to address the Planning Commission on an Agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the Agenda will be heard under the Public Input Section of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. After hearing audience comments, the public portion of the meeting will be closed, and the matter brought to the Planning Commission for discussion.

PUBLIC PARTICIPATION NOTICE

The public may watch the meeting via live stream at:

Community Media Access Partnership (CMAP) at:
<http://cmaptv.com/watch/>

or

City of Hollister YouTube Channel:
https://www.youtube.com/channel/UCu_SKHetqbOiiz5mH6XgpYw/featured

Public Participation: The public may attend meetings.

NOTICE: The Planning Commission will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Hollister utilizes Zoom teleconferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of the public through this means is at their own risk. (Zoom teleconferencing may not be available at all meetings.)

If you wish to make a public comment remotely during the meeting, please use the zoom registration link below:

https://us02web.zoom.us/webinar/register/WN_Q9rjq97LS--LaVce7oy4DA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners: David Huboi, Roxanne Stephens,
Kevin Henderson, Luke Corona, Steven Belong

VERTIFICATION OF AGENDA POSTING Thursday, November 10, 2022 at 3:35PM

APPROVAL OF MINUTES October 21, 2022

PUBLIC INPUT

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the Planning Commission. Speaker cards are available in the lobby, and are to be completed and given to the Secretary before speaking. When the Secretary calls your name, please come to the podium, state your name and city for the record, and speak to the City Planning Commission. If you are joining us by Zoom, please click on the bottom of your screen to raise your hand. If you are joining us by Zoom using a cell phone, please press *9. Each speaker will be limited to three (3) minutes with a maximum of 30 minutes per subject. Please note that state law prohibits the Planning Commission from discussing or taking action on any item not on the agenda.

PUBLIC HEARINGS

1. **Site & Architectural Review 2022-4** – Jeffrey Eaton/E2 Architecture – The applicant is requesting Site & Architectural Review approval for the construction of a 45,705 square foot addition to an existing 52,729 square foot industrial building and related improvements, including a new parking lot, located at 1700 Shelton Drive in the M1 Zoning District, further identified as San Benito County Assessor Parcel Number 051-120-022. CEQA: Categorically Exempt.
2. **Site & Architectural Review 2022-7, Conditional Use Permit 2022-7 for a Planned Unit Development** – KB Home/Charlie Hazelbaker – The applicant is requesting Site & Architectural Review and Conditional Use Permit for a Planned Unit Development approval for the construction

of 60 “Cluster Lots”, 33 of which will be Moderate Affordable Units, which are a part of Phase 2 of the larger West of Fairview Subdivision (TM 2007-1). The project is located north of Union Road, west of Fairview Road, and east of Calistoga Drive in the Residential West of Fairview Road (RWF) Zoning District. CEQA: Environmental Impact Report.

3. **Tentative Map 2021-5, Conditional Use Permit 2022-2 for a Planned Unit Development** – DAL Properties, LLC – The applicant is requesting a Vesting Tentative Map and Conditional use Permit for a Planned Unit Development approval to subdivide 18.24 acres into 92 lots:16 for new duet units, 75 for new single-family detached units, and one parcel for stormwater treatment and a linear park. The property has a General Plan designation of low density residential, and is within the Low Density Residential Performance Overlay 9R1-L/PZ) Zoning District. Site and Architectural Review is not part of the application. The project is located between North Chappell Road and the Highway 25 Bypass, north of Pacific Way, further identified as San Benito County Assessor Parcel Number 051-230-006. CEQA: Environmental Impact Report.
4. **Zoning Ordinance Amendment 2022-2** – City of Hollister – Amendments to the City of Hollister Municipal Code to incorporate changes related to Senate Bill 9 (Gov. Code Sections 66452.6, 65852.21, and 66411.7) which came into effect January 1, 2022. The changes will bring the municipal code into conformance with the State Law, and will allow for Urban Lot Splits and two-unit housing development within single-family residential zoning districts.
5. **Zoning Ordinance Amendment 2022-3** – City of Hollister – Amendments to the Zoning Ordinance related to Section 17.24.190, Site and Architectural Review, and 17.24.240, Planned Development Permits, and the adoption of a New Chapter – Residential Design Standards.

NEW BUSINESS

OLD BUSINESS

1. **Minor Subdivision 2018-3 Extension – Alan Brookshire** – At the August 25, 2022 Planning Commission meeting, the commission granted a 90-day extension to Minor Subdivision 2018-3, which extended the approval of the project entitlement to December 27, 2022 to prepare a CEQA initial study to review the utility pole located in the alley.
2. **Minor Subdivision 2018-6, Site & Architectural Review 2018-23** – At the August 25, 2022 Planning Commission meeting, the commission granted a 90-day extension to Minor Subdivision 2018-6 and Site & Architectural Review 2018-23. Staff and the Applicant, Wright 13, LLC, are requesting clarification pertaining to the motion made by the Planning Commission. **AMENDED**

PLANNING DEPARTMENT REPORTS

PLANNING COMMISSION REPORTS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Hollister’s Planning Division at (831) 636-4360. Notification of 48 hours

prior to the meeting will enable the City to attempt to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 2.102-35. 104 ADA Title II].

Materials related to an item of this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection at the City Clerk's office at City Hall, 375 Fifth Street, Hollister, Monday through Friday, 8:00 a.m. to noon, 1:00 p.m. to 5:00 p.m. (closed between 12:00 and 1:00 p.m.). Materials are also available at the Development Services Department office located 339 Fifth Street, Hollister, Monday through Thursday, 8:30 a.m. to noon, 1:00 p.m. to 4:30 p.m. (closed between 12:00 p.m. and 1:00 p.m.).

Notice to anyone attending any public meeting: The meeting may be broadcast live on Cable 17 and/or videotaped or photographed. Recent Planning Commission meetings may also be viewed at www.CMAP.com and periodically on Cable Channel 17.

The next Planning Commission Meeting is scheduled as follows:

Regular Planning Commission Meeting – Thursday, November 17, 2022 at 6:00 p.m.

MINUTES

HOLLISTER REGULAR PLANNING COMMISSION MEETING

October 27, 2022

PUBLIC PARTICIPATION NOTICE

CALL TO ORDER

The Regular meeting of the Planning Commission was called to order by Chairperson Roxanne Stephens on October 27, 2022 at 6:01 p.m. in the City Council Chambers at 375 fifth Street, Hollister, CA 95023.

PLEDGE OF ALLEGIANCE

Commissioner Steven Belong led the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	Arrived
David Huboi	District 2	Present	
Roxanne Stephens	Chairperson / Entire City	Present	
Kevin Henderson	Vice Chairperson/ District 1	Present	
Steven Belong	District 3	Present	
Luke Corona	District 4	Present	

STAFF IN ATTENDANCE

Attendee Name	Title	Status	Arrived
Jennifer Thompson	City Attorney	Present	
Adrianna Ortiz	Development Services Director (4LEAF, Inc.)	Present	
Eva Kelly	Interim Planning Manager	Present	
Erica Fraser	Senior Planner (4LEAF, Inc.)	Remote	
Ambur Cameron	Senior Planner	Present	
Liz Gagliardi	Associate Planner (4LEAF, Inc.)	Present	

VERTIFICATION OF AGENDA POSTING

The Agenda for the City of Hollister Planning Commission Meeting for Thursday, October 21, 2022 was posted on the bulletin board at City Hall on Friday, October 21, 2022 at 2:00 p.m. per Government Code Section 54956.

APPROVAL OF MINUTES

Commissioner Huboi motioned to approve the minutes for the Thursday, September, 22, 2022 Regular Planning Commission meeting.

Motion seconded by Commissioner Henderson.

Motion carried unanimously. 3-0-1-0.

RESULT:	Carried [Unanimous]
MOTION:	David Huboi
SECOND:	Kevin Henderson
AYES:	Huboi, Corona, Henderson
NOES:	
RECUSED:	
ABSTAIN:	Stephens
ABSENT:	

PUBLIC INPUT

Jeffery Smalls
Alex Sywak

PUBLIC HEARINGS

1. **Site & Architectural Review 2022-4** – Jeffrey Eaton/E2 Architecture – The applicant is requesting Site & Architectural Review approval for the construction of a 45,705 square foot addition to an existing 52,729 square foot industrial building and related improvements, including a new parking lot, located at 1700 Shelton Drive in the M1 Zoning District, further identified as San Benito County Assessor Parcel Number 051-120-022. CEQA: Categorically Exempt.

Senior Planner, Erica Fraser, requested a continuance on behalf of the applicant to a date certain of Thursday, November 17, 2022 for the next regularly scheduled Planning Commission.

Commissioner Huboi made a motion to continue Site & Architectural 2022-4 to a date certain of Thursday, November 17, 2022 for the next regularly scheduled Planning Commission. Motion seconded by Commissioner Corona.

Development Services Director, Adrianna Ortiz, called the roll call vote.

Chairperson Roxanne Stephens voted Yes, Commissioner Huboi voted Yes, Commissioner Henderson voted Yes, Commissioner Corona voted Yes, and Commissioner Belong voted Yes.

RESULT:	Adopted [Unanimous]
RESULT:	Continued to a Date Certain of November 17, 2022
MOTION:	David Huboi
SECOND:	Luke Corona
AYES:	Stephens, Huboi, Corona, Henderson, Belong
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

2. **Site and Architectural Review 2022-7 Completeness Determination Appeal** – KB Home/Charlie Hazelbaker - _ The applicant for Site & Architectural Review 2022-7, KB Homes, has filed an appeal of Staff's determination that the Application for a Site and Architectural Review for 60 cluster lots within the West of Fairview Specific Plan Area is incomplete and requires an additional application type.

Senior Planner, Erica Fraser presented the staff report.

Open Public Hearing: 7:02 PM

Public Providing Testimony: Andrew Sabey.

Written Comment Received from: Margo Bradish.

Closed Public Hearing: 7:21 PM

Commissioner Huboi made a motion to ADOPTED Resolution 2022-19 to denying Site and Architectural Review 2022-7 Completeness Determination Appeal subject to the finding and conditions contained in the draft resolution. Motion seconded Commissioner Belong.

Development Services Director, Adrianna Ortiz, called the roll call vote.

Chairperson Stephens voted Yes, Commissioner Huboi voted Yes, Commissioner Henderson vote Yes, Commissioner Corona voted Yes, and Commissioner Belong voted Yes.

Motion denied unanimously, 5-0-0-0.

RESULT:	
MOTION:	David Huboi
SECOND:	Steve Belong
AYES:	Stephens, Huboi, Henderson, Corona, Belong
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

NEW BUSINESS None.

OLD BUSINESS None.

PLANNING DEPARTMENT REPORTS None.

PLANNING COMMISSION REPORTS

Commissioner Huboi welcomed Commissioner Belong.

Chairperson Stephens also welcomed Commissioner Belong. She also thanked Vice Chairperson Henderson for run the past two meetings in her absence.

ADJOURNMENT

There being no further business to discuss, Commissioner Huboi moved to adjourn the meeting at 7:35 p.m. Motion seconded by Commissioner Corona.

Motion carried unanimously, 5-0-0-0.

RESULT:	Adopted [Unanimous]
MOTION:	David Huboi
SECOND:	Luke Corona
AYES:	Stephens, Huboi, Henderson, Corona, Belong
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	



Planning Commission

Staff Report

November 17, 2022

Item 1

SUBJECT: **Site and Architectural Review 2022-4** The applicant is requesting Site & Architectural Review approval for the construction of a 45,705 square foot addition to an existing 52,729 square foot industrial building and related improvements, including a new parking lot, located at 1700 Shelton Drive in the M1 Zoning District, further identified as San Benito County Assessor Parcel Number 051-120-022.

STAFF PLANNER: Eva Kelly, Interim Planning Manager (831) 636-4360
Erica Fraser, AICP, Consulting Planner

ATTACHMENTS: 1. Email received from the Applicant November 9, 2022

RECOMMENDATION: Continue the item (date uncertain)

This item was originally continued at the Applicant's request from the October 27, 2022 Planning Commission Meeting to the November 17, 2022 Planning Commission Meeting. The Applicant has requested a second continuance of this Item (Attachment 1).

Once the Applicant is prepared to move forward with review by the Planning Commission Staff will notice this project. The Applicant is aware of and has agreed to pay the Fee for a Continuance prior to noticing this project.

Erica Fraser

From: Juliana De La Cruz <juliana@e2astudio.com>
Sent: Wednesday, November 9, 2022 5:40 PM
To: Erica Fraser; Jeffrey Eaton
Subject: RE: 1700 SHelton

Hi Erica,

On behalf of our client, Pride Conveyance, we are hereby requesting a second continuance for 1700 Shelton Dr. We acknowledge that there is a fee that will have to be paid, (which according to our understanding of what the website states, is of \$1,181.48.)

Thank you,

Juliana De La Cruz

Project Manager | LEED Green Associate | C: 805.440.1059



Jeffrey Eaton Architect, Inc. | 1501 The Alameda, Ste 105 | San Jose, CA 95126 |

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From: Erica Fraser <efraser@4leafinc.com>
Sent: Wednesday, November 9, 2022 5:26 PM
To: Juliana De La Cruz <juliana@e2astudio.com>; Jeffrey Eaton <jeffrey@e2astudio.com>
Subject: RE: 1700 SHelton
Importance: High

I will need an email from you ASAP stating you want a second continuance. You will also need to acknowledge that there is a fee for a continuance (I waived it the first time but I cannot this time). Fees are available on our website. We will not continue date certain again. I will wait for you to be ready and then you will be placed on the next available meeting. Meeting date will depend on you and our noticing requirements.

Erica

From: Juliana De La Cruz <juliana@e2astudio.com>
Sent: Wednesday, November 9, 2022 5:16 PM
To: Erica Fraser <efraser@4leafinc.com>; Jeffrey Eaton <jeffrey@e2astudio.com>
Subject: RE: 1700 SHelton

Erica,

Please do not publish those. We need another extension please, even if this means pushing us to the December meeting.

Would that be possible?

Thank you,

Juliana De La Cruz

Project Manager | LEED Green Associate | C: 805.440.1059



Jeffrey Eaton Architect, Inc. | 1501 The Alameda, Ste 105 | San Jose, CA 95126 |

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From: Erica Fraser <efraser@4leafinc.com>

Sent: Wednesday, November 9, 2022 5:09 PM

To: Juliana De La Cruz <juliana@e2astudio.com>; Jeffrey Eaton <jeffrey@e2astudio.com>

Subject: RE: 1700 SHelton

Staff reports get printed first thing tomorrow morning. The Conditions will move forward as written .

From: Juliana De La Cruz <juliana@e2astudio.com>

Sent: Wednesday, November 9, 2022 5:07 PM

To: Jeffrey Eaton <jeffrey@e2astudio.com>; Erica Fraser <efraser@4leafinc.com>

Subject: RE: 1700 SHelton

Hi Erica,

I apologize for the late response. We are still working with the client to go through the conditions of approval and will get back to you as soon as we can.

Thanks,

Juliana De La Cruz

Project Manager | LEED Green Associate | C: 805.440.1059



Jeffrey Eaton Architect, Inc. | 1501 The Alameda, Ste 105 | San Jose, CA 95126 |

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Begin forwarded message:

From: Erica Fraser <efraser@4leafinc.com>
Date: November 7, 2022 at 4:02:18 PM PST
To: Jeffrey Eaton <jeffrey@e2astudio.com>
Subject: 1700 SHelton

Just following up on the Conditions of Approval. Are there any questions or did the property owner agree to them?

Erica





Planning Commission

Staff Report

November 17, 2022

Item 2

SUBJECT: **Site and Architectural Review 2022-7 and Conditional Use Permit 2022-7** The applicant is requesting Site & Architectural Review approval and approval of a Conditional Use Permit for a Planned Development for 60 cluster lots within the West of Fairview Specific Plan Area.

STAFF PLANNER: Eva Kelly, Interim Planning Manager (831) 636-4360
Erica Fraser, AICP, Consulting Planner

ATTACHMENTS:

1. Resolution approving Site and Architectural Review 2022-7 for a single-family residential development with the project plans included as Exhibit A.
2. Resolution approving a Conditional Use Permit 2022-7 for a Planned Development for modified development standards for a residential development.
3. October 27, 2022 Planning Commission Staff Report (without Attachments)
4. Planning Commission Resolution 2022-19

RECOMMENDATION: Approval with Conditions

BACKGROUND:

On October 27, 2022, the Planning Commission reviewed an appeal of Staff's determination that the Application for a Site and Architectural Review for 60 cluster lots within the West of Fairview Specific Plan Area was incomplete and that the project required an additional application type in order for the project to be approved.

After opening the Public Hearing and hearing testimony from Staff and the project's Applicant and Attorney, the Planning Commission approved Resolution 2022-19 denying the appeal and directing Staff to bring a Site and Architectural Review and a Planned Development to the next Planning Commission meeting (Attachment 4).

For background information on the proposed project as well as background information on the history of the West of Fairview Specific Plan please refer to the October 27, 2022 Staff Report

included as Attachment 3).

PROJECT DESCRIPTION:

The proposed project is located within the West of Fairview Specific Plan Area. The West of Fairview Specific Plan was adopted by the City Council on March 17, 1998. The purpose of the Specific Plan was to guide development of a 300-acre area that was to be annexed into the City with detail on how the area would be developed, above what was included in the General Plan in effect at that time, and to allow for a more diverse development other than what would have been allowed under a typical Zoning District.

The Applicant, KB Homes, is requesting approval of a residential development with 60 “cluster lot” or “garden homes”. Of the 60 dwelling units, 33 dwellings will be sold to households of moderate income as required by the Development Agreement between the City and Award Homes. The layout of the cluster lot development was approved by the Planning Commission (Resolution 2007-16) on June 27, 2007.

ANALYSIS:

Site and Architectural Review (S&A 2022-7)

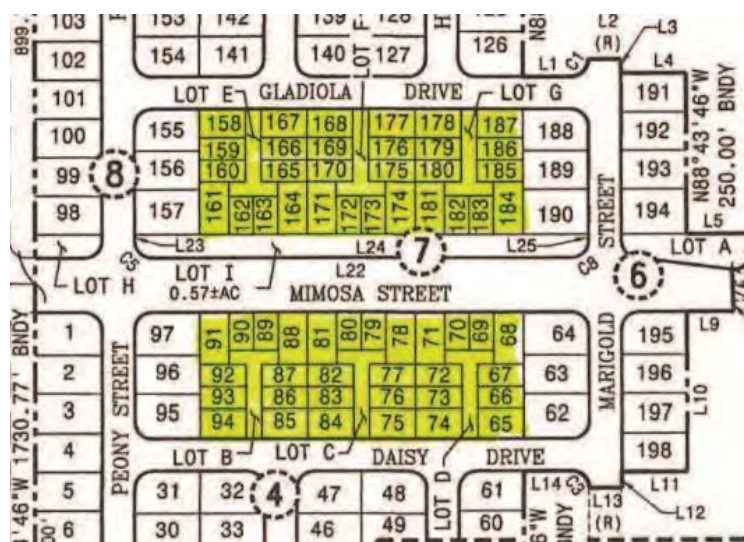
Each residential dwelling will be located so that the houses are facing an internal (private) street. The front elevation (labeled side in the project plans) will be located 5 feet from this private street. The front of these houses will only be visible to residents of this development and people who are visiting a home within the development. Some landscaping will occur between the street and back to the fence for each property. Two properties on each private street will have a small driveway to provide access to the garage. The typical lot layout can be seen in the diagram below.

Figure 1: Typical Lot Layout



Entry directly into the garage is provided from the private streets. The front door or main entrance is located on the side of the building and a walkway will be located from the entrance to the street. The layout of the homes around these private streets is shown on the map below. The private streets are listed as Lots B, C, D, E, F, and G on the map.

Figure 2: Development Layout



For 12 dwellings (Lots 65, 74, 75, 84, 85, 94, 158, 167, 168, 177, 178 and 187 as shown above) the side elevation (labeled as the front elevation) will be visible from Daisy Drive and Gladiola Drive. As shown on Figure 3 (below) the wall of the house on the side elevation will be broken up by a covered porch/entryway and a second floor overhang.

The Applicant is proposing to use three architectural styles in this development. The styles are Early California, Craftsman, and French Country. Each architectural style will feature four different elevation types in which the color, materials and some design elements are modified. The figure below shows the difference in elevation for each of the 'Craftsman' designs for the side (or front) elevation. The fourth option shown is for properties which will have a small driveway. There are two houses at the end of each court that will be set back further from the street with a small driveway leading into the house.

Figure 3: Craftsman Design Variations





The proposed architectural design has been included in the request for a Planned Unit Development for this project.

Planned Unit Development (CUP 2022-7):

A Conditional Use Permit for a Planned Unit Development (CUP for PUD) allows for development to have some flexibility within the general development and site layout standards while protecting the integrity and character of the residential areas of the City; encourage innovation and the development of affordable housing or housing that is more affordable compared to standard market rate single family homes; and ensure consistency with the General Plan.

A Planned Unit Development is required for the proposed setbacks, landscaping, design, and lot coverage of the cluster lot development. As discussed during the October Planning Commission meeting, the cluster lot development has lot sizes which are not consistent with the West of Fairview Specific Plan. While these lot sizes were approved under the Tentative Map and Final Map, the lot sizes are considered legal non-conforming. In an effort to aid future homeowners with improvements, Staff has included these lot sizes along with the development standards previously discussed so that one, clean record can be prepared.

The following development standards are proposed by KB Homes for the Cluster Lot

Development.

Table 1: Cluster Lot Development Standards

Development Standard Type	Proposed
Minimum Lot Size	2,300 sq. ft.
Front Setback	5 feet to garage and structure
Side Yard Setback	5 feet
Street Side Yard Setback	10 feet
Rear Setback	15 feet minimum
Lot Coverage	50%
Parking	2 spaces covered
Street Trees	Dispersed throughout site, not located facing the internal (private) street

The development standards and designs proposed by KB for the cluster lot development have been incorporated into the Resolution for a Planned Unit Development included as Attachment 2 to this Staff Report.

California Environmental Quality Act:

The proposed project is consistent with density and layout reviewed in the West of Fairview Specific Plan Environmental Impact Report (SCH # 1990031022) certified by the City Council on February 17, 1998 and a Supplemental Impact Report (SCH # 2005111094) certified by the City Council on April 16, 2007. The proposed project is required to comply with all applicable Mitigation Measures identified in both Environmental Impact Reports.

CONCLUSION:

The proposed project will provide additional housing types within the West of Fairview Specific Plan. The design and development standards for the project have been included in the Planned Unit Development for the proposed project. Construction of the development will increase the availability of affordable, for-sale, homes within the City.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution approving S&A 2022-7 (Attachment 1) and a Resolution approving

CUP 2022-7, subject to the Conditions of Approval (Attachment 2);

2. Adopt a Resolution approving S&A 2022-7 and CUP 2022-7, with Conditions of Approval modified by the Planning Commission;
3. Deny the Proposed Project; or
4. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends the Planning Commission select Option 1 for this Item.

GENERAL INFORMATION

APPLICANT: KB Homes/Charles Hazelbaker
5000 Exécutive Parkway Suite 125
San Ramon, CA 94583

PROPERTY OWNER: Same as above

LOCATION: West of Fairview Phase II, Tract 303 (Lots 65-94 and 158-187)

**GENERAL PLAN
DESIGNATION:** Low Density Residential

ZONING DISTRICT: West Fairview Road (WFR)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
Project Site	WFR	Low Density Residential	Vacant
North	WFR	Low Density Residential	Vacant
South	WFR	Low Density Residential	Residential (Under Construction)
East	WFR	Low Density Residential	Vacant
West	WFR	Low Density Residential	Vacant

PLANNING COMMISSION RESOLUTION NO. 2022-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING SITE AND ARCHITECTURAL REVIEW 2022-7 FOR THE 60 RESIDENTIAL DWELLINGS LOCATED WITHIN THE KB HOMES CLUSTER LOT DEVELOPMENT LOCATED ON APPROXIMATELY 32 ACRES OF LAND IN THE WEST OF FAIRVIEW SPECIFIC PLAN AREA
WEST OF FAIRVIEW PHASE II, TRACT 303**

WHEREAS, the Applicant, KB Homes, has submitted an application for Site and Architectural Review (S&A 2022-7) of 60 cluster lots in a new residential development and an application for Conditional Use Permit 2022-7 for a Planned Unit Development, located in the West of Fairview Specific Plan Area, further identified as West of Fairview Phase II, Tract 303; and

WHEREAS, the Applicant has submitted a complete application for the requested entitlements prepared by SDG Architects Inc. received by the Planning Division on November 1, 2022; and

WHEREAS, the City of Hollister, as the Lead Agency, certified a Final Environmental Impact Report (SCH #1990031022) related to the development of land within the West of Fairview Specific Plan Area and a Supplemental Environmental Impact Report (SCH #200511094) related to the Vesting Tentative Map; and

WHEREAS, the Planning Commission at a duly notice public hearing of June 27, 2007, the Planning Commission approved Tentative Map 2005-1 which included the cluster lots proposed for development by KB Homes as part of this application request; and

WHEREAS, as part of the First Amendment to the Development Agreement between the City and Award Homes, the Development Agreement required 33 dwelling units of the 60 dwelling units identified as cluster lots to be built and sold to households of moderate income; and

WHEREAS, the City Engineer signed the Final Map for Tract 303, Phase II of Tentative Map 2005-1 related to the KB portion of the Tentative Map; and

WHEREAS, the Applicant, KB Homes, filed an appeal of the Director of Development Services Director's determination that a secondary permit was required in order to approve the project; and

WHEREAS, during a Public Hearing on October 27, 2022, the Planning Commission adopted Resolution No. 2022-19, denying the appeal and directing Staff to bring the Site and Architectural Review request along with a Planned Unit Development Permit for review by the Planning Commission; and

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the Staff Report and the Conditions of Approval for the project; and

WHEREAS, a Staff Report was submitted to the Planning Commission of the City of Hollister recommending approval of a Conditional Use Permit for a Planned Unit Development; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 17, 2022 to consider Site and Architectural Review 2022-7, review the City Staff Report, and receive written and oral testimony for and against the proposal; and

WHEREAS, after closing the Public Hearing, the Planning Commission determined that the proposed project is consistent with the Final Environmental Impact Report certified by the City Council for the West of Fairview Specific Plan and the Supplemental Impact Report certified by the City Council for the Tentative Map and an amendment to the Specific Plan because the layout and number of lots will remain the same as discussed in both Environmental Impacts and as shown on the Tentative Map; and

NOW THEREFORE IT IS RESOLVED that the Planning Commission of the City of Hollister does hereby make the following findings and determinations regarding the proposed Conditional Use Permit for a Planned Unit Development:

- A. The proposed Project, as conditioned, will comply with the policies of the General Plan and West of Fairview Specific Plan because:
 - 1. The proposed project is a residential development located in the West of Fairview Specific Plan Area which allows for a range of housing types. The development includes detached single family residential dwellings which is consistent with a General Plan Land Use Designation of Low Density Residential.
 - 2. The proposed project includes three architectural styles and four variations for each style which is consistent with Policy 6.2.1 of the West of Fairview Specific Plan.
 - 3. Approval of the accompanying Conditional Use Permit (CUP 2022-7) for a Planned Unit Development will incorporate the design and development standards and therefore the project will be compatible with the West of Fairview Specific Plan.
- B. The proposed Project, as conditioned, is consistent with Chapter 17.06.060, Residential, West Fairview Road (RWF) standards and Chapter 17.18, Pedestrian, Bicycle, Parking and Loading Standards because:
 - 1. The proposed residential development will be consistent with the development standards included in the Planned Unit Development Permit approved by the Planning Commission.
 - 2. The proposed residential development will include two parking spaces inside each garage which will provide the required two off-street parking spaces pursuant to Table 17.04-6, West Fairview Road Requirements by Zoning District.
 - 3. The proposed design of the dwelling units is consistent with the requirements of Section 17.04.060.D of the Zoning Ordinance with the approval of the design in the Planned Unit Development (CUP 2022-7).
- C. The proposed Project would not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood or to the general welfare of the City because:
 - 1. The proposed project is located within the West of Fairview Specific Plan Area which planned for a variety of single family and multi-family dwelling units. The proposed lot

size and layout was approved under Tentative Map 2005-1. Additionally, developed of this site was anticipated under the First Amendment to the Development Agreement which anticipated this portion of the Specific Plan Area to be developed with “garden homes” and moderate-income level housing.

2. The proposed project is consistent with the Final Environmental Impact Report (SCH #1990031022) related to the development of land within the West of Fairview Specific Plan Area certified by the City Council and a Supplemental Environmental Impact Report (SCH #200511094) related to the Vesting Tentative Map, certified by the City Council, which includes the lot size and layout of the proposed residential development.

CONDITIONS OF APPROVAL S&A 2022-7

General Conditions

1. **Approval.** This Site and Architectural Review approval is for the KB Home Cluster Lot Development (S&A 2022-7). The proposed development shall be in substantial conformance to Exhibit A (Project Plans) prepared by SDG Architects, Inc. and dated “Received, November 1, 2022” on file with the Planning Division, and other plans, text and diagrams relating to this Site and Architectural Review, except as modified by the following conditions. The elevations and improvements shall strictly adhere to the approved set of plans unless prior approval is granted by Director of Development Services for changes.
2. **Permit Expiration.** In accordance with Section 17.24.130(E)(1) of the Municipal Code, this Site and Architectural Review approval shall expire two (2) years from the date of approval unless a Building Permit is obtained.
3. **Time Extension.** In accordance with Section 17.24.130(E)(2) of the Municipal Code, the Director of Development Services may extend the time for an approved permit to be exercised upon the Applicant(s) written request for an extension of approval at least 30 (thirty) days prior to expiration of the permit together with the filing fee. If the Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Director may renew the permit for up to two additional years.
4. **Permit Validity.** This Site and Architectural Review approval shall only become valid upon the approval of a Planned Unit Development Permit.
5. **Appeal Period.** The building permit plan check package will be accepted for submittal after the completion of the 15-day appeal period for the project, unless the Director of Development Services authorizes the project developer to submit a signed statement acknowledging that the plan check fees will be forfeited in the event that the approval is overturned on appeal or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued until the appeal period has expired or a final action is taken on appeal.

6. **Revocation of Permit.** The Site and Architectural Review approval shall be revocable for cause in accordance with Section 17.24.350 of the Hollister Municipal Code. Any violation of the terms or conditions of this permit shall be subject to citation.
7. **Indemnification.** The Applicant/Developer shall defend, indemnify, and hold harmless the City of Hollister and its agents, officers, employees, advisory board from any claim, action, or proceeding against the City of Hollister or its agents, officers, or employees to attack, set aside, void or annul an approval of the City of Hollister or its advisory agency, appeal board, Planning Commission, City Council, Director of Development Services or any other department, committee, or agency of the City related to this project to the extent that such actions are brought within the time period required by Government Code Section 66499.37 or other applicable law; provided, however that the Applicant/Developer's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant/Developer of any claim against the City and shall cooperate in the defense.
8. **Clean-up.** The Applicant/Developer shall be responsible for clean-up and disposal of project related trash to maintain a safe, clean and litter free site.
9. **Modifications.** Modifications or changes to this Site and Architectural Review may be considered by the Director of Development Services if the modifications or changes proposed comply with Section 17.24.130(F) of the Municipal Code.
10. **Clarification of Conditions.** In the event that there needs to be clarification to the Conditions of Approval, the Director of Development Services and the City Engineer have the authority to clarify the intent of these Conditions of Approval to the Developer without going to a public hearing. The Director of Development Services and City Engineer also have the authority to make minor modifications to these conditions without going to a public hearing in order for the Developer to fulfill needed improvements or mitigations resulting from impacts to this project.
11. **Noise During Construction.** Construction activities on the project site must employ noise suppression devices and techniques and shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays and shall be prohibited on Sundays and federally recognized holidays per Ordinance 1137 of the Hollister Municipal Code. No construction, landscape maintenance or grounds maintenances actives shall occur on federal holidays. Construction equipment and activities shall not use noise suppression devices and techniques.
12. **Overtime Inspections.** Arrangements for overtime inspection services and payment of fees for same shall be made at least 48 hours in advance and are subject to inspection availability and approval by the City Engineer. Alternatively, the Applicant may engage a third-party inspector at its own expense, so long as the identity of such inspector and work is approved in advance in writing by the City. Any work performed without inspection is subject to rejection by the City is in City's reasonable determination.
13. **Code Enforcement.** Prior to issuance of a building permit, the applicant shall not be in violation of the City of Hollister Municipal Code involving the project site. More specifically, Section

1.16.100, Refusal to issue permits, license or other entitlements, which states “no department, commission or public employee of the city which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements where there is an outstanding violation involving the property upon which there is a pending application for such permit, license or other entitlement.”

Planning Department - Standard Conditions of Approval

14. **Equipment Screening.** All electrical and or mechanical equipment shall be screened from public view through fencing. The Building Permit plans shall show the location of all equipment and screening for review and approval by the Director of Development Services. If installed at grade, units shall be permanently installed on non-moveable materials as reasonably approved by the Building Official and Development Services Director.
15. **Colors.** The exterior paint colors of the building(s) are subject to City review and approval. The Applicant shall submit proposed color samples for the exterior of the building for review and approval by the Planning Division prior to issuance of a Building Permit. The Applicant may also be required to paint a portion of the building the proposed colors for review and approval by the Development Services Director prior to painting the building(s).

Planning Department – Project Specific

16. **Affordable Housing Agreement.** The Applicant shall apply for a Housing Agreement with all information required by the City. Prior to issuance of a building permit for any cluster lot unit, the Applicant shall enter into a Housing Agreement with the City in accordance with the terms of the Development Agreement.
17. **Restrictive Covenant.** Prior to Occupancy of the each unit dedicated to moderate income level families, the Applicant shall file a restrictive covenant, in a form approved by the City, with the San Benito County Recorder limiting the sale of the unit to moderate income level families for the period required by the Development Agreement.
18. **Timing of Construction.** Prior to the issuance of a building permit for the twentieth (20th) market-rate cluster lot unit in the development, the Applicant/Developer shall receive issuance for a building permit for all thirty-three (33) moderate income level cluster lot units. Prior to the issuance of a final occupancy permit for the twenty-seventh (27th) market rate cluster lot unit in the development, the Applicant/Developer shall receive final occupancy permits for all thirty-three (33) moderate income level cluster lot units.
19. **Mitigation Measures.** The Applicant shall comply with all relevant Mitigation Measures identified in the West of Fairview Environmental Impact Report and the Supplemental Environmental Impact Report.

Landscaping – Standard Conditions of Approval

20. **Final Landscape and Irrigation Plans.** Final Landscape and Irrigation Plans, all written documentation and an Application Fee as required by Chapter 15.22, Water Efficient Landscape Ordinance, shall be submitted to the Planning Division in conjunction with an application for a building permit. The Plans shall be prepared and stamped by a State licensed landscape architect or registered engineer shall be submitted for review and approval by the Development Services Director. The Plans shall be approved and all landscaping shall be installed prior to Occupancy.
21. **Landscaping.** The Applicant/Development shall construct all landscaping within the site and along the project frontage. The on-site landscaping shall be to the satisfaction of the Director of Development Services. Trees located adjacent to the right-of-way shall be selected from the City's Approved Street Tree list, shall be a minimum of 36" box, and their exact tree locations and varieties shall be approved by the Director of Development Services and the City Engineer. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.

Building – Standard Conditions

22. **Building Codes and Ordinances.** All project construction shall conform to all local and State energy and seismic requirements, all applicable Building and Fire Codes and ordinances in effect at the time of building permit.
23. **Building Permits.** Prior to any site improvements or construction, the Applicant shall submit a building permit application and receive a building permit from the City Building Division. The Applicant/Developer will be responsible for obtaining the approvals of all participation non-City agencies prior to the issuance of building permits. All improvements shall strictly adhere to the approved site plan, unless prior approval is granted by the City for changes.
24. **Conditions of Approval.** Each set of plans submitted for a building permit shall have attached an annotated copy of these Conditions of Approval. The notations shall clearly indicate how all Conditions of Approval will or have been complied with. Construction plans will not be accepted without the annotated Conditions of Approval attached to each set of plans.
25. **Code Compliance.** All building permit plans shall conform to all local and State energy and seismic requirements and all applicable Building and Fire Codes.
26. **Additional Approvals.** Prior to building permit issuance, the Applicant shall provide the Building Department with verification that all necessary permits and approvals from the Fire Department and San Benito County Environmental Health Department permits have been obtained.
27. **ADA.** All requirements of the State Architect for handicapped accessibility shall be met, including but not limited to parking, access ramps and building accessibility facilities.
28. **Impact Fees.** Prior to occupancy, all impact fees must be paid to the Building Department and shall be based on those in effect at the time of connection. Development impact fees that apply to the project are listed below:

- a. Water Connection (City of Hollister)
- b. Traffic Impact Fee
- c. Sewer Facilities Development Impact Fee
- d. Sewer Collection
- e. Storm Drainage
- f. Police Impact Fee
- g. Fire Impact Fee
- h. Jail and Juvenile Hall Facilities

For a complete list of all applicable impact fees, please contact the City of Hollister Engineering Department at 831-636-4340. Such list is also made available on our City website, under Engineering Department.

29. **Solid Waste Diversion Plan:** Prior to a building or demolition permit, the developer shall prepare and submit a solid waste diversion plan for review and approval by the Building Department. The diversion plan shall comply with Chapter 15.04.045 of the City of Hollister Municipal Code by establishing criteria and procedures to divert a minimum of 50% of all construction or demolition waste from being disposed at a landfill.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 17th day of November 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Adrianna Ortiz, Secretary

Please Note

It is the sole responsibility of the project applicant to comply with the conditions as approved, modified, or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the City Council at their meeting. In addition, the City provides for a 15-day appeal period.

PLANNING COMMISSION RESOLUTION NO. 2022-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING
CONDITIONAL USE PERMIT 2022-7 FOR A PLANNED UNIT DEVELOPMENT FOR THE KB HOMES CLUSTER
LOT DEVELOPMENT LOCATED ON APPROXIMATELY 32 ACRES OF LAND IN THE WEST OF FAIRVIEW
SPECIFIC PLAN AREA
WEST OF FAIRVIEW PHASE II, TRACT 303**

WHEREAS, KB Homes (“the Applicant”) has submitted an application for Site and Architectural Review (S&A 2022-7) of 60 cluster lots in a new residential development and an application for Conditional Use Permit 2022-7 for a Planned Unit Development, located in the West of Fairview Specific Plan Area, further identified as West of Fairview Phase II, Tract 303; and

WHEREAS, the City Planning Division received the applicant’s plans and forwarded the request to the Development Review Committee to assess the proposal for compliance with all relevant regulations; and

WHEREAS, under the provisions of Section 17.24.240 *Planned Development Permits* of Title 17 *Zoning* and Section 16.16.030 of Title 16 *Subdivisions* of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Planned Unit Development and subdivision applications; and

WHEREAS, the City of Hollister, as the Lead Agency certified a Final Environmental Impact Report (SCH #1990031022) related to the development of land within the West of Fairview Specific Plan Area and a Supplemental Environmental Impact Report (SCH #200511094) related to the Vesting Tentative Map; and

WHEREAS, the Planning Commission at a duly notice public hearing of June 27, 2007, the Planning Commission approved Tentative Map 2005-1 which included the cluster lots proposed for development by KB Homes as part of this application request; and

WHEREAS, as part of the First Amendment to the Development Agreement between the City and Award Homes, the Development Agreement required 33 dwelling units of the 60 dwelling units identified as cluster lots to be built and sold to moderate income families; and

WHEREAS, the City Engineer signed the Final Map for Tract 303, Phase II of Tentative Map 2005-1 related to the KB portion of the Tentative Map; and

WHEREAS, the Applicant, KB Homes, filed an appeal of the Director of Development Services Director’s determination that a secondary permit was required in order to approve the project; and

WHEREAS, during a Public Hearing on October 27, 2022, the Planning Commission adopted Resolution No. 2022-19, denying the appeal and directing Staff to prepare a Planned Unit Development for the project; and

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the Staff Report and the Conditions of Approval for the project; and

WHEREAS, a Staff Report was submitted to the Planning Commission of the City of Hollister recommending approval of a Conditional Use Permit for a Planned Unit Development; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 17, 2022 to consider Conditional Use Permit 2022-7 for a Planned Unit Development, review the City Staff Report, and receive written and oral testimony for and against the proposal; and

WHEREAS, after closing the Public Hearing, the Planning Commission determined that the proposed project is consistent with the Final Environmental Impact Report certified by the City Council for the West of Fairview Specific Plan and the Supplemental Impact Report certified by the City Council for the Tentative Map and an amendment to the Specific Plan because the layout and number of lots will remain the same as discussed in both Environmental Impacts and as shown on the Tentative Map; and

WHEREAS, after closing the public hearing, the Planning Commission deliberated and determined to grant the applicant's request in accordance with Section 17.24.240 and Section 16.16.030 of the Hollister Municipal Code, and based on the facts as presented, and the code requirements as plainly stated; and

NOW THEREFORE IT IS RESOLVED that the Planning Commission of the City of Hollister does hereby make the following findings and determinations regarding the proposed Conditional Use Permit for a Planned Unit Development:

- A. The proposed development is one allowed within the subject zoning district and complies with all of the applicable provisions of this Zoning Ordinance, including prescribed development/site standards/guidelines and any adopted design guidelines because:
 1. The proposed Planned Unit Development will establish development standards and the design of the proposed residential dwellings within the cluster lot. Additionally, the lot sizes, although approved under the Tentative Map, are included in this request.
 2. The development of these small lots with single family detached homes is consistent with the variety of homes allowed under the West of Fairview Specific Plan and the type of homes identified for these lots under the Development Agreement between Award Homes and the City.
 3. The subdivision is in compliance with all relevant regulations in the City of Hollister Zoning and Subdivisions Ordinances and the Conditions of Approval of this Conditional Use Permit for Planned Unit Development which provide additional project design guidelines.
- B. The proposed development is consistent with the General Plan because:
 1. The lots within the cluster developments have a General Plan Land Use Designation of Low Density Residential in that the size of the lots were previously approved under Tentative Map 2005-1 and because the proposed dwelling unit types are consistent with the allowed dwelling unit types under the General Plan.

- C. The approval of the Planned Development Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA) because:
1. The proposed project is consistent with the Final Environmental Impact Report certified by the City Council for the West of Fairview Specific Plan (SCH 3 1990031022) and the Supplemental Impact Report certified by the City Council for the Tentative Map and an amendment to the Specific Plan (SCH #2005111094) because the layout and number of lots will remain the same as discussed in both Environmental Impacts and as shown on the Tentative Map.
- D. The proposed development would be harmonious and compatible with existing and future developments within the zoning district and general area, as well as with the land uses presently on the subject property because:
1. The proposed cluster lot development is located within the West of Fairview Specific Plan Area which anticipated a variety of housing types to be located throughout the Specific Plan Area.
 2. The proposed project which includes single family dwellings on smaller lots (already approved under Tentative Map 2005-1) will be designed to have a smaller setback in the front and side yards so that each property can have a usable backyard while allowing for a detached dwelling type on lots which are smaller than typical single family lots.
- E. The subject site is physically suitable for the type and density/intensity of use being proposed because:
1. The layout and lot size of the cluster lot development was approved under Tentative Map 2005-1 and the Final Map for West of Fairview Phase II, Tract 303. No changes are proposed to the density of the site under this Planned Unit Development.
- F. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety because:
1. The project site is in close proximity to existing City services and utilities and will tie into those existing connections to provide adequate services to the project site.
- G. The design, location, size, and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because:
1. The proposed project will provide single family residential dwellings on smaller lots which will provide housing which is affordable by design.
 2. The proposed project includes 33 dwelling units which will be sold to households with moderate income, thereby increasing the number of affordable units within the City.

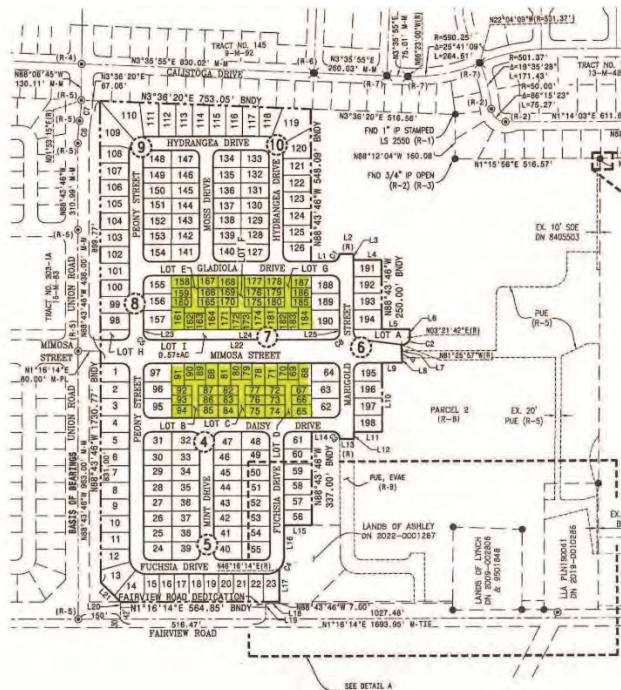
3. The proposed project will include two parking spaces in a garage to provide adequate parking to support the development as required by the Municipal Code.
4. The elevation which faces a street will have a garage and will face a private, interior street and will not be visible from a public street. For elevations which face the public right-of-way, this elevation is a side facing elevation and views will be blocked by fencing and the required landscaping along the street.
5. The proposed reduced front and side yard setback will allow the developer to construct housing on small lots and provide a usable backyard for homeowners.

CONDITIONS OF APPROVAL

1. **Approval.** This application approval is for Conditional Use Permit 2022-7 for a Planned Unit Development for the KB Home Cluster Lot Development. Approval of this Conditional Use Permit is contingent upon approval of Site and Architectural Review 2022-7.
2. **Permit Expiration.** This approval expires on November 17, 2024 in conjunction with Site and Architectural Review 2022-7, unless the City grants an extension or an extension. Upon issuance of a final occupancy permit for any development within this Planned Unit Development, these conditions shall run with the land.
3. **Time Extension.** In accordance with Section 17.24.240(H) of the Municipal Code, the Planning Commission may extend the time for a Planned Unit Development upon the Applicant(s) written request for an extension of approval submitted at least thirty (30) days prior to the expiration of the permit, together with the filing fee. The application for an extension shall state the reasons for requesting an extension. A request for an extension may be approved, approved conditionally, or denied by the Planning Commission.
4. **Appeal Period.** No entitlements that rely upon this approval shall be granted during the 15-day appeal period. In the case of an appeal being filed, no entitlements shall be granted until final action is taken on the appeal.
5. **Indemnification.** The Applicant/Developer shall defend, indemnify, and hold harmless the City of Hollister and its agents, officers, employees, advisory board from any claim, action, or proceeding against the City of Hollister or its agents, officers, or employees to attack, set aside, void or annul an approval of the City of Hollister or its advisory agency, appeal board, Planning Commission, City Council, Director of Development Services or any other department, committee, or agency of the City related to this project to the extent that such actions are brought within the time period required by Government Code Section 66499.37 or other applicable law; provided, however that the Applicant/Developer's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant/Developer of any claim against the City and shall cooperate in the defense.
6. **Standard Plans and Specifications.** All improvements required shall be constructed in accordance with the City of Hollister Standard Plans and Specifications and receive approval by

the City of Hollister Engineering Department. All applicable codes and ordinances, along with the recommendations of the City Engineer and any required Geologic Investigation, are to be adhered to, and all required fees shall be paid.

7. **Location.** This Planned Unit Development applies to 60 cluster lots on approximately 32 acres within the West of Fairview Phase II, Tract 303 Final Map, further identified as lots 65-94 and 158-187, bordered by Gladiola Drive, Peony Street, Mimosa Street, Daisy Drive and Marigold Street and as shown below:



8. **Development Standards.** The following development standards shall apply to all houses within the Cluster Lot Development (further defined as West of Fairview, Phase II Tract 303, further defined as lots 65-94 and 158-187 on the Final Map)

Cluster Lot Development Standards

Development Standard type	Minimum Required
Minimum Lot Size	2,300 sq. ft.
Front Setback	5 feet to garage and structure
Side Yard Setback	5 feet 4 feet for the covered entry porch
Street Side Yard Setback	10 feet

Development Standard type	Minimum Required
Rear Setback	15 feet minimum
Lot Coverage	50%
Parking	2 parking spaces, covered in a garage

9. **Landscaping.** All front and street facing landscaping shall be as shown under the Landscape Plans approved under Site and Architectural Review 2022-7. All street trees shown on the Final Landscape Plans shall be required to be located on site in perpetuity. Should any of these trees need to be replaced or replanted, they shall immediately be replaced by the tree species as shown on the approved Final Landscape Plans. A copy of the Final, approved, Landscape Plans shall also be kept with Conditional Use Permit 2022-7.
10. **Architectural Standards.** The Standards for Architectural Design shall be as shown on the project plans approved under Site and Architectural Review 2022-7.
11. **Parking.** No on street parking will be provided on the private streets. Each dwelling unit shall have two unobstructed parking spaces inside a garage to provide parking for each dwelling unit.
12. **Permitted Uses.** Permitted uses shall be the uses identified for R1 (Low Density Residential) in the Zoning Ordinance.
13. **Applicable Requirements of the Zoning Ordinance and West of Fairview Specific Plan.** Except as specifically provided for in this Planned Development, all other applicable provisions of the Zoning Ordinance and the West of Fairview Specific Plan shall apply.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 17th day of November 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Adrianna Ortiz, Secretary

Please Note

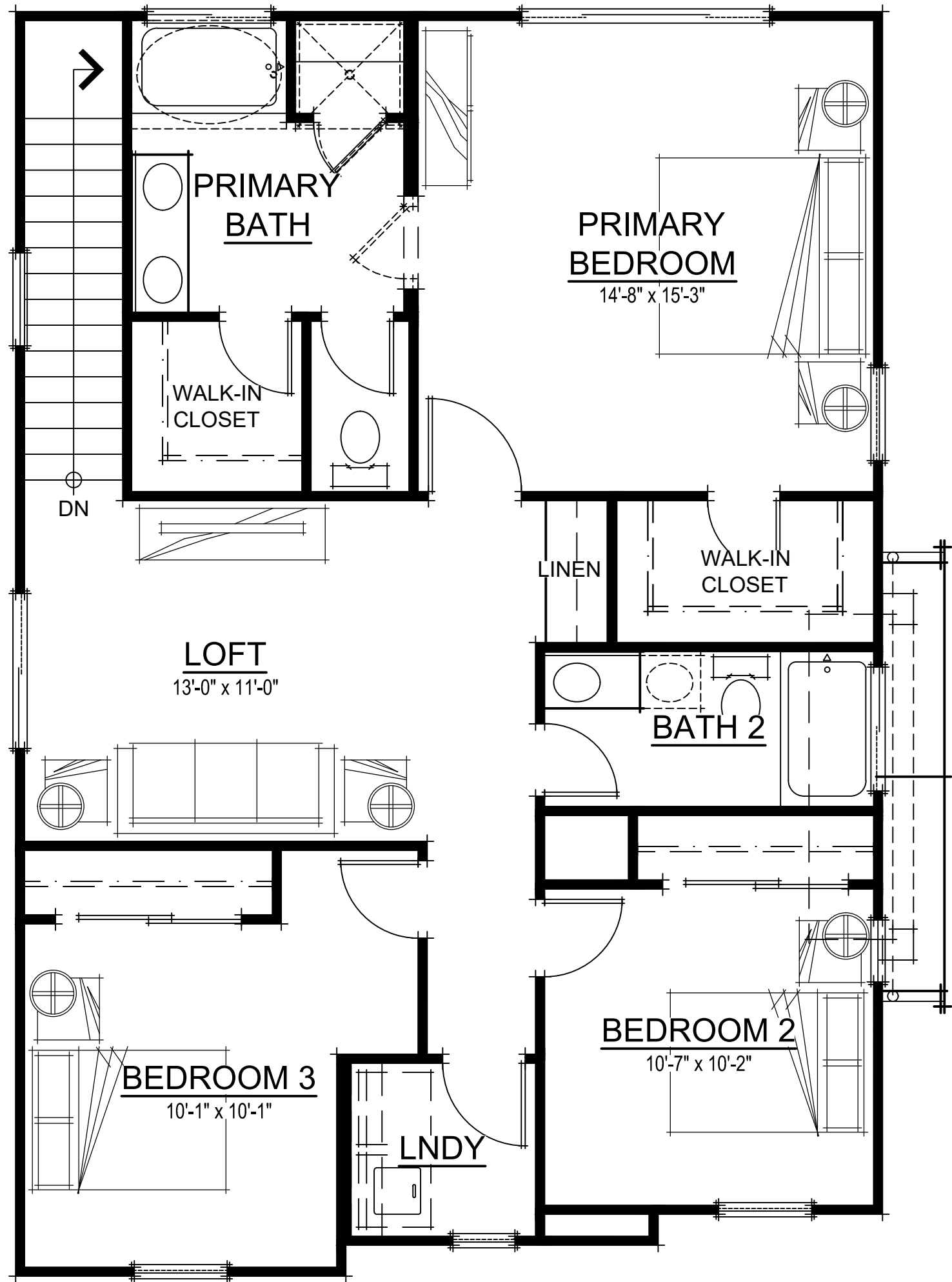
It is the sole responsibility of the project applicant to comply with the conditions as approved, modified, or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the City Council at their meeting. In addition, the City provides for a 15-day appeal period.



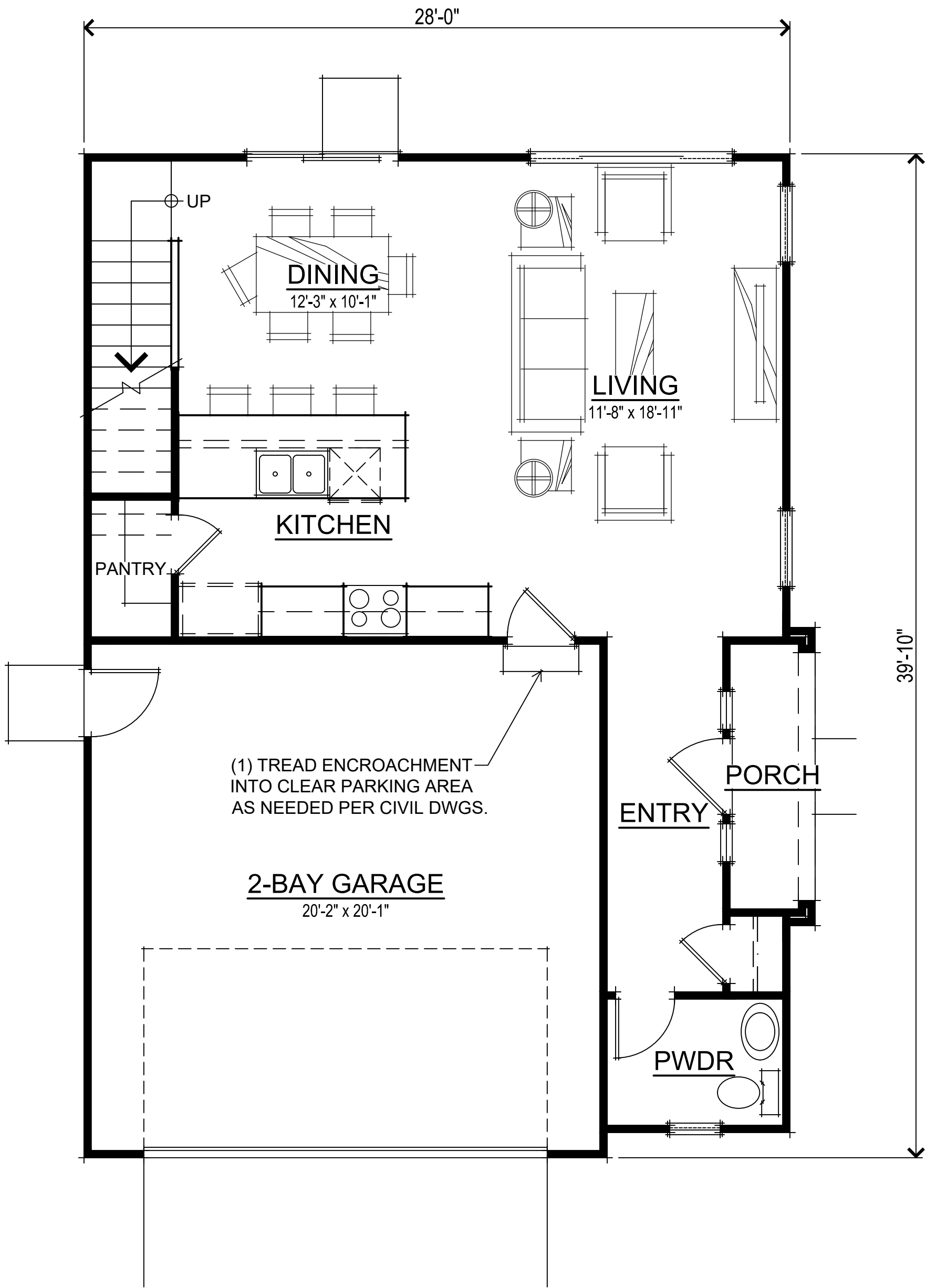
WEST OF FAIRVIEW CLUSTERS

HOLLISTER, CA
MARCH 25, 2022



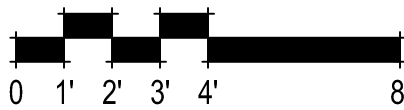


SECOND FLOOR PLAN



FIRST FLOOR PLAN

SQUARE FOOTAGES	
FIRST FLOOR	666 SQ. FT.
SECOND FLOOR	1069 SQ. FT.
TOTAL LIVING	1735 SQ. FT.
2-BAY GARAGE	417 SQ. FT.
PORCH 'A'	37 SQ. FT.



310.533 West of Fairview Clusters
 Hollister, CA
 March 25, 2022

KB Home
 5000 Executive Parkway, San Ramon, CA 94583
 925.983.4500

PLAN 1735 FLOOR PLANS
 A1

SDG Architects, Inc.
 3361 Walnut Blvd. Suite 120
 Brentwood, CA 94513
 925.634.7000 | sdgarchitectsinc.com



EXTERIOR ELEVATION MATERIALS

EARLY CALIFORNIA

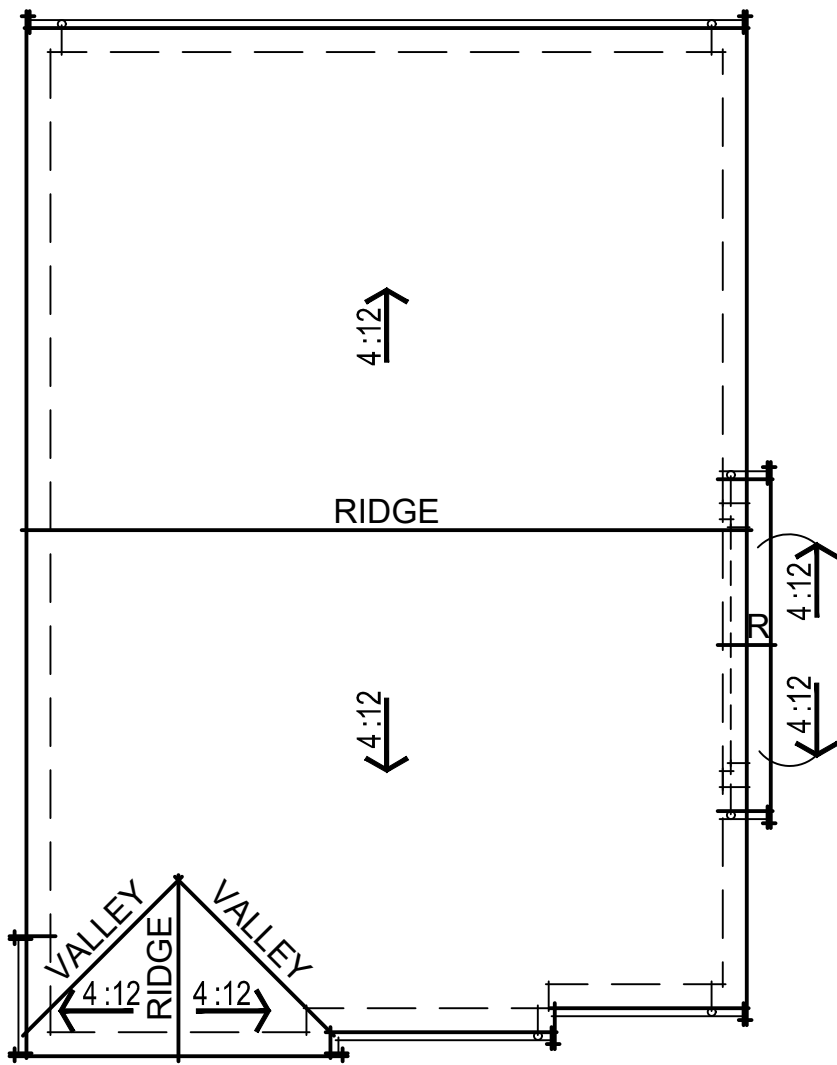
VILLA TILE CONCRETE ROOF
STUCCO WALL FINISH
GABLE ROOF FORMS
ARCHED SOFFIT PORCH
STUCCO o/ 2x FOAM TRIM
DECORATIVE TILE VENTS

CRAFTSMAN

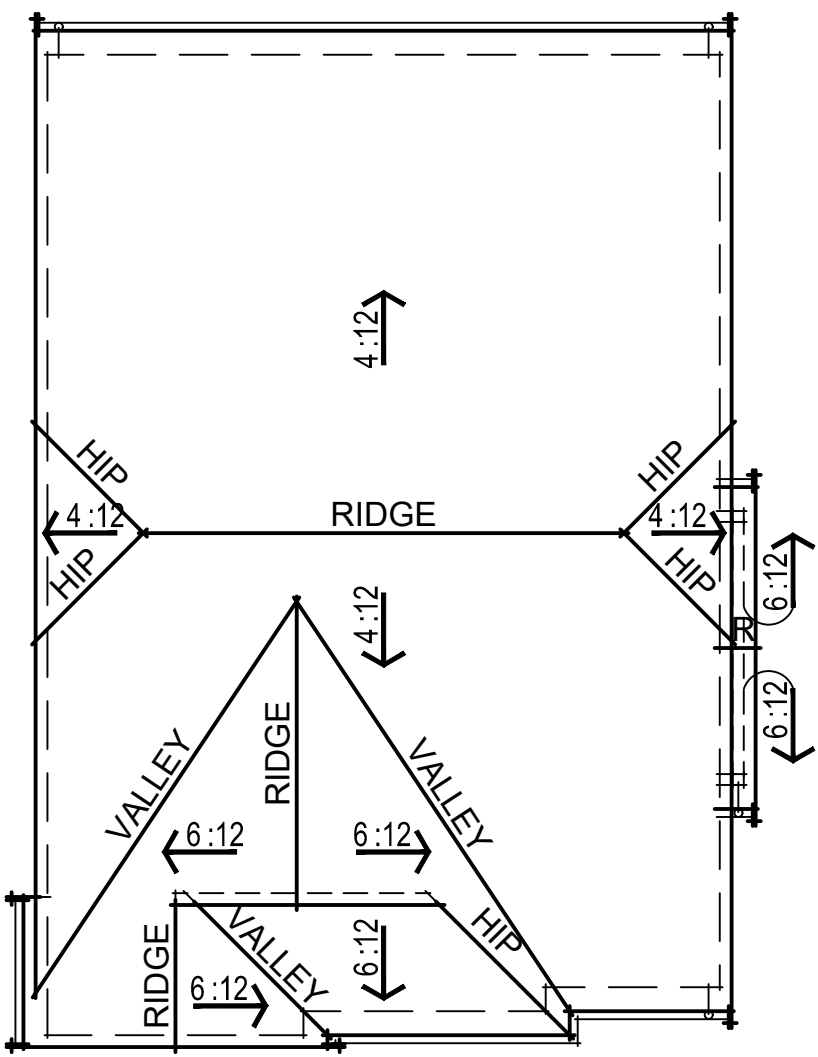
FLAT TILE CONCRETE ROOF
STUCCO WALL FINISH
GABLE ROOF FORMS
STONE VENEER
STUCCO o/ 2x FOAM TRIM
6x10 WD. CORBEL w/ KNEE BRACE @ GABLE ENDS
1x3 BATTS @ 12" O.C. o/ FIBER CEMENT BOARD

FRENCH COUNTRY

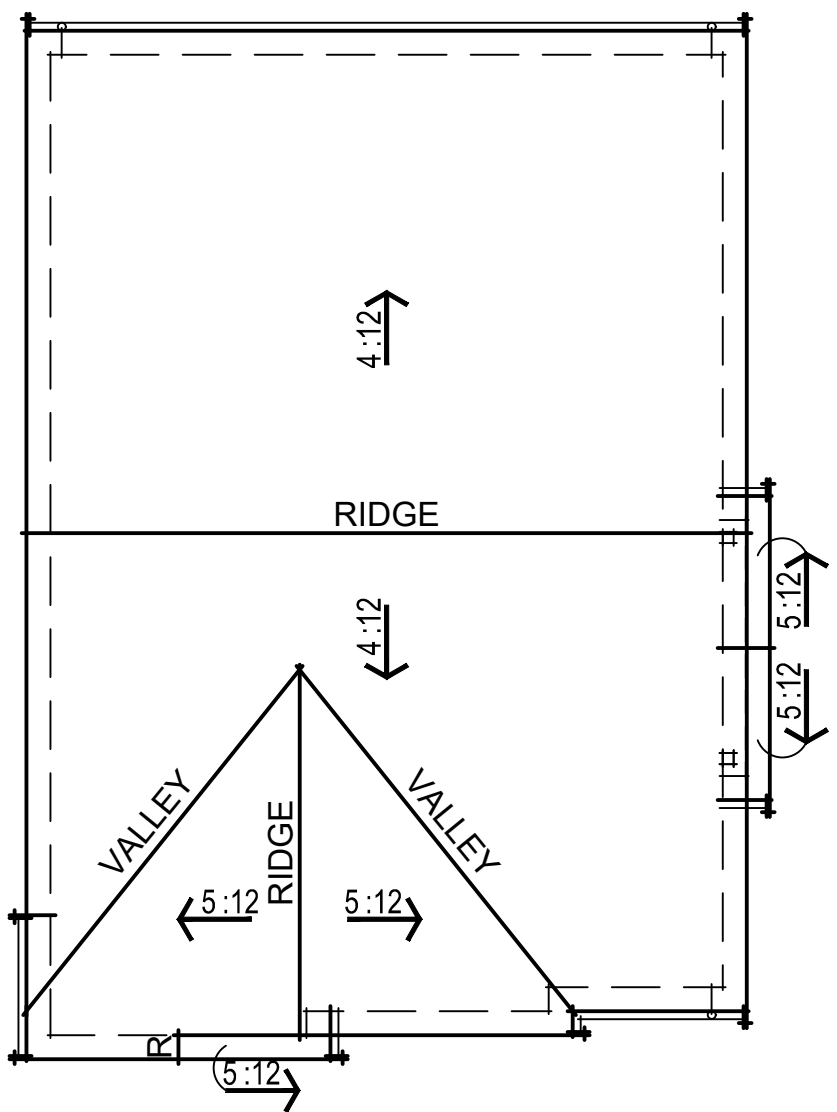
FLAT TILE CONCRETE ROOF
STUCCO WALL FINISH
HIP & GABLE ROOF FORMS
STUCCO o/ 2x FOAM TRIM
HORIZONTAL FIBER CEMENT SIDING



EARLY CALIFORNIA
ROOF PLAN



FRENCH COUNTRY
ROOF PLAN



CRAFTSMAN
ROOF PLAN



RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home
5000 Executive Parkway, San Ramon, CA 94583
925.983.4500



PLAN 1735 EARLY CALIFORNIA ELEVATIONS
A3

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com





RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home
5000 Executive Parkway, San Ramon, CA 94583
925.983.4500



PLAN 1735 CRAFTSMAN ELEVATIONS

A4

SDG Architects, Inc.
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Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com





RIGHT ELEVATION



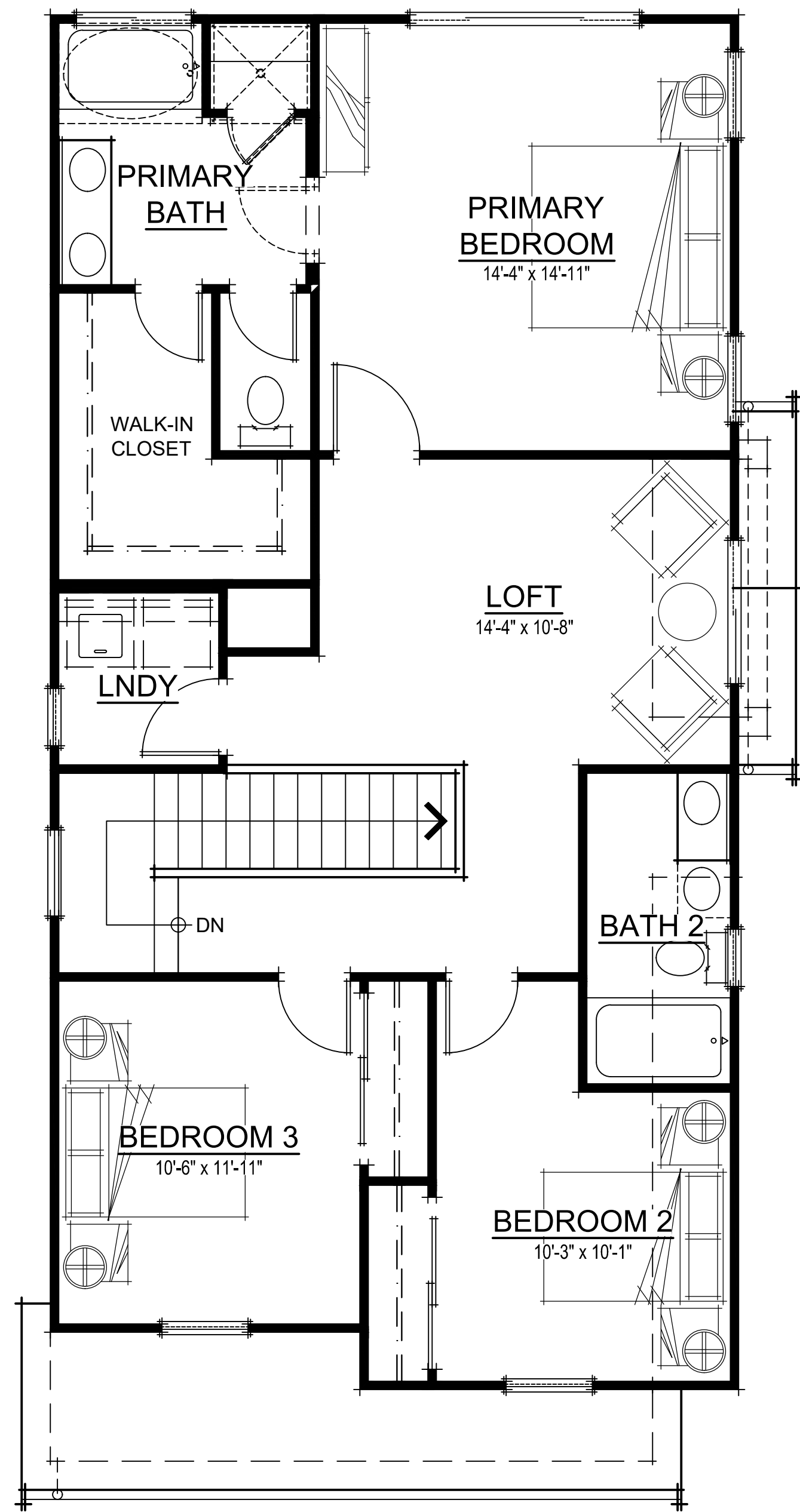
FRONT ELEVATION



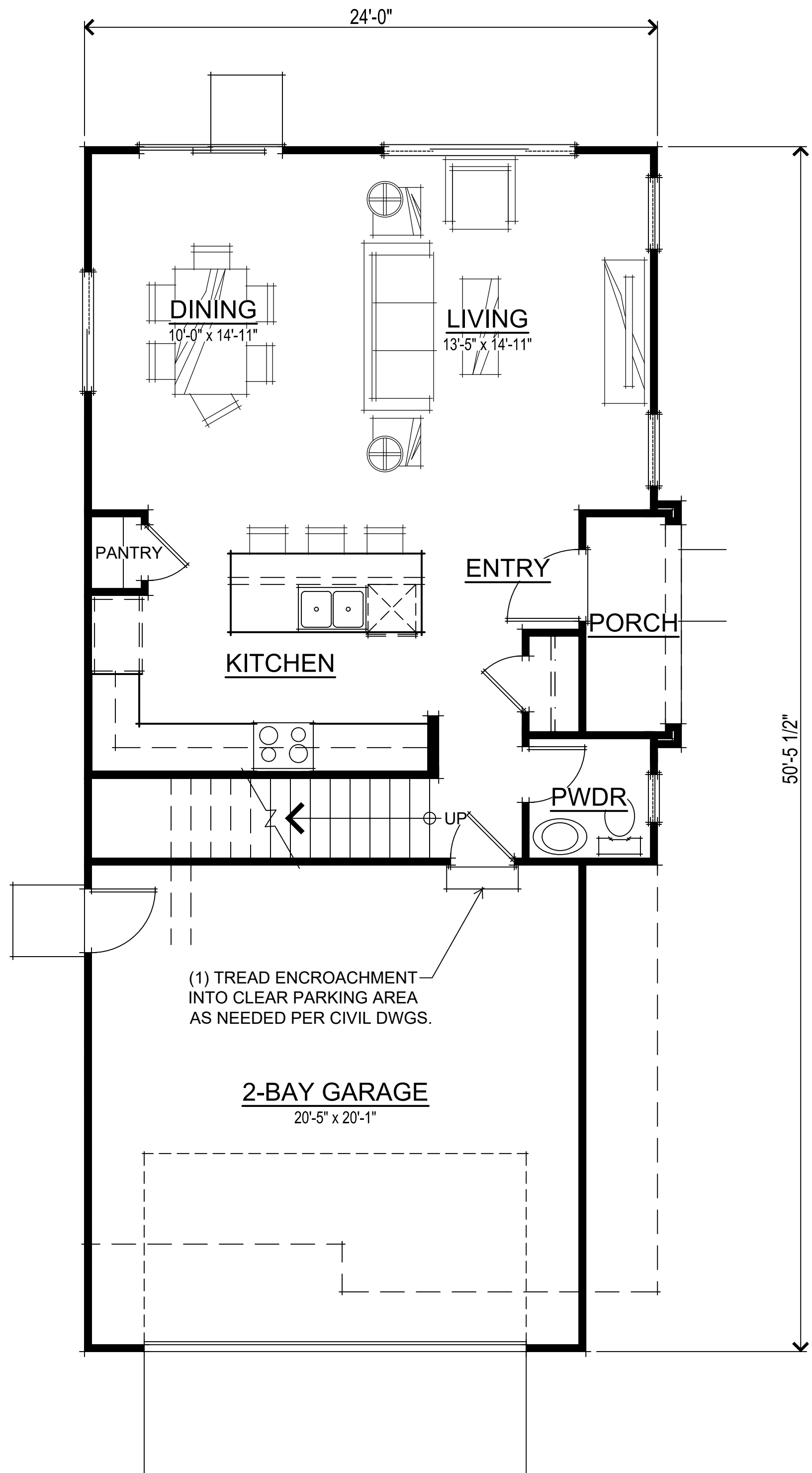
REAR ELEVATION



LEFT ELEVATION

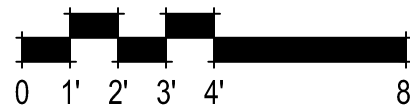


SECOND FLOOR PLAN



FIRST FLOOR PLAN

SQUARE FOOTAGES	
FIRST FLOOR	695 SQ. FT.
SECOND FLOOR	1082 SQ. FT.
TOTAL LIVING	1777 SQ. FT.
2-BAY GARAGE	428 SQ. FT.
PORCH 'A'	37 SQ. FT.



310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home
5000 Executive Parkway, San Ramon, CA 94583
925.983.4500

PLAN 1777 FLOOR PLANS
A6

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com



EXTERIOR ELEVATION MATERIALS

EARLY CALIFORNIA

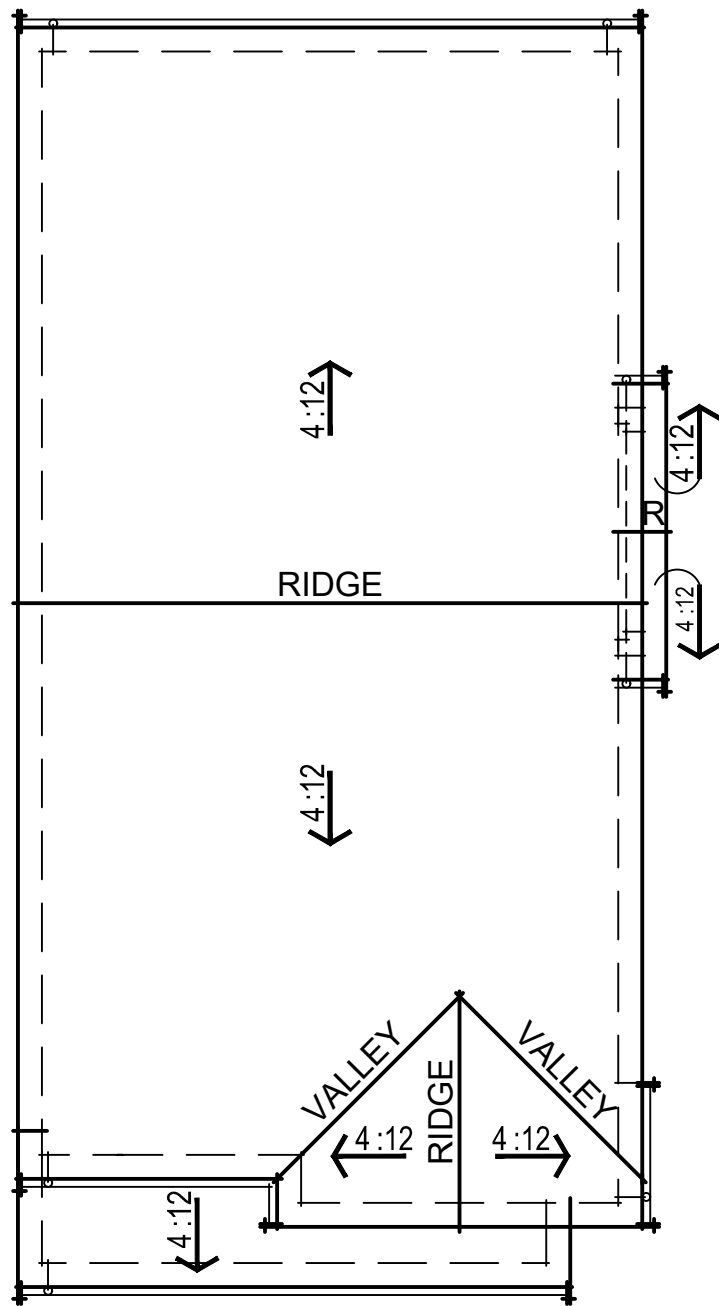
- VILLA TILE CONCRETE ROOF
- STUCCO WALL FINISH
- GABLE ROOF FORMS
- STUCCO o/ 2x FOAM TRIM
- ARCHED SOFFIT PORCH
- DECORATIVE TILE VENTS
- DECORATIVE SHUTTERS

CRAFTSMAN

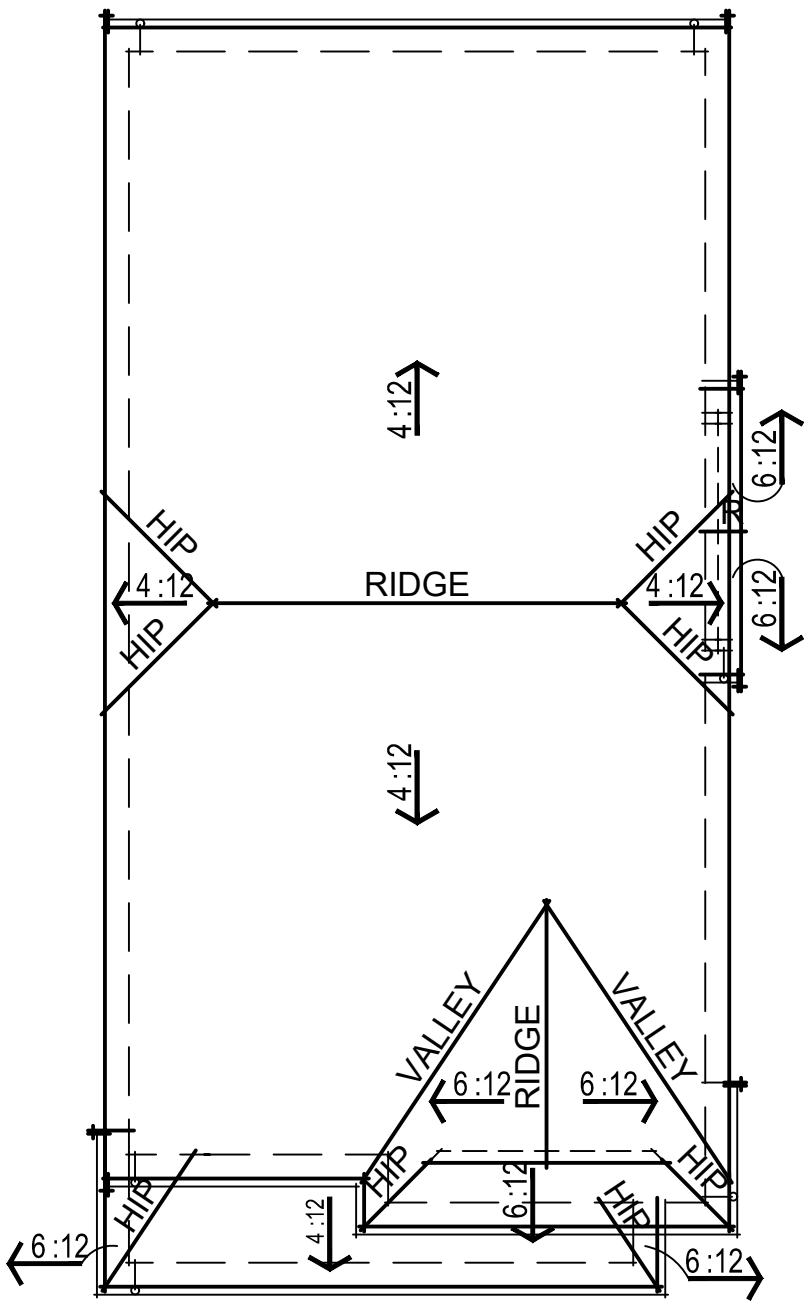
- FLAT TILE CONCRETE ROOF
- STUCCO WALL FINISH
- GABLE ROOF FORMS
- STONE VENEER
- STUCCO o/ 2x FOAM TRIM
- 6x10 WD. CORBEL w/ KNEE BRACE @ GABLE ENDS
- 1x3 BATTS @ 12" O.C. o/ FIBER CEMENT BOARD
- DECORATIVE SHUTTERS

FRENCH COUNTRY

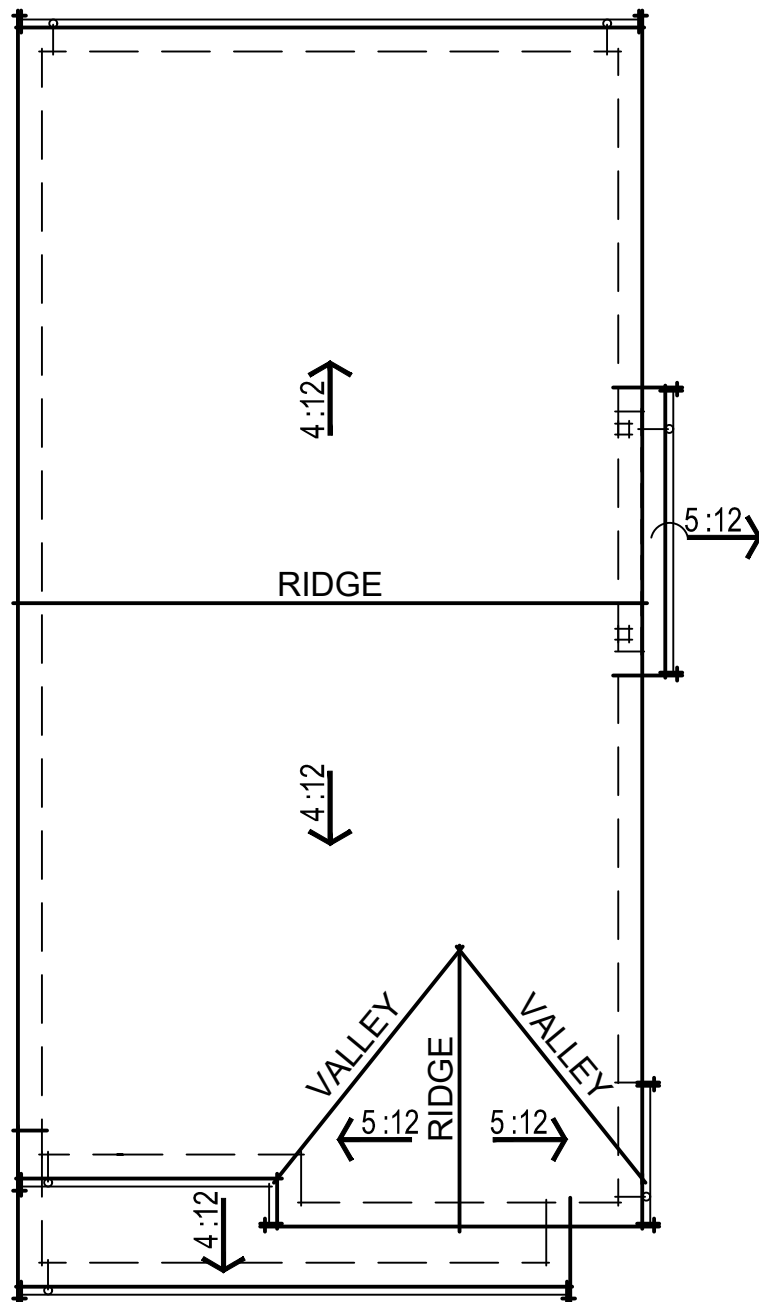
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- STUCCO WALL FINISH
- HIP & GABLE ROOF FORMS
- STUCCO o/ 2x FOAM TRIM
- HORIZONTAL FIBER CEMENT SIDING
- DECORATIVE SHUTTERS



EARLY CALIFORNIA
ROOF PLAN



FRENCH COUNTRY
ROOF PLAN



CRAFTSMAN
ROOF PLAN



RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION

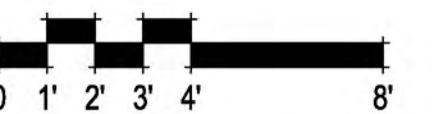


LEFT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home

5000 Executive Parkway, San Ramon, CA 94583
925.983.4500



PLAN 1777 EARLY CALIFORNIA ELEVATIONS

A8

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Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com





RIGHT ELEVATION



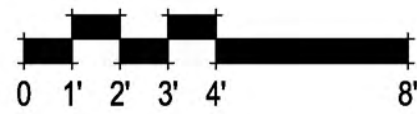
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



310.533 West of Fairview Clusters
 Hollister, CA
 March 25, 2022

PLAN 1777 CRAFTSMAN ELEVATIONS
 A9

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 925.983.4500

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 Brentwood, CA 94513
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RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home

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925.983.4500

PLAN 1777 FRENCH COUNTRY ELEVATIONS

A10

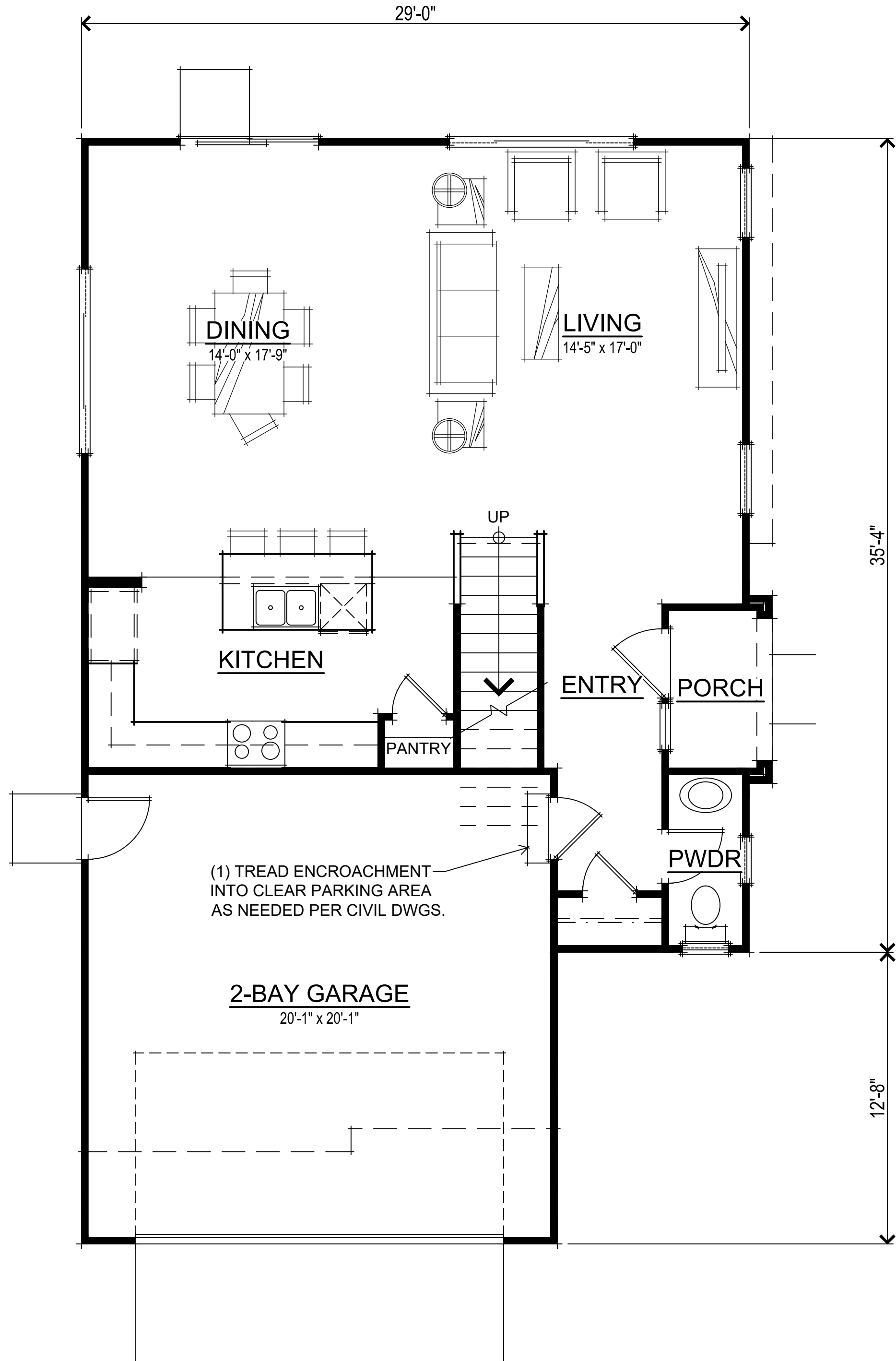


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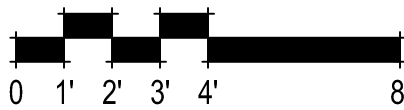


SECOND FLOOR PLAN



FIRST FLOOR PLAN

SQUARE FOOTAGES	
FIRST FLOOR	844 SQ. FT.
SECOND FLOOR	1180 SQ. FT.
TOTAL LIVING	2024 SQ. FT.
2-BAY GARAGE	419 SQ. FT.
PORCH 'A'	32 SQ. FT.



310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

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PLAN 2024 FLOOR PLANS
A11

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EXTERIOR ELEVATION MATERIALS

EARLY CALIFORNIA

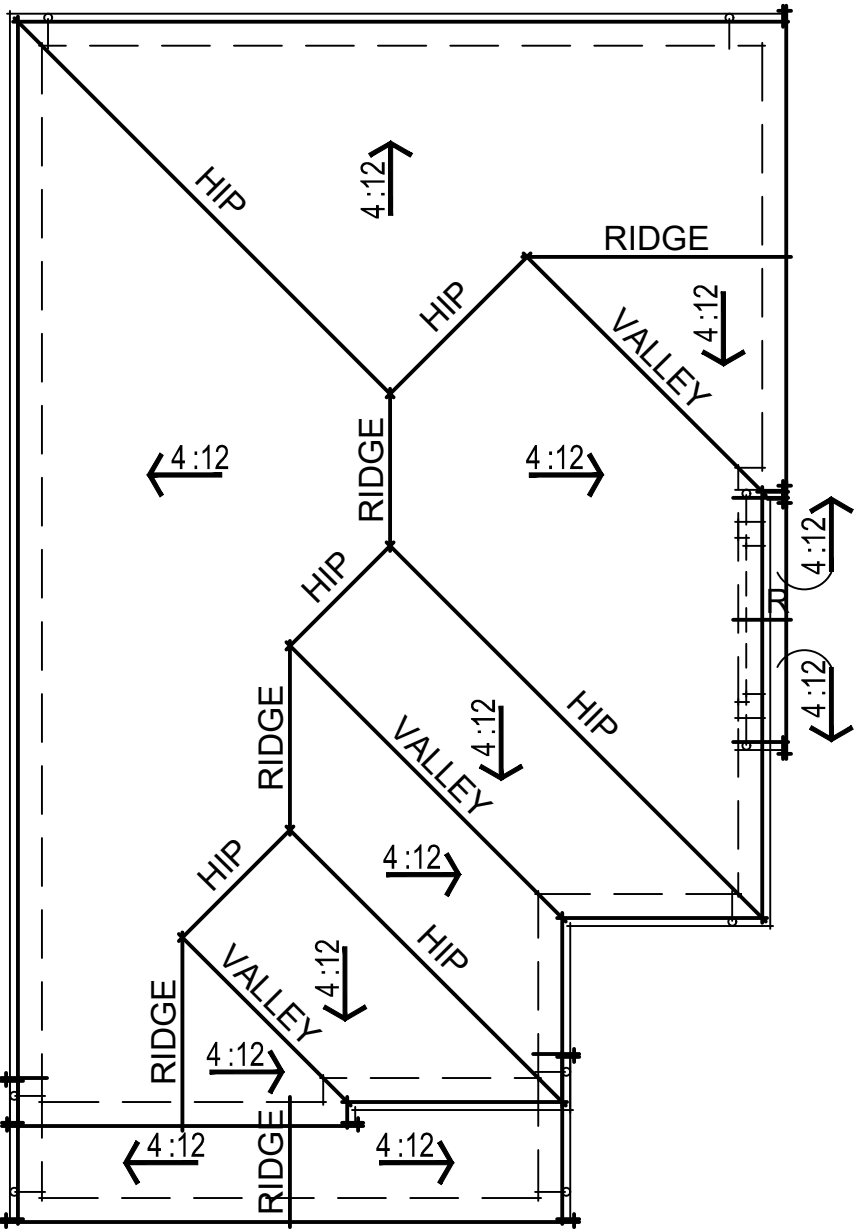
VILLA TILE CONCRETE ROOF
STUCCO WALL FINISH
HIP & GABLE ROOF FORMS
ARCHED SOFFIT PORCH
STUCCO o/ 2x FOAM TRIM
DECORATIVE TILE VENTS

CRAFTSMAN

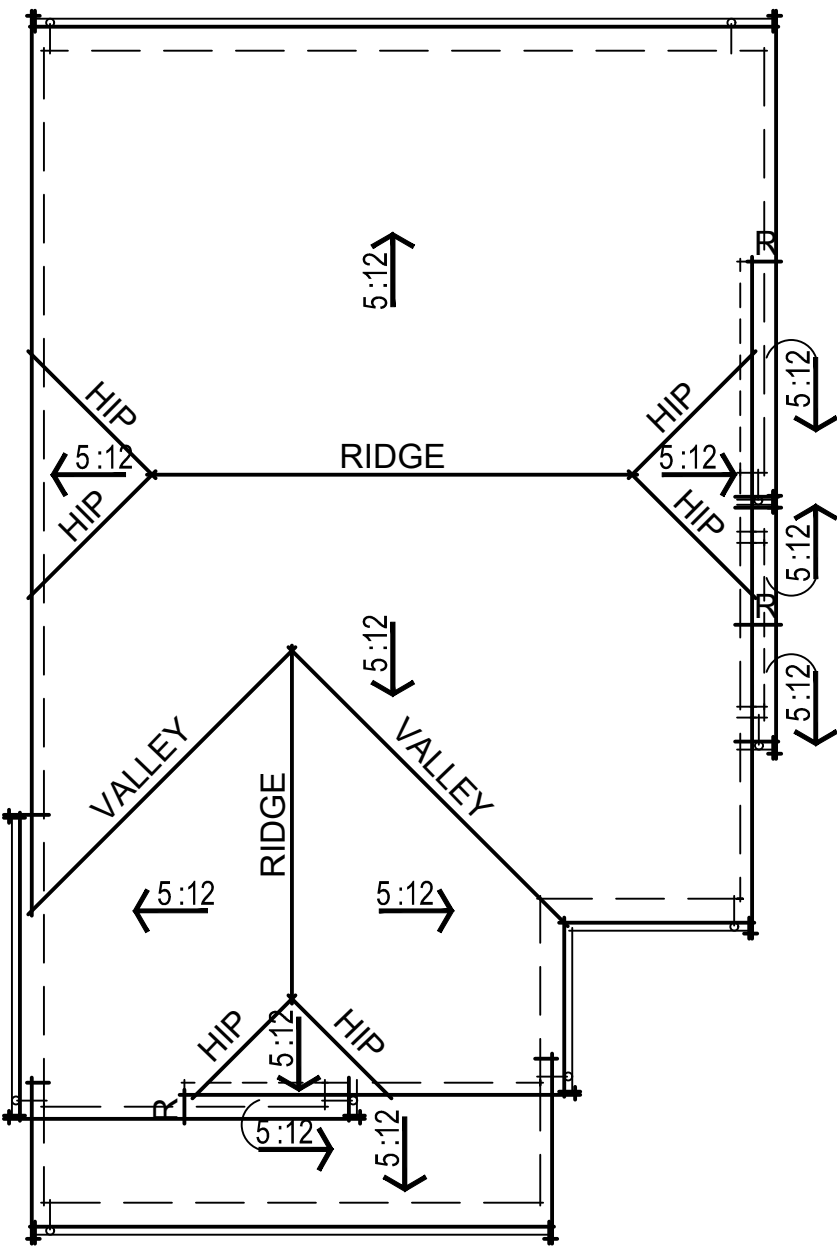
FLAT TILE CONCRETE ROOF
STUCCO WALL FINISH
GABLE ROOF FORMS
STONE VENEER
STUCCO o/ 2x FOAM TRIM
6x10 WD. CORBEL w/ KNEE BRACE @ GABLE ENDS
1x3 BATTS @ 12" O.C. o/ FIBER CEMENT BOARD
DECORATIVE SHUTTERS

FRENCH COUNTRY

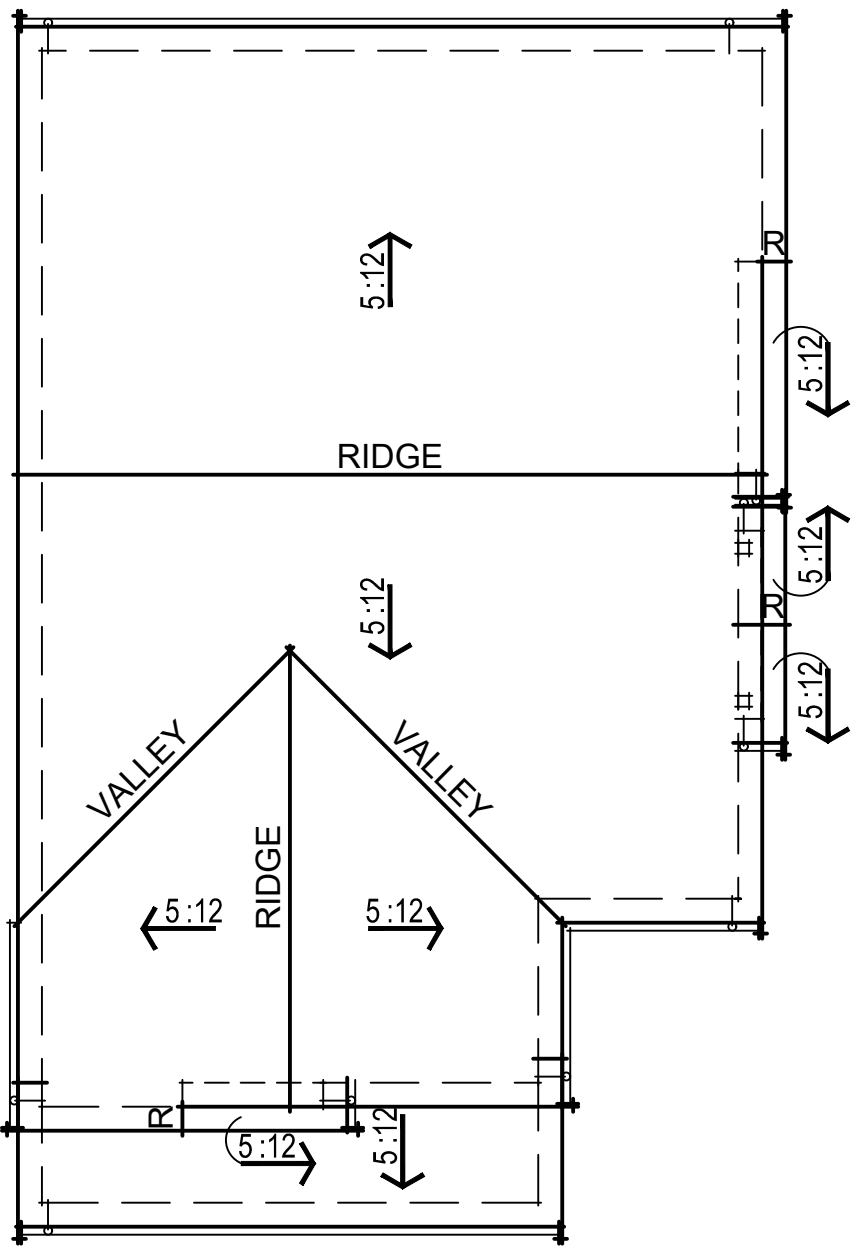
FLAT TILE CONCRETE ROOF
STUCCO WALL FINISH
HIP & GABLE ROOF FORMS
STUCCO o/ 2x FOAM TRIM
HORIZONTAL FIBER CEMENT SIDING
DECORATIVE SHUTTERS



EARLY CALIFORNIA
ROOF PLAN



FRENCH COUNTRY
ROOF PLAN



CRAFTSMAN
ROOF PLAN



RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home

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PLAN 2024 EARLY CALIFORNIA ELEVATIONS
A13

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RIGHT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

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PLAN 2024 CRAFTSMAN ELEVATIONS
A14

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RIGHT ELEVATION



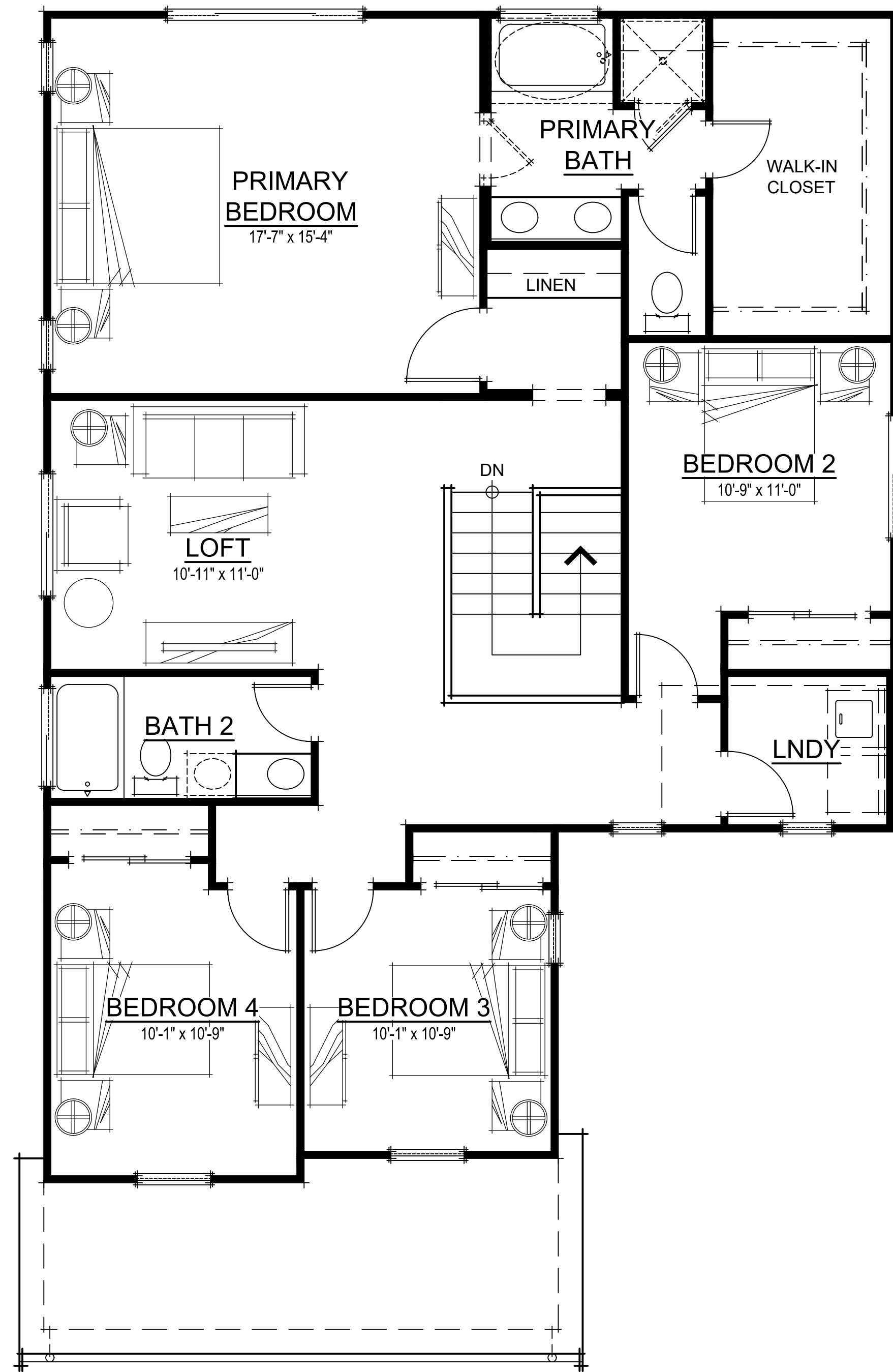
FRONT ELEVATION



REAR ELEVATION

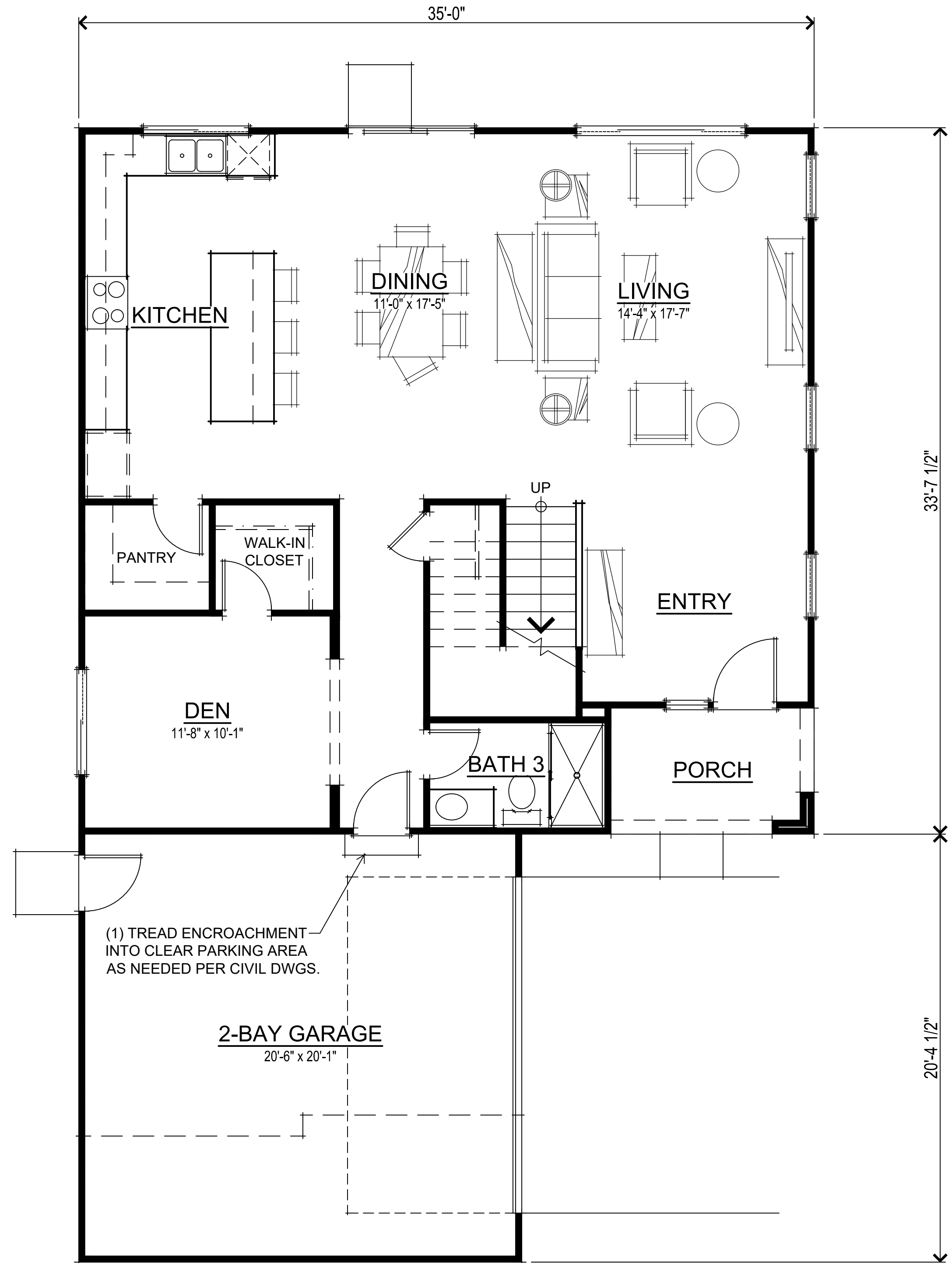


LEFT ELEVATION

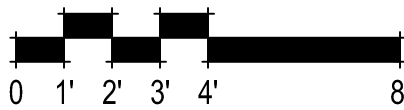


SECOND FLOOR PLAN

SQUARE FOOTAGES	
FIRST FLOOR	1119 SQ. FT.
SECOND FLOOR	1419 SQ. FT.
TOTAL LIVING	2538 SQ. FT.
2-BAY GARAGE	430 SQ. FT.
PORCH 'A'	58 SQ. FT.



FIRST FLOOR PLAN



310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home
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925.983.4500

PLAN 2538 FLOOR PLANS
A16

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Brentwood, CA 94513
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EXTERIOR ELEVATION MATERIALS

EARLY CALIFORNIA

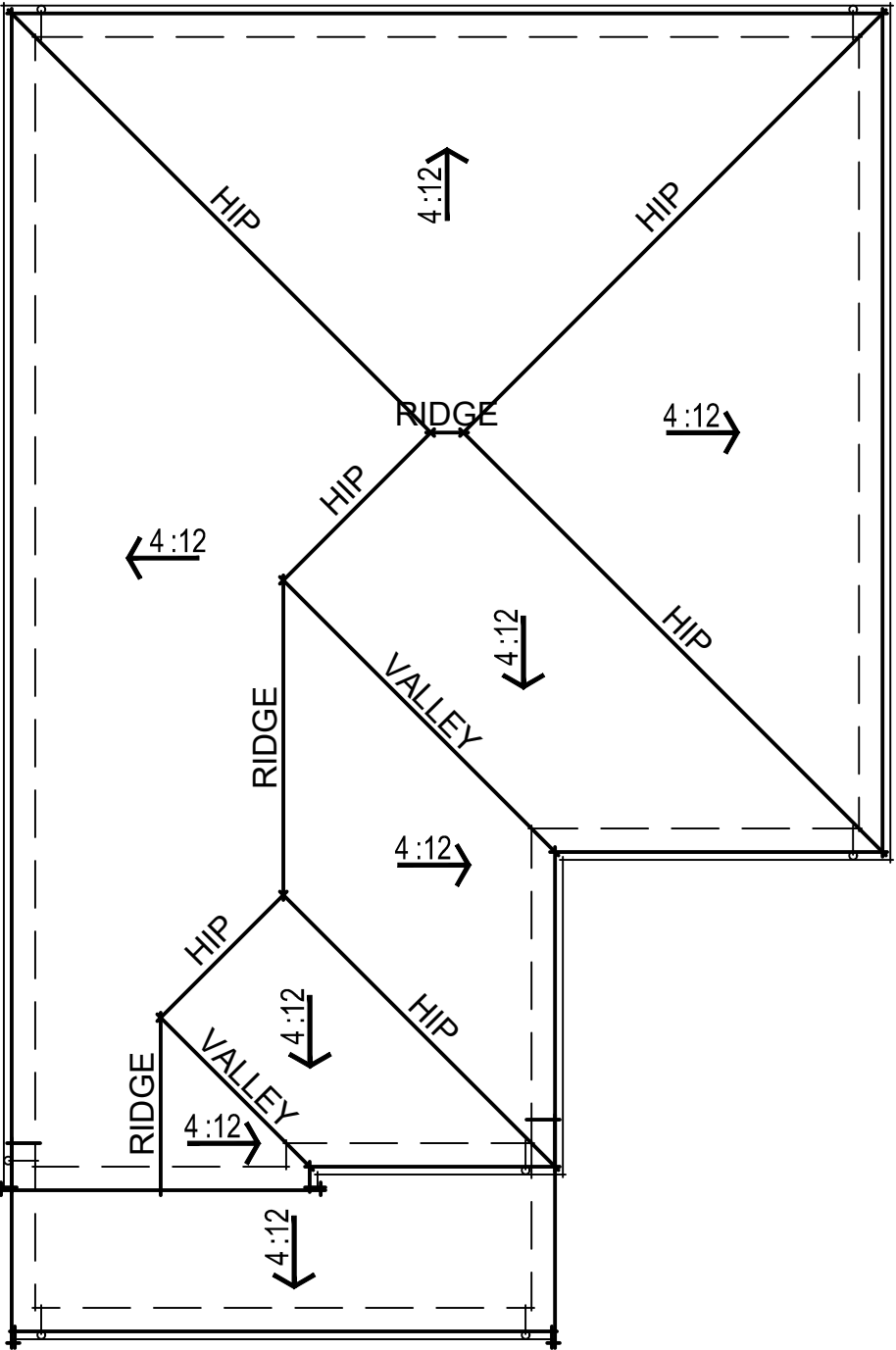
VILLA TILE CONCRETE ROOF
STUCCO WALL FINISH
HIP & GABLE ROOF FORMS
ARCHED SOFFIT PORCH
STUCCO o/ 2x FOAM TRIM
DECORATIVE TILE VENTS

CRAFTSMAN

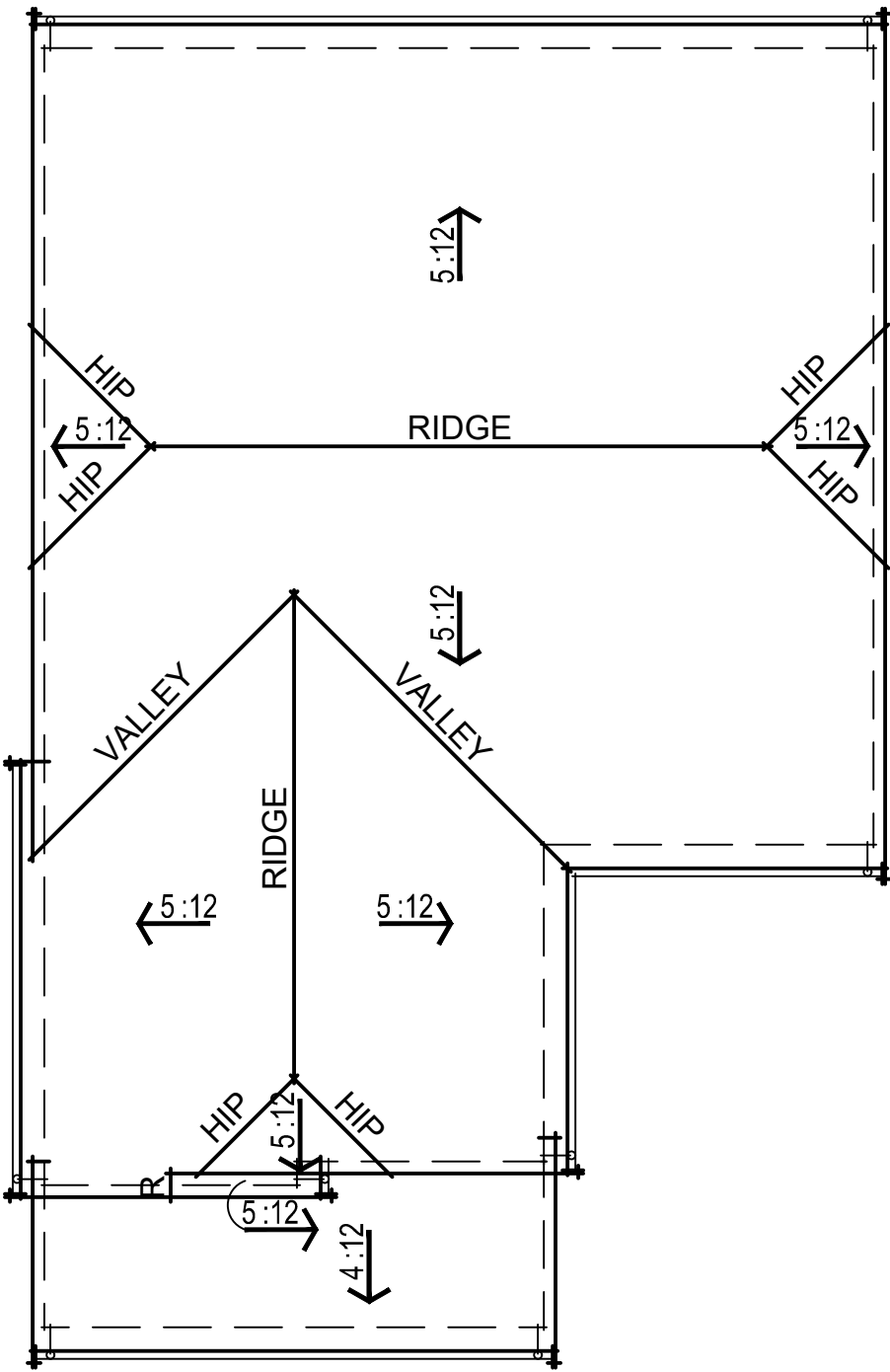
FLAT TILE CONCRETE ROOF
STUCCO WALL FINISH
GABLE ROOF FORMS
STONE VENEER
STUCCO o/ 2x FOAM TRIM
6x10 WD. CORBEL w/ KNEE BRACE @ GABLE ENDS
1x3 BATTS @ 12" O.C. o/ FIBER CEMENT BOARD

FRENCH COUNTRY

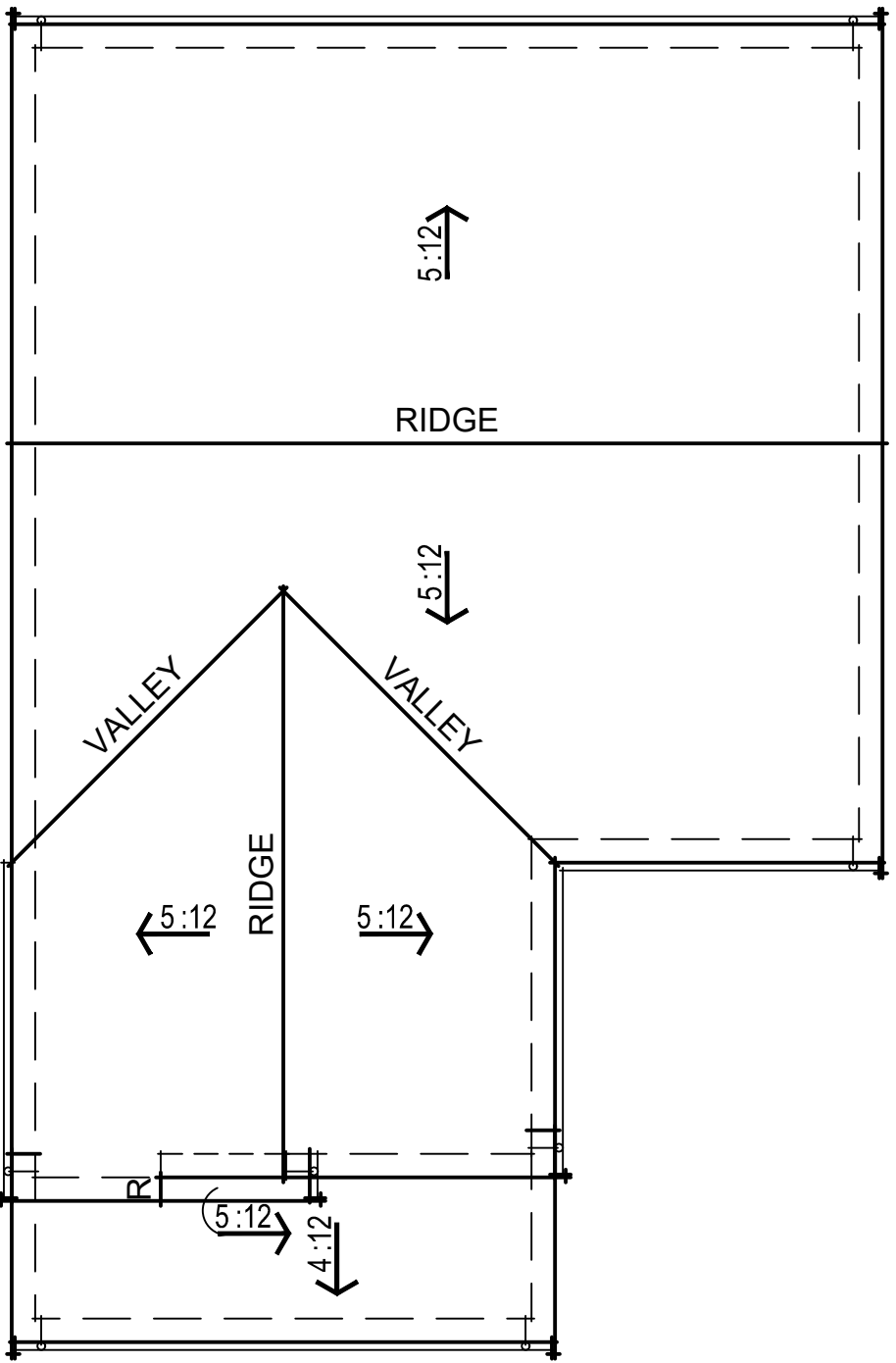
FLAT TILE CONCRETE ROOF
STUCCO WALL FINISH
HIP & GABLE ROOF FORMS
STUCCO o/ 2x FOAM TRIM
HORIZONTAL FIBER CEMENT SIDING
OPTIONAL GARAGE DOOR LITES



EARLY CALIFORNIA
ROOF PLAN



FRENCH COUNTRY
ROOF PLAN



CRAFTSMAN
ROOF PLAN



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home

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PLAN 2538 EARLY CALIFORNIA ELEVATIONS
A18

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REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home

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PLAN 2538 CRAFTSMAN ELEVATIONS

A19



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REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

310.533 West of Fairview Clusters
Hollister, CA
March 25, 2022

KB Home
5000 Executive Parkway, San Ramon, CA 94583
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PLAN 2538 FRENCH COUNTRY ELEVATIONS
A20

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SCHEME 1 - EARLY CALIFORNIA



Boral Roofing
HBCS 6464 - California Mission Blend



**Body 1 & Garage Door
Stucco 20/30**
SW 6119 Antique White
(263-C6)



Trim & Fascia
SW 7549 Studio Taupe
(284-C5)



Shutters & Entry Door
SW 2802 Rookwood Red
(309)

SCHEME 2 - EARLY CALIFORNIA



Boral Roofing
HBCS 6169 - Casa Grande Blend



**Body 1 & Garage Door
Stucco 20/30**
SW 7532 Urban Putty
(285-C3)



Trim & Fascia
SW 7568 Neutral Ground
(261-C5)

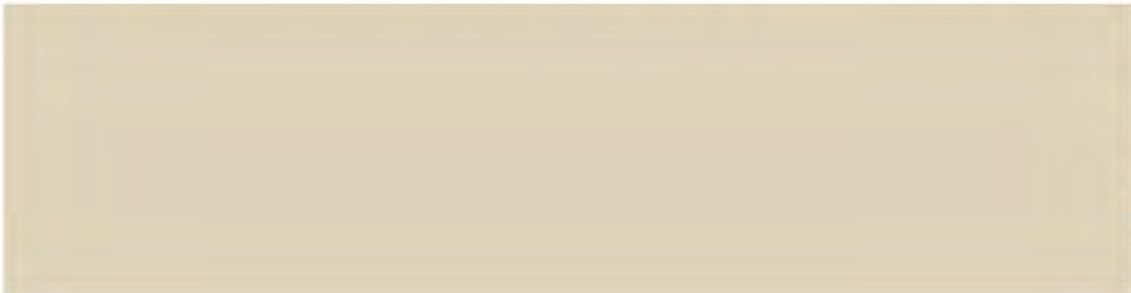


Shutters & Entry Door
SW 6209 Ripe Olive
(217-C7)

SCHEME 3 - EARLY CALIFORNIA



Boral Roofing
HBCS 3270 - Tesoro Blend



**Body 1 & Garage Door
Stucco 20/30**
SW 6155 Rice Grain
(210-C1)



Trim & Fascia
SW 6152 Superior Bronze
(207-C6)



Shutters & Entry Door
SW 6251 Outerspace
(225-C7)

SCHEME 4 - CRAFTSMAN



Boral Roofing
FACS 1430 - Charcoal Blend



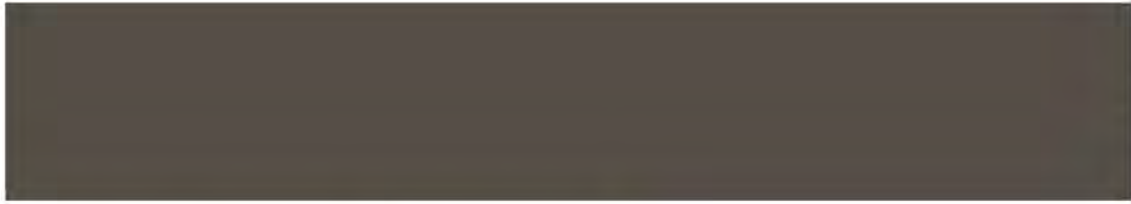
**Body 1
Stucco 20/30**
SW 6171 Chatroom
(211-C3)



**Body 2 & Garage Door
Siding**
SW 6172 Hardware
(211-C5)



Trim & Fascia
SW 6133 Muslin
(263-C5)



Shutters & Entry Door
SW 7048 Urban Bronze
(245-C7)



Culture Stone By Boral
Chardonnay Southern Ledgestone

SCHEME 5 - CRAFTSMAN



Boral Roofing
1ACS 1132 - Charcoal Brown Blend



**Body 1
Stucco 20/30**
SW 2827Colonial Revival Stone
(312)



**Body 2 & Garage Door
Siding**
SW 6103 Tea Chest
(201-C6)



Trim & Fascia
SW 6083 Sable
(198-C7)



Shutters & Entry Door
SW 2839 Roycroft Copper Red
(313)



Culture Stone By Boral
Wolf Creek Southern Ledgestone

SCHEME 6 - CRAFTSMAN



Boral Roofing
FACS 0330 - Appalachian Blend



**Body 1
Stucco 20/30**
SW 7547 Sandbar
(284-C2)



**Body 2 & Garage Door
Siding**
SW 7633 Taupe Tone
(249-C3)



Trim & Fascia
SW 7567 Natural Tan
(284-C1)



Shutters & Entry Door
SW 2851 Sage Green Light
(315)



Culture Stone By Boral
Bucks Country Southern Ledgestone

SCHEME 7 - FRENCH COUNTRY



Boral Roofing
FACS 0330 - Appalachian Blend



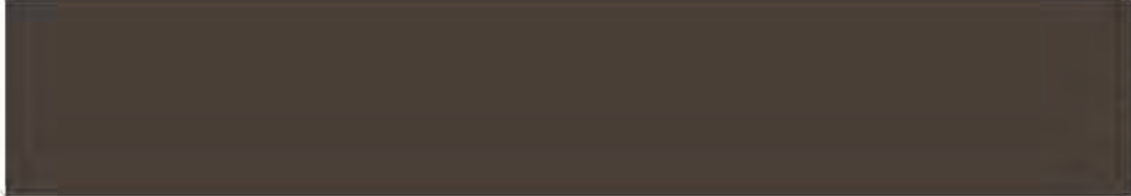
**Body 1 & Garage Door
Stucco 20/30**
SW 7050 Useful Gray
(246- C1)



**Body 2
Siding**
SW 7052 Gray Area
(246- C3)



Trim & Fascia
SW 7008 Alabaster
(255-C2)

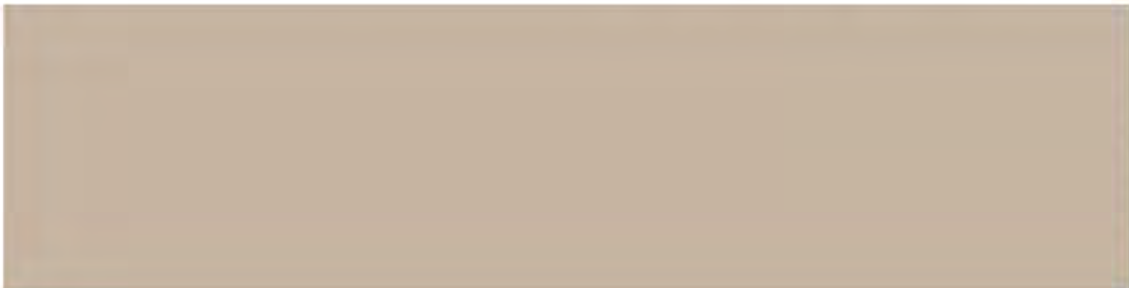


Shutters & Entry Door
SW 7675 Sealskin
(277-C7)

SCHEME 8 - FRENCH COUNTRY



Boral Roofing
FACS 1430 - Charcoal Blend



**Body 1 & Garage Door
Stucco 20/30**
SW 7037 Balanced Beige
(249-C2)



**Body 2
Siding**
SW 7039 Virtual Taupe
(249-C5)



Trim & Fascia
SW 9109 Natural Linen
(205-C1)



Shutters & Entry Door
SW 7749 Laurel Woods
(237-C7)

SCHEME 9 - FRENCH COUNTRY



Boral Roofing
FACS 1130 - Charcoal



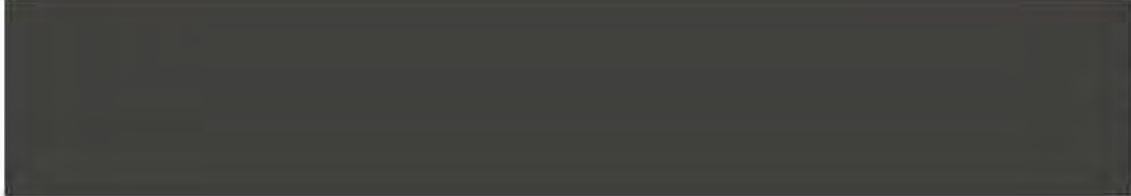
**Body 1 & Garage Door
Stucco 20/30**
SW 6108 Latte
(204-C3)



**Body 2
Siding**
SW 6102 Portabello
(201-C5)



Trim & Fascia
SW 6098 Pacer White
(267-C7)



Shutters & Entry Door
SW 7069 Iron Ore
(251-C7)

West of Fairview Phase 2 Only 198 SFD (60 Clusters/138 Traditional SFD)

ELEVATION A - SPANISH (SCHEME 10-12)
ELEVATION B - CRAFTSMAN (SCHEME 4-6)
ELEVATION D - FRENCH COUNTRY (SCHEME 7-9)
ELEVATION F - EARLY CALIFORNIA (SCHEME 1-3)

PLAN COUNT

SFD:

1478	x 20
1585	x 21
1812	x 27
1966	x 17
2209	x 8
2273	x 24
2525	x 21

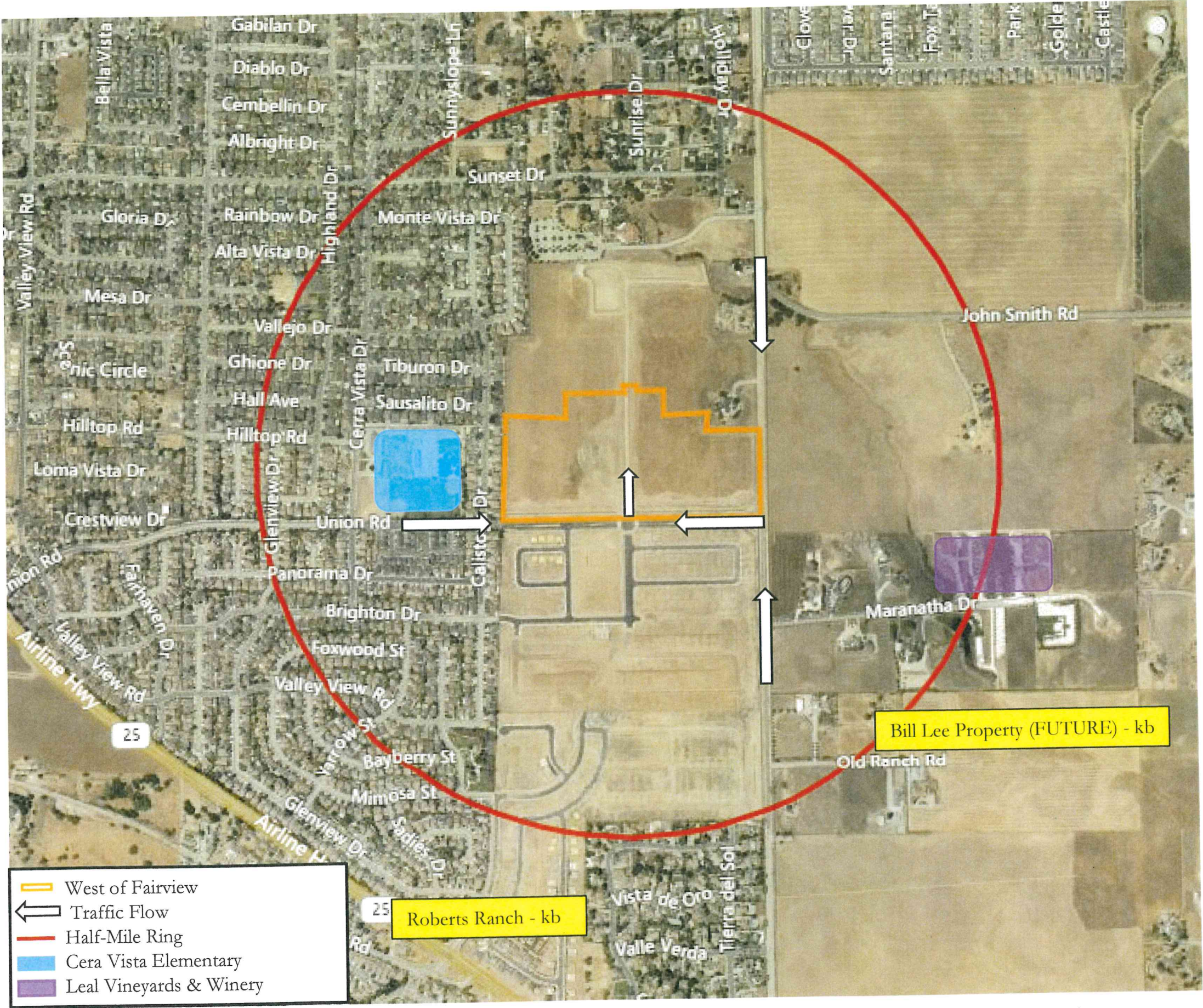
CLUSTERS:

1735	x 12
1777	x 24
2024	x 12
2536	x 12

PHASE 1
PHASE 2
PHASE 3
PHASE 4
PHASE 5
PHASE 6
PHASE 7
PHASE 8
PHASE 9
PHASE 10
PHASE 11
PHASE 12
PHASE 13
PHASE 14
PHASE 15



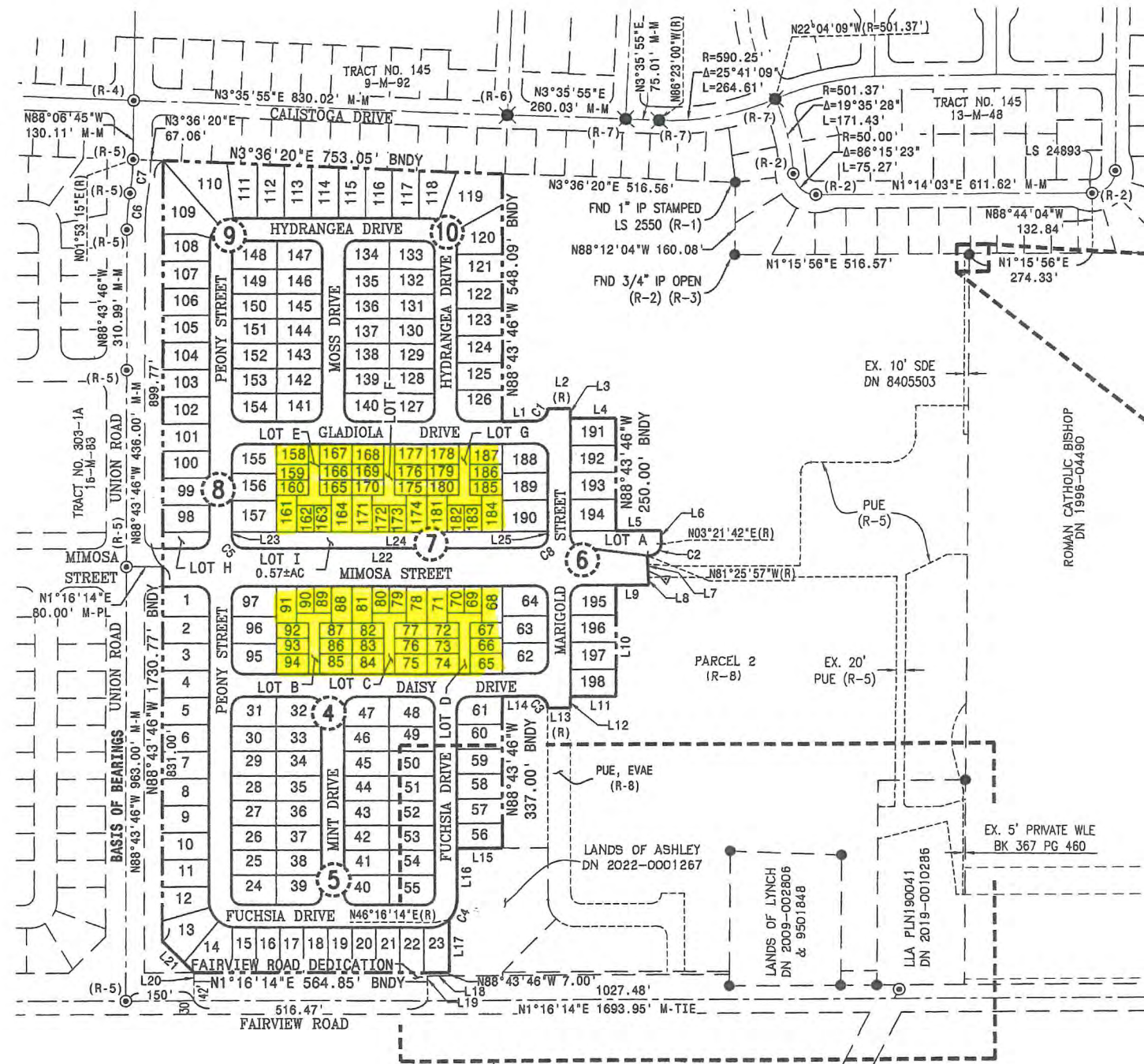
LOCATION MAP - HALF-MILE PERSPECTIVE



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NOV 01 2022

CITY OF HOLLISTER
PLANNING DIVISION



LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- PROPERTY LINE
- EXISTING PROPERTY/RIGHT OF WAY LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- MONUMENT LINE
- NO VEHICULAR ACCESS
- FOUND CITY STANDARD STREET MONUMENT
- SET CITY STANDARD STREET MONUMENT STAMPED "LS 8817"
- FND 3/4" YELLOW PLUG STAMPED RCE 17611 W/ TACK IN MONUMENT WELL
- FOUND 1" IP W/ CAP LS 2550 OR AS NOTED
- ANGLE POINT
- ADDITIONAL PUE LOCATIONS, SEE DETAIL B, SHEET 9
- BOUNDARY
- CENTERLINE
- EXISTING
- MONUMENT
- NOT OF RECORD
- PROPERTY LINE
- IRON PIPE
- EMERGENCY VEHICLE ACCESS EASEMENT
- PRIVATE ACCESS EASEMENT
- PUBLIC UTILITY EASEMENT
- WATERLINE EASEMENT
- RADIAL BEARING
- REFERENCE
- MONUMENT TO MONUMENT TIE
- INDICATES SHEET NUMBER

REFERENCES:

- | | |
|------------------------------|--------------|
| (R-1) PARCEL MAP NO. 214-75 | 3-PM-12 |
| (R-2) TRACT NO. 145-UNIT 8B | 13-M-48 |
| (R-3) PARCEL MAP NO. 287-76 | 3 PM 36 |
| (R-4) TRACT NO. 145-UNIT 12 | 11-M-21 |
| (R-5) TRACT NO. 303-PHASE 1A | 16-M-83 |
| (R-6) TRACT NO. 145-UNIT 7B | 9-M-92 |
| (R-7) TRACT NO. 145-UNIT 4B | 9-M-65 |
| (R-8) PARCEL MAP | 2022-0002352 |

ABANDONMENT NOTE:

PURSUANT TO GOVERNMENT CODE SECTION 66434(G) AND 66499.20.2 OF THE SUBDIVISION OF MAP ACT, THE EASEMENT LISTED BELOW AS THEY AFFECT THE PARCELS BEING SUBDIVIDED HEREON, WILL BE ABANDONED WITH THE FILING OF THIS MAP AND ARE THEREFORE NOT SHOWN HEREON:

- PUBLIC UTILITY EASEMENT (PUE) IN FAVOR OF THE CITY OF HOLLISTER AS SHOWN ON TRACT NO. 303-PHASE 1A, FILED IN BOOK 16 OF MAPS, AT PAGE 83, SAN BENITO COUNTY RECORDS.

NOTES:

- BEARINGS AND DISTANCES LABELED "BNDY" PER (R-8)
- ALL DISTANCES ARE MEASURED OR CALCULATED FROM RECORD INFORMATION UNLESS OTHERWISE NOTED AND ARE SHOWN IN FEET AND DECIMALS THEREOF.
- ALL DISTANCES SHOWN ARE GROUND LEVEL DISTANCES. MULTIPLY DISTANCES BY 0.9999054 TO OBTAIN GRID DISTANCES.
- ALL MONUMENT TIE LINES ARE AT RIGHT ANGLES TO THE MONUMENT LINE UNLESS OTHERWISE NOTED.
- FRONT CORNERS WITNESSED BY A NAIL AND TAG STAMPED LS 8817 SET ON TOP OF CURB AT THE PROLONGATION OF THE PROPERTY LINES

TRACT 303 - PHASE 2 WEST FAIRVIEW

BEING A SUBDIVISION OF PARCEL 1 OF PARCEL MAP RECORDED IN SERIES NO. 2022-0002352 SAN BENITO COUNTY RECORDS LYING WITHIN SECTION 1, TOWNSHIP 13 SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN
CITY OF HOLLISTER, SAN BENITO COUNTY, CALIFORNIA

Mackay & Somps

ENGINEERS PLANNERS SURVEYORS
5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690
APRIL 2022



0 100 200 400
SCALE: 1"=200'

SEE SHEET 3 FOR LINE AND CURVE TABLES

2022-0005099

CITY OF HOLLISTER
PLANNING DIVISION

2022-0005099

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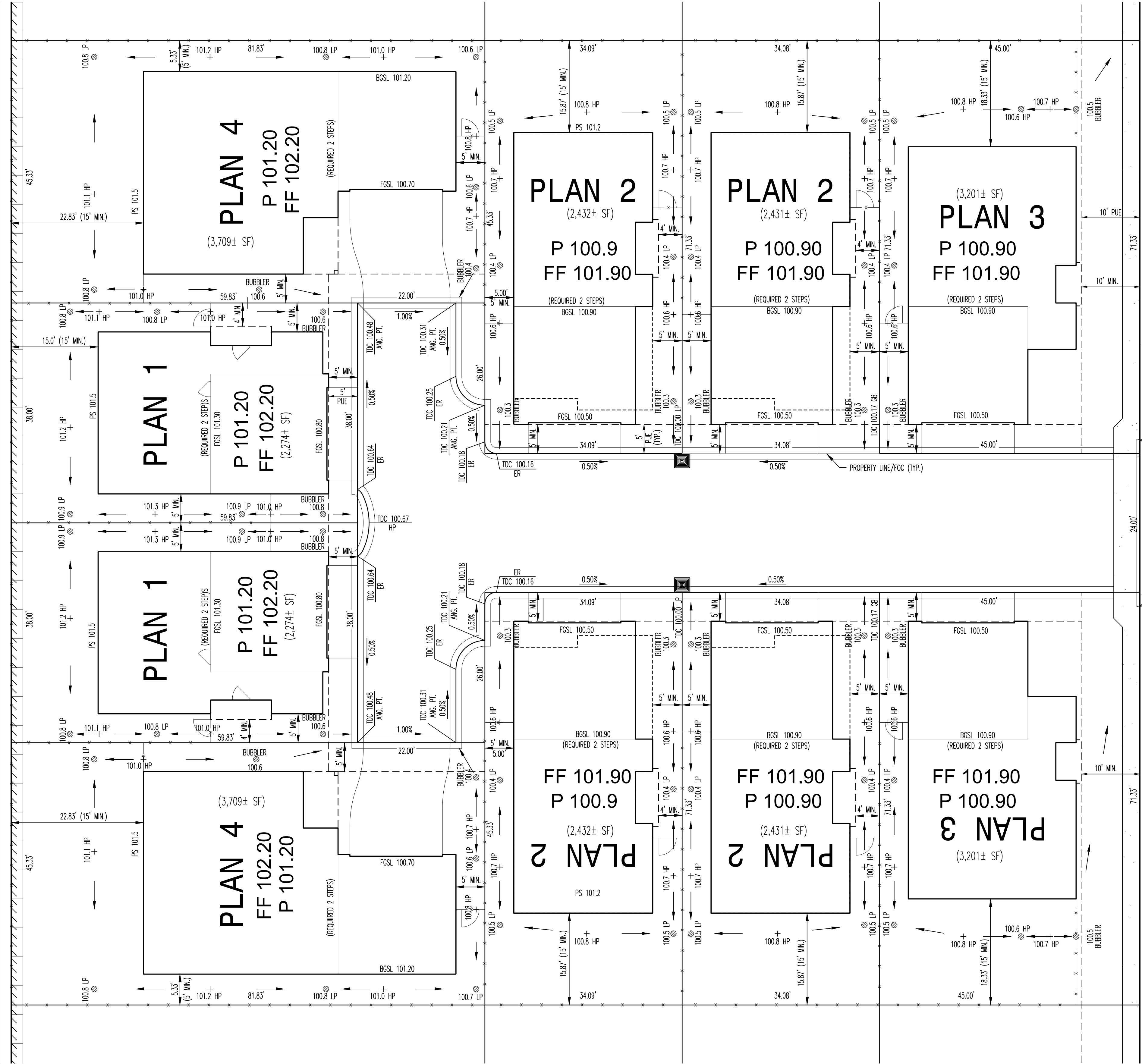


PAD DESIGN ASSUMPTIONS:

- 1. ASSUMED FOUNDATION THICKNESS OF 12" BETWEEN THE FINISH FLOOR AND PAD ELEVATION.
- 2. ASSUMED 2 -6 INCHES STEP FROM THE FINISH FLOOR OF THE LIVING SPACE AND THE BACK OF THE GARAGE.
- 3. ASSUMED 2.0% GARAGE SLOPE (0.4' DROP FROM THE BACK OF THE GARAGE TO FRONT OF GARAGE.
- 4. PROTECTIVE SLOPE IS 8-INCHES BELOW FINISH FLOOR.
- 5. THE MINIMUM SLOPE FOR THE DRAINAGE SWALE IS 2% IN ACCORDANCE WITH CITY OF HOLLISTER BUILDING DEPARTMENT STANDARD REQUIREMENT.
- 6. TO IMPLEMENT A POP-UP DRAINAGE EMITTER AS A BUBBLER WITH A DRYWELL AT THE DOWNSTREAM END OF THE LANDSCAPE AREA DRAIN SYSTEM.
- 7. THE HOUSES AND FENCES ARE SHOWN FOR INFORMATION ONLY AND ARE SUBJECT TO CHANGE.
- 8. ASSUMED DRIVEWAY SLOPE IS 12%.
- 9. ASSUMED MINIMUM SETBACK:

FRONT: 5' TO GARAGE DOOR
SIDE: 5'
REAR: 5'
SIDE PORCH: 4'

NOTE: CLUSTER HOUSE FOOTPRINTS PER CAD FILES PROVIDED BY SDG ARCHITECTS ON 3/04/22.



TRACT 303 - PHASE 2
MOTOR COURT TYP. LOT FIT & DRAINAGE
WEST OF FAIRVIEW
CITY OF HOLLISTER CALIFORNIA

Mackay & Somp
ENGINEERS PLANNERS SURVEYORS
51428 FRANKLIN DR., PLEASANTON, CA 94588 (925)225-0690

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PLEASANTON	1" = 10'	MARCH 21, 2022	15348.02
OFFICE	SCALE	DATE	JOB NO.



Planning Commission Staff Report October 27, 2022 Item 2

SUBJECT:	<u>Site & Architectural Review 2022-7 Completeness Determination Appeal</u> – KB Home/Charlie Hazelbaker – The applicant for Site & Architectural Review 2022-7, KB Homes, has filed an appeal of Staff's determination that the Application for a Site and Architectural Review for 60 cluster lots within the West of Fairview Specific Plan Area is incomplete and requires an additional application type.
STAFF PLANNER:	Eva Kelly, Interim Planning Manager (831) 636-4360 Erica Fraser, AICP, Consulting Planner
ATTACHMENTS:	1. Appeal Letter received from KB on September 8, 2022 2. Letter from Cox, Castle and Nicholson dated August 5, 2022 (and referenced in the Appeal Letter) 3. Tentative Map 2005-1 4. Email Chain dated April 11, 2022 5. Tract 303, Phase II Final Map 6. Incomplete Letter dated August 24, 2022 7. Email from Staff to KB dated September 6, 2022 8. Email from Staff to KB dated October 6, 2022 9. West of Fairview Specific Plan excerpt, pages 71-76 10. Email to KB regarding submittal of S&A 11. Receipt dated July 25, 2022 for S&A 12. Email dated March 3, 2022 13. Resolution of the Planning Commission Denying the Appeal 14. Resolution of the Planning Commission Granting the Appeal
RECOMMENDATION:	Staff recommends that the Planning Commission select one of the following options: 1. Deny the appeal and require the Applicant to apply for a Specific Plan Amendment 2. Deny the appeal and require the Applicant to apply for a Planned Development 3. Deny the appeal and require the Applicant to apply for a Density Bonus 4. Uphold the appeal and direct Staff to bring the Site and

Architectural Review to the Planning Commission for review during a Public Hearing where the Planning Commission will prepare the required findings

BACKGROUND:

On July 25, 2022, KB Homes (hereafter KB) filed for a Site and Architectural Review (at their own risk) for the construction of 60 cluster lots in the West of Fairview Specific Plan Area. The KB portion of the project is located within the Award Homes identified Phase 2 of the West of Fairview Subdivision Project. KB proposes to construct a detached single family residential development with reduced front yard and side yard setbacks. On September 9, 2022, KB filed an appeal appealing Staff's determination that the Site and Architectural Review was incomplete and appealing Staff's determination that an additional permit (hereafter referred to as a secondary permit) was required in order to approve their project as proposed.

The following background information is provided in regards to the West of Fairview area and Staff's history with KB on their portion of the West of Fairview development.

West of Fairview History:

- 1989 - San Benito County receives applications for major subdivisions including for land within Hollister's Sphere of Influence which included the West of Fairview Road area.
- February 1990 – It was determined that a Specific Plan for the 300 acre West of Fairview Road area would be required with the County as the Lead Agency (the application for development was originally filed with the County).
- Fall of 1992 - The City becomes the Lead Agency for the West of Fairview Specific Plan because 1/3 of the project area was annexed by the City.
- February 17 and March 16, 1998 – The City of Hollister approved the West of Fairview Specific Plan, amendments to the Zoning Ordinance related to zoning of the properties within the Specific Plan Area and certified an Environmental Impact Report related to the Specific Plan and development of the Plan Area.
- October 10, 2000 – The City Council entered into a Development Agreement with Award Homes related to the construction of the Award Homes portion of the West of Fairview Specific Plan Area.
- May 6, 2002 – The Hollister City Council passes an urgency Ordinance suspending

building permits related to water treatment capacity of the City.

- May 30, 2002 – LAFO denies annexation of the project area.
- 2003-2005 – Award Homes sues the City of Hollister.
- May 3, 2004 – The City of Hollister and Award Home entered into a Mutual Release and Settlement Agreement related to the lawsuit filed by Award Homes.
- December 2004 – LAFCO approves annexation of 125 acres of Award Homes land and the Award Homes portion of West of Fairview is annexed to the City with a Stipulated Settlement Agreement.
- April 16, 2007 – The City Council certified the Award Homes Subdivision and Specific Plan Amendment Supplemental Final Environmental Impact Report (SCH # 2005111094) to increase the overall project density by increasing the acreage of medium and high-density residential development from 6 to 9.1 acres.
- June 27, 2007 – Resolution 2007-16 was adopted by the Planning Commission approving Tentative Map 2005-01 (Attachment 3) for the remaining undeveloped portion of the West of Fairview Specific Plan area for the subdivision of 125.9 acres into 517 individual lots, 60 garden homes on clustered lots (hereafter referred to as “cluster lots”), and 100 apartments on a single lot. The Applicant indicated that the construction of the lots shown in the Tentative Map would be constructed in phases as noted below:

Table 1: Phasing of the Award Homes/West of Fairview Development Identified Under Tentative Map 2005-01

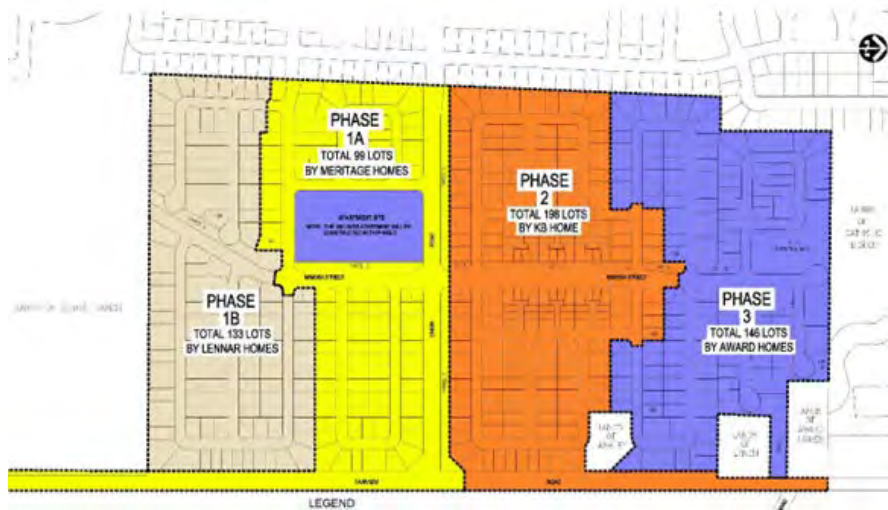
Phase #	Total Units	Type of Unit
1	322	100 Apartment Units 222 Market Rate Single Family Residences
2	64	64 Market Rate Single Family Residences
3	60	30 Cluster Lots* 30 Market Rate Single Family Residences
4	81	30 Cluster Lots* 51 Market Rate Single Family Residences
5	77	77 Market Rate Single Family Residences
6	63	63 Market Rate Single Family Residences

**Cluster Lots under review pursuant to S&A 2022-7*

Phasing of the project has changed since approval of the Tentative Map.

- April 27, 2008 – An amendment/correction to the Tentative Map was approved.
- December 2010 – First Development Agreement expires.
- April 2, 2012- The City Council adopted Ordinance No. 1082 amending the Development Agreement (First Amendment) at Award Homes request to extend the term of the Development Agreement by five years (the DA had expired), to place a recordation timeline for the final map for Phase I, and to revise the affordable housing component of the original Development Agreement. This Amendment included the requirement that Award Homes construct 33 small lot/single family detached homes. This Development Agreement expired April 1, 2017.
- May 17, 2021 – The City Council adopted Ordinance No. 1201 amending the Development Agreement (Second Amendment) at Award Homes request to extend the term of the Development Agreement until May 1, 2027 and to require the construction of 100 apartments available for moderate income households on Lot 100 of the Tentative Map).
- 2018-2022 – Award Homes began selling off their portion of the West of Fairview Specific- Plan area to various housing developers. Phasing of the project has changed over time and the current project phasing can be seen on the map below. Construction of the site does not follow the phasing numbers, however, the affordable units are required to be constructed pursuant to the timelines established under the current Development Agreement. The KB portion of West of Fairview (including the cluster lots) is shown in orange on the map below and is Phase II.

Figure 1: Current Phasing Plan for West of Fairview



KB History West of Fairview Cluster Lots

- February 14, 2022 – KB met with City Staff to review their proposal for the cluster lots and discuss possibilities of what entitlements would be required in order to process the Cluster Lots, given the complexities of the Specific Plan, Development Agreement, West Fairview Road Zoning Designation, and approved Award Homes Tentative Map. Staff indicated at this meeting that a Site & Architectural Review application would definitely be required, but because of the varying overruling documents for the site, that a Director decision would be required on whether a variance, conditional use permit for Planned Development, a specific plan amendment, and/or a similar application process would be required additionally. Staff directed the applicant to provide a preliminary plan set showing their proposal for review.
- March 3, 2022 – KB sent an email to Staff indicating that they would like to submit project plans for review and would like to work with Staff on establishing reasonable setbacks and lot coverage for the cluster lots prior to review by the Planning Commission.
- March 17, 2022 – KB sent an email to Staff which included plans with setbacks and lot coverage information.
- March 21, 2022 – KB sent a follow-up email with revised setbacks.

- April 11, 2022 – Staff sent an email to KB (attachment 4) indicating that the project would need a Site and Architectural Review as well as a Planned Unit Development Application (as discussed in a prior meeting). KB responded indicating that they would process the project in whatever way Staff determined that the project was to be reviewed and indicated that they would like to get approval as soon as possible to meet requirements for the construction of the affordable units.
- April 19, 2022 – The City Engineer signs the Final Map for Tract 303, Phase II of Tentative Map 2005-1 related to the KB portion of the Tentative Map. The Final Map was signed and recorded by the County Recorder on May 11, 2022 (Attachment 5).
- May 9, 2022 – KB reached out to Staff regarding the project. Staff worked on facilitating an in-person meeting between KB and the Planner that would be assigned to the Project at KB's request.
- May 23, 2022 – Staff met with two representatives from KB (Peter Lezak and Charlie Hazelbaker) in person to discuss the cluster lot project. During this meeting Staff informed the Applicants that a Specific Plan Amendment would be required to allow the setbacks shown on the proposed plans. Staff suggested that KB apply for a Specific Plan as soon as possible so that Staff could bring the matter to the Planning Commission and City Council as soon as possible in order to meet the Applicants' desired timeline for approval. Staff also noted that Staff would recommend approval of the project as proposed and would clearly discuss why the Planning Commission and City Council should approve the Specific Plan Amendment.

During the meeting, KB expressed concerns regarding review of the development at the City Council and requested that the City Attorney to weigh in on whether or not a Specific Plan Amendment would be required. Based on their request, Staff told them that we would contact the City Attorney. Staff also identified several items that would be required to be submitted for a Site and Architectural Review in addition to any application(s) the City Attorney would determine necessary in order to recommend approval of their project.

- June 9, 2022 – Staff sent KB an email with 3 options, based upon the City Attorney's recommendation, that would allow Staff to process the project and recommend approval of the Project. The options provided to KB in the email were:
 1. Option 1: Modify the site plan to comply with the requirements of the specific plan;
 2. Option 2: Apply for a Specific Plan Amendment to allow the proposed setbacks, lot coverage and configurations shown on KB's site plan; or

3. Option 3: Apply for a Planned Unit Development.

- June 13, 2022 – KB indicated in an email that they would like to get the process started ASAP.
- June 13, 2022 – Staff sent an email noting the required fees for the project. KB indicated that they would like the Attorneys on both sides to talk prior to applying for a permit.
- June 14, 2022 – Staff sent KB the contact information for our new City Attorney.
- July 8, 2022 – The City Attorney met with KB's Attorney to discuss the project. The City Attorney told KB that they would do further research into the project and would get back to them. Following the meeting, the City Attorney conducted further research and confirmed its original recommendation that the project required either a Specific Plan Amendment, a Planned Development, or project modifications to comply with the West of Fairview Specific Plan.
- July 15, 2022 – KB applied for a Building Permit prior to obtaining approval from the Planning Commission of their project and without approval of the City Manager and Development Services Director. Staff sent KB an email noting that we would be required to deny the building permit review for the cluster lots until the Planning Commission reviewed the project. The required Application Fees for a Site and Architectural Review as well as a Specific Plan Amendment were emailed to KB.
- July 20, 2022 – KB expressed concerns with the time it takes to process a permit multiple times. In an effort to assist KB and to limit any delays in processing the Site and Architectural portion of the project, which is required to be routed to the DRC, Staff sent an email to KB indicating that KB could apply for the Site and Architectural Review only, at their own risk, while KB and Staff continue to discuss the Specific Plan Amendment or Planned Unit Development. Staff stated that we would be unable to bring the matter before the Planning Commission until a secondary permit was applied for, if determined necessary by the City Attorney, although the City Attorney had determined that a secondary permit was required multiple times at this point.
- July 20, 2022 - KB emailed the Site and Architectural Review project plans to Staff so that Staff could route the Site and Architectural Review once the payment was received (Application is not complete for submittal until the Application Form, plans and fee are received) in order to speed up the review and allow Staff to route the project once the Application Fee was received.
- July 25, 2022 – The Planning Department is closed on Friday. The Fee was received by

Staff on Monday and was processed immediately and a file number was assigned. Staff began reviewing the Site and Architectural Review permit.

- July 25, 2022 – The City Attorney sent an email to KB and noted that the proposed setbacks of the homes in the development did not meet the required setbacks of the Specific Plan. The email reiterated the three options to move the project forward (as identified in the June 9, 2022 email).
- July 28, 2022 – KB sent an email requesting when a determination on a permit would need to be made in order to be placed on the Planning Commission agenda for August. Staff responded and indicated that we were trying to move the project forward as quickly as possible, but that KB would need to apply for a separate permit as required by the City Attorney, by that Thursday to make it to the Planning Commission in August (due to noticing requirements for Public Hearings). Again, at this point the City Attorney had in fact determined that if KB wanted to move forward with the setbacks and lot coverage as proposed, that they would need to apply for a Specific Plan Amendment or a Planned Unit Development in order to approve the project.
- August 5, 2022 – The Attorney for KB submitted a letter to the City Attorney regarding the email sent on July 25, 2022 (Attachment 2).
- August 24, 2022 – An incomplete letter was sent to KB noting that the project was incomplete because we needed six sets of project plans for the Planning Commission packets and also noted that a separate permit (A Specific Plan Amendment of a Planned Development) was required to continue processing the development application and bring the development to the Planning Commission for review during a public hearing.
- August 25, 2022 – KB spoke with the City Manager and the Development Services Director and expressed concern that the Planned Unit Development would require approval by the City Council. Staff sent a follow up email restating Option 2 in the August 23 letter which stated that a Planned Unit Development is reviewed by the Planning Commission in Hollister. Following this email KB sent a follow-up email requesting the City Attorney weigh in on Staff's letter. Staff forwarded the request to KB and let them know that if they wanted to make it to the next Planning Commission meeting (in September), that they would need to apply for one of the permits Staff identified and submit complete plans within the next few days.
- On August 29, 2022 – The City Attorney sent a letter to the Attorney for KB reiterating what Staff sent in the August 23, 2022 letter. After receiving the email, KB requested a meeting with Staff, the City Attorney and the Attorney for KB.
- August 30, 2022 – The City Attorney and the Attorneys for KB met to discuss the status

Commented [EF1]: Somehow I had this email and now I can find it. Can someone verify this?

of the project. Following this meeting, KB requested that the City work towards bringing them to the September Planning Commission meeting.

- September 6, 2022 – Staff met with KB to discuss the project and their request that the City proceed forward with a Density Bonus application without information or an Application Form (required by the Chapter 17.04, Article II, Density Bonus, of the Zoning Ordinance) signed by KB. At that meeting, Staff indicated that because Staff had not reviewed the request for a Density Bonus, Staff was unable to determine if the project met the requirements of the State Density Bonus Law without additional research. Staff recommended that KB move forward with a Planned Unit Development. Following the meeting, Staff sent a follow-up email to KB (Attachment 7) providing them with five options for their project. Option 1 in the email was noted as Staff's preferred option and the option that Staff believed would allow the City to process their development the fastest and Staff noted that we would recommend approval of their applications. Option 1 would have allowed Staff to bring the project to the Planning Commission meeting on October 27, 2022 with the Site and Architectural Review applied for by KB as well as a Planned Unit Development which Staff would initiate (the Applicant would not be required to fill out an Application Form or submit any additional information), prepare all necessary items, waive the Application Fee and would recommend approval of the S&A and PUD to the Planning Commission. Staff offered this option and the waiver of fees (authorized by the City Manager) because Staff wanted to bring the matter to the Planning Commission as quickly as possible in order to move the project forward without delay.
- September 8, 2022 – KB filed an appeal (Attachment 1) of Staff's determination that the Application for a Site and Architectural Review was incomplete and Staff's determination that an additional application was required in order to approve their project. Once the appeal was filed, all work on the Site and Architectural Review (the only application type applied for by KB) was halted and Staff began working on the appeal.
- September 29, 2022 - The Attorney for KB sent a letter indicating that they would like to move forward with a Density Bonus but did not specifically withdraw the appeal. Because the appeal was not withdrawn, Staff was unable to work on their request for a Density Bonus.
- October 4, 2022 – KB sent an email requesting a status update on the Density Bonus and requesting information on whether or not the project would be up for approval at the October Planning Commission meeting.
- October 5, 2022 – Staff sent a follow-up email indicating that once the appeal was filed, work on the project was stopped while Staff began working on the appeal. The email

also noted that Staff was unable to begin working on the Density Bonus because the appeal was not withdrawn in the letter and asking if KB wanted to withdraw the appeal.

- October 6, 2022 – Staff sent another follow-up email (Attachment 8) seeking to clarify if the appeal filed by KB was rescinded. In the email Staff indicated that we would be unable to bring a Density Bonus request to the Planning Commission during the October meeting because Staff would need to review the Density Bonus for its applicability to State Law, review the Development Agreement to make sure the requirements for affordable housing complies with State Law for Density Bonus and to obtain any necessary information to deem the Density Bonus request complete. In the email, Staff reiterated that Staff would like to move the project forward as quickly as possible and provided three scenarios for moving the project forward for approval. Scenario 3 was identified in the email which would require KB to rescind their appeal and Staff would move forward with a Planned Unit Development and place the project on the October Planning Commission Agenda.
- October 7, 2022 – No follow-up was received by KB regarding Staff's October 6 email and the notice regarding the appeal was sent to the newspaper in time for the printing deadline.
- October 11, 2022 – KB's Attorney spoke with the City Attorney and indicated that they may want to stay their appeal.
- October 17, 2022 – KB sent an email to the City Attorney requesting a "stay" of their appeal. The only option available to KB is to withdraw an appeal. A "stay" of an appeal is not recognized by our Municipal Code.

PROJECT ANALYSIS (KB Cluster Lots):

In order to assist the Planning Commission with a review of the Appeal filed by KB, Staff has provided the following analysis of the proposed residential development.

The West of Fairview Specific Plan, Zoning Ordinance and Conditions of Approval for Tentative Map 2005-1 all require review of the development pursuant to a Site and Architectural Review.

The Applicant, KB Homes, is requesting approval of a residential development with 60 "cluster lot" or "garden homes" (the Development Agreement refers to these homes as garden homes). The size of these lots was permitted by the Tentative Map approved by the Planning Commission on June 27, 2022 (Resolution 2007-16) included as Attachment 3. Prior to approval of the Tentative Map, the City Council approved a Specific Plan Amendment, related to increasing the acreage of medium and high-density residential within the Specific Plan Area. Award Homes did not also request modified development standards for the "cluster lots" at that time.

The West of Fairview Specific Plan was adopted by the City Council on March 17, 1998. The purpose of the Specific Plan was to guide development of a 300-acre area that was to be annexed into the City with detail on how the area would be developed, above what was included in the General Plan in effect at that time, and to allow for a more diverse development other than what would have been allowed under a typical Zoning District.

The Specific Plan allowed for a wide variety of housing types to promote diversity within the project area and identified small lot, large lot, standard lot, zero lot line, multi-family and duette housing types. The Specific Plan also included regulations on street design, general design guidelines for residential dwellings, development standards (height, lot coverage, setbacks, etc.) and other design requirements. These provisions were used to encourage developers to use good design techniques, promote visual interest throughout the Specific Plan Area, ensure adequate landscaping and screening, and to ensure an attractive residential development within the City.

Construction of a residential development within the Specific Plan area is required to conform to the requirements of the West of Fairview Specific Plan, Section 17.04.060, Residential, West Fairview Road (WFR) Standards, of the Zoning Ordinance and all applicable requirements of the Municipal Code that do not conflict with the standards established in the Specific Plan.

The lot sizes and dimensions of the cluster lots within KB's portion were approved as part of Tentative Map 2005-1 approved by the Planning Commission on June 27, 2007. The request for a Tentative Map included a Specific Plan Amendment, but the Applicant did not propose to modify the development standards already included in the Specific Plan for these smaller lots. While the lots are small, smaller homes could be built on these lots which meet the setbacks included in the Specific Plan.

Tentative Map 2005-1 is included as Attachment 3 and shows the location of the cluster lots within the Award Homes portion of the West of Fairview Specific Plan Area. Lot dimensions vary in the cluster lot development with a minimum lot width of 34 feet wide and a minimum lot depth of 59 feet, however the width and depth vary from lot to lot. Minimum lot dimensions are not included in the Specific Plan, however the Specific Plan does utilize property size (total square footage) in determining developments standards. Based on Staff's review of the plans provided to Staff, it appears that the parcels vary in size from 2,300 square feet to 3,600 square feet.

The West of Fairview Specific Plan does not include development standards for lots of this size. The closest housing type in the Specific Plan is for "duettes" (shown on page 75 of the Specific Plan and included as Attachment 9). The duette category allows for two dwelling units to be located on one property (the Specific Plan does not prohibit these lots from being split to allow for different owners for each dwelling unit). The Specific Plan requires lots to be developed as a duette to have 7,000 square feet for two units, or 3,500 per dwelling unit. This lot size is compatible with the lot sizes approved under Tentative Map 2005-1. The required setbacks for

duettes are 15 feet to the structure and 20 feet to the garage (front setbacks), 6 foot side yard setbacks (one is zero because the units are attached), 10 feet street side yard setbacks and 15 foot rear setbacks. The maximum lot coverage is 50% for two dwelling units on a parcel.

Development Standards are also included for other housing types on pages 71-76 of the Specific Plan (Attachment 9). These standards are all similar to the setbacks for the duettes, with the exception of small lot residential dwellings (lots of 4,000 square feet) which allow for a 4 foot side yard setback. By comparison, the City also has a Residential Performance Overlay Zoning District (Section 17.14.010 of the Municipal Code) which allows for a reduced lot size of 2,500 square feet for parcels located within this District. Many properties in the City are zoned R1 L/PZ which allows for a 2,500 square foot lot. Development of properties in the R1-L/PZ Zoning District is required to conform to the development standards in the R1 Zoning District, unless they seek approval of a Planned Unit Development to allow for modified development standards.

Development of a lot must conform to development standards within the Specific Plan. Because no development standards exist for lots of the size approved under the Tentative Map, the lots are currently considered legal non-conforming. Despite this, setbacks are established by the Specific Plan and the Zoning District in which it is located. In this case, Staff believes that the duette designation in the Specific Plan is the most applicable to the project.

By their own emails, KB has been aware that their project is proposing development standards that do not conform to the requirements of the Specific Plan and Residential West Fairview Road Zoning District. Development standards are not waived for legal non-conforming properties. Rather, in this case, although these substandard lots were previously approved, they are still required to conform to the setbacks previously established, unless they receive approval of a Specific Plan Amendment or a Planned Unit Development.

Staff has provided the following table which shows the proposed setbacks and lot coverage of the cluster lots and the requirements of the Specific Plan and the Zoning Ordinance for comparison.

Table 2: Development Standards

Development Standard type	Proposed	Duette Standards (Specific Plan)	R-1 L/PZ Standards (for comparison)
Front Setback	5 feet to garage and structure	15 feet to structure 20 feet to garage	18 feet to structure 20 feet to garage
Side Yard Setback	5 feet	6 feet	6 feet
Street Side Yard Setback	10 feet	10 feet	10 feet

Development Standard type	Proposed	Duette Standards (Specific Plan)	R-1 L/PZ Standards (for comparison)
Rear Setback	15 feet minimum	15 feet	20% of the depth of the lot, 15 feet minimum, 20 feet maximum
Lot Coverage		25% (or 50% for two units)	50%
Parking		1 car covered, 1 car uncovered	2 spaces
Height		30 feet	30 feet
Street Trees	0, however some trees are proposed to be located in the development at varying locations	1 per House	1 per House

As shown above, the proposed cluster lot development does not meet the established requirements for Front, Side Yard and Lot Coverage as established under the regulations for Duette units in the Specific Plan or in the Zoning District in which it is located, nor does it meet the standards for a property located in the R1, Low Density Residential District, or the R-1 L/PZ, Low Density Residential/Performance Overlay, which allows a minimum 2,500 square foot lot.

Modifications to a Specific Plan can be proposed by a developer within that Specific Plan Area and are subject to the provisions in Section 17.24.270 of the Municipal Code.

In order to allow developer maximum flexibility and allow for a variety of housing types within a development, a developer may choose to apply for a Planned Development Permit pursuant to Section 17.24.240 of the Municipal Code. This allows a developer the ability to establish lot sizes, housing types and or development standards that would otherwise not be allowed by the Zoning District in which they are located. Planned Development Permits are subject to the review and approval of the Planning Commission.

KB, has of their own accord, elected to not apply for one of the above permits which would have allowed Staff to bring the project for review by the Planning Commission with a recommendation for approval by Staff.

APPEAL ANALYSIS:

The Appeal filed by KB was filed on two main points, Staff's determination that the project was

incomplete and the Director's interpretation that the project is not consistent with the Municipal Code and the Specific Plan and as a result, a secondary permit would be required for processing the project as proposed. Section 17.24.140.A of the Zoning Ordinance allows an Applicant to Appeal the following actions of Staff or the Director:

- "1. Determinations on the meaning or applicability of the provisions of this Zoning Ordinance that are believed to be in error, and cannot be resolved with Department staff;
2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with Government Code 65943..."

In order to assist the Planning Commission with the review of the appeal filed by KB on September 8, 2022, Staff has broken up the appeal letter (Attachment 1) and the August 5, 2022 letter from Cox, Castle, and Nicholson (Attachment 2), referenced in the appeal letter into the following Appeal Points. A response to each Appeal Point is provided by Staff.

Appeal Point 1: The transmittal of the incomplete letter dated August 24, 2022 was not provided to KB Homes in a timely manner as required pursuant to the Permit Streamlining Act.

Staff's Response: The Permit Streamlining Act requires a City to make a determination of completeness on a project no later than 30 days after the submittal of an Application and any required materials for processing (i.e. a project cannot be taken in without payment of a fee or plans for the City to review). A determination of completeness does not require a City to recommend approval of a project.

Office Hours are posted on the City's website and the door to the Planning Department. These hours clearly state that the Planning Department is closed on Friday. Additionally, KB has worked with the City of Hollister previously and has applied for several permits. KB is aware that the Planning Department is closed on Fridays and does not accept development applications. Although a check was mailed and arrived at City Hall, the check could not be received by the Planning Department until normal business hours on Monday July 25, 2022. An Application is not complete and ready for processing by the City until an Application Form, Project Plans and a Fee is received by the City. Once the Fee was received, the Planning Department entered the project into our system, assigned a project file number and routed the project for review by the City's Design Review Committee.

In this case, the City allowed KB to mail in a check in order to assist them with meeting their timelines for project review and a public hearing because they repeatedly expressed concerns that their project would be delayed and they would be unable to make it to the next Planning Commission meeting (now September at this point). As noted on the City's website and as told to KB several times, the City requires an appointment for an Application submittal. In this case requiring an appointment would have delayed processing of their project and KB expressed

concerns regarding this. Staff worked with KB to identify a quicker way to begin the routing of their project which involved emailing plans so that Staff could route to DRC immediately following the receipt of the check (required Application Fee) by the Planning Department for processing (email to KB included as Attachment 10). The check was received by the Planning Division on July 25, 2022 (receipt attached as Attachment 11) and Staff began routing the project in order to assist KB with a timely review.

A letter was then emailed to KB on August 24, 2022 (Attachment 6) indicating that the project was not complete because the City needed six additional (physical) plan sets to include with the Planning Commissioner packets. This letter was transmitted within 30 days of the Planning Commission receiving the check from KB, on July 25, 2022, and beginning the intake of the Application. In the Appeal letter, while appealing the completeness determination of the City, KB does note that they are willing to provide these extra plan sets for the Planning Commission.

Staff believes this appeal point should be denied and Staff's determination of the incompleteness of the project upheld because the incomplete letter was sent to KB within 30 days of the Planning Department reviewing a complete submittal for processing.

Appeal Point 2: KB has also appealed the City's determination that an additional permit is required and referenced the letter submitted from Cox, Castle and Nicholson to the City (Attachment 2) on August 5, 2022.

Staff Response: As previously discussed The West of Fairview Specific Plan does not include development standards for lots of this size. The Specific Plan does include development standards for a variety of housing types and lot sizes which can be applied to this project. The City considers the lots legal nonconforming and the lots are still required to conform to the development standards identified for the Zoning District in which they are located. In this case, the duette units allow for a similar lot size and that is what has been used for comparison.

KB has requested approval of development standards that are not consistent with any of the established development standards in the West of Fairview Specific Plan. Despite this, Staff has continuously expressed a willingness to recommend approval of the development, as proposed, as long as there is a legal, proper way to do so. For this reason, Staff recommended that KB apply for a Specific Plan Amendment or a Planned Unit Development. Either of these options would allow KB to propose the development standards shown on their project plans and noted in Table 2 of this Staff Report.

A Specific Plan Amendment would allow Staff to include an additional housing type in the Specific Plan for "Cluster Lot Homes". This would allow Staff to insert the proposed housing type along with the development standards listed in Table 2. Review under the California Environmental Quality Act would be exempt because this modification would not increase density or the proposed number of dwelling units for the project site. Approval of a Specific Plan Amendment

would be reviewed by the City Council.

The City's Zoning Ordinance allows a developer to apply for a Planned Unit Development to allow development standards or housing types that would otherwise be prohibited in the Zoning District in which the property is located. This allows more freedom when designing a project and can lead to unique residential developments throughout the City. The Planning Commission reviews and approves requests for Planned Unit Developments often.

Additionally, by requiring KB to codify the proposed development standards, the City will establish a record which can be used for future requests in the development for additions, modifications or accessory dwelling units. By clearly establishing the development standards, the Planning Department will be able to provide future property owners with clear guidance on any improvements they may wish to make in the future. For example, rear setbacks shown on the project plans indicate a rear yard setback which varies from 15 feet to 18 feet. By establishing a rear yard setback for the development of 15 feet, property owners would be allowed to add on to their house as long as the rear yard setback of 15 feet is maintained.

KB has been told multiple times in writing, at in person meetings and over the phone that a secondary permit would be required in order to approve the development as proposed. Staff has always maintained that Staff is in favor of the development as proposed, but the proposed with a secondary permit in order to legally establish the proposed development standards. Staff has continuously told KB that we would recommend approval of the project, with a Specific Plan Amendment or a Planned Unit Development. Staff and the City Attorney have spent considerable hours working on this particular development. Had the Applicant applied for a Specific Plan Amendment following the meeting on May 23, 2022, Staff believe this project could possibly have already been under construction.

Staff recommends the Planning Commission deny the appeal based on the request that KB obtain a Specific Plan Amendment or Planned Unit Development (a secondary permit type) because one of these permits would legally allow the development standards KB is requesting.

While the issues of concern from this letter are not specifically outlined in the Appeal Letter dated September 8, 2022, Staff has broken down the items of concern from KB in the August 5, 2022 letter in detail as additional appeal points as follows.

Appeal Point 3: "The Specific Plan does not contain setbacks applicable to the cluster lots and, as evidenced by the City's own findings, the Project is consistent with applicable, objective Specific Plan Standards."

Staff Response: The absence of the preferred setbacks for KB does not mean that they do not need to comply with the Specific Plan. Further, as discussed in detail above, development standards provided can be enforced on these non-conforming lots. The absence of a specific

standard related to a lot size which does not meet the Zoning Ordinance or the Specific Plan does not mean that no development standards can be enforced or that a property owner can pick their own requirements for setbacks or lot coverage. Staff has identified the duette standard as an appropriate standard for this development.

As demonstrated in the record, KB has been aware that the proposed development standards do not comply with City standards and began working with Staff with that in mind (Attachment 12). KB moved forward in the design of their project knowing that there was a conflict between the Specific Plan and their preferred design.

As further discussed under Appeal Point 2, the City Attorney and Staff believe that the project, as proposed, do not meet the requirements of the Specific Plan. Therefore, Staff recommends that the Planning Commission deny the appeal based on this statement.

Appeal Point 4: “Staff has never mentioned the need to amend the Specific Plan or apply for a PUD permit, and it remained KB Home’s understanding that the City would work reasonably with KB on any future applications.” (pages 2-3 of Attachment 2)

Staff’s Response: All potential applicants for a project within the City may apply for a Preliminary Review for an informal review by the City prior to applying in order to receive written feedback from the City. In this case, KB did not apply for a Preliminary Review, but instead began contacting the City. At that time, the Planning Department was severely understaffed and response times were slower for questions that were not related to an active project or a project review under a Preliminary Review Application.

Staff did begin conversations with KB via email in February 2022 (please refer to the ‘KB History of West of Fairview Cluster Lots’ in the Background Section of this Staff Report for a detailed history of Staff’s interactions with KB). Emails between KB and the City demonstrate that KB was aware that the development did not comply with established development standards, rather KB asked the City to work with KB on what they felt were reasonable setbacks for the development. KB began emailing information and project plans for review by the City in several emails. On April 11, 2022, Eva Kelly emailed KB stating that the project would require a Planned Unit Development in order to process the request (Attachment 4).

Following that email, the City’s Planning Manager, Abraham Prado, left the City. The City began further discussions and reviewed the proposal as proposed over email as a courtesy (a development application for a project was not submitted nor was a Preliminary Review Application filed).

As a courtesy to KB, without a formal application submittal, Staff began conducting additional background research into the West of Fairview Specific Plan, Development Agreement (and related amendments), Tentative Map 2005-1 and project conditions and Municipal Code

requirements in order to assist KB with the submittal of their project for quicker processing.

Following this review, Staff met with KB once again on May 23, 2022 where Staff indicated that a Site and Architectural Review was required pursuant to the Conditions of Approval for Tentative Map 2005-1 and the requirements of the Zoning Ordinance and the West of Fairview Specific Plan. Additionally, in order to recommend approval of the lot coverage and setbacks proposed by KB, Staff noted that a Specific Plan Amendment would be required in order to allow these development standards which are different from all of the standards that are required in Section 17.04.060 of the Municipal Code and on pages 71 – 76 of the West of Fairview Specific Plan. Staff also indicated that if any other conflict with the Specific Plan should arise during Staff's in-depth review, once an Application was submitted, Staff would also include any of these items in the Specific Plan Amendment which would be solely related to the KB cluster lot project. Staff discussed why the setbacks proposed by KB required a separate approval to allow the proposed setbacks. Additionally, Staff informed KB that we would recommend approval of the setbacks they proposed in the plans that Staff briefly reviewed at this meeting.

Following this meeting, KB and KB's Counsel have been told multiple times, by both Staff and the City Attorney (in person and in writing) that Staff could not recommend the project as proposed. Despite this, KB has continuously asked the City Attorney to reconsider their recommendation that a Specific Plan Amendment or a Planned Unit Development would be required in order to approve the project as proposed. KB's unwillingness to accept the decision of the City Attorney does not mean that the City is unwilling to work with KB or that we have not properly informed KB that the proposed project required a secondary permit in order to approve (since April 2022). Throughout the process, Staff has willingly worked with KB, asked the City Attorney to work with KB and has provided assistance in an effort to bring this project for review by the Planning Commission where Staff could recommend approval of the project. KB's desire to continuously push for a desired, alternative decision by the City Attorney, in no way means that Staff is not working with KB on their project. The continued willingness of the City to work with an applicant does not require the City to give a developer exactly what they have requested or proposed.

Additionally, as noted in the email dated September 6, 2022 (Attachment 7), Staff expressed a desire to bring the matter to the October 27, 2022 Planning Commission meeting where Staff would recommend approval of the project. To that end, Staff stated that we would waive the required application form and materials (a consideration Staff has never extended to any other developer). Staff also obtained permission from the City Manager to waive the Application Fee for KB (a considerable concession on the City's part) despite the fact that many City dollars have been spent on this project and despite the fact that considerable Staff time would be spent in the preparation of the necessary documents, Staff Report and Resolution related to the Planned Development Permit. Staff asked the City Manager to waive the Application Fee in order to move the project along without delay. Despite this, KB filed for an Appeal of the Completeness Determination on September 8, 2022.

Staff recommends the Planning Commission deny this appeal point because the record clearly shows that KB has been notified (in writing and in person) that a Planned Development Permit or Specific Plan Amendment was required in April of 2022 and has been consistently told the same by the Staff and the City Attorney since then. Additionally, Staff has consistently provided KB with deadlines, reminders and assistance so that the development could be brought to a Planning Commission meeting, even going so far as to waive all application requirements and the application fee for KB.

Appeal Point 5: “KB Home then submitted an application for Site and Architectural Review for Phase 2 on May 18, 2022 [May 23, 2022], but City planning staff would not accept the application without guidance from the City Attorney...To date, City staff has refused to process the Application.” (page 3 of Attachment 2).

Staff's Response: As relayed to KB prior to the meeting on May 23, 2022, the purpose of the meeting was to discuss the submittal requirements for KB's project and not for an application submittal. At the meeting on May 23, 2022, Staff expressed a desire to receive an Application for both a Site and Architectural Review as well as a Specific Plan Amendment. At that meeting, KB specifically asked for Staff to review if a Specific Plan Amendment was necessary with the new City Attorney and get back to KB on what the City Attorney determined prior to submittal. During this meeting, KB expressed that they did not want to apply for a Specific Plan Amendment and have the project reviewed by the City Council.

As discussed under Appeal Point 1, at KB's request and in an effort to move the project forward, KB applied, at their own risk, for a Site and Architectural Review while discussions regarding the need for a secondary permit continued. The submittal of this application was another concession on the part of the City in order to move the project forward without any delays to KB. This Application was promptly routed for review by the City's Design Review Committee to ascertain if any of the City Departments had comments, questions or conditions of approval related to the Site and Architectural Review.

Staff recommends the Planning Commission deny the Appeal based on Appeal Point 5 because the City in fact accepted the Site and Architectural Review application and began processing the development project in accordance with City standards and the California Government Code.

Appeal Point 6: “The Project is Consistent with the Applicable Provisions of the Specific Plan” (page 3 of Attachment 2).

Staff's Response: Please see Staff's responses under Appeal Point 2 and 3. No further discussion is necessary.

Appeal Point 7: “The Housing Accountability Act Requires the City to Approve the Project...the HAA (including several recent amendments to increase the supply of housing throughout

California by, among other things, presumptively requiring the approval of housing project that comply with objective local land use standards.” (page 3 of Attachment 2).

Staff's Response: The Housing Accountability Act requires a City to approve a project that complies with objective standards established by the City. As discussed under Appeal Point 2 and 3, both Staff and the City Attorney disagree with KB and their Counsel that the project complies with the Specific Plan. While the lot size allowed under the Tentative Map was approved with smaller lot sizes than allowed under the Specific Plan. A request for any reduction in setbacks or lot coverage was not requested at that time. Staff had no way of knowing that a future developer would want reduced setbacks in order to accommodate their preferred housing type.

Nothing in the Housing Accountability Act prohibits the City from requiring an additional permit type in order to allow the project to be approved. In fact, the purpose of the Housing Accountability Act is to require cities to work with developers in order to increase housing in the State. Again, this does not mean that a city must approve any residential development before them, but asks a city to exhaust all efforts in order to allow a pathway for approval (if one can be identified). The record clearly shows that Staff has shown a continued willingness to work on KB's development project in order to bring the matter before the required reviewing body so that the Applicants could begin construction of the project. At several times throughout the history of the project, Staff has continuously tried to get KB to apply for a secondary permit so that Staff can recommend approval to the reviewing body.

Additionally, in order to move this project along so that the project could be reviewed by the Planning Commission at an upcoming public hearing, Staff asked KB to allow Staff to proceed with a Planned Unit Development (PUD) Application. As noted in this email, Staff agreed to waive all Application Fees associated with this Application and told KB that Staff would prepare all necessary documents related to the PUD. By selecting this option, Staff noted that we would also recommend approval to the Planning Commission at the Planning Commission Meeting. After this email was sent, KB filed for an Appeal (Attachment 1) of Staff's determination that the Application was incomplete and Staff's determination that a secondary application was required in order to approve the proposed development (as proposed). If KB had selected this option, instead of appealing the incomplete letter, Staff and KB would be before the Planning Commission at tonight's meeting with a recommendation from Staff for approval.

Staff recommends the Planning Commission deny this appeal with respect to this appeal point because a pathway has been clearly identified which would allow for City approval of the project as proposed and the Housing Accountability Act does not prohibit a City from requiring an additional permit for approval.

Appeal Point 8: “The HAA prohibits a city from disproving, or conditioning on lower density, housing that comply with applicable, objective general plan, zoning and subdivision standards and criteria...unless the city makes written findings...” (page 4 of Attachment 2)

Staff's Response: The density of the site has previously been established by the West of Fairview Specific Plan and the Final Map. The City does not propose to lower the density of the area (density refers to the number of dwelling units, not the size of the unit, per gross acre of land). The HAA does not prohibit a city from imposing development standards on an applicant. The Act does require a city to provide notification to an applicant on the ways in which they may not meet a development standard or other requirement. The City can then identify ways in which the development could meet the requirements of the city. In no way does the HAA require a city to waive development standards.. This, however, is a moot point in this case, because Staff has clearly identified a way for KB to move forward with the development standards they are requesting. As previously mentioned, Staff has continuously provided assistance to KB in order to get their project approved, even going so far as to waive application requirements and fees. This level of effort goes above and beyond what is required of a city in the HAA.

As previously discussed, setbacks and lot coverage are established for residential dwellings in the West of Fairview Specific Plan and Section 17.04.060 of the Hollister Zoning Ordinance. The Specific Plan does not specifically, as currently written, allow for the setbacks proposed by KB for this project. Because of this, Staff has asked KB to apply for a secondary permit so that the setbacks and lot coverage proposed by KB can be legalized into the record.

At no point has Staff expressed an unwillingness to work with KB on receiving a recommendation from Staff on approval of the proposed project. At every step in this process, Staff has merely expressed a desire to process the project appropriately so that Staff can meet the required findings for the project. If KB were to move forward without a secondary permit, as discussed, Staff believes that the findings could be made, consistent with the Housing Affordability Act, that the project does not meet the objective standards of the West of Fairview Specific Plan or the Zoning Ordinance.

As discussed in detail throughout this Staff Report, Staff does not want to recommend denial of the project. Staff has consistently expressed a desire to the Applicant to see this project reviewed by the City consistent with State Law, the General Plan, the West of Fairview Specific Plan, and the Municipal Code. Staff has identified a way to meet those requirements through a secondary application which would allow the City to approve the setbacks, lot coverage, and other items noted under Appeal Point 2 which are inconsistent with the West of Fairview Specific Plan and the Zoning Ordinance.

Staff recommends the Planning Commission deny the Appeal based on this appeal point.

Appeal Point 9: "The City seeks to impose on the cluster lots setbacks applicable to lots of at least 5,000 square feet....Notably , even if the 5,000 square foot lot setbacks were applicable to the cluster lots, KB Home would be entitled to a waiver of such setbacks pursuant to the State Density Bonus Law." (page 4)

Staff's Response: Please refer to Staff's discussion in the Project Analysis section as well as Staff's discussion under Appeal Point 2 regarding the established development standards and the development standards proposed by KB in this development.

A request that the City look into a Density Bonus for the KB project was not made until August 5, 2022. Chapter 17.04, Article II, Density Bonuses, requires an Application Form and lists materials that are required for processing of a Density Bonus Request. Following the letter, KB stated that they did not want to apply for or provide information in order for Staff to adequately review this request. As of the printing of this Staff Report, KB has not applied for a Density Bonus.

While the Counsel for KB is correct in that the State Density Bonus Law allows for the waiver of development standards in order to provide affordable housing in California, Staff is unsure if this project qualifies for a density bonus. The State Density Bonus Law allows for an increase in the density of a project site and the waiver of development standards that would preclude a qualified project from being built. Qualified projects are defined in the State Density Bonus Law and are for affordable units that are provided in the affordable type and percentage of the development as listed in the Law and cannot be combined with any affordable unit required pursuant to an Ordinance or other City requirement.

Staff has not had an opportunity to adequately review this project with respect to the State Density Bonus Law due to the filing of an Appeal by the Applicant. At this time, Staff is uncertain if the proposed number of affordable units required to be constructed in return for the granting of an extension of the Development Agreement, and provided for the total number of residential properties located within the Award Homes portion of the West of Fairview Specific Plan qualifies for a Density Bonus under the law. An amendment to the Development Agreement (which requires review and approval by the City Council) could also be required in order to comply with the affordability requirements of the State Density Bonus Law.

For these reasons, Staff believed that a request for a Density Bonus could further delay review of the project and could require Staff to recommend denial if the project does not comply with the State Density Bonus Law. As previously mentioned throughout this Staff Report and in discussions with KB, Staff wants this development to be built, as was the intention of the adopted Specific Plan, Development Agreement and subsequent amendments, and Tentative Map. In order to quickly move the project forward, Staff recommends the Planning Commission deny this Appeal based on Appeal Point 9. Staff has included this as an option to the Planning Commission should the Planning Commission determine that they would like to deny the Appeal and direct KB to apply for a Density Bonus for further review.

Staff recommends that the Planning Commission deny the Appeal based on this appeal point.

Appeal Point 10: "Given the Project's compliance with applicable, objective standards, the City cannot deny the Project or condition it to a lower density unless the City finds... (Government

Code Section 655895.5(j)(1)..." (page 5 of Attachment 2)

Staff's Response: Staff and the City Attorney respectfully disagree with KB's assertion that the project complies with the requirements of the West of Fairview Specific Plan and the Hollister Zoning Ordinance. As previously discussed, Staff has no intention of recommending that the Planning Commission or City Council amend the Final Map to require larger lots in this development, which would lower the density of the project site and total unit count in the West of Fairview Specific Plan Area and on the Tentative Map which would be a violation of the Development Agreement. Staff's only desire is to see the development standards proposed in the project plans codified into the record so that Staff can make the following findings, which the City requires in a Resolution for a Site and Architectural Review.

- A. The proposed Project, as conditioned, will comply with the policies of the General Plan and the West of Fairview Specific Plan because:
- B. The proposed Project, as conditioned, is consistent with Section 17.04.060, Residential, West Fairview Road (RWF) Standards, Chapter 17.18, Pedestrian, Bicycle, Parking and Loading Standards and Section 17.16.080, Landscaping Design and Standards because:
- C. The proposed Project would not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood or to the general welfare of the City because:

KB is proposing development standards that are not consistent with any of the established setbacks in the West of Fairview Specific Plan, nor are these standards consistent with the standards for Single Family Residential in the City. Because of this, Staff does not believe that the required findings can be made in order to approve the project as proposed.

A Specific Plan Amendment or a Planned Unit Development would allow KB to establish their preferred development standards to the site. Staff would then be able to make the findings that the proposed development is consistent with the established standards for the site.

Staff recommends that the Planning Commission deny the Appeal based on this appeal point.

Appeal Point 11: "The Housing Accountability Act Imposes Penalties for Noncompliance" (page 5)

Staff's Response: The Housing Accountability Act does not preclude a city from requiring permits they believe necessary in order to approve a proposed project. In this case, the proposed project does not meet development standards for a single family residential development under the

Specific Plan or Zoning Ordinance. KB has chosen this type of housing and the development standards noted on their plans. A secondary permit, would however, allow KB to construct the project as proposed (with approval by the City's regulatory body). As previously discussed, the Housing Accountability Act does not require the City to approve a project which is not consistent with development standards in the City. As previously discussed, even though the lot size is not included in the Specific Plan, this does not waive all development standards for the project. Rather, the site is legal non-conforming and must still comply with the established requirements of the Zoning District in which it is located. Unless modified pursuant to a Specific Plan Amendment or Planned Unit Development. As consistently noted in this Staff Report and as continuously discussed with KB, Staff has expressed a continuous desire to allow KB to develop the site as proposed, with the application of a secondary permit which would allow the development standards they are proposing to be established in a legal manner.

Discussion on a violation of the HAA is premature at this point, because Staff is not recommending denial of the residential development. Staff recommends the Planning Commission deny the Appeal based on this appeal point. Additionally, Staff has consistently shown a way for the city to approve the project as recommended.

Appeal Point 12: "The Housing Crisis Act of 2019 Precludes a Specific Plan Amendment to Add Setbacks for the Cluster Lots" (page 5 of Attachment 2)

Staff's Response: The requirement for a secondary permit to allow the development as proposed does not conflict with the Housing Crisis Act. The lots have been approved under the Tentative Map and Final Map. At no time did the Applicant, Award Homes, indicate that they would like development standards other than what was in the Specific Plan at that time. In fact, the request for a Tentative Map included a request for a Specific Plan Amendment. If Award Homes was considering modified development standards, they could have included those at that time.

Rather, upon purchase of the site from Award Homes, KB chose a house plan and lot configurations which do not conform to any City requirements for development of a single family lot. As demonstrated throughout this Staff Report and in the record, KB was aware that their project did not conform to the development standards in the West of Fairview Specific Plan and the Zoning District. This does not obligate the City to approve development standards which do not meet the requirements of the Specific Plan or Zoning Ordinance. Staff is not recommending that the lot size or dimension be modified in order to reduce density on the site. Rather, Staff is recommending a secondary permit in order to legally allow the setbacks as proposed and to recommend approval of the project as proposed. The Act does not preclude a city from requiring permits which it deems necessary to properly process a development application and recommend approval of said application.

Staff recommends the Planning Commission deny the Appeal based on this appeal point because the Housing Crisis Act does not preclude a city from requiring a permit that the City has identified

as necessary to approve a project.

Appeal Point 13: “ The City’s Refusal to Process the Application Violates the Permit Streamlining Act.” (page 6 of Attachment 2)

Staff Response: Please refer to Staff’s response under Appeal Point 1. The incomplete letter was sent to KB within the required 30 days. KB has also expressed a willingness to submit the required plans.

CONCLUSION

As noted above, Staff recommends that the Planning Commission deny the Appeal on all Appeal Points noted above. The Applicant was sent a letter indicating that the project was incomplete within 30 days of the receipt of the Application Fee, which allowed the City to begin review of the Application. With respect to the Applicant’s determination that the project is consistent with the requirements of the Municipal Code and the West of Fairview Specific Plan, as previously discussed, the absence of the preferred development standards of an Applicant does not waive those standards. While standards exist which could be utilized for this project, the City has two ways in which KB could move forward with a request for approval of those development standards as proposed (through a Specific Plan Amendment of a Planned Development). By applying for a secondary permit, the Applicant could bring the project before the Planning Commission for review and the project would then be consistent with the requirements of the Specific Plan and Municipal Code (if the secondary permits were approved). As continuously discussed with KB, Staff has stated that we would recommend approval of the development as proposed if a secondary permit was applied for because Staff could then make the required findings for the project.

PLANNING COMMISSION OPTIONS:

KB has filed for an appeal of the determination that the Application was complete and of the Director’s determination that the project, as proposed, did not meet the requirements of the West of Fairview Specific Plan and the Municipal Code and therefore a secondary permit was required in order to process.

The Planning Commission may choose to uphold the Appeal (and reversing Staff and the Director’s determination) or to deny the Appeal for each of the two reasons listed above at this meeting. Following that determination, staff recommends that the Planning Commission also determine the next steps for the processing of this project in order to provide clear direction to KB and Staff on the path forward for this project.

The Planning Commission can choose one of the following options with regards to this appeal:

1. Deny the appeal and require the Applicant to apply for a Specific Plan Amendment

Advantages: This option would allow the City to make the required findings for the development as proposed and would establish requirements specific to this development which can be used in the future by homeowners of the development who wish to improve their property. The Specific Plan Amendment would allow Staff to insert development standards directly into the Specific Plan which then can easily be found in the future. Additionally, Staff would use the minimum setbacks and maximum lot coverage shown on KB's plans which could potentially allow for additions or other modifications to the houses in the future.

Disadvantages: This option would increase the review time of the proposed development by requiring review of the proposed Specific Plan Amendment by the Planning Commission who would then make a recommendation to the City Council. The City Council would then make a final action on the project.

2. Deny the appeal and require the Applicant to apply for a Planned Development

Advantages: This option would allow the City to make the required findings for the development, as proposed by KB, and would establish requirements specific to this development which can be used in the future by homeowners of the development who wish to improve their property. Staff would use the minimum setbacks and maximum lot coverage shown on KB's plans which could potentially allow for additions or other modifications to the houses in the future and insert these development standards into the Planned Unit Development Resolution. This would also allow the City to review and potentially approve the development more quickly than the other options identified.

Disadvantages: This option does not allow the City Council to weigh in on the project. Additionally, a Specific Plan Amendment would be a clearer way of establishing these development standards.

3. Deny the appeal and require the Applicant to apply for a Density Bonus

Advantages: This option is KB's preferred option as expressed in the letter dated July 5, 2022 (Attachment 2).

Disadvantages: All setbacks, lot coverage and configuration shown on the site plan approved with the density bonus request would be locked in and future modifications to the homes would be limited. As previously discussed, while this is a preferred option by KB, Staff has not adequately reviewed this project for compliance with the State Density Bonus Law. The Applicant did not request a density bonus until the project had been under review for some time. Additionally, the Applicant never submitted the necessary

information required for a Density Bonus Application in the Zoning Ordinance in order to allow Staff to review this request as part of their project. Based on a very preliminary review, Staff is unsure if the development is consistent with State Density Bonus Law and could require an Amendment to the Development Agreement. This option requires significant research and review by Staff and the City Attorney and a timeline for review by the Planning Commission is unknown. If the development does not comply with the State Density Bonus Law, Staff would have to bring the project to the Planning Commission for denial if this is the only option selected by the Planning Commission. As continuously mentioned, Staff would like to move this project forward for review by the Planning Commission as quickly as possible so that the project can be constructed and provide additional housing in the City.

4. Uphold the appeal and direct Staff to bring the Site and Architectural Review to the Planning Commission for review during a Public Hearing where the Planning Commission will prepare the required findings

Advantages: The Planning Commission would be responsible for listing the ways in which the development is consistent with the General Plan, Specific Plan and Zoning Ordinance. Staff would bring the project for review during a Public Hearing. After closing the Public Hearing, the Planning Commission would dictate the findings to Staff who will write them down verbatim. The Planning Commission in this case would establish the legal record for approval of the project.

Disadvantages: The Planning Commission, and not Staff, would be required to write the findings for this project which will provide a legal basis for approving the project. If the Planning Commission did not feel comfortable in doing so, this could further delay action on the project or potentially result in a denial of the project which could lead to litigation. All findings for the project become part of the legal record for the project and if not done correctly can open up the project to a legal challenge from anyone. If during the meeting the Planning Commission determined that they would not be able to make the findings for approval of the project, the project would be further delayed. Deny the Appeal and direct the project applicants to redesign their project to meet all of the requirements of the Municipal Code and the West of Fairview Specific Plan for the “duette” category

5. Deny the appeal and direct KB to redesign the project so that the cluster home development meets the development standards for the duette housing type in the Municipal Code and the West of Fairview Specific Plan.

Advantages: The Planning Commission would be able to provide clear direction to KB that the standards for the ‘duette’ homes apply to these units. These standards can be used by all future homeowners and the City when evaluating future modifications to these homes.

Disadvantage: This option could further delay review of the project because the Applicant would be required to redesign their project.

Staff recommends the Planning Commission select Option 2 for this Item.

Commented [EF2]: Is this our preferred option?

Two Resolutions are provided for the Planning Commission's use. A Resolution denying the Appeal is included as Attachment 13, and direction provided by the Planning Commission at tonight's meeting will be included should the Planning Commission choose to deny the Appeal. A Resolution approving the Appeal is also included (Attachment 14) and the Planning Commission's reasoning for granting the Appeal will be inserted at the direction of the Planning Commission during the meeting.

PLANNING COMMISSION RESOLUTION NO. 2022-19

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER DENYING THE
APPEAL AND UPHOLDING THE DECISION OF THE DIRECTOR OF DEVELOPMENT SERVICES
DIRECTOR DEEMING THE APPLICATION FOR SITE AND ARCHITECTURAL REVIEW 2022-7
INCOMPLETE AND DIRECTING THE APPLICANT TO OBTAIN A PLANNED UNIT DEVELOPMENT
FOR THE KB CLUSTER LOT DEVELOPMENT LOCATED IN THE
WEST OF FAIRVIEW SPECIFIC PLAN AREA**

WHEREAS, the Applicant, KB Homes has applied for a Site and Architectural Review for the construction of 60 detached single family dwelling units (commonly referred to as the “cluster lots”) located within Tract 303, Phase II of Tentative Map 2005-1 in the West of Fairview Specific Plan Area; and

WHEREAS, on August 24, 2022, the Planning Department sent a letter to KB Homes stating that the Application for a Site and Architectural Review (S&A 2022-7) was incomplete; and

WHEREAS, in the letter dated August 24, 2022, the Planning Department determined that a secondary permit was required in order to approve the residential development as proposed because the proposed residential development does not meet the requirements of the West of Fairview Specific Plan and Section 17.04.060, Residential, West Fairview Road (RWF) standards, of the Hollister Municipal Code; and

WHEREAS, on September 8, 2022, the Applicant filed an Appeal of the Development Services Director’s determination that the Application was incomplete and that a secondary permit was required in order to approve the project as proposed; and

WHEREAS, under the provisions of Section 17.24.140 of the Hollister Municipal Code, the Planning Commission actions of the Director may be appealed to the Planning Commission; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 27, 2022 to consider the Applicant’s Appeal, review the City Staff report, and receive written and oral testimony for an against the proposal; and

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Hollister does hereby make the following findings and determinations regarding the Appeal:

A. The Planning Commission denies the Appeal on the basis that the Application was not deemed incomplete in a timely manner because:

1. Office Hours are posted on the City's website and the door to the Planning Department. These hours clearly state that the Planning Department is closed on Friday and does not accept Applications during non business hours. A check was mailed and could not be received by the Planning Department until normal business hours on Monday July 25, 2022. An Application is not complete and ready for processing by the City until an Application Form, Project Plans and a Fee is received by the City. Once the Fee was received, the Planning Department entered the project into our system, assigned a project file number and routed the project for review by the City's Design Review Committee.
2. A letter was then emailed to KB on August 24, 2022 indicating that the project was not complete because the City needed six additional (physical) plan sets to include with the Planning Commissioner packets. This letter was transmitted within 30 days of the Planning Commission receiving the check from KB, on July 25, 2022, and beginning the intake of the Application.

B. The Planning Commission denies the Appeal on the Applicant's contention that the Application is consistent with the West of Fairview Specific Plan and the Municipal Code and therefore should not require a secondary permit in order to approve the residential development as proposed because:

1. The Applicant has proposed development standards which do not conform to the development standards for any unit type within the West of Fairview Specific Plan.
2. The Applicant has proposed development standards which do not conform to the requirements of Section 17.04.060, Residential, West Fairview Road (RWF) standards, of the Hollister Municipal Code.
3. Because the development standards, as proposed, conflict with the requirements of the West of Fairview Specific Plan and the Municipal Code, the Planning Commission would not be able to make the required findings for approval of the project as proposed.

4. The Municipal Code allows for a pathway for an Applicant to apply for a Specific Plan Amendment (Section 17.24.270) or a Planned Development Permit (Section 17.24.240) which could allow the City to make the findings that the project is consistent with all established requirements.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Hollister hereby denies the Appeal of the Director of Development Services determination that the Application for S&A 2022-7 is incomplete and that a secondary permit is required and directs the Applicant to obtain a Planned Unit Development Permit.



Planning Commission

Staff Report

November 17, 2022

Item 3

SUBJECT: **Vesting Tentative Map 2021-5 and Conditional Use Permit 2022-2 for a Planned Unit Development** for the subdivision of an 18.24 acre lot into 92 lots: 16 for new duet units, 75 for new single-family detached units, and one parcel for stormwater treatment and a linear park. The property has a General Plan designation of low density residential, and is within the Low Density Residential Performance Overlay (R1-PZ) Zoning District. Site and Architectural Review is not part of this application. The project is located between North Chappell Road and the Highway 25 Bypass, north of Pacific Way, further identified as San Benito County Assessor Parcel Number 051-230-006.

STAFF PLANNER: Eva Kelly, Interim Planning Manager (831) 636-4360

ATTACHMENTS:

1. Resolution approving Vesting Tentative Map 2021-5 for the subdivision of an 18.24-acre parcel into 92 lots with the Tentative Map included as Exhibit A
2. Resolution approving Conditional Use Permit 2022-2 for a Planned Unit Development
3. Appendix C (Mitigation Monitoring and Reporting Plan) of the Certified Environmental Impact Report for the Chappell Road Master Plan Area

RECOMMENDATION: Approval with conditions

PROJECT DESCRIPTION:

The Applicant is requesting to subdivide an 18.24-acre parcel (APN 051-230-006) into 92 total lots: 16 for new duet units, 75 for new single-family detached units, and one parcel for stormwater treatment and a linear park. The parcel has a General Plan Designation of Low Density Residential and is located in the Low Density Residential Performance Overlay (R1-L/PZ) Zoning District. The project plans are included as Exhibit A to Attachment 1.

ANALYSIS:

Tentative Map

The Applicant is proposing to subdivide 18.24 acres of land, identified as APN 051-230-006, into 92 total

lots (75 single family lots and 16 duet lots plus a lot for stormwater treatment and a linear park). The subject parcel represents a portion of the residential area as identified on the Chappell Road Master Plan and Study Area diagram adopted by the City Council.

The following aerial photo depicts the location of the project site and the surrounding area.

Figure 1: Project Site and the Surrounding Area



Standard residential lots are proposed to be a minimum of 4,400 square feet, with an average lot size of 4,500 square feet. “Duet” lot sizes are 3,360 square feet minimum and an average of 4,930 square feet. Total residential density for all units equates to 4.9 dwelling units per gross acre. The irregularly shaped park dedication lot (Parcel A) is 1.58 acres, a portion of which is used for sub surface stormwater detention. The remaining acreage is for private street dedication (5.86 acres).

Access to the subdivision would be gained from a primary entrance along Chappell Road, with a second access point from Pacific Way. All internal roads would be privately owned and maintained by a homeowner’s association. Internal roads would align with adjacent development in the future. San Felipe Road requires widening and frontage improvements constructed to City standards and the San Felipe Road Corridor Study (City County Resolution 2021-145). The layout of the development is shown below.

Figure 2: Project Site Plan



Conditional Use Permit for a Planned Unit Development:

The property has a General Plan designation of Low Density Residential, and zoned Low-Density Residential Performance Overlay (R1-L/PZ) Zoning District. Because of the Performance Overlay, a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) is required. The CUP and Overlay allow for development to have some flexibility within the general development and site layout standards while protecting the integrity and character of the residential areas of the City. These flexible standards are intended to encourage innovation and the development of affordable housing or housing that is more affordable compared to standard market rate single family homes.

The Applicant is requesting the following modifications to standards for the R1 Zoning District as part of their Planned Development Request:

Table 1: Proposed Development Standards – Single Family Detached Lots

Development Standard	R1 Standard (17.04.030 HMC)	Planned Development Request
Minimum Lot Size	5,500 SF	4,400 SF min.
Lot Width	Corner: 60 feet Interior: 50 feet	Corner: 55 feet Interior: 50 feet
Front Yard Setback	Residence: 18 feet Porch: 12 feet Garage: 20 feet	Residence: 13 feet Porch: 10 feet Garage: 20 feet
Side Yard Setback	Interior: 6 feet Corner: 10 feet	Interior: 5 feet Corner: 10 feet
Rear Yard Setback	15 feet	13 feet

The Applicant is also proposing to build 16 duette units inside the development. The following

development standards are proposed for the duette portion of the project.

Table 2: Development Standards – Duette Lots

Development Standard	R1 Standard (17.04.030 HMC)	Planned Development Request
Minimum Lot Size	5,500 SF	3,360 SF min.
Lot Width	Corner: 60 feet Interior: 50 feet	Corner: 47 feet Interior: 42 feet
Front Yard Setback	Residence: 18 feet Porch: 12 feet Garage: 20 feet	Residence: 13 feet Porch: 10 feet Garage: 20 feet
Side Yard Setback	Interior: 6 feet Corner: 10 feet	Interior: 5 feet Corner: 10 feet Attached Side: 0 feet
Rear Yard Setback	15 feet	13 feet

The requested design standards are compliant with the allowed reductions in standards according to Section 17.14.010 *Residential Performance Overlay Zoning District*. Per Section 17.14.010, the Planning Commission may approve a lot size reduction in the R1-L/PZ to not less than 2,500 SF, and may reduce minimum standards for lot coverage, yards (front, rear, and side) for dwelling units and accessory buildings, landscaping and storage. The applicant's requests fall into the allowed requests which can be permitted by the Planning Commission.

General Plan Consistency

The City of Hollister 2005-2023 General Plan designates the project site as Low Density Residential. The Low Density Residential General Plan designation allows for single-family developments. The housing density for the Low Density (R1) Zoning District is 1 to 8 dwelling units per acre. Based on the allowable density under the General Plan, the 18.24 gross acre development is required to have a minimum of 19 dwelling units and allowed a maximum of 146 dwelling units. As proposed, the development will have a total of 91 dwelling units which is well within this range and therefore is consistent with the density requirements for the General Plan and Zoning Code.

The proposed project is located in close proximity to Highway 25 a source of noise which can reach unacceptable levels. The City of Hollister 2005-2025 General Plan includes several mitigation measures to reduce noise impacts to residential dwellings. Health and Safety Element Goal HS3 requires developments to "achieve noise levels consistent with acceptable standards and reduced or eliminate objectionable noise sources."

In order to determine potential noise levels for residents inside the dwelling units located within the project, the Applicant submitted a Noise Study dated August 8, 2022, prepared by Salter and Associates (Attachment 4) to review potential noise impacts and the noise attenuation measures proposed by the Applicant. This Noise Study was then peer reviewed by the City's experts (Kinley Horn).

Land Use and Design Element Policy LU1.1 requires projects to include a buffer which includes berms,

landscaping or other noise attenuation measures to reduce noise impacts to the site. The proposed project plans include a berm located at Highway 25 to reduce noise levels from the Highway into the development. The Noise Study indicated that the proposed berms are adequate to reduce exterior noise levels to acceptable levels. Condition of Approval No. has been included which requires the Final Landscape Plan to include landscaping in this area. Additionally, based on the recommendation of Kinley Horn (attachment 5) Staff has also included Condition of Approval No. XX which requires the berm to maintain a finished elevation of 10 feet above finished grade at all times.

Health and Safety Element Policy HS3.1 further protects residents from noise inside of their dwelling unit. In order to determine potential noise levels for residents inside the dwelling units located within the project, the Applicant submitted a Noise Study dated August 8, 2022, prepared by Salter and Associates (Attachment 4) to review potential noise impacts and the noise attenuation measures proposed by the Applicant. The Noise Study reviewed noise generated by the vehicular traffic on Highway 25 and the sound attenuation provided by the berms and determined that additional requirements for the construction of the homes was necessary to meet the acceptable levels of noise inside the dwellings. The identified mitigations are:

- Require carpeted flooring in bedrooms and hard-surfaced flooring in all other rooms.
- Exterior walls shall be equivalent to 7/8-inch thick stucco over wood sheathing with batt insulation in stud cavities and 1 layer of gypsum board on the interior.
- The recommended STC ratings are for full window assemblies (glass and frame). Tested sound-rated assemblies should be used. Where STC ratings above 32 are required, at least one pane will need to be laminated.
- Where sound-rated window and exterior doors are needed (as noted on the figure in the Noise Study), an alternative method of supplying fresh air (e.g., mechanical ventilation) should be considered.

Based on the sound mitigations included in the Applicants Noise Study, Staff has included Condition of Approval No. 6 which requires the Applicant to obtain an Administrative Site and Architectural Review Permit prior to Building Permit. This will allow Staff to review the design of the project plans (please note that an amendment to the Zoning Ordinance is proposed tonight which would require Site and Architectural Review of all residential development over two dwelling units) to ensure compliance with the mitigations in the Noise Study. Condition of Approval No. 8 has also been included which requires the final plans to conform to all mitigation measures identified in the Noise Study.

Open Space

The tentative map includes a 1.58-acre park site (Parcel A) along the SR 25 bypass to be dedicated to the City of Hollister. Based on the City's formula for park land dedication (HMC 16.55.040), the 90 new residential lots result in a required dedication of 1.58 acres (90 units x 0.0176 acres per unit), and therefore meets the park standard.

In addition, the project is a part of the adopted Chappell Road Master Plan area (City Council Resolution

2021-7). As such, staff has included a condition of approval to require the review of the proposed park improvements by the City Parks & Recreation Commission prior to completion of the subdivision improvement plans. The recommendations of the Parks & Recreation Commission will be incorporated into the park design to ensure that all future development in the Master Plan Area has a cohesive design, consistent with LU 1.9 of the General Plan.

Common Infrastructure Improvements

The project is within the Chappell Road Master Plan area. As multiple property owners would benefit from coordinated planning and infrastructure improvements, the City has initiated a community Utility Analysis and fair share cost analysis for the roadway improvements identified for the Felipe Road Corridor. These two efforts are intended to assign per trip/per unit costs for necessary upgrades or deficiencies, to be funded equitably by development within the Master Plan area.

California Environmental Quality Act

The property is identified as "Parcels 1 and 2" in the certified Chappell Road Project Final EIR (February 2018, SCH # 2016101044). That Programmatic EIR, prepared for the annexation of the property, assumed that Parcels 1 and 2 would develop within five years and could yield up to 147 single family units. As the VTM as proposed would yield 91 total lots (90 residential lots) and is within the single-family density range of 1-8 du/ac, Staff has concluded that the previously certified EIR reflects the proposed subdivision and sufficiently analyzed the map as submitted. No further environmental documentation under CEQA is required, pursuant to CEQA Guidelines Section 15168 c (2), as the proposed action is within the scope of the project covered by the certified EIR.

CONCLUSION:

The Applicant is proposing to subdivide a 18.24-acre parcel into 92 lots, for the future development of 91 new residential dwellings. The proposed project is consistent with the goals of the Chappell Road Master Plan to provide for circulation and connectivity from this site to neighboring sites in the Master Plan area, and to contribute to the ultimate improvement of a linear park and trail along the interior corridor of the Highway 25 Bypass. The proposed project will provide privately maintained streets. The project meets the Goals and Policies of the General Plan and the Zoning Ordinance. Conditions of Approval have been included to ensure that the project will continue to comply with all Hollister regulations, will not impact the surrounding area, and will maintain an attractive site.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options regarding Vesting Tentative Map 2021-5:

1. Adopt a Resolution approving Vesting Tentative Map 2021-5, subject to the Conditions of Approval (Attachment 1);
2. Adopt a Resolution approving Vesting Tentative Map 2021-5, with Conditions of Approval modified by the Planning Commission;

3. Deny the Proposed Project; or
4. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends the Planning Commission select Option 1 for this Item.

* * *

The Planning Commission can choose one of the following options regarding Conditional Use Permit 2022-2 for a Planned Unit Development:

1. Adopt a Resolution approving Conditional Use Permit 2022-2 for a Planned Unit Development, subject to the Conditions of Approval (Attachment 1);
2. Adopt a Resolution approving Conditional Use Permit 2022-2 for a Planned Unit Development, with Conditions of Approval modified by the Planning Commission;
3. Deny the Proposed Project; or
4. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends the Planning Commission select Option 1 for this Item.

GENERAL INFORMATION

APPLICANT: DAL Properties, LLC
255 W. Julian Street, #502
San Jose, CA 95110

PROPERTY OWNER: The Davidson Living Trust dated 12/6/1989
Anita A. Davidson and Gloria Chiang, co-trustees
255 W. Julian Street, #502
San Jose, CA 95110

LOCATION: north of Pacific Way, east of N. Chappell Road, and west of Highway 25

ASSESSOR PARCEL NUMBER: APN 051-230-006

GENERAL PLAN DESIGNATION: Low Density Residential

ZONING DISTRICT: R1-L/PZ (Low Density Residential Performance Overlay)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
APN 051-230-005	R1-L/PZ	Low Density Residential	Agriculture
North	Rural Residential (SBC)	Low Density Residential	Highway/Agriculture
South	R1-L/PZ	Low Density Residential	Agriculture
East	Rural Residential (SBC)	Low Density Residential	Highway/Agriculture
West	R1-L/PZ (Prezoned)	Low Density Residential	Agriculture

PLANNING COMMISSION RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING VESTING TENTATIVE MAP 2021-5 TO SUBDIVIDE 18.24 ACRES INTO 92 TOTAL LOTS, INCLUDING 75 LOTS FOR SINGLE FAMILY RESIDENTIAL USE, 16 DUET LOTS, AND A PARK DEDICATION LOT IN THE LOW DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONING DISTRICT LOCATED AT CHAPPELL ROAD SOUTH OF THE SR 25 BYPASS
(KRAMER COMMONS - DAL PROPERTIES LLC)
APN 019-170-084 AND PORTION OF 019-170-083**

WHEREAS, under the provisions of Section 16.36 of Title 16 *Subdivisions* of the City of Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Major Subdivision applications; and

WHEREAS, the subject parcel is intended for low density residential use, as identified on the Chappell Road Master Plan and Study Area diagram and is further identified as “Parcels 1 and 2” within the larger Chappell Road Annexation project area; and,

WHEREAS, DAL Properties, LLC (“the applicant”) has submitted an application for Vesting Tentative Map 2021-5 to subdivide 18.24 acres into 92 total lots including 75 single family residential lots, 16 duet lots and a park dedication lot in conjunction with an application for Conditional Use Permit 2022-2 for a Planned Unit Development, located east of Chappell Road, further identified as San Benito County Assessor Parcel Numbers (APN) 019-170-084 and a portion of 019-170-083; and

WHEREAS, the Applicant has submitted a complete application for the requested entitlement prepared by HMM received by the Planning Division on May 25, 2022; and

WHEREAS, under the provisions of Section 17.24.060 of the Hollister Municipal Code, the City Planning Division received the Applicant’s plans and forwarded the request to the Development Review Committee (DRC) to assess the proposal for compliance with all relevant regulations; and

WHEREAS, the City of Hollister prepared an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) during the rezoning process of the property identified as San Benito County Assessor Parcel Numbers (APN) 019-170-084 and a portion of 019-170-083 and adjacent properties, per Prezone Application 2015-1, which contemplated the environmental effects that would occur from development associated with the property; and

WHEREAS, on June 18, 2018 the City Council approved Resolution 2018-167 to certify the Environmental Impact Report, Mitigation Monitoring and Reporting Program, and also held a duly noticed public hearing for the first reading of Ordinance 1159 for Prezone Application 2015-1 for a portion of the property identified as APN 019-170-083 and the first reading of Ordinance 1160 for the property identified as 019-170-084 and surrounding properties; and

WHEREAS, on August 6, 2018 the City Council adopted Ordinance 1159 for the rezoning of a portion of the property identified as APN 019-170-083 and adopted Ordinance 1160 for the rezoning of the property identified as APN 019-170-084; and

WHEREAS, on September 17th, 2018 the City Council approved Resolution 2018-221 approving an Annexation Agreement between the City and the applicant ensuring implementation of the City/County tax share agreement, City policy and compliance with LAFCO policies; and

WHEREAS, following a public hearing held on January 10, 2019 the San Benito County Local Agency Formation Commission approved the annexation of the property identified as San Benito County Assessor Parcel Number 019-170-084 and a portion of 019-170-083 into the corporate limits of the City of Hollister; and

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the Staff Report and the Conditions of Approval for the project; and

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the City staff report; and

WHEREAS, a Staff Report was submitted to the Planning Commission of the City of Hollister recommending approval of the proposed Tentative Map; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 17, 2022 to consider Vesting Tentative Map 2021-5, review the City staff report, and receive written and oral testimony for and against the proposal; and

WHEREAS, after closing the public hearing, the Planning Commission deliberated and determined to grant the applicant's request in accordance with Section 16.36.070 of the City of Hollister Municipal Code, and based on the facts as presented, and the code requirements as plainly stated; and

WHEREAS, after closing the Public Hearing, the Planning Commission determined that the project is identified as "Parcels 1 and 2" in the certified Chappell Road Project Final EIR (February 2018). That Programmatic EIR assumed that Parcel 1 and 2 would develop within five years and could yield up to 147 single family units. Staff has concluded that the previously certified EIR reflects the proposed subdivision and sufficiently analyzed the potential environmental effects of the map as submitted and resulting residential uses. No further environmental documentation under CEQA is required, pursuant to CEQA Guidelines Section 15168 c (2), as the proposed action is within the scope of the project covered by the certified EIR. The subdivision is subject to the mitigation measures of the certified EIR; and

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Hollister does hereby make the following findings and determinations regarding the proposed Vesting Tentative Map (TM 2021-5):

- A. The project as proposed is consistent with the City of Hollister General Plan.
 - 1. The project site has a land use designation of Low Density Residential in the Hollister General Plan. The subdivision gross density is 4.9 dwelling units per acre, which is consistent with the density allowed by the land use designation of one to eight units per gross acre.

- B. The project meets the criteria of the Title 17, Zoning, and Title 16, Subdivisions, of the Municipal Code.
1. The subdivision, as submitted and subject to compliance with the adopted mitigation measures and recommended conditions of approval, demonstrates that the application is compliant with all chapters of the City of Hollister Zoning and Subdivision Ordinances. The applicant has submitted in conjunction with this request, an application for Conditional Use Permit 2022-2 for a Planned Unit Development to modify the standard lot size and setback requirements of the Low Density Residential Zoning District as permitted by Section 17.14.010 Residential Performance Overlay Zoning District.
 2. The subdivision as proposed meets the Residential Performance Overlay Zoning District because it: avoids encroachment on watercourses and drainage areas; provides pedestrian and bicycle connectivity; provides a diversity of housing types and sizes (with the duet lots and in conjunction with the buildout of the Chappell Road area); provides usable open space; would preserve/enhance the character of the surrounding neighborhoods by providing compatible residential development; and provides an appropriate overall density.
- C. The design of the subdivision proposed by the Vesting Tentative Map will not cause substantial environmental damage or result in any significant environmental effects.
1. As indicated in Resolution 2018-167 approved by the City Council on June 18, 2018 certifying the Environmental Impact Report (EIR) for the subject property, development of the project site will result in several potentially significant environmental impacts, but those impacts can either be mitigated by appropriate mitigation measures and the proposed conditions of approval; or, the City has adopted a Statement of Overriding Considerations for any remaining significant effects. This resolution incorporates the applicable requirements of the Mitigation Monitoring and Reporting Program (MMRP) for the project to be implemented prior to and during construction. The EIR was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the City CEQA process.
- D. The proposed project will not be detrimental to the health, safety and welfare of persons residing or working in the neighborhood or to the general welfare of the City.
1. The evidence supports this finding as represented by the development plans, City prepared staff report, and the proposed conditions of approval. As conditioned to require mitigation related to noise attenuation, as discussed in the Noise Study prepared by Salter Inc., dated August 8, 2022, interior and exterior noise levels will be reduced to acceptable levels.

**CONDITIONS OF APPROVAL
VTM 2021-5**

General Conditions

1. **Approval.** This Tentative Map approval is for VTM 2021-5. The Final Map shall be in substantial conformance to Exhibit A (Project Plans) prepared by HMM and dated "Received, May 25, 2022" on file with the Planning Division, and other plans, text and diagrams relating to this Tentative Map, except as modified by the following conditions. The elevations and improvements shall strictly adhere to the approved set of plans unless prior approval is granted by Director of Development Services for changes.
2. **Permit Expiration.** This approval expires on November 17, 2024, unless the City grants an extension. The applicant shall submit a parcel map package for review to the City Engineer for recordation at least 30-days prior to the date of expiration. The parcel map must substantially comply with the approved plans. Failure to obtain extension by the applicant per the Subdivision Map Act shall result in the expiration of the tentative map. Any request for an extension shall be submitted to the Development Services Department no later than 30 days prior to the date of expiration.
3. **Appeal Period.** No entitlements that rely upon this approval shall be granted during the 15-day appeal period. In the case of an appeal being filed, no entitlements shall be granted until final action is taken on the appeal.
4. **Indemnification.** The Applicant/Developer shall defend, indemnify, and hold harmless the City of Hollister and its agents, officers, employees, advisory board from any claim, action, or proceeding against the City of Hollister or its agents, officers, or employees to attack, set aside, void or annul an approval of the City of Hollister or its advisory agency, appeal board, Planning Commission, City Council, Director of Development Services or any other department, committee, or agency of the City related to this project to the extent that such actions are brought within the time period required by Government Code Section 66499.37 or other applicable law; provided, however that the Applicant/Developer's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant/Developer of any claim against the City and shall cooperate in the defense.
5. **Clarification of Conditions.** In the event that there needs to be clarification to the Conditions of Approval, the Director of Development Services and the City Engineer have the authority to clarify the intent of these Conditions of Approval to the Developer without going to a public hearing. The Director of Development Services and City Engineer also have the authority to make minor modifications to these conditions without going to a public hearing in order for the Developer to fulfill needed improvements or mitigations resulting from impacts to this project.

Planning – Project Specific

6. **Site and Architectural Review.** Prior to recordation of the Final Map, the applicant shall apply for and receive approval of an Administrative Site and Architectural Review for the development project.
7. **Timing of Duet Lots:** The entitlement and development of the 16 duet lots shall be as follows:
 - a. Prior to issuance of a building permit for the 38th Single Family Detached unit in the subdivision, all building permits for the 16 Duet units shall be issued.
 - b. Prior to issuance of a final occupancy permit for the 74th (final) Single Family Detached unit in the subdivision, a final occupancy permit shall be issued for all 16 Duet units.
8. **Noise Study.** The project shall comply with all mitigation measures identified in the Noise Study prepared by Salter Inc. dated August 8, 2022 on file with the Planning Department. The plans submitted for a Site and Architectural Review shall include documentation that all mitigations required by the Noise Study will be incorporated into the project.
9. **Berms.** All berms required for this project shall be 10 feet from grade. The preliminary Landscape Plans submitted with the Site and Architectural Review Application shall indicate the proposed landscaping for this area.
10. **Chappell Road Master Plan Linear Park.** Prior to the approval of the improvement plans, the applicant shall submit the proposed linear park design improvements for the review of the City of Hollister Parks and Recreation Commission. The recommendation of the Parks and Recreation Commission shall be forwarded to the City Council for ultimate approval to ensure compliance with the adopted Chappell Road Master Plan and to ensure there will be consistency of the linear park across all development within the plan area.
11. **All Other Resolutions.** Resolutions and ordinances approved for the certification of the environmental document pursuant to CEQA, the Prezone, Tentative Map, and Conditional Use Permit for a Planned Unit Development for the project shall also apply to this resolution.

Landscaping – Standard Conditions of Approval

12. **Final Landscape and Irrigation Plans.** Final Landscape and Irrigation Plans, all written documentation and an Application Fee as required by Chapter 15.22, Water Efficient Landscape Ordinance, shall be submitted to the Planning Division in conjunction with an application for a building permit. The Plans shall be prepared and stamped by a State licensed landscape architect or registered engineer shall be submitted for review and approval by the Development Services Director. The Plans shall be approved and all landscaping shall be installed prior to Occupancy.
13. **Landscaping.** The Applicant/Development shall construct all landscaping within the site and along the project frontage. The on-site landscaping shall be to the satisfaction of the Director of Development Services.

14. **Street Trees.** Street trees are required as a condition of development. The street trees on the frontage landscaping shall be a minimum of 36" box, their exact tree locations and varieties shall be approved by the Director of Development Services and the City Engineer. Street trees shall generally be planted at the rate of one street tree for each 30 lineal feet of property frontage. Landscape plans may include grouping of trees to vary this standard to honor site/public subdivision.
15. **Locations.** No buildings, trees, bushes, other structures or materials shall be placed within ten feet (10') of the meters, water lines or sanitary sewer connections and laterals.

Engineering – Standard Conditions

16. **Standard Plans and Specifications.** All improvements required shall be designed in accordance with City Design Standards and constructed in accordance with the City of Hollister Standard Plans and Specifications and receive approval by the City of Hollister Engineering Department. All applicable codes and ordinances, along with the recommendations of the City Engineer and any required Geological Investigation, are to be adhered to, and all required fees shall be paid.
17. **Street Right-of-Way.** The final map shall be required to indicate all public and private rights-of-way for streets including a 10 ft. minimum P.U.E. as deemed necessary by the City Engineering Department as well as a one-foot non-vehicular access strip along all street terminating at the project boundary and at any property phase line.
18. **Public and Private Easements.** The final map shall be required to indicate all public and private easements necessary to serve the subdivision. These easements shall include the following: utility, water, sewer, telephone, storm drainage, fiber optic conduit, cable, T.V., tree planting and maintenance.
19. **Final Map Submittal.** The developer shall submit a final map package for review and approval by the City Engineer and City Council for the subdivision. The submittal shall be in complete form and accompanied by the traverse sheets, map checking fees and all other items required by Hollister Municipal Code Chapter 16.
20. **Water Supply.** Prior to filing of the final map, the developer shall provide to the Engineering Department, water calculations based on recent hydrant tests showing sufficient water supply for domestic and fire suppression use.
21. **Subdivision Improvement Agreement.** Prior to filing of the final map and Subdivision Improvement Agreement, all material necessary to present the subdivision to the City Council shall be submitted to the City Engineer at least two weeks prior to the Council meeting. The material shall be submitted in a form satisfactory to the City Engineer.
22. **Utility Providers.** The developer shall submit three prints of the approved vesting tentative map to each of the following utilities: PG&E, Pacific Bell, AT&T, and Charter Cable. The developer shall subsequently provide the City Engineer with each utility's easement needs as part of the initial submittal.

23. **Temporary Maintenance and Operation of Utilities.** The developer shall be responsible for all maintenance and operation of all utilities and improvements from the time of installation until acceptance of the subdivision improvements.
24. **Noise During Construction.** Construction activities on the project site must employ noise suppression devices and techniques and shall be limited to the hours of 7:00 am to 6:00 pm. Monday through Friday and 8:00 am to 6:00 pm on Saturdays and shall be prohibited on Sundays and federally recognized holidays per Ordinance 1137 of the Hollister Municipal Code. No Construction, Landscape Maintenance, or Grounds Maintenance activities shall occur on federal holidays. Construction equipment and activities shall use noise suppression devices and techniques.
25. **Street Names.** Prior to recordation of the final map the developer shall submit all proposed private and public street names for the new streets to the City of Hollister Engineering Department for review and approval by the City of Hollister Development Review Committee (DRC) and County Communications. The approved street names shall be included on the final map and improvement plans. Any alterations to the street names may be allowed only after re-submittal of the revised street names to the City Engineering Department for review and approval of the DRC and County Communications.
26. **Site Clearance.** Prior to receiving issuance of a grading permit, the project site shall be properly cleared of all fences, wells, septic tanks, irrigation pipes, fuel tanks and other structures. Certificates from the County Environmental Health Department shall be provided to the City Engineer for any well or septic tank abandonment, and from the City Fire Department for abandoned fuel tanks.
27. **Temporary barricades.** All streets temporarily ending at property lines shall be barricaded in accordance with City Standards. A sign shall be posted stating that the road will be extended.
28. **Residential Fencing.** Prior to occupancy, residential fencing shall be installed or replaced along the residential boundary, in accordance with City standards. Residential fencing shall be approved by the City Engineering Department and Planning Division prior to installation. Residential fencing on interior lots shall comply with the fence standards in the Hollister Municipal Code. Fencing of the subdivision shall be placed along all residential boundaries. Double fencing shall not be allowed.
29. **Soils Report.** As part of the final map submission, a geotechnical soils report shall be submitted to comply with the current building code in accordance with the provisions of the City Subdivision Ordinance.
30. **Construction Stormwater BMP Control Plan (CSCP).** Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a CSCP for construction stormwater runoff BMP control measures.

31. **Post-Construction Stormwater Control Plans (SWCP).** Prior to any site development or grading, the applicant shall submit a SWCP for review and approval by the Engineering Department. The SWCP shall meet the requirements of the California Regional Water Quality Control Board Central Coast Region, Resolution No. R3-2013-0032 dated July 12, 2013 (PCRs), entitled Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region, as applicable and shall address all required post-construction stormwater runoff BMP control measures, as applicable. The applicant shall submit the SWCP as part of the plan, for City review and approval. The applicant is advised that the Engineer of Record shall inspect and provide certification to the City of Hollister that all stormwater post-construction improvements are properly installed and comply with the approved civil design plans.
32. **Drainage Report.** Prior to final map, a drainage report shall be submitted for review and approval by the City Engineer. The drainage report shall include, but is not limited to, depiction of all tributary areas on and to the site, and shall provide all information pertinent to the capability of the proposed drainage facilities to handle the expected post-construction storm water management (LID, runoff control and reduction, water quality treatment, etc.), and flood control measures as required for the site. Additionally, the report shall include or incorporate the grading plan, CSCP, SWCP, and landscape plan for the project.
33. **Grading and Drainage Plan.** Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a grading plan that complies with Chapter 15.24 "Grading and Best Management Practice Control" and Section 17.16.140 "Stormwater Management" of the Hollister Municipal Code and all subsequent amendments to those codes. Low Impact Development (LID) strategies shall be considered and incorporated as part of site planning and design as appropriately feasible.
34. **Storm Water and Grading Permit.** Prior to approval of any storm water permit, grading permit or improvement plans, the applicant shall obtain all applicable permits directly associated with the grading activity, including, but not limited to, the State Water Board's CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Further, the applicant shall provide evidence to the City Engineer that the required permits have been obtained.
35. **Stormwater Management Post-Construction Application.** As part of the improvement plan review process, the applicant shall submit to the Engineering Department a Stormwater Management Post-Construction Requirements application to be reviewed for compliance with the post-construction stormwater regulations and approved prior to Improvement Plans approval.
36. **Sediment/Trash Separator.** Drainage improvements shall include, but not be limited to, all necessary sediment traps and trash separator devices, such as hydrodynamic vortex separator, as directed by the City Engineer.
37. **Solid Waste Diversion Plan.** Prior to a building or demolition permit, the developer shall prepare and submit a solid waste diversion plan for review and approval by the Building Department. The diversion plan shall comply with Chapter 15.04.045 of the City of Hollister Municipal Code by

establishing criteria and procedures to divert a minimum of 50% of all construction or demolition waste from being disposed at a landfill.

38. **Water Line Improvements:** The water system improvements shall be subject to the review and approval of either the City of Hollister and shall meet the following requirements:
- a. All water system improvements shall be installed in accordance with the City of Hollister's standards that are in effect at the time of improvement plan approval.
 - b. Any offsite waterlines necessary to be installed under proposed pavements shall be installed at the time of the roadway improvements.
39. **Improvement Plans:** Prior to permit issuance for onsite and/or offsite work, Improvement Plans shall be submitted to the Engineering Department for review of all necessary improvements in compliance with mitigation measures, requirements, and conditions as per the Final Environmental Impact Report (EIR) for the Chappell Road Project, the Chappell Road Master Plan, the San Felipe Road Corridor Study, the Supplemental Analysis to San Felipe Road Corridor Study, and the 2022 (Wallace Group) infrastructure assessment.
40. **Improvements Prior to Occupancy:** In order to assure adequate access for emergency response vehicles and water supply for fire suppression, the issuance of any building permit shall be subject to the requirements of City Council Resolution 95-08, A Resolution of the City Council of the City of Hollister Establishing a Policy Relating to Home Construction in Incomplete Subdivisions or any subsequent policy. No certificate of occupancy shall be issued for any unit prior to the completion of such improvements.
41. **Final Occupancy Inspection for Residential Units:** A final occupancy shall not be granted for any residential units unless the Building Inspector can verify the following:
- a. The water conditioning system that has been installed is a City-approved system that can be regenerated offsite and will not discharge waste or waste products into the City's sewage system.
 - b. Prior to final occupancy of the building, the applicant shall install new Radio Read Meters. For details, contact the Lead Water Operator with the Utilities Division of the Community Services Department at (831) 636-4377.
 - c. The front yard landscaping has been installed in compliance with Water Efficient Landscape requirements.
 - d. Runoff from roof gutters shall be directed to landscape swales, rain gardens, and shall not be piped directly to gutters or non-permeable paving.
 - e. The development impact fees shall be based on those in effect at the time of connection. Developer must pay all development impact fees due to the City and/or the County on the date of the final inspection, or the date the certificate of occupancy is issued for each residence, whichever occurs first.
Development impact fees that apply to the project are listed below:
 - i. Water (City of Hollister)
 - ii. Traffic

- iii. Sewer Treatment
- iv. Sewer Collection
- v. Storm Drainage
- vi. Park
- vii. Library Facilities
- viii. Police
- ix. Fire
- x. Detention – Jail/Juvenile Hall

For a complete list of all applicable impact fees, please contact the City of Hollister Engineering Department at 831-636-4340. Such list is also made available on our City website, under Engineering Department.

- 42. **School Impact Fee.** Unless otherwise required by law, all school impact fees shall be paid at the time of building permit issuance.
- 43. **Developer Fees.** Prior to final map approval, the developer shall pay all fees including, but not limited to, fees required by reimbursement agreements, drainage agreements, improvement plan checking and inspection fees, as well as any applicable fees pursuant to the Public Works Master plan.
- 44. **Reduced Pressure Principle (RPP):** When the City of Hollister deems it necessary, the applicant shall be required to install an RPP backflow prevention device at their sites which shall meet the following criteria:
 - a. The RPP shall conform to all AWWA (American Water Works Association) standards and shall be appropriately sized for the specific application on the site.
 - b. The RPP shall be inspected by a certified California-Nevada AWWA Backflow Prevention Assembly General Tester. The Utility Division shall provide a list of acceptable Assembly Testers within the area.
 - c. The Utility Division shall receive a copy of the initial RPP inspection report.
 - d. Any and all RPP defects shall be immediately repaired or replaced prior to the Utility Division reestablishing water service to the sites. The owner/operators shall have the RPP inspected/tested each year thereafter, with all reports forwarded to the Utility Division.
 - e. Should the RPP fail to pass any inspection or test, the device shall be immediately repaired or replaced, with all repair and/or replacement reports forwarded to the Utility Division.
 - f. The RPP shall be installed according to AWWA standards, in regards to concrete padding and surrounding landscape/RPP height requirements.
 - g. The RPP shall be installed inside a wire-mesh cage enclosure, preferably green in color, with a hinge on one end and a locking hasp device on the other to prevent vandalism and unauthorized entries.
 - h. The RPP shall be installed at a site between the City's water meter and the building inside the property line where the RPP can be readily observed and be easily accessible for future inspections.

45. **Sewer Mains and Laterals:** Prior to burial, the Engineering Department shall inspect all building laterals, the project's main sanitation collection system, the connection to the City's main sanitary collection system, and the interceptor installation. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections.
46. **Water Mains and Services:** Prior to connection and burial of services and mains, the Engineering Department shall inspect all water services, mains, meters, and meter boxes. At the time of the service inspection, a lay length spacer pipe shall be set in place of the meter which shall be drilled with holes that have a minimum diameter of ¼", as approved the City inspector. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections.
47. **Storm Drain Facilities:** Prior to burial or connection of storm drain fallibilities, the Engineering Department shall inspect the installation and connection of such facilities to assure compliance with the City's standards. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections
48. **Water Meter Applications:** The Engineering Department shall process applications for new water meters and meter boxes for irrigation and potable water systems. The owner/developer may contact the Engineering Department (831) 636-4340 for information.
49. **Fire Hydrants:** Prior to improvement plan and final map approval, the applicant shall coordinate with the Fire Chief at 831-636-4325 for the placement of fire hydrants and provide an approved plan to the Engineering Department.
50. **Slurry Seal:** Prior to the City's acceptance of the subdivision improvements, the subdivision roads and vicinity roads shall be in a good state of repair as determined by the City Engineering Department. Roads on the project site and vicinity determined not to be in a good state of repair by the City Engineering Department, or that have utility trench cuts, shall be repaired curb to curb by the applicant using Type II slurry seal or by an alternate method approved by the City of Hollister. Upon the overlay, all pavement legends and striping shall be placed and/or redone. Thermoplastic material shall be used for the road markings.
51. **Water Sampling:** Prior to final map submittal, the map shall identify a water sampling device for water analysis at opposite ends of the project site to avoid using water hydrants for water analysis. The map shall be submitted to the City of Hollister Development Services Department and placement of the water sampling device on the map and ultimately on the site shall be reviewed and approved by the City of Hollister Utilities Department.
52. **On-Site Drainage:** The developer shall be responsible to maintain all on-site drainage facilities, including underground chambers, bio-filtration basins and conduit (pipe).
53. **Post Construction Stormwater Requirements:** Prior to occupancy a deed restriction shall be recorded for the proposed stormwater storage facility on Parcel A and for all on-site post construction stormwater requirements including, but not limited to, bio-filtration basin chambers and stormwater pipe. This will guarantee maintenance of drainage features.

54. **Homeowners Association:** The project will create a Homeowners Association (HOA) that will be responsible for long-term funding of maintenance of on-site private roads, common area landscaping, open space, and storm drains for the project. A copy of the CC&Rs shall be submitted to the City for review prior to the recording of the first Final Map. Private Streets shall conform to City of Hollister Municipal Code Section 13.20.020(M).
55. **HOA Responsibility.** The HOA shall be responsible for maintenance of all on-site common area landscaping and irrigation systems, which shall be kept in a neat, clean and healthy manner and in compliance with the approved plans. The applicant will maintain the approved landscaping until such time that it has been accepted by the HOA. The HOA will maintain the approved landscaping in perpetuity. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians. This condition does not apply to individual private yards.
56. **Community Facilities District No. 4:** Prior to the approval of any Memorandum of Agreement for Early Start Homes; prior to the Subdivision Improvement Agreement; or prior to the recordation of the final map, whichever the applicant chooses to do first, the applicant shall cooperate with the City to facilitate the annexation of the entire project to the Community Facilities District No. 4. The entire project shall be included within the boundaries of the communities facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Government Code 53311 et seq.) and be subject to a special tax levied hereunder. The special tax shall be in an amount that will be updated with the annual CPI per unit per year, subject to an annual increase in accordance with the designated consumer price index as of January 1 of each year. The property owner shall cooperate with the City to accomplish the inclusion of the project in the community facilities district, either through annexation to an existing district or through the formation of a new district. Such cooperation shall include, but not be limited to, executing and filing with the City Clerk, in a form acceptable to the City Attorney, any approval, consent, or waiver required by the City in order to expedite the inclusion of the project in such a district.
57. **Community Facilities District No. 5:** Prior to the approval of any Memorandum of Agreement for Early Start Homes; prior to the Subdivision Improvement Agreement; or prior to the recordation of the final map, whichever the applicant chooses to do first, the applicant shall cooperate with the City to facilitate the annexation of the entire project to the Community Facilities District No. 5. The entire project shall be included within the boundaries of the communities facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Government Code 53311 et seq.) and be subject to a special tax levied hereunder. The special tax shall be in an amount that will be updated with the annual CPI per unit per year, subject to an annual increase in accordance with the designated consumer price index as of January 1 of each year. The property owner shall cooperate with the City to accomplish the inclusion of the project in the community facilities district, either through annexation to an existing district or through the formation of a new district. Such cooperation shall include, but not be limited to, executing and filing with the City Clerk, in a form acceptable to the City Attorney, any approval, consent, or waiver required by the City in order to expedite the inclusion of the project in such a district.
58. **Encroachment Permit:** An encroachment permit shall be issued in addition to the grading permit for the work within the City of Hollister right-of-way or public easements within the property. This

includes improvements such as: driveway approaches, water line connection for domestic water or fire services, sewer lateral installations and any other improvements on right-of-way. Encroachment Permits are issued at the Engineering Department located at 339 Fifth Street, in Hollister Ca.

59. **County Express:** The project area is served by County Express' Dial-a-Ride. As such, prior to issuance of the first building permit within the subdivision, the project applicant shall coordinate bus stop amenities with the San Benito County Council of Governments and the City of Hollister Engineering Department. The bus stop amenities shall be reviewed and approved by the City of Hollister Engineering Department. The applicant shall install the approved amenities prior to final occupancy of the building.
60. **Storm Drainage.** All standard requirements regarding storm drainage shall be followed. There shall be no standing water for more than five days, nor shall any types of bodies of water, including bio retention swales, be allowed to form with any type of improvement on site in order to avoid attraction of birds in the vicinity of the airport that can interfere with aircraft. For details, please contact the Airport Manager at 831-636-4365.
61. **Grading and Subdivision Improvement Work:** Prior to issuance of a grading permit, applicant shall provide approved surety in the amount of 100% of the Engineers Estimate for Performance surety and Labor and Material surety, pay all applicable fees, provide a work schedule, as well as insurance certificates as required per City Standards and Municipal Code sections 15.24.120 and 15.24.315.
62. **AutoCAD and GIS:** An electronic copy of the approved design improvements shall be submitted to the Development Services Department in both AutoCAD and GIS format, prior to recording of the map, as applicable. An electronic copy of the map shall be submitted to the Development Services Department in both AutoCAD and GIS format, prior to the recording of the map, as applicable.
63. **Addresses:** Prior to building permit issuance, address requests shall be submitted to the Engineering Department along with an AutoCAD file with line work showing the property lines, curb, gutter, and sidewalk.
64. **Construction Equipment.** All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, 89.112.
65. **Hazardous Materials:** Prior to the issuance of a demolition permit or of a grading permit that involves demolition of existing structures, the developer shall contract with a certified asbestos/lead paint consultant to perform an asbestos and lead paint inspection prior to the demolition of regulated structures. Should the inspection identify the presence of asbestos and/or lead paint, the developer shall contract for material abatement. Removal or disturbance of asbestos and lead paint requires adherence to the California Division of Occupational Safety and

Health and California Department of Public Health regulations. Should the asbestos and lead paint inspection indicate the presence of the significant levels of asbestos, the developer shall contract a California State registered and licensed asbestos abatement contractor to perform the asbestos work. The asbestos and lead paint inspection and evidence of abatement of any identified lead based paint and regulated asbestos containing materials shall be presented to the city prior to issuance of a grading and/or demolition permit.

66. **Damage During Construction.** The property owner/developer shall replace any street or sidewalk improvements or utility services that are removed or damaged during the construction of the project as determined by the City Engineer. This could include, but is not limited to, permeable paving, PCC curbs, gutters, sidewalks; street lighting; signing and striping; all underground utilities including, but not limited to, sanitary sewer, gas, electrical, telephone, and water and fire services lines; and all other improvements to bring the right-of-way into full conformance with applicable City standards. All construction in the right-of-way shall be completed prior to final building approval.
67. **Backflow Prevention Device.** The developer shall install a backflow prevention device on the existing sewer lateral between the building and the City's sanitary sewer main. The device shall be maintained and operated by the owners and shall periodically tested by the owners to insure the device is working properly.
68. **Separate Meters.** Each dwelling unit shall be metered separately for electricity, gas, and water/sewer services.
69. **As-Built Plans:** Prior to occupancy, developer must provide the City Engineering Department with an electronic pdf and AutoCAD copy of the final as-built plans as well as one Mylar print and one reproduction copy. The final as-built must be updated with all changes made during construction such as additions and deletions, including changes that were made to reflect actual site conditions.
70. **Approved Resolution:** A complete hard copy of the approved signed resolution shall be included with the submittal of the parcel map to the City Engineer.
71. **Bicycle Lanes:** Prior to map approval, bicycle lanes shall be designed in accordance with the San Benito County Bikeway and Pedestrian Master Plan. The design shall be reviewed and approved by the City Engineer. Pending approval of the bicycle lanes, the developer shall make the bicycle lane improvements on site in a method approved by the City Engineer in accordance to City standards.
72. **Construction Dust and Emissions:** To reduce dust emissions from demolition, grading, and construction activities on the project site, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits. The following dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:

- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
 - b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;
 - c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
 - d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
 - e. Maintain at least two feet of free board and cover all trucks hauling dirt, sand, or loose materials;
 - f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
 - g. Stop grading, and earth moving if winds exceed 15 miles per hour;
 - h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
 - i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance);
 - j. Limit the area under construction at any one time; and
 - k. Construction equipment shall use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel whenever possible.
73. **Utility Work Authorization.** The developer shall make arrangements for P.G.&E., AT&T, or any other utilities authorized to operate in the City of Hollister. All such utility work shall be done in accordance with Joint Utility requirements as well as the City of Hollister Specifications and Details.
74. **PGE Utility Approval:** Prior to the recordation of the final map, the developer shall provide evidence to the satisfaction of the City which demonstrates that Pacific Gas & Electric (PGE) has reviewed the proposed subdivision layout, and raises no concern with the development. The developer shall coordinate with the City and PGE to ensure that any concerns are resolved prior to recordation of the final map. The developer is hereby made aware that any significant design

changes may be considered to be out of substantial conformance with the approved tentative map and may require reconsideration by the Planning Commission and/or City Council as appropriate.

75. **Improvement Plans and Off-Site Improvements.** Improvement plans for the entire subdivision, including any off-site improvements shall be approved to the satisfaction of the Public Works Department, Utilities Department, and Fire Department prior to map recordation. Off-site improvements may include but are not limited to roadways, sewer mains, water mains, recycled water mains, and storm drain improvements. Off-site improvements may include off-site access roadways, transportation improvements, and utility system improvements.
76. **Improvement Plans.** The improvement plans shall clearly show all existing structures, site improvements, utilities, water wells, septic tanks, leach fields, gas and wire services, etc. The plan shall include any pertinent off-site water well and private waste disposal systems that are located within regulated distances to the proposed drainage and utility improvements. The plan shall include the proposed disposition of the improvements and any proposed phasing of their demolition and removal.
77. **Public and Private Easements and Wells.** The map and improvement plans shall show and clarify the extent of all existing public and private easements. The developer shall provide any additional clarification regarding the use and disposition of any water wells. Any private water well service piping that crosses or is proposed to cross an existing or future public right-of-way shall be approved by the City and shall be covered by an Encroachment Agreement to be recorded in a format approved by the City. The developer shall provide any additional clarifications, amendments, and/or quit-claims on any outstanding private easement agreements, as necessary.
78. **Truck Circulation Plan.** A truck circulation plan and construction management and staging plan shall be included with any demolition, stockpile, grading, or improvement plan submittal. General truck routes shall be submitted for review and acceptance by the City. The engineer of record shall provide a summary of the extent of cut and fill with estimates on the yards of import and export material. The summary shall include rough grading, utility trench construction, road construction, AC paving, concrete delivery, and vertical construction loading estimates on the existing City of Hollister roadways. The developer shall either: 1) complete roadway deflection testing before and after construction to the satisfaction of the City Engineer and shall complete repairs to the pre-construction condition, or 2) shall pay a roadway maintenance fee in accordance with City Engineering Standards and guidelines, or 3) shall propose a pavement repair/replacement program satisfactory to the City Engineer. The roadway impacts analysis and mitigation strategy shall be approved prior to commencing with grading or construction.
79. **Existing Overhead Utilities.** The public improvement plan submittal shall show all existing and proposed overhead wire utilities. Any existing overhead primary and secondary wiring within the tract boundary shall be undergrounded in conjunction with the subdivision improvements. Unless otherwise specifically approved, pole relocation in lieu of undergrounding is not permitted. Off-site service drops shall be eliminated. The new service feeds for the subdivision shall be completed by underground wiring without a net increase in utility poles. Terminal end utility poles shall be located off-site unless otherwise approved by the City.

80. **Street Widening.** Any widening of streets with existing overhead wire utilities shall include the undergrounding of the existing wiring. The City Engineer may require replacement streetlights per City Standards where streetlights exist on wood poles.
81. **Overhead Utilities.** The developer shall exhaust all reasonable efforts to eliminate or underground the existing overhead wiring located along the tract boundary. The elimination and/or undergrounding shall consider existing services and/or utilization equipment to remain. The plan to eliminate, reduce, or underground the existing services shall be approved to the satisfaction of the City, Caltrans, PG&E, and billboard easement grantee. Undergrounding service to any existing or proposed water well shall consider standard farming operations and the depth of deep ripping. Any proposal for partial undergrounding, waiver, or deferral shall be subject to the approval of the Community Development Director.
82. **Undergrounding Plans.** Preliminary undergrounding plans for the entire subdivision shall be processed through PG&E and any respective wire utility companies in conjunction with public improvement plan submittal. The preliminary PG&E plans/memo shall be provided to the engineer of record and the City for review and approval prior to commencing with the PGE final handout package. The final PGE handout package shall be approved by the engineer of record and City prior to commencing with construction.
83. **Secondary Access.** Secondary access is required from all portions and/or phases of the subdivision where more than 30 dwelling units are proposed. The location and development of the proposed secondary access shall be presented to the City for review and approval prior to the preparation of the related improvement plans or final map approval for each subsequent map or construction phase. Any temporary or permanent emergency access location, construction, and controls shall be in accordance with the Fire Code, City Engineering Standards, and shall be approved to the satisfaction of the Fire Department and Public Works Department.
84. **Fire Department Access.** Fire Department access shall be provided for each building construction phase to the satisfaction of the Fire Chief. Phased street construction shall consider and provide suitable Fire Department hydrant access, circulation routes, passing lanes, and turn-around areas in accordance with current City codes and standards.

Engineering – Project Specific

85. **Rights-of-Way:** The developer shall dedicate, improve, and guarantee by bond full rights-of-way for the following road improvements as shown on the approved vesting tentative map, including street lighting and street trees; all underground utilities including, but not limited to, sanitary and storm sewers, gas, electrical, telephone, cable TV, fiber optic conduits, and water lines; and all other improvements necessary to bring the existing private rights-of-way into full conformance with all applicable City standards. Existing overhead utilities shall be undergrounded.
 - a. **Chappell Road Improvements:** As shown on the vesting tentative map, Chappell Road to the west of the site shall have full road improvements including but not limited to sidewalk, curb, gutter, lighting, undergrounding of any existing overhead utilities,

irrigation, and landscaping on the east side of Chappell Road, connecting to the existing roads, Chappell Road and Pacific Way to the south west of the project site, as determined by the City Engineer and in conformance with the Chappell Road master plan.

86. **Pacific Way Improvements:** As shown on the vesting tentative map, Pacific Way to the south of the project site shall have full road improvements including, but not limited to, Class II bike lane, sidewalk, curb, gutter, lighting, undergrounding of any existing overhead utilities, irrigation, and landscaping on the north side of Pacific Way from Chappell Road to Maggiorre Drive, as determined by the City Engineer and in conformance with the Chappell Road master plan. Right of way for the portion of future Pacific Way on the project property shall be dedicated on the final map.
87. **Chappell Road/Pacific Way Roundabout:** Requirements for the Chappell Road/Pacific Way Roundabout are as follows: 1) The connection to Chappell Road must be constructed to the satisfaction of the City Engineer. 2) The developer shall dedicate adequate right of way, as approved by the City Engineer, to allow for the ultimate improvements of a roundabout at the Chappell Road and Pacific Way intersection per the adopted Chappell Road master plan. The developer shall prepare preliminary roundabout layouts for City approval verifying the ultimate right of way required. 3) Prior to approval of the improvement plans, the developer shall provide to the City's Engineering Department a cost estimate of the full roundabout improvements for review and approval. 4) prior to approval of the improvement plans, the developer shall fund a traffic cost analysis to determine their pro-rata share of the cost for the construction of the full roundabout improvements. 5) Prior to building permit issuance, the developer shall pay their fair share of the construction for the full roundabout improvements.
88. **Public Roads on Tentative Map:** The streets as shown on the Vesting Tentative Map as public right-of-way in their alignments and dimensions shown are to be public roadways designed to City standards.
89. **Linear Greenway:** Project design shall incorporate a wall- free "linear greenway" along Highway 25 and shall create a framework that allows for homes to face out on the greenway and have access to the open space, with views across the agricultural fields to the mountains in the east.

Engineering – Project Phasing Specific Conditions

90. Prior to issuance of the building permit for the unit that generates 750 trips:
- **State Route 25 2nd Right Turn Lane.** Construct 2nd eastbound right turn lane with each lane providing a minimum storage length of 400 feet.
91. Prior to issuance of the building permit for the unit that generates 1,000 trips:
- **San Felipe Road and Pacific Way Intersection.** Provide one exclusive left turn lane with a minimum of 260 feet of storage length, one shared left/through lane and one exclusive right turn lane with at least 155 feet of storage length; provide westbound right turn signal overlap with southbound left turn phase. Construct 2nd southbound left turn lane with at least 200 feet of storage length and reconstruct the center

median on north leg of the intersection. In conjunction with these improvements, the applicant shall be responsible for submittal of improvement plans for retiming of the traffic signal including coordination with the traffic signals at State Route 25 and Gateway Drive.

92. Prior to issuance of the building permit for the unit that generates 1500 trips:

- **State Route 25 2nd Left Turn Lane.** Construct 2nd westbound left turn lane with storage length of at least 100 feet.
- **San Felipe Road and Pacific Way Intersection.** Widen San Felipe Road to provide an exclusive northbound right turn lane minimum 300 feet in length including signal overlap phase with westbound left turn phase; reconstruct the center median on south leg of intersection. In conjunction with these improvements, the applicant shall be responsible for submittal of improvement plans for retiming of the traffic signal including coordination with the traffic signals at State Route 25 and Gateway Drive.
- **San Felipe Road and Gateway Drive Intersection.** Convert existing southbound right turn lane to shared right/through lane and extend third southbound through lane to 500 feet south of Gateway Drive. Provide transition from three lanes to two lanes.
- **San Felipe Road.** Construct curb, gutter and sidewalk along the east side of San Felipe Road between Gateway Drive and Pacific Way. Coordinate design of driveways to existing businesses with respective property owners and City, ensuring full access is provided. Driveways on San Felipe Road will be limited to right-in, right-out; provide new access on Pacific Way opposite Chappell Road interior road.
- **Pacific Way.** Construct curb, gutter and sidewalk along the south side of Pacific Way from San Felipe Road to the phase line for future Chappell Way development phases. Construct raised median prohibiting left turns between San Felipe Road and the intersection with the second interior road located approximately 450 east of San Felipe Road.

93. **Infrastructure Design and Implementation.** Infrastructure design, sizing and cost estimates for primary system improvements (water, sewer and drainage systems) shall be completed for the entire Chappell Road annexation area prior to approval of the first Final Map within the Chappell Road Master Plan and Study Area. System improvements will be constructed by development. If improvements are constructed by others, development will contribute a fair share fee as established by the City of Hollister. All infrastructure plans must be reviewed and approved by the City prior to installation.

Engineering Dedications and Easements – Standard Conditions

94. Off-site dedication/acquisition of property for public right-of-way purposes will be necessary to facilitate orderly development, anticipated build-out improvements, and/or to satisfy mitigation measures, conditions of approval, or compliance with City Standards and policies. The subdivider shall work with the City and the land owner(s) to acquire the necessary rights-of-way. In the event the subdivider is unable to acquire said rights-of-way, the City Council may consider lending the

subdivider its powers of condemnation to acquire the off-site right-of-way dedication, including any necessary slope and drainage easements. If condemnation is required, the subdivider shall agree to pay all costs associated with the off-site right-of-way acquisition (including attorney fees and court costs).

95. With respect to all off-site improvements, prior to filing of the Final Map, the subdivider shall either:
- a. Clearly demonstrate their right to construct the improvements by showing title or interest in the property in a form acceptable to the City Engineer; or,
 - b. Demonstrate, in writing, that the subdivider has exhausted all reasonable efforts to acquire interest to the subject property and request that the City assist in acquiring the property required for the construction of such improvements and exercise its power of eminent domain in accordance with Government Code Section 66462.5 to do so, if necessary. Subdivider shall also enter into an agreement with the City to pay all costs of such acquisition including, but not limited to, all costs associated with condemnation. Said agreement shall be in a form acceptable to the City Engineer and the City Attorney. If condemnation proceedings are required, the subdivider shall submit, in a form acceptable to the City Engineer, the following documents regarding the property to be acquired:
 - i. Property legal description and plat stamped and signed by a Licensed Land Surveyor or Civil Engineer authorized to practice land surveying in the State of California;
 - ii. Preliminary title report including chain of title and litigation guarantee;
 - iii. Appraisal of the property by a City approved appraiser. In the course of obtaining such appraisal, the property owner(s) must be given an opportunity to accompany the appraiser during any inspection of the property or acknowledge in writing that they knowingly waived the right to do so;
 - iv. Copies of all written correspondence with off-site property owners including purchase summary of formal offers and counter offers to purchase at the appraised price.
 - v. Prior to submittal of the aforementioned documents for City Engineer approval, the Subdivider shall deposit with the City all or a portion of the anticipated costs, as determined by the City Attorney, of the condemnation proceedings. The City does not and cannot guarantee that the necessary property rights can be acquired or will, in fact, be acquired. All necessary procedures of law would apply.

Engineering Transportation Improvements – Project Specific

96. The applicant shall submit a final Transportation Improvement Phasing Plan for each final map development phase of the Project for City review and approval prior to recordation of the first final map.

97. Project transportation infrastructure shall be completed in the sequential phase order as evaluated in the project EIR, Transportation Impact Study, the "San Felipe Road Corridor Study," dated February 19, 2021 including supplemental analysis, or as agreed to between the City and Developer. If phasing is modified, amendments to the Development Plan and EIR may be required.
98. The improvement plan submittal shall include a complete construction phasing plan in accordance with the mitigation measures, conditions of approval, City codes, and standards.
99. Detailed plans shall be provided for any off-site or out-of-phase improvements in conjunction with the proposed phasing plans unless preliminary or final designs are needed for orderly development and/or to substantiate the design of an adjoining phase.
100. All public streets shall conform to City Engineering Standards and the specific plan including curb, gutter, and sidewalk, driveway approaches, and curb ramps as approved by the City Engineer. Where conflicts occur between the City Engineering Standards and concepts identified in the Chappell Road project approval documents and/or represented on the tentative map, the City Engineer shall make the final determination of design approval and/or exceptions.
101. All subdivision improvements shall be consistent with the City Engineering Standards except where the applicant has requested and been granted a formal design exception by the City Engineer. Design exceptions shall be requested in a format approved by the City and shall be accompanied by the required application and review fee. The applicant shall summarize the need for the request, alternatives, and may be asked to propose final construction details, specifications, and minimum construction tolerances/testing for review and approval by the City Engineer in support of the request. The request shall be approved by the City Engineer prior to submittal of complete public improvement plans.
102. Final street sections shall be approved in conjunction with the review and approval of the final project drainage report. The final design shall consider drainage, transitions, and accessibility.
103. **San Felipe Road and Gateway Drive Intersection.** Prior to issuance of the occupancy permit for the first unit of the development, improvements shall be made to the intersection of Gateway Drive at San Felipe Road, per the San Felipe Corridor Study, including installation of a traffic signal with pedestrian crossing device (including striping and signage), and streetlights. Construct concrete driveway, sidewalk and accessible pedestrian ramps on the east side of the intersection. Construct storm drain system to replace the existing roadside ditch. Should the improvements be made by others, a fair share contribution shall be made, on a per trip basis.
104. **San Felipe Road Frontage Improvements.** Prior to issuance of the occupancy permit for the first unit of the development, construct sidewalk, curb and gutter between Pacific Way and State Route 25. Access from San Felipe Road between Pacific Way and State Route 25 shall be limited to right-turn in only. Should the improvements be made by others, a fair share contribution shall be made, on a per trip basis.

105. **Pacific Way.** Pacific Way shall consist of at a minimum one travel lane and a Class II bicycle lane in each direction, and sidewalk, curb and gutter along the north side of Pacific Way for the length of the phase's frontage. Should the improvements be made by others, a fair share contribution shall be made, on a per trip basis.
106. **San Felipe Road and Pacific Way Intersection.** Prior to issuance of the occupancy permit for the first unit of the development, improvements shall be made to the new intersection of Pacific Way at San Felipe Road including installation of a traffic signal with pedestrian crossing devices (including striping and signage), streetlights, and interconnects to the traffic signals at Gateway Drive and State Route 25; a minimum of one southbound exclusive left turn lane with minimum 200 feet of storage length shall be provided on San Felipe Road. Concrete curb returns, accessible pedestrian ramps shall be constructed at each corner, connecting to the existing sidewalk on the west side of San Felipe Road south of the intersection and to the project frontage sidewalk north of the intersection. The intersection improvements including signal poles, equipment, curb, gutter and sidewalk shall be designed and constructed in conformance with the Transportation Improvement Phasing Plan and the San Felipe Road Corridor Study. In conjunction with these improvements, the applicant shall be responsible for coordination of the traffic signal with the traffic signals at State Route 25 and Gateway Drive, including installation of signal equipment as needed and approval/encroachment permit issuance from Caltrans. Should the improvements be made by others, a fair share contribution shall be made, on a per trip basis.

Airport – Standard Conditions of Approval

107. **Airport Land Use Commission (ALUC):** Prior to the building permit issuance, the applicant must receive land use consistency from the Airport Land Use Commission. For more information, please contact the San Benito County Council of Governments at 831-637-7665.
108. Prior to building permit issuance for any site improvement, the applicant must notify the City of Hollister Airport director any dates that a crane would be used on site. If the crane exceeds 80 feet in height, the applicant must complete an airspace analysis with the FAA (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>), If the crane is less than 80 feet in height, the Airport Director will file the required NOTAM with the FAA. The crane will be required to display an orange and white checkered aircraft flag at its highest point, if the crane is left elevated at night it must also have a flashing red beacon. For more information please contact the Hollister Airport at 831-636-4365.
109. Prior to occupancy of any building permit issued, the applicant shall submit a site plan to the City of Hollister Airport Manager and obtain approval for project lighting. For more information, contact the Airport Manager at 831-636-4365.

Caltrans Permitting

110. Separate plans and permits are required from the State of California Department of Transportation (Caltrans) for work or construction staging within state public rights-of-way. Said plans shall be provided to the City of Hollister for review and approval of consistency with the project mitigation measures, conditions of approval, Development Plan, Specific Plan, and conformance with the subdivision improvements.

MITIGATION MEASURES – Project Specific

111. **EIR Mitigation Measures.** The subdivision is subject to the applicable mitigation measures of the certified Final EIR and Mitigation Monitoring and Reporting Program (MMRP) for the Chappell Road Project. The applicable measures listed below shall carry through to all phases of project construction and operation. The project applicant/developer is responsible implementing all measures and demonstrating compliance to the City of Hollister based on the timing of the measure in the MMRP.

MM 3.1.4	Nighttime lighting plan.
MM 3.2.1	Agricultural land mitigation.
MM 3.3.2	Prohibit wood burning fireplaces.
MM 3.3.5a	Lower emission construction equipment.
MM 3.3.5b	Construction pollutant mitigation plan.
MM 3.4.1a	Worker Environmental Awareness Program (WEAP).
MM 3.4.1b	Preconstruction surveys/setbacks.
MM 3.4.1c	Bird surveys/buffers.
MM 3.4.1d	Raptor protection.
MM 3.4.1e	Bat protection.
MM 3.4.1f	Preconstruction surveys.
MM 3.4.1g	No monofilament plastic or mesh.
MM 3.4.1h	Protective fencing.
MM 3.4.1i	Litter control.
MM 3.4.1j	Refueling location.
MM 3.4.1k	Construction vehicle speed limits.
MM 3.5.2	Cultural/tribal/paleontological resource protection.
MM 3.5.3	Tribal/archaeological resource protection.
MM 3.7.2	Greenhouse gas reduction.
MM 3.8.2a	Prepare Phase I ESA.
MM 3.8.2b	Hazards encountered during construction.
MM 3.8.2c	Use qualified asbestos contractor.
MM 3.8.2d	Prevent accidental release of lead-based paint.
MM 3.8.2e	Prevent accidental release of PCBs.
MM 3.14.1a	Pay County TIMF fees.
MM 3.14.4a	Off site bicycle facilities study.
MM 3.14.4b	Contribute to planned bicycle facilities in project area.
MM 3.14.4c	Installation of sidewalks.
MM 3.14.4d	Develop safe routes to school program.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 17th day of November 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Adrianna Ortiz, Secretary

Please Note

It is the sole responsibility of the project applicant to comply with the conditions as approved, modified, or added by the Planning Commission. It is recommended that the applicant review these conditions carefully and if any questions arise as to compliance with the conditions, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the City Council at their meeting. In addition, the City provides for a 15-day appeal period.

PLANNING COMMISSION RESOLUTION NO. 2022-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING
CONDITIONAL USE PERMIT 2022-2 FOR A PLANNED UNIT DEVELOPMENT ASSOCIATED WITH THE
SUBDIVISION OF 18.24 ACRES INTO 92 TOTAL LOTS, INCLUDING 75 LOTS FOR SINGLE FAMILY
RESIDENTIAL USE, 16 DUET LOTS, AND A PARK DEDICATION LOT IN THE LOW DENSITY RESIDENTIAL
PERFORMANCE OVERLAY ZONING DISTRICT LOCATED AT CHAPPELL ROAD SOUTH OF THE SR 25
BYPASS
(KRAMER COMMONS, DAL PROPERTIES LLC)
APN 019-170-084 AND PORTION OF 019-170-083**

WHEREAS, under the provisions of Section 17.24.240 *Planned Development Permits* of Title 17 *Zoning* and Section 16.16.030 of Title 16 *Subdivisions* of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Planned Unit Development and subdivision applications; and

WHEREAS, DAL Properties, LLC (“the applicant”) has submitted an application for Vesting Tentative Map 2021-5 to subdivide 18.24 acres into 92 total lots including 75 single family residential lots, 16 duet lots and a lot for water treatment and a linear park in conjunction with an application for Conditional Use Permit 2022-2 for a Planned Unit Development, located east of Chappell Road, further identified as San Benito County Assessor Parcel Numbers (APN) 019-170-084 and a portion of 019-170-083; and

WHEREAS, the City Planning Division received the applicant’s plans and forwarded the request to the Development Review Committee to assess the proposal for compliance with all relevant regulations; and

WHEREAS, the City of Hollister prepared an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) during the rezoning process of the property identified as San Benito County Assessor Parcel Numbers (APN) 019-170-084 and a portion of 019-170-083 and adjacent properties, per Prezone Application 2015-1, which contemplated the environmental effects that would occur from development associated with the property; and

WHEREAS, on June 18, 2018 the City Council approved Resolution 2018-167 to certify the Environmental Impact Report, Mitigation Monitoring and Reporting Program for the property identified as (APN) 019-170-084 and a portion of 019-170-083 and surrounding properties; and

WHEREAS, on August 6, 2018 the City Council adopted Ordinance 1159 for the rezoning of a portion of the property identified as APN 019-170-083 and adopted Ordinance 1160 for the rezoning of the property identified as APN 019-170-084; and

WHEREAS, on September 17th, 2018 the City Council approved Resolution 2018-221 approving an Annexation Agreement between the City and the applicant ensuring implementation of the City/County tax share agreement, City policy and compliance with LAFCO policies; and

WHEREAS, following a public hearing held on January 10, 2019 the San Benito County Local Agency Formation Commission approved the annexation of the property identified as San Benito County

Assessor Parcel Number (APN) 019-170-084 and a portion of 019-170-083 into the corporate limits of the City of Hollister; and

WHEREAS, the Development Review Committee considerations were presented to the Planning Commission as part of the City staff report; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 17, 2022, to consider Conditional Use Permit 2022-2 for a Planned Unit Development, review the City staff report, and receive written and oral testimony for and against the proposal; and

WHEREAS, the project is identified as "Parcels 1 and 2" in the certified Chappell Road Project Final EIR (February 2018). That Programmatic EIR, prepared for the annexation of the property, assumed that Parcels 1 and 2 would develop within five years and could yield up to 147 single family units. As the VTM as proposed would yield 90 residential lots and is within the single-family density range of 1-8 du/ac, Staff has concluded that the previously certified EIR reflects the proposed subdivision and sufficiently analyzed the map as submitted. No further environmental documentation under CEQA is required, pursuant to CEQA Guidelines Section 15168 c (2), as the proposed action is within the scope of the project covered by the certified EIR; and

WHEREAS, after closing the public hearing, the Planning Commission deliberated and determined to grant the applicant's request in accordance with Section 17.24.240 and Section 16.16.030 of the Hollister Municipal Code, and based on the facts as presented, and the code requirements as plainly stated; and

NOW THEREFORE IT IS RESOLVED, that the proposed application for Conditional Use Permit 2022-2 for a Planned Unit Development is hereby approved with the following findings and conditions:

PLANNED UNIT DEVELOPMENT FINDINGS:

- A. The proposed development is one allowed within the subject zoning district and complies with all of the applicable provisions of this Zoning Ordinance, including prescribed development/site standards/guidelines and any adopted design guidelines because:
 - 1. The subdivision would result in 91 new residential lots (92 lots total). The overall density of the project is 4.29 dwelling units per acre. This is consistent with the Low Density Residential Performance Overlay Zoning District which allows between 1-8 dwelling units per acre. The subdivision is in compliance with all relevant regulations in the City of Hollister Zoning and Subdivisions Ordinances and the Conditions of Approval of this Conditional Use Permit for Planned Unit Development which provide additional project design guidelines.
- B. The proposed development is consistent with the General Plan because:
 - 1. The development is proposed at 4.9 dwelling units per gross acre which is consistent with the Low Density Residential designation in the General Plan.

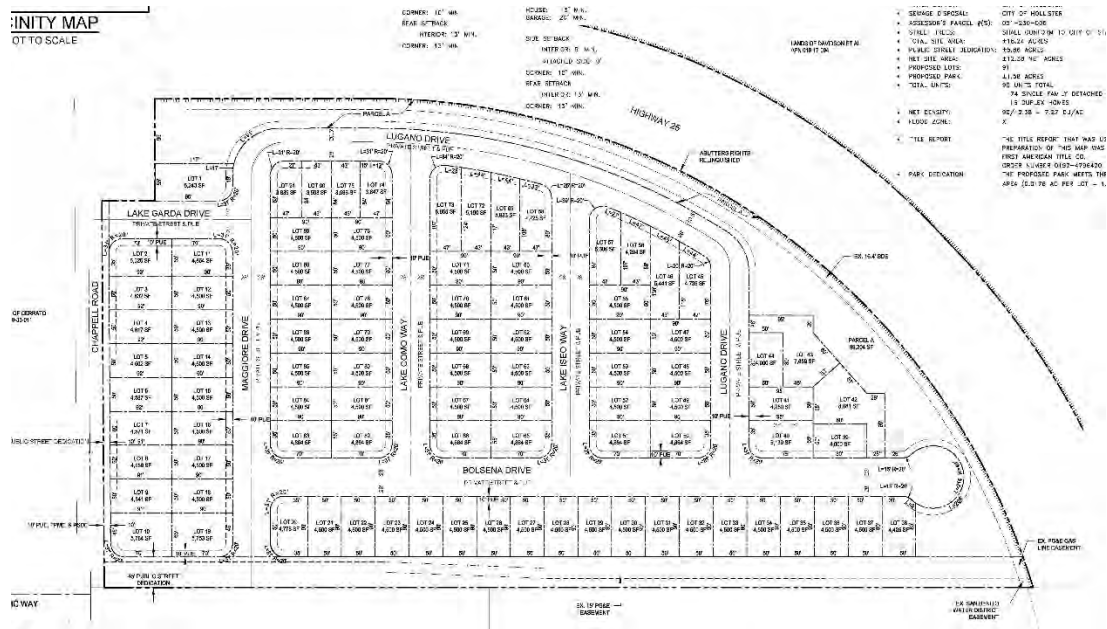
- C. The approval of the Planned Development Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA) because:
1. The property is identified as "Parcels 1 and 2" in the certified Chappell Road Project Final EIR (February 2018, SCH # 2016101044). That Programmatic EIR assumed that Parcels 1 and 2 would develop within five years and could yield up to 147 single family units. Staff has concluded that the previously certified EIR reflects the proposed subdivision and sufficiently analyzed the potential environmental effects of the map as submitted and resulting residential uses. No further environmental documentation under CEQA is required, pursuant to CEQA Guidelines Section 15168 c (2), as the proposed action is within the scope of the project covered by the certified EIR. The subdivision and Planned Unit Development is subject to the mitigation measures of the certified EIR.
- D. The proposed development would be harmonious and compatible with existing and future developments within the zoning district and general area, as well as with the land uses presently on the subject property because:
1. The project as proposed includes new residential development with interesting street patterns, site planning, and neighborhood design. The proposed project includes connections among new neighborhoods with the rest of the Chappell Road Master Plan area for pedestrians and bicyclists. The proposed project includes a park dedication area of 1.58 acres. The project will contribute to the San Felipe Road roadway improvements identified by the City.
- E. The subject site is physically suitable for the type and density/intensity of use being proposed because:
1. The project site is generally flat, vacant land in its current use. The site is designated Low Density Residential in the City of Hollister General Plan and is zoned Low Density Residential Performance Overlay (R1-L/PZ), which allows for single family development between 1-8 units per acre. The project is proposed to be a single family residential at 4.9 units per acre (including duet units), which is consistent with the general plan and zoning designations for the property.
- F. There are adequate provisions for public access, water, sanitation, and public utilizes and services to ensure that the proposed development would not be detrimental to public health and safety because:
1. The project site is in close proximity to existing City services and utilities and will tie into those existing connections to provide adequate services to the project site.
- G. The design, location, size, and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because:
1. The project location has been anticipated for single family residential development consistent with the Chappell Road Project annexation and master plan efforts. The size of

the subdivision is consistent with the General Plan and zoning, and the neighborhood would operate as a key neighborhood with future connections to future neighborhoods to the south and future commercial area to the west. The subdivision design will provide some variation in lot size, and ultimately proposes single family and duet housing plans with variation in appearance and massing. The project meets and exceeds the single-family development requirements and low-density residential development requirements of the municipal code and the conditions of approval ensure that any fair share contributions to off-site improvements and project development impact fees to accommodate the new development shall be contributed by the developer. For these reasons, the project would not be detrimental to the public interest, health, safety, convenience or welfare of the City or its residents.

**CONDITIONS OF APPROVAL
CUP 2022-2 for PUD**

1. **Approval.** This approval is for Conditional Use Permit 2022-2 for a Planned Unit Development submitted by DAL Properties, LLC on February 8, 2022. Approval of this Conditional Use Permit is contingent upon approval of Tentative Map 2021-5.
2. **Permit Expiration.** This approval expires on November 17, 2024, unless the City grants an extension or an extension. Upon issuance of a final occupancy permit for any development within this Planned Unit Development, these conditions shall run with the land.
3. **Time Extension.** In accordance with Section 17.24.240(H) of the Municipal Code, the Planning Commission may extend the time for a Planned Unit Development upon the Applicant(s) written request for an extension of approval submitted at least thirty (30) days prior to the expiration of the permit, together with the filing fee. The application for an extension shall state the reasons for requesting an extension. A request for an extension may be approved, approved conditionally, or denied by the Planning Commission.
4. **Appeal Period.** No entitlements that rely upon this approval shall be granted during the 15-day appeal period. In the case of an appeal being filed, no entitlements shall be granted until final action is taken on the appeal.
5. **Indemnification.** The Applicant/Developer shall defend, indemnify, and hold harmless the City of Hollister and its agents, officers, employees, advisory board from any claim, action, or proceeding against the City of Hollister or its agents, officers, or employees to attack, set aside, void or annul an approval of the City of Hollister or its advisory agency, appeal board, Planning Commission, City Council, Director of Development Services or any other department, committee, or agency of the City related to this project to the extent that such actions are brought within the time period required by Government Code Section 66499.37 or other applicable law; provided, however that the Applicant/Developer's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant/Developer of any claim against the City and shall cooperate in the defense.

6. **Standard Plans and Specifications.** All improvements required shall be constructed in accordance with the City of Hollister Standard Plans and Specifications and receive approval by the City of Hollister Engineering Department. All applicable codes and ordinances, along with the recommendations of the City Engineer and any required Geologic Investigation, are to be adhered to, and all required fees shall be paid.
7. **Location.** This Planned Unit Development applies Tentative Map 2021-5 as shown below:



8. **Development Standards for Single Family Detached.**

Development Standard	Planned Development
Minimum Lot Size	4,400 SF min.
Lot Width	Corner: 55 feet Interior: 50 feet
Front Yard Setback	Residence: 13 feet Porch: 10 feet Garage: 20 feet
Side Yard Setback	Interior: 5 feet Corner: 10 feet
Rear Yard Setback	13 feet

9. **Development Standards for Duettes.**

Development Standard	Planned Development Request
Minimum Lot Size	3,360 SF min.
Lot Width	Corner: 47 feet Interior: 42 feet

Front Yard Setback	Residence: 13 feet Porch: 10 feet Garage: 20 feet
Side Yard Setback	Interior: 5 feet Corner: 10 feet Attached Side: 0 feet
Rear Yard Setback	13 feet

10. **Permitted Uses.** Permitted uses shall be the uses identified for R1 (Low Density Residential) in the Zoning Ordinance.

11. **All Other Resolutions:** Resolutions and ordinances approved for the certification of the environmental document pursuant to CEQA, the Prezone, Tentative Map, and Conditional Use Permit for a Planned Unit Development for the project shall also apply to this resolution. The CUP is subject to the applicable mitigation measures of the certified Final EIR and Mitigation Monitoring and Reporting Program (MMRP) for the Chappell Road Project. The applicable measures listed below shall carry through to all phases of project construction and operation. The project applicant/developer is responsible implementing all measures and demonstrating compliance to the City of Hollister based on the timing of the measure in the MMRP.

- MM 3.1.4 Nighttime lighting plan.
- MM 3.2.1 Agricultural land mitigation.
- MM 3.3.2 Prohibit wood burning fireplaces.
- MM 3.3.5a Lower emission construction equipment.
- MM 3.3.5b Construction pollutant mitigation plan.
- MM 3.4.1a Worker Environmental Awareness Program (WEAP)
- MM 3.4.1b Preconstruction surveys/setbacks.
- MM 3.4.1c Bird surveys/buffers.
- MM 3.4.1d Raptor protection.
- MM 3.4.1e Bat protection.
- MM 3.4.1f Preconstruction surveys.
- MM 3.4.1g No monofilament plastic or mesh.
- MM 3.4.1h Protective fencing.
- MM 3.4.1i Litter control.
- MM 3.4.1j Refueling location.
- MM 3.4.1k Construction vehicle speed limits.
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- MM 3.8.2e Prevent accidental release of PCBs.
- MM 3.14.1a Pay County TIMF fees.

- MM 3.14.4a Off site bicycle facilities study.
- MM 3.14.4b Contribute to planned bicycle facilities in project area.
- MM 3.14.4c Installation of sidewalks.
- MM 3.14.4d Develop safe routes to school program.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 17th day of November 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Adriana Ortiz, Secretary

Please Note

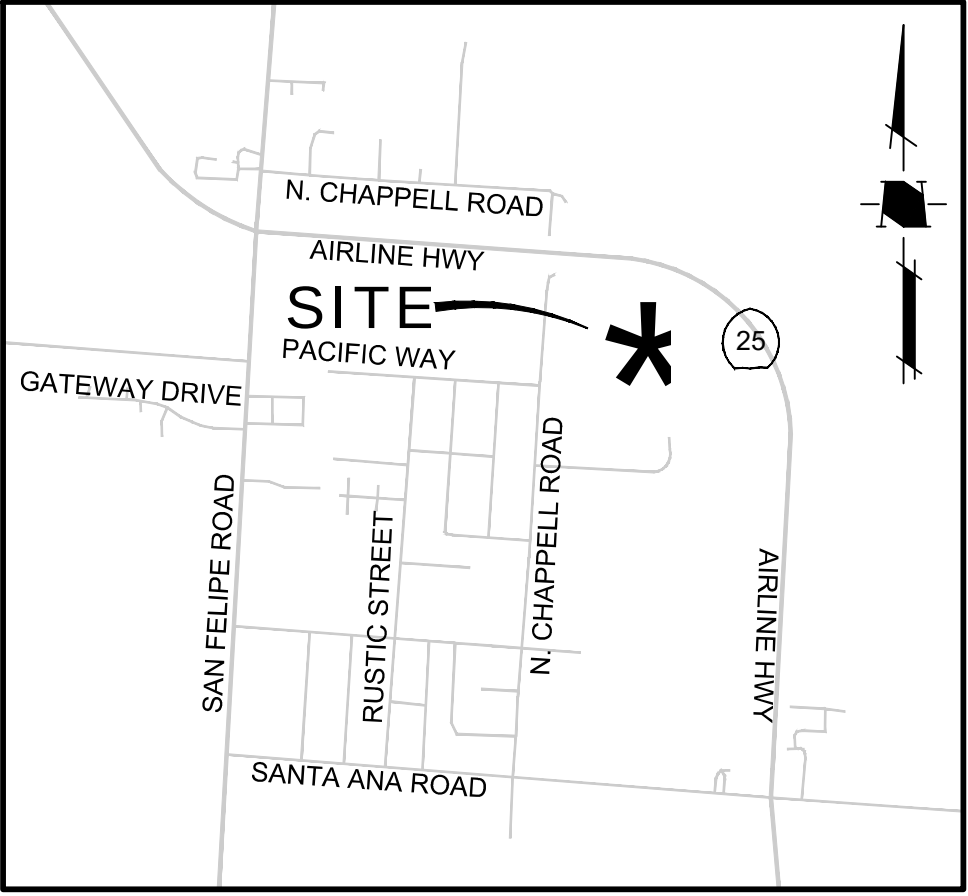
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- GENERAL NOTES:
- ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF HOLLISTER STANDARD PLANS AND SPECIFICATIONS EXCEPT AS NOTED.
 - STORM DRAINAGE: BY POSITIVE SYSTEM TO AN ON-SITE UNDERGROUND STORAGE WITH INFILTRATION AND OUTFLOW. TO BE CONSTRUCTED AND APPROVED BY CITY STANDARDS.
 - SEWAGE DISPOSAL: BY THE CITY OF HOLLISTER SEWER SYSTEM.
 - WATER SUPPLY: BY THE CITY OF HOLLISTER WATER SYSTEM.
 - STREET LIGHTING SHALL BE INSTALLED AS PER THE CITY OF HOLLISTER STANDARD SPECIFICATIONS.
 - ASSESSORS PARCEL NO. PORTIONS OF 019-17-083 & 019-17-084
 - PROJECT AREA: 18.24 ACRES +/-
 - TOTAL NO. OF LOTS: 91 LOTS
 - GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
 - PUBLIC UTILITIES ARE TO BE INSTALLED UNDER GROUND IN PUBLIC STREETS OR EASEMENTS.
 - THE SUBDIVIDER HEREBY RESERVES THE RIGHT TO FILE "MULTIPLE SUBDIVISION MAPS" AS SET FORTH BY THE SUBDIVISION MAP ACT, ARTICLE 4, SECTION 66456.1., AND FILE PARCEL MAP FOR REASON OF SALE. AL PARCEL UNLESS SHALL CONFORM TO THIS TENTATIVE MAP.
 - PUBLIC UTILITY EASEMENTS WILL BE PROVIDED ALONG ALL STREET FRONTAGE.
 - BUILDING SETBACKS WILL BE AS PER THE DEVELOPMENT STANDARDS SHOWN ON SHEET TM-2.
 - ALL EXISTING TREES ARE TO BE REMOVED, SEPTIC TANKS, LEACH FIELDS, AND WELLS ON SITE WILL BE REMOVED OR ABANDONED AS PER CITY OF HOLLISTER REQUIREMENTS.

KRAMER COMMONS

VESTING TENTATIVE MAP

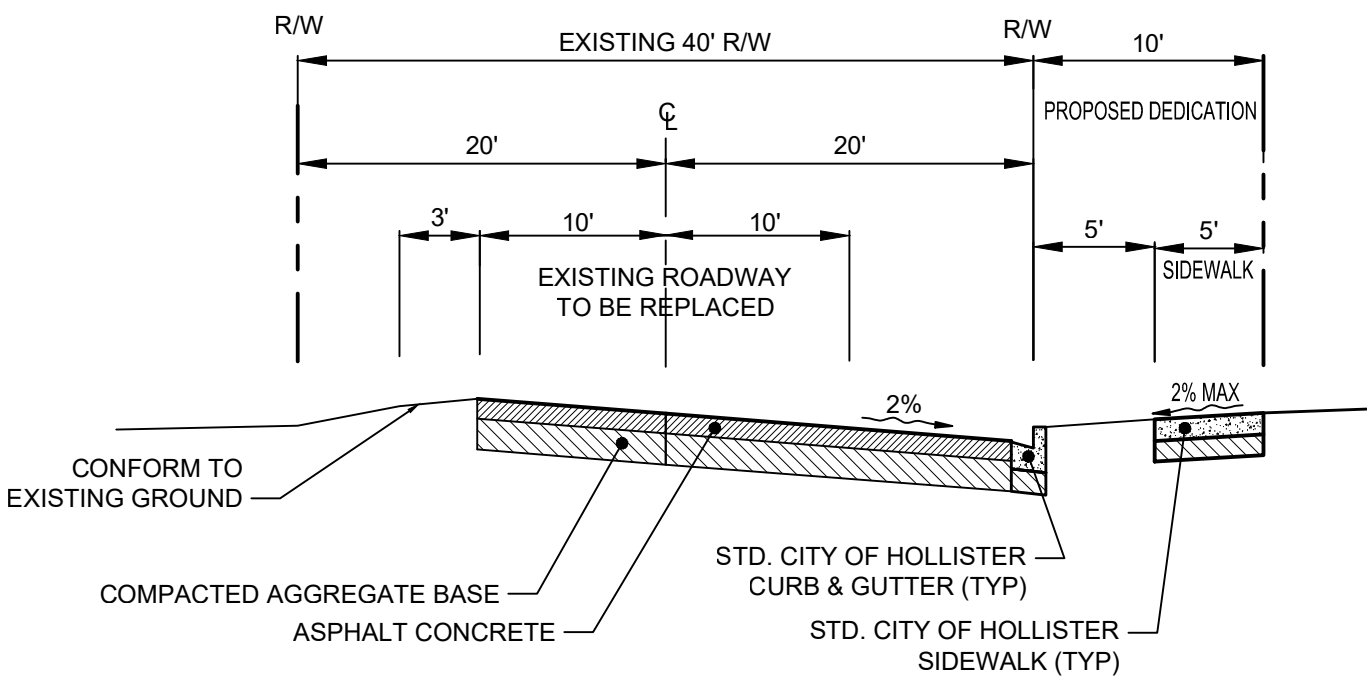
HOLLISTER, SAN BENITO COUNTY, CALIFORNIA



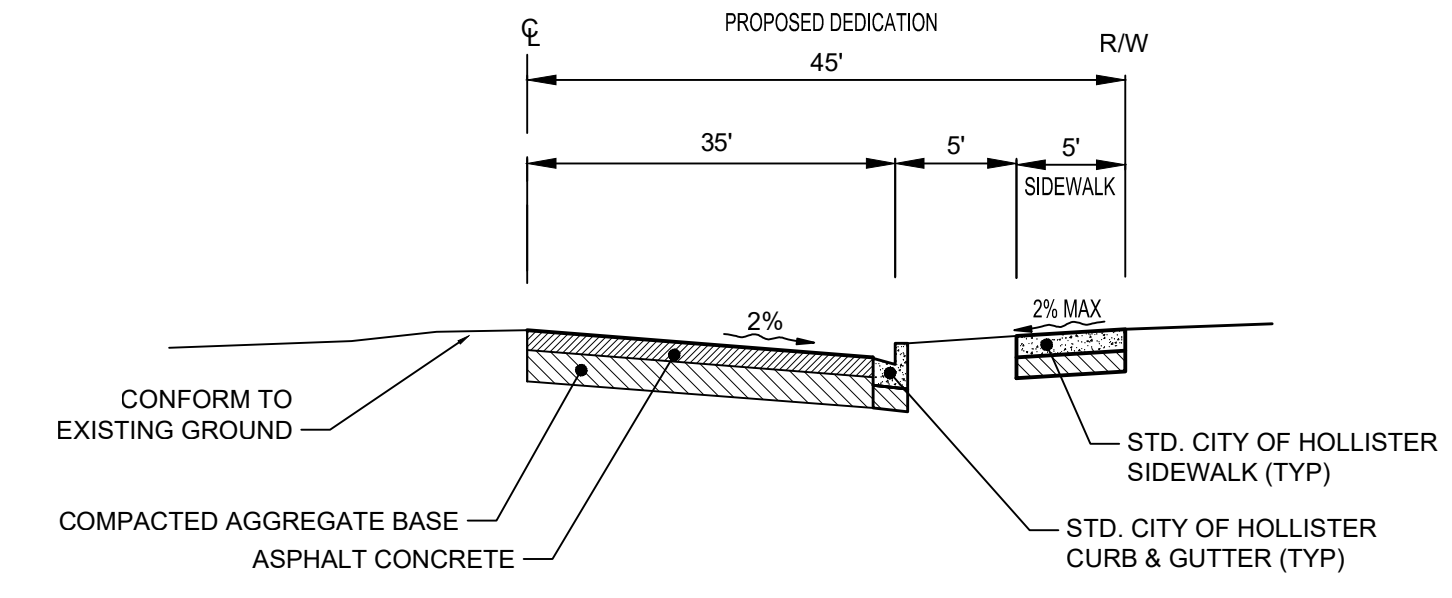
VICINITY MAP
NOT TO SCALE

ABBREVIATIONS

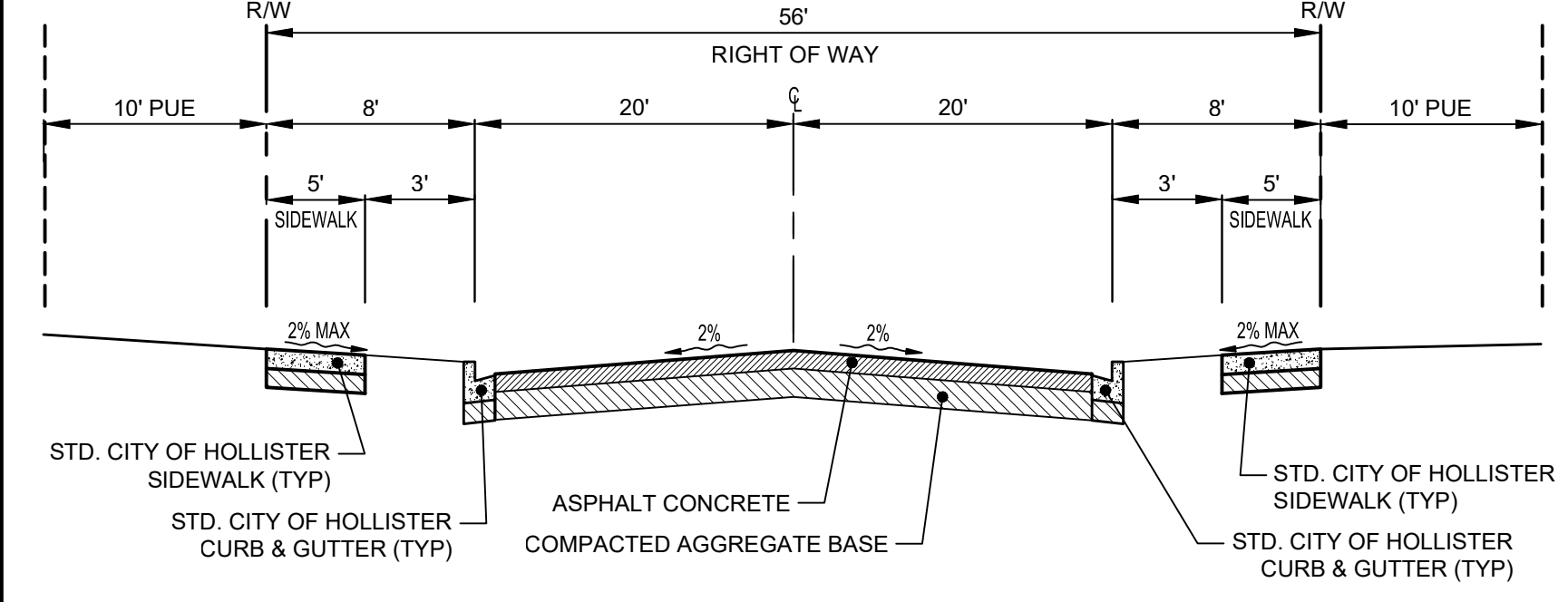
@	AT
BC	BEGIN CURVE
BVC	BEGIN VERTICAL CURVE
BW	BOTTOM OF WALL
C / CL	CENTERLINE
CMU	CONCRETE MASONRY UNIT
EC	END CURVE
EG	EXISTING GROUND
ER	END OF RETURN
EVC	END VERTICAL CURVE
EX(E)	EXISTING
FF	FINISHED FLOOR
FG	FINISHED GRADE
GB	GRADE BREAK
GS	GARAGE SLAB
HP	HIGH POINT
LP	LOW POINT
MSE	MECHANICALLY STABILIZED EARTH
NTS	NOT TO SCALE
P / PAD	PAD ELEVATION
E / PL	PROPERTY LINE
POC	POINT ON CURVE
PSDE	PRIVATE STORM DRAIN EASEMENT
PSE	PUBLIC SERVICE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PVC	POLYVINYL CHLORIDE
PVI	POINT OF VERTICAL INTERSECTION
RCP	REINFORCED CONCRETE PIPE
RG	ROUGH GRADE
RW	RIGHT OF WAY
SD	STORM DRAIN
SDCI	STORM DRAIN CURB INLET
SDE	STORM DRAIN EASEMENT
SDFI	STORM DRAIN FIELD INLET
SDJB	STORM DRAIN JUNCTION BOX
SDMH	STORM DRAIN MANHOLE
SDRE	STORM DRAIN RELEASE EASEMENT
TC	TOP OF CURB
TDC	TOP OF DEPRESSION CURB
TRC	TOP OF ROLLED CURB
TUC	TOP OF U CHANNEL
TG	TOP OF GRATE
TW	TOP OF WALL
TYP	TYPICAL



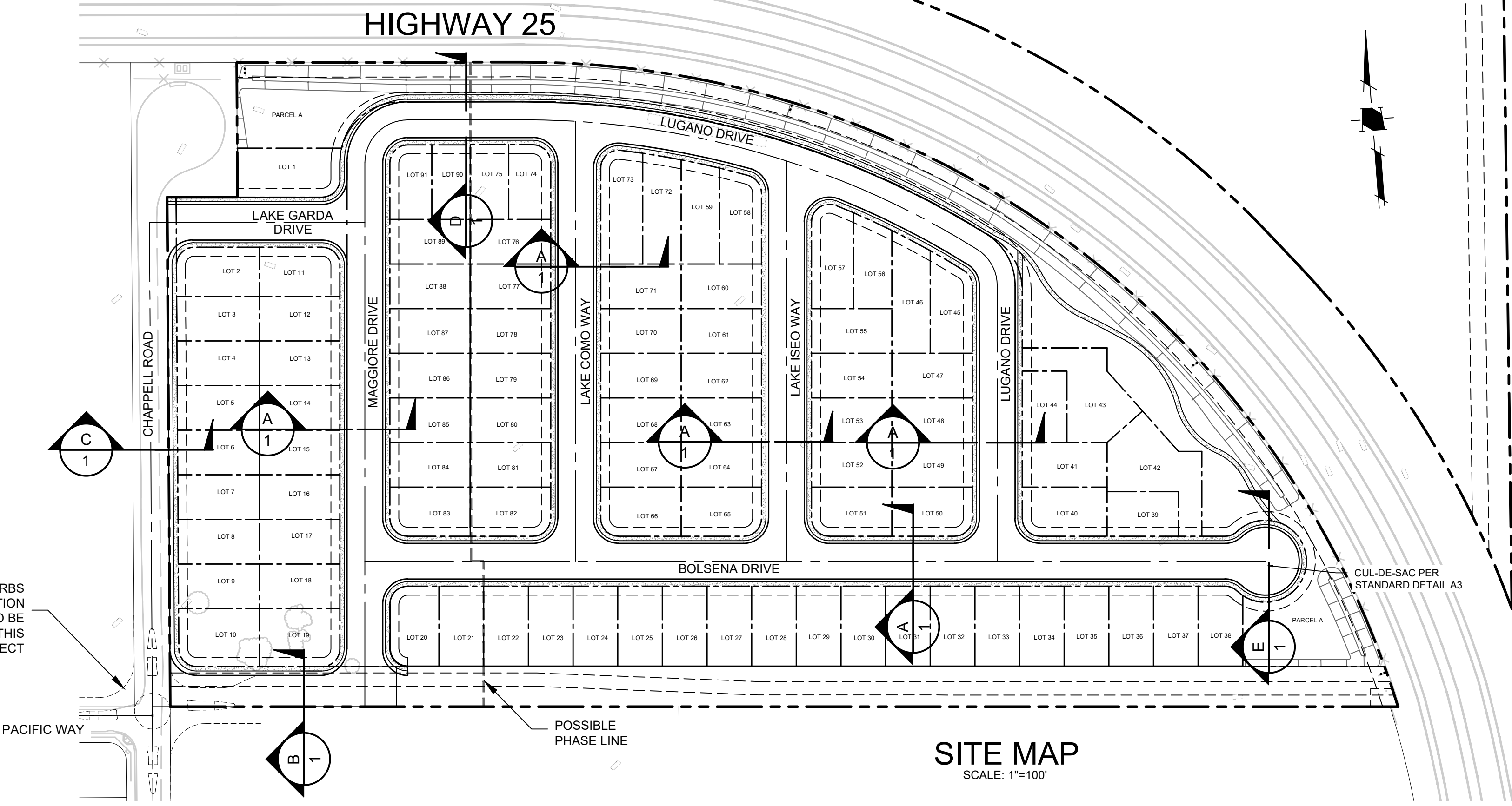
C CHAPPELL ROAD CONFORM
NTS



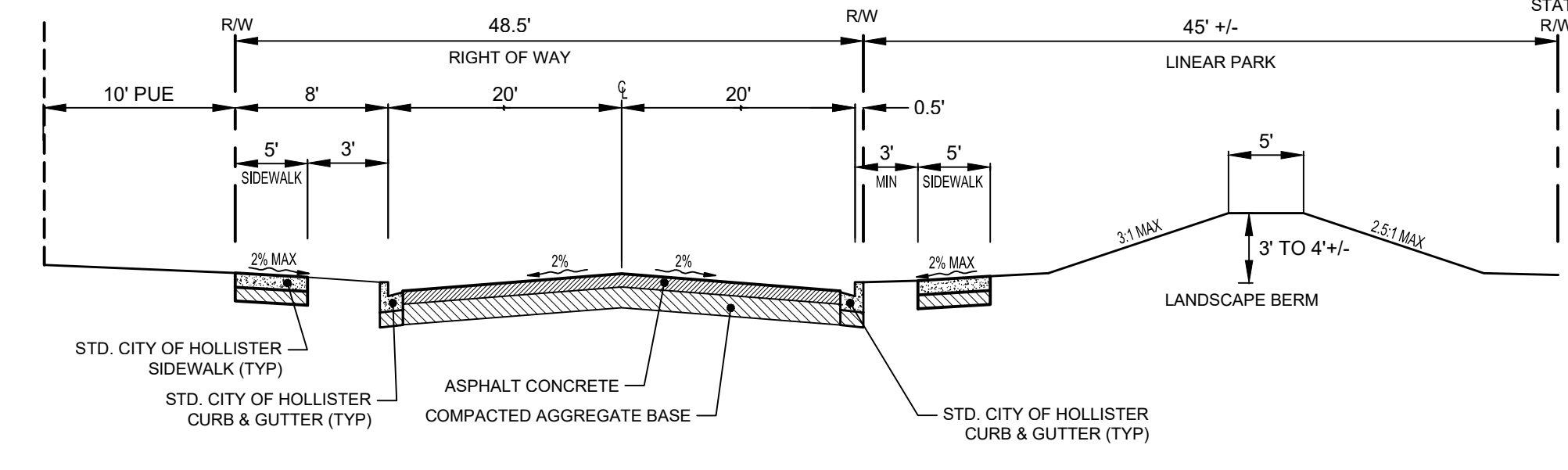
B PACIFIC WAY EXTENSION
NTS



A TYPICAL 56' R.O.W. (PRIVATE)
NTS



E CUL-DE-SAC (PRIVATE)
NTS



D PARK FRONTAGE STREET (PRIVATE)
NTS

SITE MAP
SCALE: 1"=100'

SHEET INDEX

SHEET NO.	TITLE
1.	TITLE SHEET
2.	TENTATIVE MAP
3.	GRADING AND DRAINAGE PLAN
4.	UTILITY PLAN
5.	STORMWATER CONTROL PLAN
6.	STORMWATER DETAILS

PROJECT BASIS OF BEARING

THE BEARING SHOWN ON THIS MAP ARE BASED ON THE CENTERLINE OF PACIFIC WAY, AS FOUND MONUMENTED AND RECORDED AS NORTH 87°13'33" WEST IN BOOK 11 OF MAP, AT PAGE 84 SAN BENITO COUNTY RECORDS ROTATED CLOCKWISE 1°32'03"

PROJECT BENCHMARK

ELEVATION DATUM:
TOP OF MAGNAN LOCATED IN CUL-DE-SAC ELEVATION 269.31 FEET DATUM.
NAVD 1988 ESTABLISHED BY GPS METHODS

HMH
Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHca.com

KRAMER COMMONS

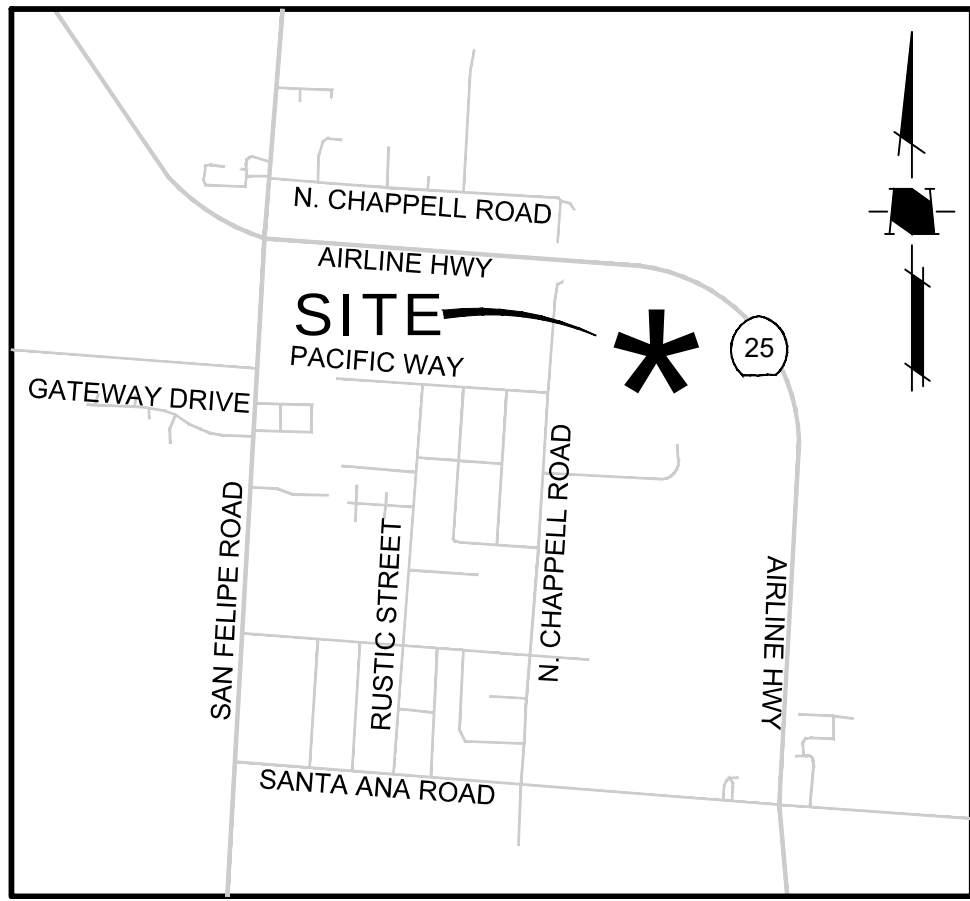
VESTING TENTATIVE MAP

CHAPPELL ROAD HOLLISTER CALIFORNIA

NO	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

PROJECT NO.	5937.00
CAD DWG FILE:	593700TS.DWG
DESIGNED BY:	AVMM/PS
DRAWN BY:	SM
CHECKED BY:	PS
DATE:	03-26-2021
SCALE:	AS SHOWN
©	HMH

TITLE SHEET



VICINITY MAP
NOT TO SCALE

DEVELOPMENT STANDARDS

STANDARD LOTS

LOT SIZE
AVERAGE: 4500 SF
MINIMUM :4400 SF
LOT WIDTH
INTERIOR: 50' MIN.
CORNER: 55' MIN.

FRONT SETBACK
PORCH 10' MIN.
HOUSE: 13' MIN.
GARAGE: 20' MIN.

SIDE SETBACK
INTERIOR: 5' MIN.
CORNER: 10' MIN.
REAR SETBACK
INTERIOR: 13' MIN.
CORNER: 13' MIN.

DUET LOTS

THE FOLLOWING LOTS WILL CONTAIN
DUET UNITS:
39, 42 THROUGH 46, 56 THROUGH 59,
72 THROUGH 75, 90 AND 91

DUET LOT SIZE:
AVERAGE: 4930 SF
MINIMUM: 3360 SF

DUET LOT WIDTH:
INTERIOR: 42' MIN.
CORNER 47' MIN.

FRONT SETBACK
PORCH 10' MIN.
HOUSE: 13' MIN.
GARAGE: 20' MIN.

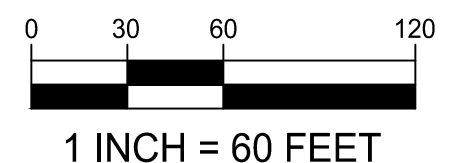
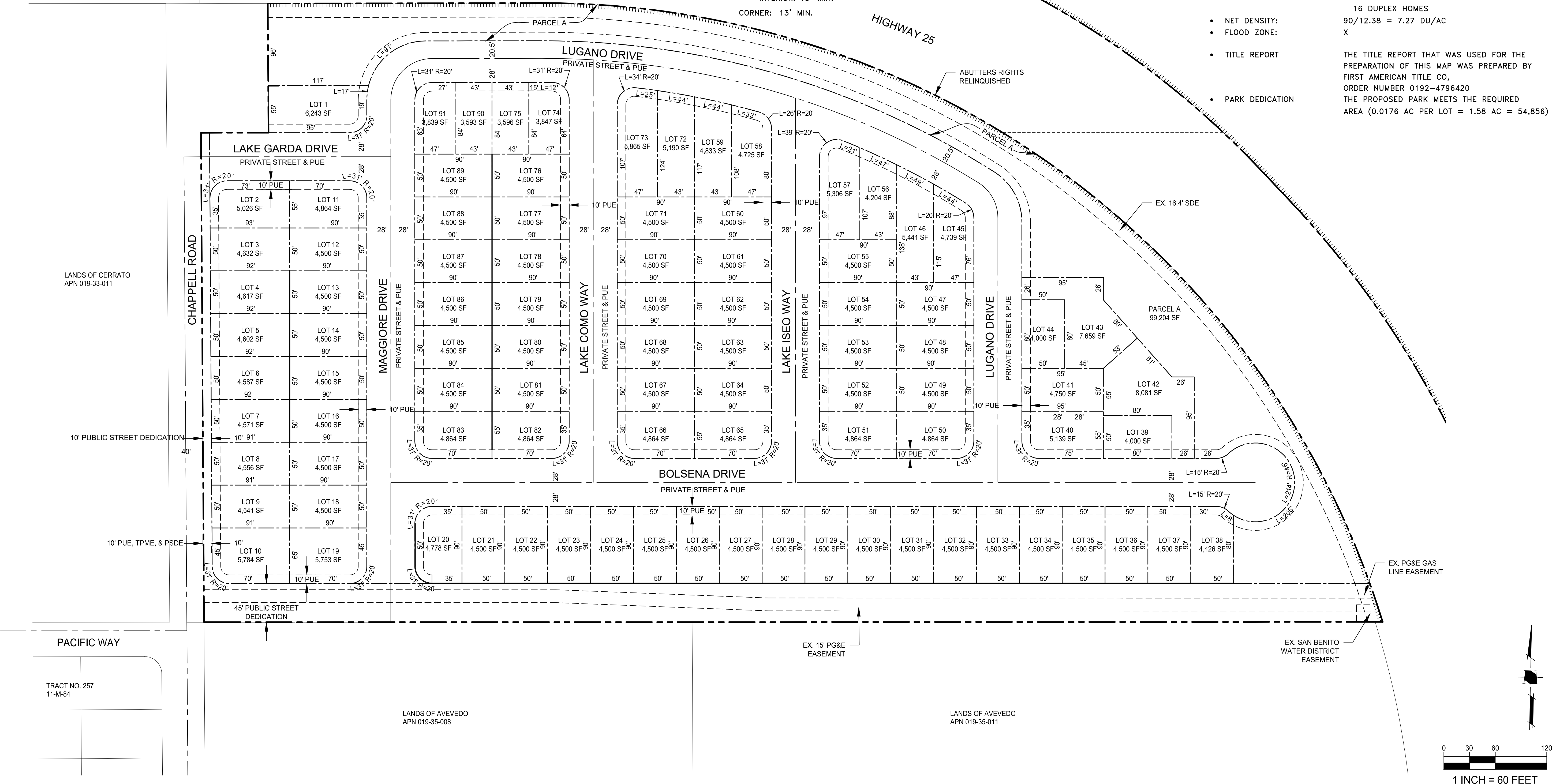
SIDE SETBACK
INTERIOR: 5' MIN.
ATTACHED SIDE: 0'
CORNER: 10' MIN.
REAR SETBACK
INTERIOR: 13' MIN.
CORNER: 13' MIN.

GENERAL NOTES

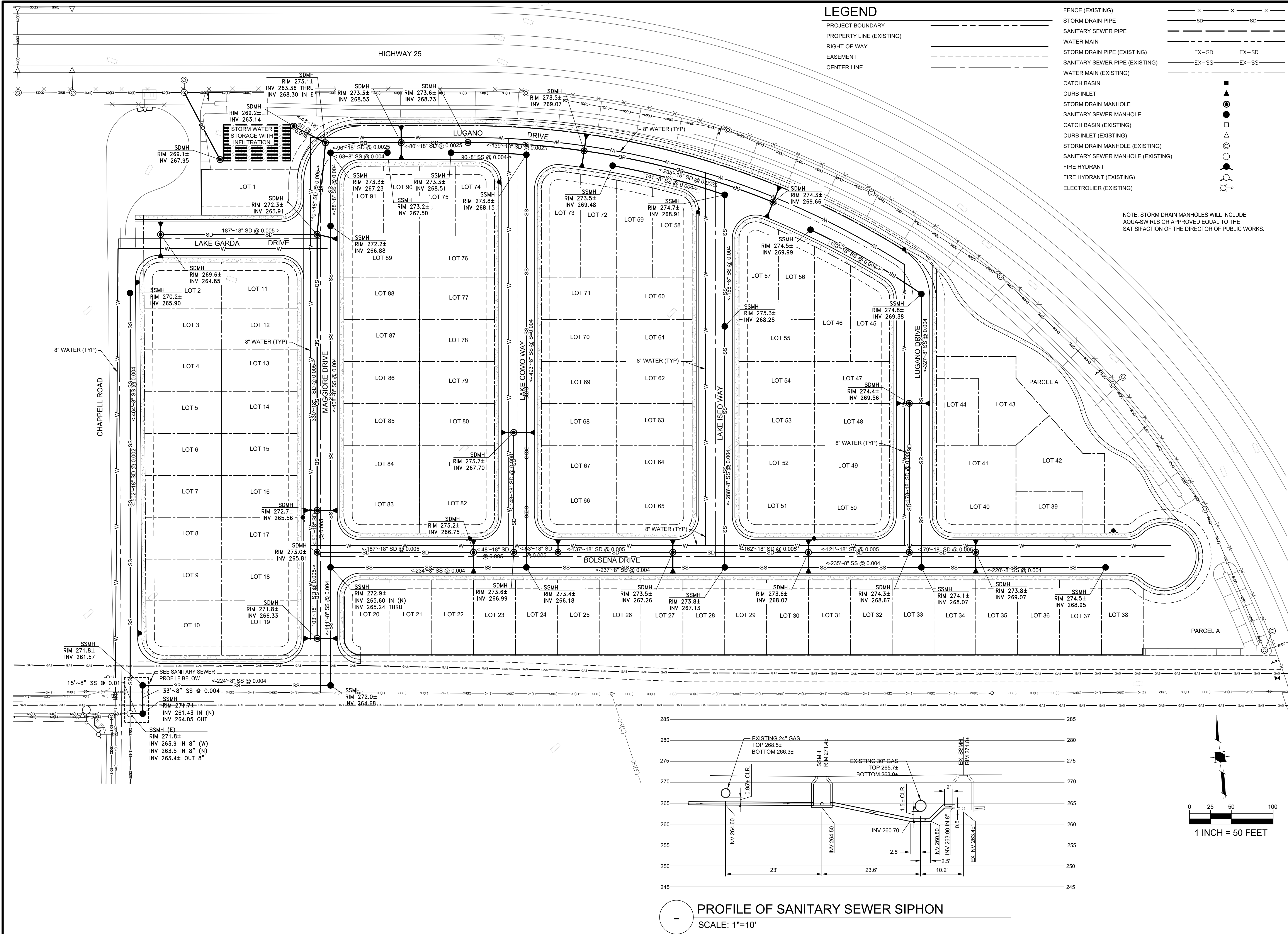
- PROJECT NAME: KRAMER COMMONS
- OWNER: CHARLES W. DAVIDSON, ET AL
255 W. JULIAN ST SUITE 200
SAN JOSE CA 95110
408-298-9302
- SUBDIVIDER: SAME AS THE OWNER
- ENGINEER: HMH ENGINEERS
1570 OAKLAND ROAD
SAN JOSE, CA 95131
- STREET LOCATION: CHAPPELL ROAD & PACIFIC WAY
- EXISTING ZONING: R1-L/PZ
- EXISTING GP DESIGNATION: LOW DENSITY RESIDENTIAL
- EXISTING USE: AGRICULTURAL
- PROPOSED USE: RESIDENTIAL
- WATER SUPPLY: CITY OF HOLLISTER
- SEWAGE DISPOSAL: CITY OF HOLLISTER
- ASSESSOR'S PARCEL #(S): 051-230-006
- STREET TREES: SHALL CONFORM TO CITY OF STANDARDS
- TOTAL SITE AREA: ±18.24 ACRES
- PUBLIC STREET DEDICATION: ±5.86 ACRES
- NET SITE AREA: ±12.38 NET ACRES
- PROPOSED LOTS: 91
- PROPOSED PARK: ±1.58 ACRES
- TOTAL UNITS: 90 UNITS TOTAL
74 SINGLE FAMILY DETACHED
16 DUPLEX HOMES
- NET DENSITY: 90/12.38 = 7.27 DU/AC
- FLOOD ZONE: X
- TITLE REPORT: THE TITLE REPORT THAT WAS USED FOR THE PREPARATION OF THIS MAP WAS PREPARED BY FIRST AMERICAN TITLE CO. ORDER NUMBER 0192-4796420. THE PROPOSED PARK MEETS THE REQUIRED AREA (0.0176 AC PER LOT = 1.58 AC = 54,856)
- PARK DEDICATION

HMH
Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHca.com

KRAMER COMMONS
VESTING TENTATIVE MAP
CHAPPELL ROAD
HOLLISTER CALIFORNIA



NO	DATE	DESCRIPTION
PROJECT NO:	5937.00	
CAD DWG FILE:	593700TMD.WG	
DESIGNED BY:	AV/MM/PS	
DRAWN BY:	PS	
CHECKED BY:	PS	
DATE:	03-26-2021	
SCALE:	AS SHOWN	
© HMH		



LEGEND

- PROJECT BOUNDARY
- PROPERTY LINE (EXISTING)
- RIGHT-OF-WAY
- EASEMENT
- CENTER LINE

- FENCE (EXISTING)
- STORM DRAIN PIPE
- SANITARY SEWER PIPE
- WATER MAIN
- STORM DRAIN PIPE (EXISTING)
- SANITARY SEWER PIPE (EXISTING)
- WATER MAIN (EXISTING)
- CATCH BASIN
- CURB INLET
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- CATCH BASIN (EXISTING)
- CURB INLET (EXISTING)
- STORM DRAIN MANHOLE (EXISTING)
- SANITARY SEWER MANHOLE (EXISTING)
- FIRE HYDRANT
- FIRE HYDRANT (EXISTING)
- ELECTROLIER (EXISTING)

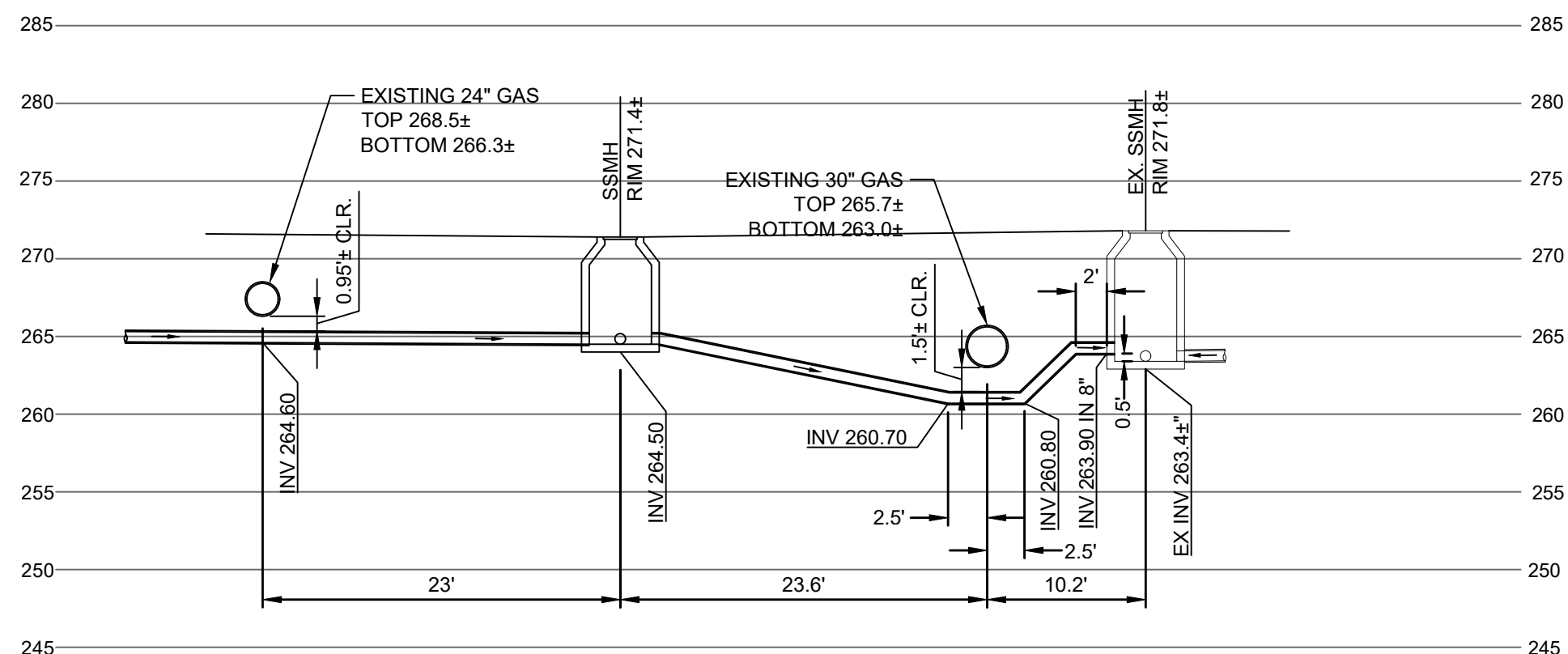
NOTE: STORM DRAIN MANHOLES WILL INCLUDE AQUA-SWIRLS OR APPROVED EQUAL TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS.

HMH
Land Use Entitlements
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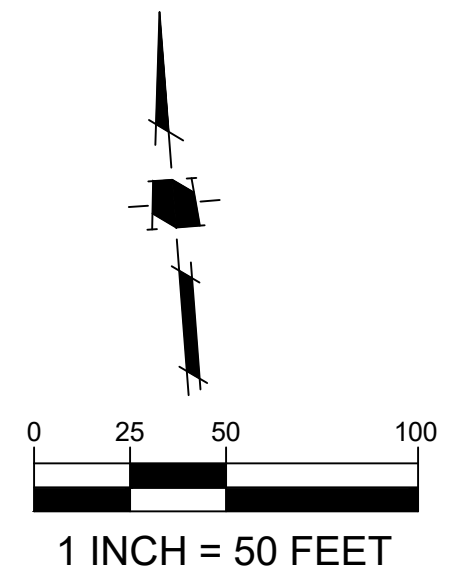
KRAMER COMMONS
VESTING TENTATIVE MAP
CHAPPELL ROAD
HOLLISTER CALIFORNIA

NO	DATE	DESCRIPTION
PROJECT NO.	5937.00	
CAD DWG FILE:	593700T.DWG	
DESIGNED BY:	AV/MMP/PS	
DRAWN BY:	XXX	
CHECKED BY:	PS	
DATE:	03-26-2021	
SCALE:	AS SHOWN	
©	HMH	

UTILITY PLAN



PROFILE OF SANITARY SEWER SIPHON
SCALE: 1"=10'



S:\PROJECTS\5937\00\TENTATIVE MAP\593700T.DWG

PLOTTED: 5/24/2021 1:41 PM

SITE DESIGN MEASURES:

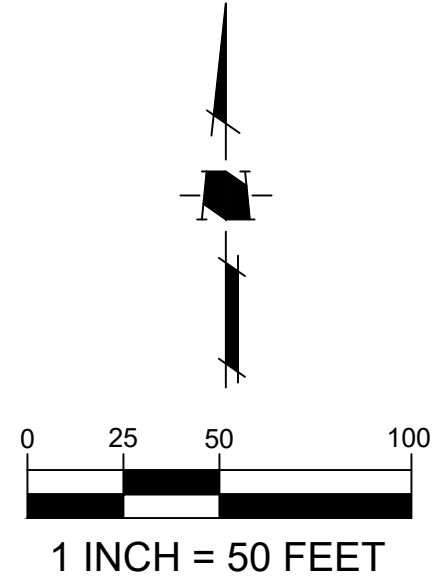
1. PROTECT EXISTING TREES, VEGETATION, AND SOIL.
2. PRESERVE OPEN SPACE AND NATURAL DRAINAGE PATTERNS.
3. LANDSCAPING
 - a. WALKWAYS AND PATIOS.
 - b. PRIVATE STREETS AND SIDEWALKS.
4. DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREAS.
5. CLUSTER STRUCTURES/PAVEMENT.
6. PLANT TREES ADJACENT TO AND IN PARKING AREAS AND ADJACENT TO OTHER IMPERVIOUS AREAS.

SOURCE CONTROL MEASURES:

1. BENEFICIAL LANDSCAPING.
2. USE OF WATER EFFICIENT IRRIGATION SYSTEMS.
3. MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING, GOOD HOUSEKEEPING).
4. STORM DRAIN LABELING.

PROJECT SITE INFORMATION:

1. SOILS TYPE: B
2. GROUND WATER DEPTH: 55'
3. NAME OF RECEIVING BODY: RUSTIC STREET INFILTRATION POND
4. FLOOD ZONE: X
5. FLOOD ELEVATION (IF APPLICABLE):



LEGEND

- PROJECT BOUNDARY
- STORM DRAIN PIPE
- STORM DRAIN PIPE (EXISTING)
- STORM DRAIN MANHOLE
- STORM DRAIN MANHOLE (EXISTING)
- CURB INLET (EXISTING)
- CATCH BASIN
- CATCH BASIN (EXISTING)
- FLOW DRAINAGE
- LID TREATMENT DRAINAGE AREA

OPERATION AND MAINTENANCE INFORMATION:

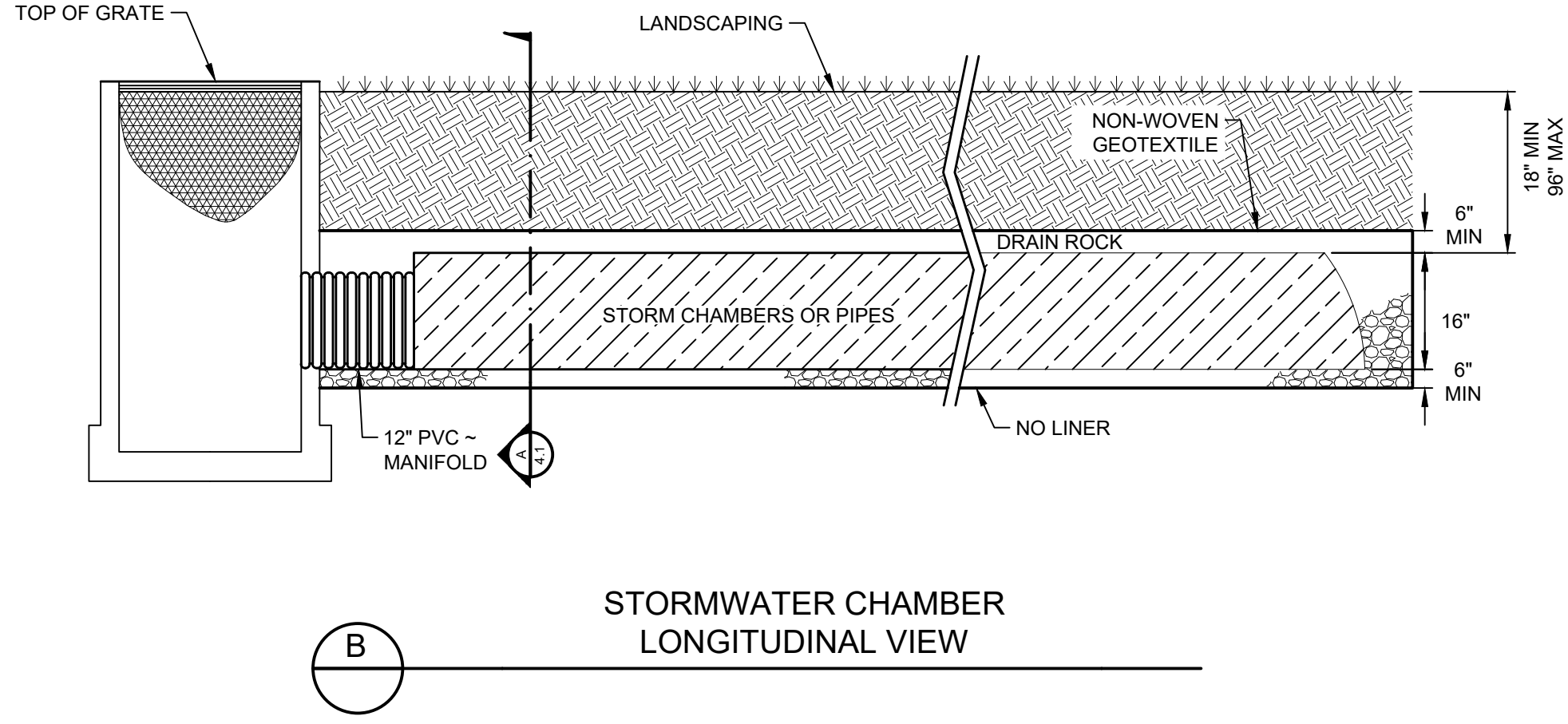
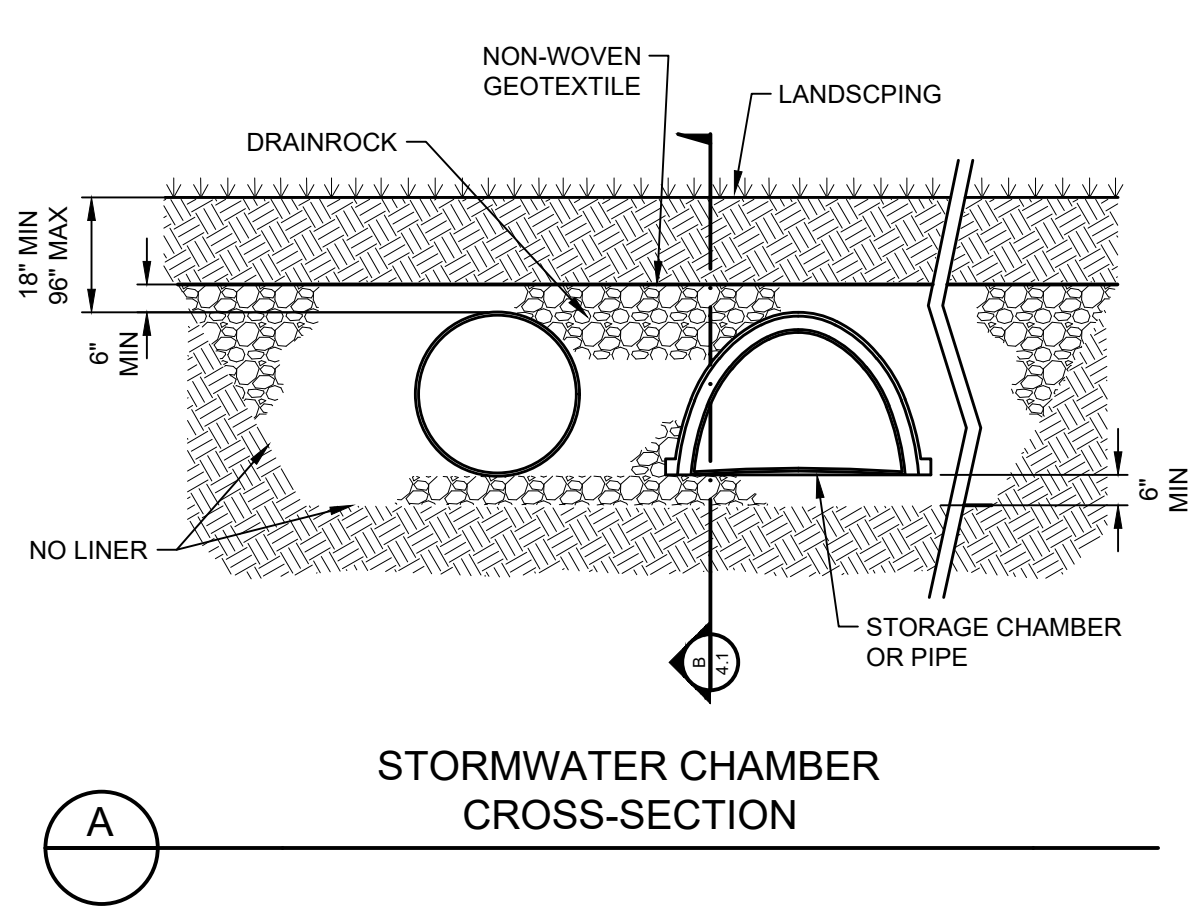
- I. PROPERTY INFORMATION:
- I.A. PROPERTY ADDRESS:
APN: 051-230-006
- I.B. PROPERTY OWNER: CHARLES W. DAVIDSON, ET AL
- II. RESPONSIBLE PARTY FOR MAINTENANCE:
- II.A. CONTACT: HOA
- II.B. PHONE NUMBER OF CONTACT: TBD
- II.C. EMAIL: TBD
- II.D. ADDRESS: TBD

KRAMER COMMONS
VESTING TENTATIVE MAP
CHAPPELL ROAD
HOLLISTER CALIFORNIA

NO	DATE	DESCRIPTION
PROJECT NO:	5937.00	
CAD DWG FILE:	593700SW.DWG	
DESIGNED BY:	AV/MM/PS	
DRAWN BY:	AV	
CHECKED BY:	PS	
DATE:	03-26-2021	
SCALE:	AS SHOWN	
© HMM		

STORMWATER
CONTROL PLAN

TM-5
OF 6



KRAMER COMMONS

VESTING TENTATIVE MAP

CHAPPELL ROAD

HOLLISTER CALIFORNIA

△		
△		
△		
△		
△		
△		

NO	DATE	DESCRIPTION
PROJECT NO:		5937.00
CAD DWG FILE:		593700SW.DWG
DESIGNED BY:		AV/MM/PS
DRAWN BY:		AV
CHECKED BY:		PS
DATE:		03-26-2021
SCALE:		NOT TO SCALE
© HMH		

STORMWATER
CONTROL PLAN
DETAILS

APPENDIX C

MITIGATION MONITORING AND

REPORTING PLAN

CHAPPELL ROAD PROJECT FINAL EIR MITIGATION

1. STATUTORY REQUIREMENT

When a lead agency makes findings on significant environmental effects identified in an environmental impact report (EIR), the agency must also adopt a "reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval to mitigate or avoid significant effects on the environment" (Public Resources Code Section 21081.6(a) and California Environmental Quality Act Guidelines Section 15091(d) and Section 15097). The Mitigation Monitoring and Reporting Program (MMRP) is implemented to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Therefore, the MMRP must include all changes in the proposed project either adopted by the project proponent or made conditions of approval by the lead agency or a responsible agency.

2. ADMINISTRATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The City of Hollister (City) is the lead agency responsible for the adoption of the MMRP. The City, as the lead agency, is responsible for implementing, verifying, and documenting compliance with the MMRP, in coordination with other identified agencies. According to CEQA Guidelines Section 15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. However, until mitigation measures have been completed, the lead agency remains responsible for ensuring that implementation of the measures occurs in accordance with the program.

Verification of mitigation compliance and responsibility for compliance is the responsibility of the City's project manager. The project manager will be responsible for coordinating plan reviews and field verification with the appropriate City staff or outside agencies.

3. MITIGATION MEASURES AND REPORTING PROGRAM

Table 1 is structured to enable quick reference to mitigation measures and the associated monitoring program based on the environmental resource. The numbering of mitigation measures correlates with the numbering of measures found in the Impact Analysis sections of the Draft EIR. This MMRP will be used as a template for all future projects approved in the project area. Additional mitigation measures may be imposed on a project-specific basis.

MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
<i>Aesthetics</i>				
MM 3.1.3	Future development in the project area shall develop a Master Development Plan that shall be submitted to the City for review and approval. The plan shall be submitted to the City prior to receiving an entitlement from the City of Hollister that would require improvements of the site such as subdivision or site and architectural approvals. The Master Development Plan shall demonstrate that development standards for the parcel under development shall be congruent with the existing visual character and quality of the surrounding developed parcels, as defined by the City in the City's General Plan. The Master Development Plan shall demonstrate compliance with existing City regulations and development standards as they relate to visual character and quality.	• Project applicant	• Prior to approval of future projects	•
MM 3.1.4	The project applicant shall develop a nighttime lighting plan and submit it for approval by the City of Hollister. The plan shall demonstrate compliance with Hollister Municipal Code Section 17.16.090 and shall be incorporated in the project's construction plan and approvals.	• Project applicant	• Prior to approval of future projects	•
<i>Agricultural Resources</i>				
MM 3.2.1	In the event, that no City program is in place, the subdivider shall provide that for every one (1) acre of Prime Farmland on the site that is permanently converted to nonagricultural use as a result of project development, one (1) acre of land of comparable agricultural productivity shall be preserved in perpetuity. The mitigation shall be satisfied by the applicant through: • Granting a perpetual conservation easement(s), deed restriction(s), or other farmland conservation mechanism(s) to the City or qualifying entity which has been approved by the City, such as the San Benito County Agricultural Trust, for the	• Project applicant	• Prior to approval of future projects	•

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
	purpose of permanently preserving agricultural land; or - Making an in-lieu payment to a qualifying entity which has been approved by the City, such as the San Benito County Agricultural Trust, to be applied toward the future purchase of Prime Farmland. The payment amount shall be determined by the qualifying entity or a licensed appraiser; or - Making an in-lieu payment to a qualifying entity which has been approved by the City, such as the San Benito County Agricultural Trust, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve Prime Farmland. The amount of the payment shall be determined by the qualifying entity or a licensed appraiser.			
MM 3.2.2	The project applicant shall demonstrate adequate land use separation on all site plans and applications for subdivision. Highway 25 already serves as a natural buffer for Parcels A, B2, C through I, and 1 through 3; however, B1 would require a 200-foot minimum land use buffer. Final site plans for parcel B1 development shall include a 200-foot land use buffer. The buffer distance shall be measured from the edge of active agricultural fields or vineyards and the nearest residential property line. Distances comprising the buffer may include roadway rights-of-way, easements, landscaping, and other uninhabited uses.	Project applicant	Prior to approval of future projects	
MM 3.3.2	The project applicant and/or its contractor shall prohibit the installation of wood-burning fireplaces within the project. This prohibition shall be noted on the deed for future property owners to comply with. Natural gas fireplaces are acceptable.	Project applicant	Prior to sale of future lots	
MM 3.3.5a	All off-road diesel-fueled equipment (e.g., rubber-tired dozers, graders, scrapers, excavators, asphalt paving equipment, cranes, and tractors) associated with project construction shall be at least California Air Resources Board (CARB) Tier 3 Certified or better.	Construction contractor	During construction	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
MM 3.3.5b	In the case when a subsequent project's site improvement construction (i.e., demolition activities, site preparation, and grading/soil movement) will span greater than 5 acres and is scheduled to last more than two years, the subsequent project shall be required to prepare a site-specific construction pollutant mitigation plan in consultation with City staff prior to the issuance of grading permits. Project-specific construction-related dispersion modeling acceptable to the City shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If health risk thresholds (i.e., probability of contracting cancer is greater than 10 in 1 million) would be exceeded, mitigation measures shall be identified in a construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. The City shall ensure construction contractors include all identified measures and that the measures reduce the health risk below health risk thresholds. Construction pollutant mitigation plan measures shall include, but not be limited to: 1. Limiting the amount of acreage to be graded in a single day. 2. Restricting intensive equipment usage and intensive ground disturbance to typical business hours (8:00 a.m. to 5:00 p.m.) when residents are more likely to be away from their homes. 3. Notifying residents one week prior to commencing on-site construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the project manager or designee. In the event that complaints are received, the project manager or designee shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include relocating equipment.	• Project applicant	• Prior to issuance of grading permits	•

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
MM 3.3.6	Future nonresidential developments projected to generate more than 100 heavy-duty trucks daily will be evaluated through the CEQA process to ensure they do not cause a significant health risk in terms of excess cancer risk greater than 10 in 1 million, acute or chronic hazards with a Hazard Index greater than 1.0, or annual PM2.5 exposures greater than 0.3 µg/m ³ . If the site-specific analysis reveals significant exposures to health risks (i.e., health risk in terms of excess cancer risk greater than 10 in 1 million, or acute or chronic hazards with a Hazard Index greater than 1.0), measures shall be employed to reduce the risk to below the threshold (e.g., project redesign and location of TAC sources away from sensitive receptors).	Project applicant	Prior to approval of future projects	
Biological Resources				
MM 3.4.1a	A Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of special-status species and/or sensitive biological resources in and/or near the project work area and to instruct them on proper avoidance.	Construction contractor	Prior to construction	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
MM 3.4.1b	If clearing and/or construction activities would occur during the raptor nesting season (February 15–September 15), a qualified biologist shall conduct preconstruction surveys to identify active nests within 14 days of construction initiation. Surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 200-foot buffer (if feasible). If no active nests are found, no further mitigation is required. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days. If white-tailed kite, merlin, Cooper’s hawk, or other raptor (excluding Swainson’s hawk) nests are identified within 500 feet of project activities, the project applicant shall impose a 250-foot setback to all active raptor sites prior to commencement of project construction activities to avoid construction- or access-related disturbances to nesting raptors. Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur within any setbacks until nests are deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the City and the appropriate agency (CDFW or USFWS). If active Swainson’s hawk nest sites are identified within 0.25 mile of project activities, the project applicant shall impose a 0.25-mile setback to all active nest sites prior to commencement of any construction activities to avoid construction- or access-related disturbances to nests. Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur within the setback until the nest is deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the CDFW.	Construction contractor	Prior to construction	
MM 3.4.1c	If clearing and/or construction activities will occur during the migratory bird nesting season (February 1–September 1), a qualified biologist shall conduct preconstruction surveys to identify active migratory bird nests within 14 days prior to construction initiation. Focused surveys must be performed by a qualified biologist for the	Construction contractor	Prior to construction	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
	purposes of determining the presence/absence of active nest sites within the proposed impact area, including construction access routes and a 200-foot buffer (if feasible). If migratory bird nests are identified within 200 feet of project activities, the applicant will impose a 150-foot setback to all active migratory bird nest sites prior to commencement of project construction activities to avoid construction- or access-related disturbances to nesting birds. Project-related activities (i.e., vegetation removal, earth moving, and construction) shall not occur within any setbacks until nests are deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the City.			
MM 3.4.1d	Trees containing active migratory bird and/or raptor (excluding Swainson's hawk) nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September 16–January 31). Swainson's hawks are state listed as threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from the CDFW prior to removal.	Construction contractor	Prior to construction	
MM 3.4.1e	Construction activities shall occur during daylight hours. If bats are observed foraging during daylight hours, construction activities shall cease until bats are no longer observed in the area.	Construction contractor	During construction	
MM 3.4.1f	Prior to the start of any construction activities, a qualified biologist, approved by the CDFW, shall conduct preconstruction surveys for San Joaquin whipsnake. If individuals are found, work will not begin until they are out of the project area. The qualified biologist shall relocate any individuals out of the project area into nearby suitable habitat if they are found on-site and cannot or do not move out of the project area on their own.	Construction contractor	Prior to construction	
MM 3.4.1g	No monofilament plastic or mesh less than 0.25 inch will be used for erosion control measures.	Construction contractor	During construction	
MM 3.4.1h	The project construction area will be clearly marked with orange plastic fencing, and all construction-related activities will occur	Construction contractor	During construction	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
	within the project area. With the exception of the access road, no construction activity or equipment shall be allowed outside of the orange plastic fencing.			
MM 3.4.1i	A litter control program shall be instituted during all construction activities for the proposed project.	• Construction contractor	• During construction	•
MM 3.4.1j	All refueling and vehicle maintenance activities shall be confined to the designated staging areas.	• Construction contractor	• During construction	•
MM 3.4.1k	Project-related vehicles shall observe a 20 mile per hour speed limit in the project area, except on county and/or city roads and state and federal highways.	• Construction contractor	• During construction	•
Cultural and Tribal Cultural Resources				
MM 3.5.1	Prior to project implementation, the project applicant shall conduct historical resources studies and surveys and prepare assessment reports on a project-by-project basis, when a project proposes to alter, demolish, or degrade a potential historic resource. Historical resources studies, surveys, and assessment reports shall be performed by persons who meet the Secretary of the Interior's Professional Qualification Standards for Archaeology and Historic Preservation (48 CFR 44716).	• Project applicant	• Prior to future project approval	•
MM 3.5.2	If during the course of grading or construction unknown archaeological and paleontological resources are discovered, the contractor shall halt work immediately within 50 feet of the discovery, the City of Hollister shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to determine the significance of the discovery. A qualified archaeologist shall determine impacts, significance, and mitigation in consultation with recognized local Native American groups, if appropriate. In addition, prior to the commencement of project site preparation, all construction personnel shall be informed of the potential to inadvertently uncover cultural resources and the procedures to follow subsequent to an inadvertent discovery of	• Construction contractor	• During construction	•

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
	cultural resources.			
MM 3.5.3	If during the course of grading or construction unknown tribal resources are discovered, the contractor shall halt work immediately within 50 feet of the discovery, the City of Hollister shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to determine the significance of the discovery. Additionally, consultation with the area designated tribe shall take place as deemed necessary by the City and the professional archaeologist.	Construction contractor	During construction	
Greenhouse Gas Emissions				
MM 3.7.2	Project plans submitted to the City for approval shall demonstrate adherence to the following measures: - Use of energy-efficient lighting technologies for all nonresidential parking lot lighting. - Installation of interior real-time energy monitors in all nonresidential buildings. - Installation of new and resurfaced parking lots, sidewalks, and crosswalks made of materials with high reflectivity, such as concrete or reflective aggregate in paving materials, at all nonresidential areas. - Pre-wiring for solar water heating and solar electricity all nonresidential buildings. - Installation of electrical outlets on the exterior of nonresidential buildings at an accessible location to charge electric-powered lawn and garden equipment. - Designation of preferred parking stalls at all nonresidential land uses for electric, hybrid, and other alternative-fuel vehicles in all public and private parking lots consistent with the California Green Building Code.	Project applicant	Prior to future project approval	
Hazards and Hazardous Materials				

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
MM 3.8.2a	Prior to construction in the project area, a Phase I Environmental Site Assessment (ESA) shall be completed to analyze the potential for acute hazards or hazardous materials in the project area and whether future residents or employees would be at risk from those hazards.	Project applicant	Prior to future project approval	
MM 3.8.2b	If hazardous materials are encountered during construction or accidentally released as a result of construction activities, the contractor shall implement the following procedures: - Stop all work within 25 feet of any discovered contamination or release. - Identify the scope and immediacy of the problem. - Coordinate with responsible agencies (Department of Toxic Substances Control, Central Coast Regional Water Quality Control Board, or US Environmental Protection Agency). - Conduct the necessary investigation and remediation activities to resolve the situation before continuing construction work.	Construction contractor	During construction	
MM 3.8.2c	The project applicant shall employ a Cal/OSHA-registered asbestos contractor to remove any asbestos-containing materials encountered during demolition to ensure the safety of the surrounding neighborhoods.	Construction contractor	During demolition	
MM 3.8.2d	To prevent accidental release of lead-based paint, the contractor shall use the following techniques during construction: - Stabilize loose and flaky paint prior to construction activities. - Require all workers to wear OSHA-level protective material for handling lead-based paint per OSHA requirements for lead in construction. - Remove all lead-based paint materials to a scrap yard or landfill that can accept such materials.	Construction contractor	During demolition	
MM 3.8.2e	To prevent the accidental release of polychlorinated biphenyls (PCBs), the contractor shall remove all fluorescent light tubes prior to demolition. If a "no PCB" sticker on the fluorescent fixture ballasts	Construction contractor	Prior to demolition	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
	cannot be located, ballasts shall be removed as PCB containing.			
Transportation and Traffic				
MM 3.14.1a	The developer will pay the applicable San Benito County Regional Traffic Impact Mitigation Fee as a fair-share contribution toward improvements at the following intersections: • Intersection 3: Airline Highway and Union Road • Intersection 11: Fairview Road and Hillcrest Road • Intersection 12: Memorial Drive and Hillcrest Road • Intersection 17: San Benito Street and Fourth Street • Intersection 22: SR 25 and Santa Ana Road • Intersection 27: San Felipe Road and Maple Street • Intersection 28: San Felipe Road and SR 25 • Intersection 30: SR 25 and Wright Road • Intersection 34: Union Road/Mitchell Road and SR 156 • Intersection 37: SR 25 and SR 156 • Intersection 42: US 101 NB Ramps and SR 25 • Intersection 44: Rustic Street and Maple Street	• Project applicant	• Prior to future project approvals	•
MM 3.14.4a	<u>Off-Site Bicycle Facilities.</u> The project developer shall conduct a bicycle and pedestrian safety study in the project vicinity, and if necessary, identify the potential improvements to the bicycle and pedestrian network in coordination with the City of Hollister. If the City determines additional facilities are necessary, the project applicant shall contribute to the completion of the facilities. The contribution shall be determined by the City of Hollister and shall be based on the project's contribution to the total projected growth in the area.	• Project applicant	• Prior to future project approvals	•
MM 3.14.4b	<u>Contribute to Planned Bicycle Facilities in the Project Area.</u> The project developers shall contribute to the completion of planned bicycle facilities in the project vicinity, if a funding mechanism has been established for these improvements. The contribution shall be	• Project applicant	• Prior to project approval	•

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Requirements	Responsible Party	Timing	Verification (Date and Initials)
	determined by the City of Hollister and shall be based on the project's contribution to the total projected growth in the area.			
MM 3.14.4c	<u>Installation of Sidewalks.</u> At each stage of project development, sidewalks shall be built along both sides of all new streets within the project site. For streets proposed at the property line, the applicant shall only be responsible for the sidewalk adjacent to the project site. Neighborhoods shall be designed with adequate and continuous pedestrian facilities to encourage the use of nonauto modes of travel. New sidewalks along the project site frontages on Chappell Road, Pacific Way, and Santa Ana Road shall connect to existing pedestrian facilities providing continuous sidewalk connections from the project site to existing and planned pedestrian facilities in the area. Additionally, frontage improvements along Santa Ana Road shall be designed to be consistent with San Benito County and City of Hollister roadway design standards and guidelines and to accommodate the future planned installation of a bike lane along Santa Ana Road.	Project applicant	Prior to future project approval	
MM 3.14.4d	<u>Development of a Safe Routes to School Program.</u> The project developers, in coordination with the City of Hollister, shall conduct a safe routes to school study to determine safe routes from the project site to the school sites anticipated to serve the project. If the City determines safety improvements are necessary along the routes, the project applicant shall contribute its fair share, as determined by the City, to the completion of those improvements.	Project applicant	Prior to project occupancy	



Planning Commission

Staff Report

November 17, 2022

Item 4

SUBJECT: **Zoning Ordinance Amendment 2022-2** – Amendments to the City of Hollister Municipal Code to incorporate changes related to Senate Bill 9 (Gov. Code Sections 66452.6, 65852.21, and 66411.7) which came into effect January 1, 2022. The changes will bring the municipal code into conformance with the State Law and will allow for Urban Lot Splits and two-unit housing development within single-family residential zoning districts.

STAFF PLANNER: Eva Kelly, Interim Planning Manager (831) 636-4360
Erica Fraser, AICP, Consulting Planner

ATTACHMENTS: 1. Resolution recommending City Council adoption of Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits of the Zoning Ordinance with Ordinance included as Exhibit A.

RECOMMENDATION: Approve Resolution

BACKGROUND:

The Planning Commission previously discussed urban lot splits and two-unit residential developments related to Senate Bill 9 (SB 9) during a Study Session on August 4, 2022. The purpose of the Study Session was to discuss recent laws adopted by the State of California and modifications that were required in order to implement the changes. At the Study Session, Staff indicated that we would prepare a draft Ordinance and bring the Ordinance for review by the Planning Commission during a Public Hearing.

In anticipation of the adoption of an Ordinance implementing the provisions of SB 9, the City Council adopted Ordinance No. 2020 on October 3, 2022. This Ordinance modified the Zoning Ordinance to allow duplexes within the R1 (Low Density Residential) District, consistent with the requirements of Senate Bill 9.

The purpose of tonight's meeting is to review the proposed Zoning Ordinance Amendment to adopt Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits, to implement the provisions of SB 9 into the City's Zoning Ordinance.

SENATE BILL 9:

Senate Bill (SB) 9 took effect on January 1, 2022. The purpose of SB 9 is to increase density in single family neighborhoods (the most expensive type of housing to own or rent) and to increase housing units in the State and to create more inclusive neighborhoods.

SB 9 applies to all single-family residential zoned properties with several key exceptions:

- Environmentally sensitive areas (i.e. farmland, wetlands, protected habitats, or easements);
- Environmental hazard areas (such as a fault zone) if mitigations are not possible;
- Historic properties and districts;
- Properties where the Ellis Act was used to evict tenants at any time in the last 15 years; and
- Additionally, demolition is generally not permitted for units rented in the last 3 years, rent-controlled units, or units restricted to people of low or moderate incomes.

SB 9 requires ministerial approval of the following:

- Two-unit Housing Development – Two homes on an eligible single-family residential parcel (whether the proposal adds up to two new housing units or adds one new unit to one existing unit).
- Urban Lot Split - A one-time subdivision of an existing single-family residential parcel into two parcels. This would allow up to four units (unless a jurisdiction decides to allow additional units).

Two-Unit Housing Development

Under the provisions of SB 9, a person can request to construct a maximum of two primary dwellings units (attached or detached) on a single family residential parcel. The following requirements apply to all two-unit housing developments under SB 9:

- The City must review and process an application for a SB 9 development ministerially without any discretionary/subjective review;
- Development of a two-unit residential development and an Urban Lot Split is not subject to the California Environmental Quality Act;

- Minimum four foot interior side and rear yard setbacks;
- Front yard and street side setbacks shall be the same as the regulations for the zoning district in which it is located unless it precludes the construction of two 800 square foot units on the subject property;
- If the existing dwelling unit is demolished to make way for a new two-unit residential development, the City cannot impose any setback requirements that are above what was existing on the site prior to the dwelling being torn down;
- The residential dwellings may be attached as long as they meet building code safety standards;
- All uses are restricted to residential uses only;
- Provide a minimum of one off street parking space per unit unless the subject property is located within ½ mile, walking distance, to a major transit stop and then no parking spaces are required;
- The City may restrict the short term rental of dwelling units created by SB 9 to a term of greater than 30 days;
- The City must allow an ADU or JADU to be constructed per primary dwelling unit if the lot was not previously split under SB 9;
- The design of the unit must comply with any objective design standards or design guidelines the City has adopted for the Zoning District in which the property is located.

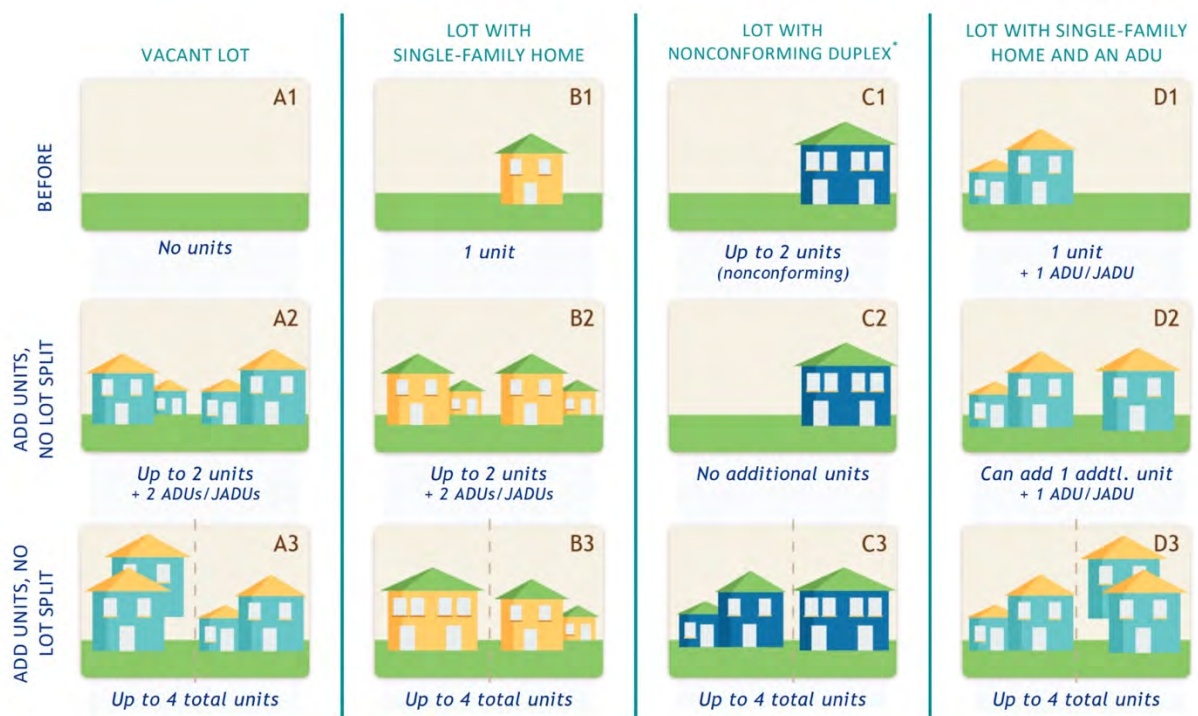
Urban Lot Splits

Under the provisions of SB 9, a person may choose to divide an existing residential parcel into two new parcels (otherwise known as an Urban Lot Split). This split may be conducted one time only and the two lots created by the lot split cannot be split later into additional lots. All Urban Lots Splits are required to comply with the following:

- Each new lot must be a minimum of 1,200 square feet in size;
- The Urban Lot Split must result in lots of approximately equal size provided that one parcel shall not be smaller than 40 percent of the size of the original parcel;

- The property owner must intend to occupy one of the units as their principle residence for a minimum of three years;
- A maximum of two dwelling units are allowed on each lot;
- The same development standards for a two-unit development (as stated above) shall also apply for the construction of dwelling units on the new parcel.

The following graphic prepared by the Association of Bay Area Governments illustrates potential scenarios that could occur on a single-family property under SB 9.



*Legally constructed but not currently permitted. Check your local ordinance for nonconforming use policies.

USING SB 9 WITHOUT A LOT SPLIT:

- Without a lot split, SB 9 does not limit the number of ADUs or JADUs (B2, D2) - but other laws might.
- SB 9 *could be interpreted* to allow 2 new units beyond an existing unit (up to 3 units/lot, plus any allowed ADUs/JADUs).

USING SB 9 WITH A LOT SPLIT:

- SB 9 does not require jurisdictions to approve more than 4 units total, including any ADUs/JADUs.



SINGLE-UNIT DEVELOPMENTS

SB 9 can be used to develop single units - but projects must comply with all SB 9 requirements.

Under SB 9, the City must review and process applications for SB 9 two-unit housing developments and urban lot splits ministerially without any discretionary/subjective review or CEQA. The City may only deny an SB 9 proposal if the Director of Development Services finds that it would have a "specific, adverse impact [as defined by the law], upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate

or avoid the specific, adverse impact." Any denials must be based on objective, identified public health and safety standards, policies, or conditions that existed when the application was submitted.

CHAPTER 17.26, TWO-UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS

Under the provisions of SB 9, a City may choose to adopt an Ordinance regulating two-unit residential developments and urban lot splits. Any Ordinance adopted by the City Council must comply with all requirements of State Law. If a City does not adopt an Ordinance, any requests for a SB 9 development or lot split would need to conform to State Law and would just need a building permit.

In order to better implement SB 9, Staff has prepared Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits (Exhibit A of Attachment 1) for inclusion into the Zoning Ordinance. By adopting this Chapter of the Zoning Ordinance, the City can provide a clear path for review and approval of these types of developments. Additionally, by adopting an Ordinance the City can include objective design standards and other requirements for approval of these projects.

The proposed Ordinance will provide the following:

- Clear language which defines the number of lot splits allowed and the total number of dwelling units allowed on each property.
- List of development standards (setbacks, lot coverage, height, etc.) that apply to two-unit residential developments.
- Limit two-unit residential units to two primary dwelling units and prohibit accessory dwelling units on properties with two primary dwelling units.
- Include design standards.
- Establish application submittal requirements.
- Establish City review procedures.
- Require an Affidavit which requires the Applicant to occupy one of the primary dwelling units as their principal residence for a minimum of three years (for urban lot splits only).
- Require a Deed Restriction which prohibits future lot splits (in the case of an urban lot split), prohibits short term rentals, and prohibits non-residential uses on the site.

With the implementation of this Ordinance, a homeowner will be able to clearly review all the regulations this type of project must follow. A homeowner who wishes to build a two-unit development or conduct an urban lot split, would be required to submit the City's prescribed application form and an affidavit to the Planning Department for review. Upon approval, as proposed in the Ordinance, the homeowner would also need to record a restrictive covenant prior to issuance of a building permit.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The California Environmental Quality Act does not apply to a SB 9 lot split and/or two unit development because the project is a ministerial project and CEQA does not apply to ministerial projects (Pub. Resources Code, Section 21080(b)(1); CEQA Guidelines, Section 15268.) Additionally, the adoption of an Ordinance related to the implementation of SB 9 is exempt from CEQA because the Ordinance is not a project under CEQA (CEQA Guidelines, Section 15378).

CONCLUSION:

Although not required, a City can implement an Ordinance related to SB 9 in order to establish requirements for the review and approval of a two-unit residential development and lot splits in the City. By including a Chapter in the Zoning Ordinance related to the implementation of SB 9, the City can establish clear, easy to understand requirements for urban lot splits and the construction of two-unit residential developments in the City. Additionally, the City can establish design standards and other submittal requirements (that do not conflict with State Law) that would otherwise not be codified if the City relied only on State Law for implementation of these developments which a City is required to allow under SB 9.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution recommending City Council adoption of Chapter 17, 26, Two-Unit Residential Developments and Urban Lot Splits;
2. Adopt a Resolution recommending City Council adoption of Chapter 17, 26, Two-Unit Residential Developments and Urban Lot Splits, with modifications to the draft Ordinance proposed by the Planning Commission;
3. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends the Planning Commission select Option 1 for this Item.

PLANNING COMMISSION RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER RECOMMENDING CITY COUNCIL APPROVAL OF A ZONING ORDINANCE AMENDMENT TO ADOPT CHAPTER 17.26, TWO-UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS, RELATED TO THE IMPLEMENTATION OF SENATE BILL 9 (ZOA 2022-2)

WHEREAS, the City occasionally initiates an amendment to the Zoning Ordinance in order to codify requirements pursuant to State Law; and

WHEREAS, on September 16, 2021, Governor Newsom signed Senate Bill 9 (SB 9), the “California Home Act” into law; and

WHEREAS, SB 9 added Sections 65852.21 and 66411.7 to the Government Code effective January 1, 2022; and

WHEREAS, State Law allows a local agency to adopt an Ordinance to implement the provisions of SB 9; and

WHEREAS, the City desires to add Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits, to the Zoning Ordinance to implement the provisions in SB 9; and

WHEREAS, the Planning Commission discussed the requirements of SB 9 during a Study Session on August 4, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 17, 2022 to review the Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits, during which all interested parties were heard; and

WHEREAS, A Staff Report was submitted to the Planning Commission of the City of Hollister recommending approval of a Zoning Ordinance Amendment to add Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits; and

WHEREAS, the draft Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits is included as Exhibit A to this Resolution; and

WHEREAS, the proposed Zoning Ordinance amendment is exempt from further review under the California Environmental Quality Act because the California Environmental Quality Act does not apply to a SB 9 lot split and/or two unit development because approval of these projects is ministerial and CEQA does not apply to ministerial projects (Pub. Resources Code, Section 21080(b)(1); CEQA Guidelines, Section 15268). Additionally, the adoption of an Ordinance related to the implementation of SB 9 is exempt from CEQA because the Ordinance is not a project under CEQA (CEQA Guidelines, Section 15378); and

NOW THEREFORE IT IS RESOLVED, that the Planning Commission of the City of Hollister does hereby recommend that the City Council approve the amendment to the Zoning Ordinance to include Chapter 17.26, Two-Unit Residential Developments and Urban Lot Splits, included as Exhibit A.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 17th day of November 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Adrianna Ortiz, Secretary

Chapter 17.26 –Two-Unit Residential Developments and Urban Lot Splits

17.26.010 - Purpose

The purpose of this Chapter is to establish objective standards for qualified developments in order to implement the provisions Government Code Sections [65852.21 and 66411.7](#) otherwise known as The California Home Act (Senate Bill 9)

17.26.020 - Applicability

The standards and limitations set forth in this Chapter shall apply to qualified SB 9 urban lot splits and two-unit residential developments within a Single family residential zone. In the event of a conflict between the provisions of this Chapter and any other provision of the Hollister Municipal Code, the provisions of this Chapter shall prevail. This Chapter shall not apply in the following situations:

- A. The project is located on a lot(s) that are located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to an Ordinance by the City of Hollister or San Benito County.
- B. Projects located on any site described in Government Code sections 65913.4(a)(6)(B) through (K), as may be amended.
- C. Projects involving the demolition or alteration of any of the following:
 - 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to affordable levels for persons and families of moderate, low, or very low income.
 - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - 3. Housing that has been occupied by a rental tenant at any time within the last three years.
- D. The project is located on lots which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw accommodations from rent or lease within the last 15 years.

- E. The subject property is owned by more than one individual property owner as defined by Section 17.26.030.C of this Chapter.
- F. In the case of an urban lot split, the lot proposed to be subdivided shall not have been established through a prior urban lot split.
- G. In the case of an urban lot split, the lot proposed to be subdivided (“subject lot”) shall not be adjacent to a lot that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with the owner of the subject lot.
- H. The project shall not create any unpermitted construction or illegal nonconforming zoning conditions. However, the correction of preexisting nonconforming zoning conditions is not required as a condition for ministerial approval of a parcel map application for the creation of an urban lot split.

17.26.030 Definitions

For the purposes of this Chapter, the following definitions apply:

- A. *Accessory Dwelling Unit (ADU)* shall have the same meaning as defined under Section 65852.2(j) of the Government Code and shall mean an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling.
- B. *Existing primary dwelling unit* shall mean a dwelling unit that currently exists on the subject parcel and does not include any existing, permitted ADU or JADU on the parcel.
- C. *Individual property owner* means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. Individual property owner does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.), except for a community land trust (as defined by Revenue and Taxation Code section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as described by Revenue and Taxation Code section 214.15).
- D. *Junior Accessory Dwelling Unit (JADU)* shall mean an independent accessory dwelling unit that is contained within the primary dwelling unit of a property.
- E. *New primary dwelling unit* shall mean either a new additional dwelling unit that is constructed pursuant to this Chapter, but does not include an ADU or a JADU.

- F. *Primary dwelling unit* shall mean a residential dwelling, other than an ADU or JADU, with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities.
- G. *Two-unit residential development* shall mean a residential development that proposes no more than two primary dwelling units or proposes to add one New primary dwelling unit to an Existing primary dwelling unit, per parcel. For properties with an Existing primary dwelling unit and an existing ADU or JADU, the combination of these two dwelling units shall constitute the two units allowed per parcel.
- H. *Single family residential zone* shall have the same meaning as in California Government Code section 65852.21. A Single family residential zone includes the RE (Residential Estate), R1 (Low Density Residential), R1 L/PZ (Low Density Residential/Performance Overlay) Zoning Districts and any property within a planned unit development or a specific plan area where a detached single-family dwelling is permitted by right.
- I. *Sufficient for Separate Conveyance* shall mean a development created by this Chapter that is constructed in a manner adequate to allow for the transfer of title, ownership, rights, and interests in the property, from one entity to another.
- J. *Urban lot split* shall have the same meaning as in California Government Code section 66411.7 and shall refer to the subdivision of a parcel in a Single family residential zone into two parcels, and in accordance with all other requirements of Section 66411.7.

17.26.040 Number of Dwelling Units Permitted

- A. *Urban Lot Splits*. For parcels where an urban lot split is proposed, the following shall apply as specified in Government Code section 65852.21:
 - 1. *Developed Lots*. No more than two (2) dwelling units of any kind may be constructed on each of the resulting parcels. For lots with an existing ADU or JADU, the ADU or JADU shall count towards the total number of allowed dwelling units. For new construction, only a primary dwelling unit shall be constructed.
 - 2. *Vacant Lots*. A maximum of two primary dwelling units shall be allowed on each lot created by an urban lot split.
- B. *All Other Lots*. For parcels where an Urban Lot split is not proposed or has not been previously approved, the following shall apply as specified in Government Code Section 65852.21:
 - 1. *Developed Lot*. No more than two primary dwelling units may exist on the lot.
 - 2. *Vacant Lot*. A maximum of two primary dwelling units are allowed per lot.

3. Accessory Dwelling Units and Junior Accessory Dwelling Units.
 - a. In addition to two detached primary dwelling units, the property may also have one Accessory Dwelling Unit and/or one Junior Accessory Dwelling unit which conforms to the requirements of the Municipal Code and Government Code Sections 65852.2 and 65852.22.
 - b. For properties with two attached primary dwelling units, the following is permitted in accordance with the Municipal Code and Government Code Sections 65852.2 and 65852.22.
 - i. A minimum of one ADU located within the non-livable portions of the existing multi-family structure, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, and garages. The maximum number of accessory dwelling units shall not exceed 25% of the number of legally established dwelling units within the existing multifamily structure; or
 - ii. A maximum of two (2) accessory dwelling units that are detached from the multi-family structure.

17.26.050 Development Standards and Design Criteria

- A. *General.* All two-unit residential developments, and any development on a lot created through an urban lot split, shall be subject to the standards and criteria set forth in this section. If any objective standards within this Section will physically preclude the construction of up to two (2) 800 square foot-minimum units, the City shall provide relief, to the extent required by Government Code section 65852.21 (b)(2)(A), from the objective standards.
- B. *Minimum Unit Size.* Each new primary dwelling unit constructed as part of an urban lot split or as part of a two-unit residential development shall be at least 800 square feet in size.
- C. *Lot Coverage.* The lot coverage for each parcel shall be the same as for the Zoning District in which the parcel is located. Should the lot coverage prohibit the construction of a unit(s) as required by Government Code section 65852.21 (b)(2)(A), the lot coverage shall be increased accordance with section 17.26.050.A above.
- D. *Unit Height.* The primary dwelling unit shall have the same maximum height as the Zoning District in which the parcel is located.
- E. *Building Setbacks.*

1. *Front Yard.* The minimum front yard setback shall conform to the requirements of the Zoning District which governs the property.
 2. *Interior Side Yard.* The minimum interior side yard setback shall be four feet.
 3. *Rear Yard.* The minimum rear yard setback shall be four feet.
 4. *Street Side Yard.* The minimum street side yard setback shall be 10 feet.
 5. *Existing Structure.* The setback for an existing, legal nonconforming shall be allowed to continue on the site. Any addition to the existing structure shall be allowed to use the same setbacks that were approved for the existing structure
 6. *Planned Unit Development.* Where a Planned Unit Development allows a smaller setback for side, rear and/or street side yards than the setbacks under this Chapter, the New primary dwelling unit shall comply with those Planned Unit Development setbacks.
 7. *Two Story Structures.* For two story structures, the second story shall be set back five (5) feet from the main wall of the existing primary dwelling unit.
 8. All new structures shall be set back a minimum of five (5) feet from the eaves of an inhabited structure (measured from eave to eave) and a minimum of 3 feet to an uninhabitable structure.
 9. All building setbacks to a fence shall be in accordance with the Building Code.
- F. *Maximum Front Setback Coverage.* No more than 50% of the front setback area may contain hardscape, excluding the allowed driveway for garages pursuant to Chapter 17.18, Pedestrian, Bicycle, Parking and Loading Standards. Driveway width shall be a maximum of 20 feet in width for a double car garage and 30 feet for a three car garage.
- G. *Street Access.* Each parcel created through an urban lot split shall have driveway access or pedestrian access to the public right-of-way or private street. Design of all curb cuts and driveway location shall conform to the requirements of Section 17.18.120 of the Hollister Municipal Code for safety purposes, except that two curb cuts shall be permitted for two-unit residential developments created through this Chapter.
- H. *Design.* All new units shall have the same architectural style, detail, color and building materials as the Existing primary dwelling unit. Where two units are proposed on a parcel created through an urban lot split, the two new units on said parcel shall have the same architectural style, detail, color, and materials.

- I. *Mechanical Equipment.* All mechanical and utility equipment shall be screened from view from the street through a combination of wall or fencing and landscape plant materials sufficient to screen the height and width of the equipment.
- J. *Parking.* All new units shall have direct access to their required parking space via a walkway from the unit directly to the parking space. A minimum of one off-street parking space (covered or uncovered) shall be provided per dwelling unit, unless the parcel is located within:
 - 1. One-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code section [21155](#) or a major transit stop, as defined in the Public Resource Code section 21064.3; or
 - 2. One city block of a car share vehicle.
- K. *Residential Use Only.* With the exception of an approved Home Occupation, as defined in Hollister Municipal Code section 17.22.130, non-residential uses shall not be permitted on any lot created by an urban lot split or in a dwelling unit created by this Chapter. All uses shall conform to those uses established under Section 17.04.020 for the Zoning District in which the property is located.
- L. *Street Facing Elevation.* For new construction, street facing elevations which are greater than 100 feet in length, shall have a plane break along the facade composed of an offset of at least 5 feet in depth by 25 feet in length. The offset shall extend from grade to the highest story.
- M. *Short-Term Rentals are Prohibited.* The rental of any dwelling unit on a lot created through an urban lot split or any unit created pursuant to Government Code section 65852.21 shall be for a term longer than thirty (30) consecutive days.

17.26.60 Permit Application and Review Procedures

- A. *Application.* An applicant for a two-unit residential development or an urban lot split shall submit an application on a form provided by the City, along with all information and materials prescribed by such form. No application shall be accepted unless it is completed as prescribed, all required materials are submitted, and the application fee is paid.
- B. *Affidavit.* The applicant for an urban lot split shall sign and submit an affidavit, on a form prepared by the City, stating that the applicant intends to occupy one of the primary dwelling units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

- C. *Deed Restriction.* Prior to the issuance of a Building Permit, the Applicant shall record a restrictive covenant in the form prescribed by the City, which shall run with the land and provide for the following:
1. A prohibition on non-residential use of any units, with the exception of Home Occupations approved by the City;
 2. A prohibition against renting or leasing the units for a period of less than thirty (30) days;
 3. A prohibition on the new construction of an ADU or JADU on any property created through an urban lot split and pursuant to Government Code section 65852.11 (existing and approved by the City ADU or JADU will be allowed to remain); and
 4. For any lots created through an urban lot split, a prohibition against further lot splits.
- D. *Ministerial Review.* Consistent with state law, the Director of Development Services will administratively consider and approve or disapprove a complete application for an Administrative Site and Architectural Review Permit for a two-unit residential development or an urban lot split created under this Chapter ministerially, without discretionary review or public hearing.
- E. *Specific, Adverse Impacts.* Notwithstanding anything else in this section, the Director of Development Services may deny an application for a residential development or a parcel map for an urban lot split if the Director of Development Services makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.



Planning Commission

Staff Report

November 17, 2022

Item 5

SUBJECT: **Zoning Ordinance Amendment 2022-3** – City of Hollister – Amendments to the Zoning Ordinance related to Section 17.24.190, Site and Architectural Review, and 17.24.240, Planned Development Permits, and the adoption of a New Chapter – Residential Design Standards.

STAFF PLANNER: Eva Kelly, Interim Planning Manager (831) 636-4360
Erica Fraser, AICP, Consulting Planner

ATTACHMENTS: 1. Resolution recommending City Council approve amendments to Section 17.24.190, Site and Architectural Review, and Section 17.24.240, Planned Development Permits, and the adoption of Chapter 17.26, Residential Design Standards with the amended Section 17.24.190, Site and Architectural Review, attached as Exhibit A, the amended Section 17.24.240, Planned Development Permits attached as Exhibit B, and the new Chapter 17.26, Residential Design Standards attached as Exhibit C.

RECOMMENDATION: Approve Resolution

BACKGROUND:

The Planning Department's overall plan for the overhaul of the Zoning Ordinance was discussed with the Planning Commission and City Council during a Joint Study Session on September 1, 2022. As discussed during that Study Session, Staff's initial plan for the complete overhaul of the Zoning Ordinance was to be conducted in three phases. The three phases are summarized below:

- Phase 1 – Phase I of the Overhaul is for the implementation of recent changes in State Law into the Zoning Ordinance. The current Zoning Ordinance does not comply with several State Laws and requires a significant number of changes. This Phase is currently underway. A new Chapter, Chapter 17.24, Two- Unit Residential Developments and Urban Lot Splits, has been drafted for review by the Planning Commission at tonight's meeting. Staff is also currently preparing amendments related to Section 17.22.040, Accessory Dwelling Units and a proposed amendment to repeal Chapter 17.04, Article II, Density Bonus and replace with a new Chapter 17.28, Density Bonus. The Amendments have been slightly delayed due to the recent laws signed by Governor Newsom which further changed how City's must review these types of projects. Additionally, Governor Newsom recently signed a significant number of new laws that relate to housing and how a City can regulate certain types of developments. Staff is currently reviewing all the recent

Bills signed into Law by the Governor to determine if any other modifications to the Zoning Ordinance are necessary in order to comply with State Law. This Phase is on-going and completion is not anticipated until February 2023.

- Phase II – Phase II was initially intended for several modifications that need to be made to Section 17.24.140, Site and Architectural Review, prior to the overhaul of entire Zoning Ordinance. These modifications are related to clearly identifying what types of projects require review, modifications for clarity and to make this Section more user friendly for residents as well as developers. The update to this Section would also coincide with the adoption of Design Guidelines that Staff is currently preparing to guide the design of residential and commercial development within the City. Staff is now proposing that Phase II be split into two phases – Phase IIA and Phase IIB. Please refer to Staff’s analysis of the Zoning Ordinance Amendments for more information regarding the change in phasing.
- Phase III - Phase III comprises the complete overhaul of the Zoning Ordinance. This phase will include a review of every Section in the Zoning Ordinance. Staff is recommending a significant number of modifications to the existing Zoning Ordinance to improve the clarity of the Zoning Ordinance, ensure its effectiveness, ensure that the Zoning Ordinance is consistent with current practices and to create a more user friendly Ordinance. Additionally, several changes will be required to be made to the Zoning Ordinance related to any modifications required by the 2040 Hollister General Plan (once adopted).

Staff anticipates that Planning Commission Study Sessions regarding Phase III of the Zoning Ordinance Overhaul will continue in January 2023.

ANALYSIS:

After work began on Phase II of the Zoning Ordinance Overhaul, Staff determined that additional modifications to other Sections of Chapter 17.24, Administration and Enforcement, would be required for consistency. Each Section within this Chapter refers to requirements in other Sections. Staff has determined that by changing Section 17.24.190, Site and Architectural Review, this would make this Section inconsistent with others and would cause confusion and could make implementation of the new Section difficult. This would require Staff to amend all of Chapter 17.24, Administration and Enforcement, which will require a much more lengthy process than originally anticipated. Additionally, while conducting preliminary work on this Phase, Staff has also identified several modifications that need to be made prior to the complete overhaul in order to facilitate and streamline the review of some active and anticipated permits in the City.

As a result, Staff is proposing to split Phase II into two separate phases. Phase IIA is under review at tonight’s meeting. Phase IIA will allow Staff to make modifications to Sections 17.24.190, Site and Architectural Review and 17.24.240, Planned Development Permits that Staff feels are necessary to be implemented now. Additionally, Staff is requesting the City implement a new Chapter in the Zoning Ordinance, Chapter 17.30, Residential Design Standards, in order to guide the design of residential developments in the City.

Phase IIB would then come before the Planning Commission for review during one or more Study Sessions.

This Phase would include the entire overhaul of Chapter 17.24, Administration and Enforcement, and new Design Guidelines related to residential and commercial properties in the City. This Phase will require a significant amount of work. Staff anticipates that this Phase will be ready for review during a Study Session in Spring 2023.

The following is an analysis of the proposed modifications to the Zoning Ordinance.

Chapter 17.24.190, Site and Architectural Review (Exhibit A of Attachment 1)

Two significant changes are proposed to this Section of the Zoning Ordinance. The existing Section requires Site and Architectural Review of all new commercial, industrial, and multi-family buildings. Residential developments in the RE and R1 Zoning Districts are exempt from Site and Architectural Review. While this Section specifically excludes review of residential dwelling in the RE and R1 Zoning Districts, previous Staff has applied this exemption to all detached single family dwellings in any zoning district.

This means that all single-family residential developments (of any size) currently only require approval of a Tentative and Final Map and a Building Permit. Review and approval of the Tentative Map is conducted by the Planning Commission. During this phase of a project, the Planning Commission reviews the overall layout of the development, lot dimensions and lot sizes. Some Tentative Maps are also reviewed in conjunction with a request for a Planned Unit Development which can modify the required development standards of the Zoning District in which the property is located. The architecture of the single-family dwelling units and landscaping are not reviewed in detail by Staff, unlike multi-family dwellings. Because the Building Permit is a ministerial action, Staff can only review the design and landscaping with respect to the specific requirements of the Zoning Ordinance including the required setbacks, height limits and lot coverage. Section 17.04.030, Residential general development standards, does include design suggestions, but these are difficult to enforce during building permit review as they are suggestions and not requirements.

The number of single-family residential developments under review by the Planning Department is increasing. The Planning Department is spending a significant amount of time reviewing these developments. Because a building permit is ministerial, the Planning Division cannot review the design of the dwellings in the development. Rather, Staff reviews the plans to ensure that one design is not repeated more than once every four dwelling units, which is currently one of the only design requirements in the Municipal Code to eliminate monotony within new development. Recent projects include elevations which appear very similar. Staff has also seen an increase in the number of dwellings with little articulation, visual interest, or changes in materials. Because these types of development do not require Site and Architectural Review, Staff is unable to recommend design changes to these projects.

Staff is recommending that Section 17.24.190(B) of the Zoning Ordinance be modified to read as follows:

“B. Project Review. No building permit for a new single family residential development of more than two residential dwellings, commercial, industrial or multifamily building shall be issued without approval of a Site and Architectural Review application by the Director of Development Services or the Planning Commission. For single family residential developments which are located in any zoning district in which a single-family development is a permitted use, the Development Services Director shall be the decision-

making authority. For all other developments, the Planning Commission shall be the decision-making authority. Where a Site and Architectural Review is combined with another permit type, the decision-making body shall be the highest level required by the secondary permit type.”

This modification would allow the Director of Development Services to review and approve a Site and Architectural Review of any single-family residential development of more than two dwelling units. This would allow for an expedited review of projects that do not include any other requests that require review by the Planning Commission (Tentative Maps, Planned Unit Developments, Rezone, etc.). Requiring a permit from the Planning Department is consistent with most of the jurisdictions in the area. The following Table provides information regarding the review of residential developments in neighboring jurisdictions.

Table 1: Review Process for Select Jurisdictions

Jurisdiction	Planning Permit Required	Reviewing Body
San Juan Bautista	Projects over 1,000 sq. ft.	Planning Commission. Additions of a certain size can be reviewed by the Director
Gilroy	4 or more	Director for design only, if PUD or Map is also filed it is elevated to the Planning Commission
Greenville	SF development and additions over 500 sq. ft. above the first floor	Planning Commission
San Benito County	Minor= 10 or fewer dwellings Major= 10 or more dwellings	Minor=Planning Director Major=Planning Commission
Watsonville	Yes	Planning Commission
Morgan Hill	3 or more new residential units	Planning Commission
Soledad	Any lot	Director or Planning Commission
Salinas	No.	Site Plan review only for certain projects

As shown above, the requirement for a permit and review by the Director of Development Services is not unusual and would not create an undue burden on applicants.

The other significant modification to this Section is the inclusion of specific findings that must be made when approving a Site and Architectural Review. Currently, this Section of the Zoning Ordinance does not include findings related to the approval of a Site and Architectural Review request. In the absence of specific findings, Staff has included some basic findings in Resolutions before the Planning Commission.

Findings are the specific reasons Staff and the Planning Commission provide related to the approval or denial of an application. These findings provide the legal record for a project and can be used to clearly demonstrate why a project should be approved (or denied). Findings are also important because they can be used in the future to determine why a project was approved and why specific conditions of approval may have been included in the approval.

By including specific findings in the Zoning Ordinance, related to review of a Site and Architectural Review request, the required findings are readily visible to Staff and the Planning Commission as well as applicants.

Applicants may use these findings to conduct a review of their own project to ensure compatibility with the Zoning Ordinance.

The following findings are proposed to be included in Section 17.24.140:

“F. Required Findings. All of the following findings shall be made in order to approve a Site and Architectural Review and shall be supported by substantial evidence in the public record:

1. The proposed project is consistent with the goals and policies of the General Plan, any applicable Specific Plans and any applicable design guidelines.
2. The proposed project is consistent with the provisions of Title 17, Zoning, of the Hollister Municipal Code including the requirements of the Zoning District in which the property is located.
3. The proposed development will not be detrimental to public health, safety or welfare of persons residing in or working in the neighborhood or to the general welfare of the City.
4. The proposed project would offer a distinguishable public benefit - such as additional open space or landscaping; public art or art through innovative architecture or site layout; unique uses not typically permitted within the underlying zoning district; contribution to or construction of significant off-site public improvements or community space; or similar – in exchange for any modifications from standard zoning requested by the planned development.
5. The proposed project is consistent with all applicable requirements of the Municipal Code and applicable Specific Plan related to landscaping and screening, including the location, type, size, water efficiency and coverage of plant materials to ensure visual relief, adequate screening, and an attractive environment for the public.
6. The site has been adequately designed to ensure adequate parking to serve the project and proper circulation for bicyclists, pedestrians, and automobiles.”

Other minor modifications are proposed to correct errors within the Section and to clarify certain requirements. These modifications can be found in Exhibit A of Attachment 1. A complete overhaul of this Section will be completed as part of Phase IIB.

Section 17.24.240, Planned Development Permits

Two minor changes are proposed to this Section of the Zoning Ordinance.

At this time, Staff is proposing that any future requests for a Planned Development Permit be accompanied by a Site and Architectural Review application (Section 17.24.240(C)). The purpose of a Planned Unit Development is to allow greater flexibility in the configuration of buildings than would otherwise be allowed by the Zoning Ordinance, in exchange for innovative or interesting designs or layout, the preservation of open space or other amenity. The review of a Planned Unit Development application is a discretionary review.

Currently, a Planned Unit Development request is reviewed in conjunction with a Tentative Map. Developers typically use this process to request a reduction in lot size or setbacks. Because this request is reviewed with a Tentative Map, the City cannot review the overall design of the project. At this phase, the City can only look at the lot layout and cannot determine what the development will look like once constructed. Staff is proposing that this request be reviewed with a Site and Architectural Review so that the Planning Commission can ensure that the request complies with the stated purpose in Section 17.24.240(A).

Further revisions are proposed to delete the existing Section 17.24.240(B). As currently written, the existing Applicability Section does not make sense and it is difficult to determine what types of projects may request a Planned Development Permit. At the recommendation of the City Attorney, Staff is proposing that the existing Section be deleted and replaced with the following:

“B. *Applicability.* An Applicant may apply for a Planned Development Permit For those developments that do not comply with the objective standards of the Zoning Ordinance but, through innovative design, provide a unique public benefit that outweighs the potential negative impact of noncompliance with the objective standards of the Zoning Ordinance.”

Staff is also proposing to include one additional finding (Finding No. 4) which further reiterates the purpose of a Planned Unit Development.

“4. The proposed project would result in a creative and attractively designed development of superior quality through innovative site layouts, building types, increased landscaping, high quality architectural design, building sizes and other elements than which could occur under the typical standards for the Zoning District in which the property is located”

Further changes to this Chapter will also be made as part of Phase IIB.

Chapter 17.30, Residential Design Standards

The Zoning Ordinance currently does not have usable design guidelines for single family or multi-family residential developments. Recent submittals to the City for single family and multi-family include building designs that lack articulation, lack visual interest, and do not enhance the site on which they are located or the City. Staff has tried to work with Applicants on the design of their project, but without standards established by the City, Staff has been unsuccessful in their efforts.

The review of the design of a residential project is further complicated by recent State legislation including Senate Bill 35 and Senate Bill 330. These Bills require residential projects to be review against objective standards (meaning that no discretion is involved). Objective design standards are intended to be a predictable, easy to determine requirements that can be applied to a residential development.

In order to assist the City with the review of residential developments under the Site and Architectural Review process, Staff is proposing a Zoning Ordinance Amendment to include a new chapter, Chapter 17.30, Residential Design Standards.

These standards are intended to be temporary standards. As part of Phase IIB, Staff is preparing a separate design guideline document that will include design guidelines for a variety of uses in the City. Staff is proposing the addition of Chapter 17.30 at this time due to the number of projects that are anticipated in the coming months. Without these guidelines, the City will be unable to impose any design requirements on projects and Staff believes that this should not wait until Phase IIB is implemented (final adoption is not anticipated to occur until late Spring 2023). Staff has determined that there is an immediate need for design standards in order to assist Staff and the Planning Commission in the review of residential designs.

Chapter 17.30, Residential Design Standards, is included as Exhibit C to Attachment 1.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The proposed Zoning Ordinance amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines because the proposed amendments will not result in any direct physical change to the City and any future residential projects will be subject to the requirements of CEQA and therefore the proposed amendments are not a project under CEQA and are exempt from further review (CEQA Guidelines, Section 15378).

CONCLUSION:

Staff is proposing several modifications to the Zoning Ordinance in order to promote better development and design of single family and multi-family residential developments in the City. By requiring applicants of residential developments of more than two dwelling units to apply for Site and Architectural Review, the Planning Department will be able to review the proposed project for compliance with all requirements of the Zoning Ordinance, review the design for consistency with any adopted design guidelines, review the proposed landscaping and place conditions of approval on the project when necessary. By requiring applicants to combine a Planned Development request with a Site and Architectural Review, the City will be able to ensure that the development is attractively designed, innovative or provide a unique amenity in exchange for a modification to the development standards of the zoning district in which the subject property is located. By adopting objective design standards, the City will ensure that single family and multi-family developments are attractively designed and reinforce the small town character of Hollister.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution recommending City Council approval of amendments to Section 17.24.190, Site and Architectural Review, and Section 17.24.240, Planned Development Permits, and the adoption of Chapter 17.26, Residential Design Standards with the amended Section 17.24.190, Site and Architectural Review, attached as Exhibit A, the amended Section 17.24.240, Planned Development Permits attached as Exhibit B, and the new Chapter 17.26, Residential Design Standards attached as Exhibit C.
2. Adopt a Resolution recommending City Council approval of amendments to Section 17.24.190, Site and Architectural Review, and Section 17.24.240, Planned Development Permits, and the

adoption of Chapter 17.26, Residential Design Standards with the amended Section 17.24.190, Site and Architectural Review, attached as Exhibit A, the amended Section 17.24.240, Planned Development Permits attached as Exhibit B, and the new Chapter 17.26, Residential Design Standards attached as Exhibit C, with modifications to the proposed amendments as proposed by the Planning Commission;

3. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends the Planning Commission select Option 1 for this Item.

PLANNING COMMISSION RESOLUTION NO. 2022-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENTS TO SECTION 17.24.190, SITE AND ARCHITECTURAL REVIEW, AND SECTION 17.24.240, PLANNED DEVELOPMENT PERMITS, AND THE ADOPTION OF CHAPTER 17.30 RESIDENTIAL DESIGN STANDARDS (ZOA 2022-3)

WHEREAS, the City occasionally initiates amendments to the Zoning Ordinance to clarify, add, or amend certain provisions to ensure that the Zoning Ordinance is simple to understand and to implement relevant to changes occurring in the community; and

WHEREAS, the Planning Department has identified several modifications that are necessary in order to improve City review of single family and multi-family residential developments; and

WHEREAS, the Planning Department has also identified the need for objective design standards in order to guide the design of residential development in the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 17, 2022 during which all interested persons were heard; and

WHEREAS, a Staff report was submitted to the Planning Commission of the City of Hollister recommending approval of the proposed Zoning Ordinance Amendments; and

WHEREAS, the proposed Zoning Ordinance amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines because the proposed amendments will not result in any direct physical change to the City and any future residential projects will be subject to the requirements of CEQA and therefore the proposed amendments are not a project under CEQA and are exempt from further review (CEQA Guidelines, Section 15378); and

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Hollister does hereby recommend that the City Council approve the amendments to Section 17.24.190, Site and Architectural Review, and Section 17.24.240, Planned Development Permits, and the adoption of Chapter 17.30, Residential Design Standards.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Hollister does hereby recommend that the City Council adopt the amendments to Section 17.24.190, Site and Architectural Review, attached as Exhibit A with new text shown in bold and underlined font and deleted text shown in red font with strikethrough; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Hollister does hereby recommend that the City Council adopt the amendments to Section 17.24.240, Planned Development Permits attached as Exhibit B with new text shown in bold and underlined font and deleted text shown in red font with strikethrough; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Hollister does hereby recommend the City Council amend the Zoning Ordinance to include Chapter 17.30, Residential Design Standards attached as Exhibit C.

PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of Hollister on this 17th day of November 2022, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Adrianna Ortiz, Secretary

17.24.190 Site and Architectural Review.

- A. *Purpose.* Site and Architectural Review is intended to provide for site and architectural regulation, review and approval prior to development as to both on-site and off-site improvements and the height, width, shape, proportions and exterior construction design of buildings and other structures to **ensure** architectural compatibility with surrounding areas and to promote unified and distinct development within areas.

~~Site and Architectural Review may also be required at the discretion of the Development Services Director when a single purpose facility, such as an abandoned school, is being converted to multi-tenant uses.~~

- B. *Project Review.* No building permit for a **new single family residential development of more than two residential dwellings**, commercial, industrial or multifamily building shall be issued **without approval of a Site and Architectural Review application by the Director of Development Services or the Planning Commission.** **For single family residential developments which are located in any zoning district in which a single-family development is a permitted use, the Development Services Director shall be the decision-making authority. For all other developments, the Planning Commission shall be the decision-making authority. Where a Site and Architectural Review is combined with another permit type, the decision-making body shall be the highest level required by the secondary permit type.**

- C. The requirement for Site and Architectural Review for a new building may be waived if the building is located within a development with a master architectural, landscaping, lighting and sign program that has been approved by the Planning Commission and the Director can make the following findings:

1. The building design, elevations, materials, colors, the landscape, lighting and sign plan, building orientation and parking plan substantially conforms with a master architectural, landscaping, lighting and sign program that has been approved by the Planning Commission within the last three years for the project area;
2. If an environmental document was adopted for the project area, the size of the building and type of use will not trigger the requirement for a subsequent, supplement or addendum to the adopted environmental document and the proposal will incorporate mitigation measures from the mitigation and monitoring program from the adopted environmental document.

- D. In their review, the Planning Commission **and the Director of Development Services** shall consider the following approval criteria:

- 1.** *Traffic Congestion and Safety.* The effect of the layout of the development on traffic conditions and patterns on surrounding streets and for compliance with requirements for a Circulation Plan in Section 17.18.030 and supplemental standards in the applicable zoning district for; the layout of the site with respect to locations and dimensions of vehicular pedestrian entrances, exits, drives and walkways; the adequacy of off-street parking facilities to prevent congestion; the location, arrangement and dimensions of loading and unloading facilities; the circulation pattern within the boundaries of the development and the surfacing and lighting of off-street parking facilities;
- 2.** *Outdoor Advertisement.* The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures relative to the creating of traffic hazards and the appearance and harmony with the surrounding development;
- 3.** *Landscaping.* The location and height of walls, fences, hedges and screen plantings and the materials to be used in the construction of walls and fences, to ensure harmony with surrounding development or to conceal storage and service areas, utility installations or unsightly development; the planting of ground cover or other surface to prevent dust and erosion; and the preservation of existing healthy trees and the planting of additional trees;
- 4.** *Site.* The orientation and location of improvements and open space in relation to the physical characteristics of the site and character of the neighborhood, and the appearance and harmony of improvements with surrounding development;

5. *Drainage.* The effect of the development on storm and surface water drainage. New development and redevelopment of property shall include measures to maintain the natural hydrologic character of a site on the property to reduce the rate and flow of stormwater runoff to streets, storm drains and local water ways;
6. *Exterior Architectural Design.* The effect of the height, width, shape and exterior construction and design of building and structures as such factors relate to the existing and future characteristics of the neighborhood and proposed use of the zone district in which they are situated;
7. *General.* For the protection of the public health, safety and welfare, the Planning Commission may establish, impose and enforce reasonable conditions or requirements deemed appropriate or necessary for the benefit or protection of surrounding areas, to provide for desirable or necessary public utilities, and to ensure development compatible to and harmonious with the surrounding area and the uses established therein, so long as such conditions or requirements bear reasonable relationship to the project or development.

E. *Hearing and Notice.* The **Development Services Director shall notice Site and Architectural Review Applications which require review and approval by the Development Services Director in accordance with Section 17.24.160, Administrative Permits with notice and right of appeal. Site and Architectural Review Applications which require review and approval by the Planning Commission and/or the City Council, as noted under subsection B above shall be noticed in accordance with Section 17.24.120, Public hearing.** ~~Planning Commission shall hear each application upon the same notice and proceedings as are required for an original application to the Planning Commission for a Conditional Use Permit under Section 17.24.120 (Public Hearing).~~

F. *Required Findings.* **All of the following findings shall be made in order to approve a Site and Architectural Review and shall be supported by substantial evidence in the public record:**

1. **The proposed project is consistent with the goals and policies of the General Plan, any applicable Specific Plans and any applicable design guidelines.**
2. **The proposed project is consistent with the provisions of Title 17, Zoning, of the Hollister Municipal Code including the requirements of the Zoning District in which the property is located.**
3. **The proposed development will not be detrimental to public health, safety or welfare of persons residing in or working in the neighborhood or to the general welfare of the City.**
4. **Architectural considerations including the character, scale and quality of the design, site layout, screening of unsightly uses, lighting, building materials and colors result in a project that is harmonious with its surroundings, is compatible with other developments in the vicinity, and complies with any applicable design guidelines or standards adopted by the City.**
5. **The proposed project is consistent with all applicable requirements of the Municipal Code and applicable Specific Plan related to landscaping and screening, including the location, type, size, water efficiency and coverage of plant materials to ensure visual relief, adequate screening, and an attractive environment for the public.**
6. **The site has been adequately designed to ensure adequate parking to serve the project and proper circulation for bicyclists, pedestrians, and automobiles.**

E. *Expiration.* Site and architectural approval shall be valid for a period of 24 months from ~~and after~~ the date of approval. **If a building permit is not issued within that time frame, the approval shall expire and become null and void. If a building permit is issued within the approval period, the Site and Architectural Review approval shall remain valid as long as the building permit has not expired.** ~~and shall be null and void if a~~

~~building permit has not been issued; except that in the event that the building permit expires, the site and architectural approval shall be null and void.~~

- F.** **Extension.** The Director of Development Services shall have the authority to extend all Site and Architectural Review approvals upon the request of the Applicant. A request for an extension shall be filed on a form prescribed by the City together with the required Application Fee at least 30 days prior to the expiration of the original approval. No more than one extension not to exceed a period of one (1) year shall be granted. ~~On application, site and architectural review approval may be extended for an additional period, not to exceed one additional year. Application for extension of site and architectural approval shall be at least 30 days before the expiration of the original approval and shall state the reasons for requesting the extension.~~ A request for extension of the site and architectural approval may be approved, approved conditionally, or denied. In granting an extension of Site and Architectural approval, new conditions may be imposed, and existing conditions may be revised.
- G.** **Appeal.** An appeal may be taken from the decision of the **Development Services Director to the Planning Commission and from the decision of the** Planning Commission to the City Council by any person aggrieved by any such decision within the time limits and following the procedures specified in Section 17.24.140 (Appeals).

17.24.240 Planned Development Permits.

- A. *Purpose.* The following provisions are intended to: afford maximum flexibility in site planning/property development, design, and density/intensity, while protecting the integrity and character of the residential areas of the City; encourage innovation and the development of affordable housing; and ensure consistency with the General Plan. At the time of application submittal, a review of the configuration, design, location and impact of the proposed land use shall be conducted by comparing the use to established development/site standards. This review shall determine whether the permit should be approved by weighing the public need for and the benefit(s) to be derived from the proposed use, against the potential negative impacts it may cause.
- B. *Applicability.* **An Applicant may apply for a Planned Development Permit For those developments that do not comply with the objective standards of the Zoning Ordinance but, through innovative design, provide a unique public benefit that outweighs the potential negative impact of noncompliance with the objective standards of the Zoning Ordinance.** ~~A Planned Development Permit shall be required for all applicable structures and uses permitted by this Zoning Ordinance; however, none shall be required for alterations to an existing single-family dwelling. Specifically, a permit shall be required under the following circumstances:~~
- ~~1. For a new structure or use listed as subject to a "Planned Development Permit" (PD) in the applicable zoning district;~~
 - ~~2. For the change, enlargement, expansion or exterior alteration of an existing structure or use for which a Planned Development Permit has not been issued, excluding an existing single-family dwelling used as a residence; and~~
 - ~~3. For the movement or relocation of any structure, including factory-built and manufactured housing, to any parcel within the City.~~
- C. *Application Requirements.* An application for a Planned Development Permit shall be filed in compliance with Section 17.24.070 (Application Filing) **and shall be accompanied by an application for a Site and Architectural Review.**
- D. *Project Review.* Each Planned Development Permit application shall be analyzed to ensure that the application is consistent with the purpose/intent of this Zoning Ordinance and the City's CEQA Guidelines. To ensure effective implementation of General Plan policies relating to design, each application for a Planned Development Permit shall be reviewed in compliance with subsection E of this section prior to determination by the review authority. Additionally, any application which may result in grading shall require the submittal of preliminary grading plans for review and recommendation by the City Engineer and approval by the review authority.
- E. *Design Review Procedures.* The review of projects for architectural and site plan design is an integral part of the development approval process. Each Planned Development Permit application (including all associated plans and elevations) shall be reviewed to ensure that the application is consistent with: the purpose/intent of this section; all applicable development standards/regulations of this Zoning Ordinance; and any adopted design guidelines/policies that may apply. In addition, applications for Conditional Use Permits and variances are also subject to design review whenever any physical alteration/construction is proposed.
1. *Department Action.* Site plan/design review is initiated when the Department receives a complete application package including all required attachments, plans, specifications, elevations, sample materials, etc. as specified in the application form and any additional information required by the Director in order to conduct a thorough review of the proposed project.
- Upon receipt of a complete application, Department staff shall conduct a review of the location, design, site plan configuration and impact of the proposed development by comparing the project plans to established development standards/regulations and any adopted design guidelines/policies. In general, development proposals will be reviewed considering criteria including, but not limited to, the following:

- a. Compliance with this Zoning Ordinance and all other applicable city ordinances;
 - b. Desirable site layout and design;
 - c. Compatibility with neighboring property/development;
 - d. Efficiency and safety of public access and parking;
 - e. Appropriate open space and use of water efficient landscaping;
 - f. Consistency with the General Plan; and
 - g. Consistency with any adopted design guidelines and design review policies.
2. *Reference to Design Guidelines/Policies.* In reviewing development/ improvements subject to design review, the Director shall refer to any design guidelines/policies that have been adopted by the Council/Commission in order to provide guidance to applicants seeking to comply with the requirements of this Zoning Ordinance. The Council/Commission may amend the design guidelines/policies whenever it deems it appropriate in order to carry out the purpose/intent of this Zoning Ordinance. Copies of the design guidelines/policies shall be available to the public at the Department.

The adopted design guidelines are to be used by property owners, developers, architects, landscape architects, and designers in the planning and design of projects in the City. The design guidelines communicate the desired qualities and characteristics of development, and are intended to promote quality design that is compatible with the surrounding neighborhood and implement the General Plan. The design guidelines/policies are used by city staff, the Commission, and the Council as adopted criteria for the review of development proposals subject to design review.

3. *Department Recommendation.* Following completion of its review of a proposed project, Department staff shall provide a written statement of findings/recommendations to the review authority for its consideration simultaneously with a Conditional Use Permit and Site and Architectural Review application. Department staff may recommend approval, approval with conditions, or disapproval of a project. The report containing findings, recommendations and conditions, shall also be forwarded to the applicant prior to consideration by the review authority.

Where the findings/recommendations of the staff may substantially alter a proposed development, the applicant may be requested to submit revised plans at the discretion of the Director.

4. *Preliminary Design Concept Review.* The Director may require that a project applicant submit design concept plans for preliminary design review prior to submittal of a formal application for a project deemed significant by the Director. The purpose of the preliminary consultation is to advise the project applicant of applicable design guidelines, design review policies, and other specific design criteria that may affect the design of the project.
- F. *Hearings and Notice.* Upon receipt of a Planned Development Permit application in proper form, a public hearing before the Planning Commission shall be set and notice of the hearing given in compliance with Section 17.24.120 (Public Hearings) of this chapter.
- G. *Decision and Findings.* Following a hearing, if required, the Planning Commission, as outlined in Table 17.24-1, shall record the decision in writing and shall recite the findings upon which the decision is based. The Planning Commission may approve or modify a Planned Development Permit in whole or in part, and shall impose specific development conditions. These conditions shall relate to both on- and off-site improvements that are necessary to accommodate flexibility in site planning/property development, mitigate project-related adverse impacts, and to carry out the purpose/intent and requirements of the respective zoning district. The Planning Commission may approve a Planned Development Permit, only if all of the following findings are made:

1. The proposed development is one allowed within the subject zoning district and complies with all of the applicable provisions of this Zoning Ordinance, including prescribed development/site standards/guidelines and any adopted design guidelines;
 2. The proposed development is consistent with the General Plan;
 3. The approval of the Planned Development Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);
 4. **The proposed project would offer a distinguishable public benefit - such as additional open space or landscaping; public art or art through innovative architecture or site layout; unique uses not typically permitted within the underlying zoning district; contribution to or construction of significant off-site public improvements or community space; or similar – in exchange for any modifications from standard zoning requested by the planned development.**
 5. The proposed development would be harmonious and compatible with existing and future developments within the zoning district and general area, as well as with the land uses presently on the subject property;
 6. The subject site is physically suitable for the type and density/intensity of use being proposed;
 7. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety; and
 8. The design, location, size, and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- H. *Expiration.* A Planned Unit Development Permit shall be exercised within two years from the date of approval or the Permit shall become void except when:
1. An extension is approved by the Planning Commission in compliance with procedure for extending a permit found in this Zoning Code; or
 2. An extension is required to allow the expiration date of the Planned Unit Development Permit to be consistent with the expiration date of the Tentative Subdivision Map for the same development project.
- I. *Revocation.* The Planning Commission may revoke or modify a Planned Development Permit in compliance with Section 17.24.130(H) (Revocations) and Article III (Enforcement).
- J. *Performance Guarantee.* The applicant/owner may be required to provide adequate performance security for the faithful performance of any condition of approval imposed by the review authority.

17.30 Residential Design Standards

17.30.010 Purpose

The purpose of this Chapter is to establish objective design standards to guide the design of new residential developments in the City to:

- A. Promote visual interest in the City's residential developments.
- B. Ensure projects enhance their sites and the surrounding area.
- C. Ensure multi-family dwellings are designed for activation of the street on which they are located.
- D. Enhance the architectural character and scale of neighborhoods.
- E. Enhance the visual quality of the City through well designed projects.
- F. Encourage the development of neighborhoods that provide a high-quality living environment.
- G. Enhance property values within the City.

17.30.020 Design Standards for Single Family Detached and Duets.

The following design standards shall apply to the new construction of single family detached and duets dwelling units (as defined under 17.02.020, Definitions), on any lot where these uses are a permitted or conditionally permitted use. For properties which are located within the Old Town Zoning District, all development shall conform to the guidelines included in Section 17.04.050, Old Town Zoning District Supplemental Design Standards, of the Zoning Ordinance. Where any design standards in the Zoning Ordinance conflict with the design standards established by this Chapter, this Chapter shall prevail.

- A. **Development Standards.** All new construction shall conform to the requirements for development standards (height, setbacks, lot coverage, lot dimension, etc.) for the Zoning District in which they are located.
- B. **General Site Planning.** All new residential developments shall incorporate the following:
 - 1. All residential developments shall contain a minimum of four distinct architectural styles, of any type (including but not limited to craftsmen, bungalow, ranch, Mediterranean, mission, etc.) that are visually different from one another and include varying design elements. A minimum of 80% of the following design

elements shall vary between units to qualify as a change in architectural style for the purpose of this section:

- i. Window Style and materials
 - ii. Door style, shape, and materials
 - iii. Inclusion of or change in style, material, and size of porches and balconies
 - iv. Shutters or other decorative elements
 - v. Change in trim size around windows
 - vi. Change in accent and body materials and colors
 - vii. Roof Pitch or Form
 - viii. Inclusion or change in structural design elements such as archways or columns
 - ix. Height of structure
 - x. Change in location of front door
2. Each design shall not be repeated more than once per each four or six elevation types as noted above. Houses with identical building elevations shall not be located directly across the street from each other.
3. Sidewalks shall be located on both side of the street throughout the development.

C. **Main Elevation Articulation.** The main elevation of a dwelling unit shall be the elevation which faces the sidewalk and street access to the home. The design of this elevation shall comply with the following:

1. All garages are encouraged to be setback a minimum of five feet from the primary front façade of the residence. In no case shall the garage be set back less than two (2) feet from the main wall of the house.
2. Garages shall be designed so that they do not occupy more than 50 percent of the length of the front elevation.
3. The second floor shall be set back a minimum of five (5) feet from the first floor front wall of the house for at least 50 percent of the structure, unless the elevation plane is broken up through the use of a porch or similar architectural element which comprises a minimum of 50 percent of the length of the structure.
4. For buildings in which the main elevation has a length of 50 feet or greater, for each interval of at least 50 feet of building length, there shall be a plane break

along the façade composed of an offset of at least five (5) feet in depth by 25 feet in length.

5. Include two exterior building materials (one may be used as an accent or base) and may include, but are not limited to, wood or simulated wood boards, brick, stucco, shingle siding, stone, rock, tile or other accent material. Trim does not count towards the two material requirement.
6. Design elements and detailing, such as base materials, trim, window treatments, trim detailing, etc., shall be continued completely around the structure where visible from the right-of-way.
7. All accent materials or enhanced materials shall be terminated at an interior corner.

D. **Street Facing, Non-Main Elevation.** For houses where a side elevation faces a street, the following shall be incorporated into the design of the side wall which faces the street.

1. No plane of any floor shall be greater than 30 feet without a plane break of at least two (2) feet.
2. Design elements and detailing, such as base materials, trim, window treatments, trim detailing, etc., shall be continued completely around the structure where visible from the right-of-way.
3. All accent materials or enhanced materials shall be terminated at an interior corner.

E. **Entryway.** All entryways shall be oriented to the street and shall incorporate at least four of the following:

1. The entryway shall be recessed at least 2 feet from the building façade to create a porch or a landing area.
2. The entryway shall be designed with an overhead projection of at least 6 inches, such as a gable roof, covered porch, or other architectural design feature, so as to distinguish the front door from the rest of the building façade.
3. The entryway shall be clearly marked with a side light window panel, adjacent windows (located within 3 feet of the door), or a door with a window.
4. The entryway shall be raised or lowered at least one stair step from the pedestrian pathway.

5. A path of travel from the sidewalk or the right-of-way directly to the entrance is provided.
 6. Change in exterior building materials at or around the entry to include at least two building materials that include, but are not limited to, wood, brick, cement board, stucco, tile, or other accent material.
- F. **Roofline.** For the main elevation of any house the roofline shall be articulated by incorporating a minimum of two of the following:
1. A break in façade plane of a minimum of 6 inches in depth that is carried up the roofline.
 2. Any form of roofline modulation such as a step back, height variation, or multiple forms.
 3. Change in roof pitch or type (such as gable, shed, flat) on one elevation.
 4. An uncovered balcony or deck on the second floor.
- G. **Windows and Doors.** All windows and doors shall conform to the following:
1. All windows on one elevation shall match with respect to operating type, design, color, trim style, and the use of grids.
 2. Windows shall be recessed from the main wall of the house or shall have trim surrounding the window.
- H. **Paved Pathway to Side Yards with a Gate.** A paved pathway shall be provided from all gated side yards to the sidewalk. The paved area may include a driveway, but other than a driveway the paved pathway shall be a minimum of four feet and a maximum of 6 feet wide.
- I. **Maximum Front Setback Coverage.** No more than 50% of the front setback area may contain hardscape, excluding the allowed driveway for garages pursuant to Chapter 17.18, Pedestrian, Bicycle, Parking and Loading Standards. Driveway width shall be a maximum of 20 feet for a double car garage and 30 feet for a three car garage.
- J. **Mechanical Equipment.** All mechanical and utility equipment shall be screened from view from the street through a combination of wall or fencing and landscape plant materials sufficient to screen the height and width of the equipment.

17.30.030 Design Standards for Multi-Family Projects

The following design standards shall apply to the new construction of all multi-family developments (as defined by Section 17.02.020, Definitions). Where any design standards in the Zoning Ordinance conflict with the design standards established by this Chapter, this Chapter shall prevail.

- A. **Development Standards.** All new construction shall conform to the requirements for development standards (height, setbacks, lot coverage, lot dimension, etc.) for the Zoning District in which they are located.
- B. **Street Activation.** Residential buildings shall be designed to provide a connection to and enliven the street and shall include the following:
 - 1. All ground-level units shall include an individual entry, porch, patio, or terrace.
 - 2. A minimum of 50% of upper-story units shall include a balcony or terrace.
 - 3. Ground-floor windows shall not be opaque or tinted.
 - 4. Where residential units are designed as townhomes or rowhomes, each individual unit shall be distinguished from one another. This may be accomplished through the use of at least three of the following:
 - b. Change in the average wall plane of at least five (5) feet in depth (measured by absolute value in the case of projections from the wall plane in both directions). This shall include a change in the wall plane at the point of shared connection between adjacent units of no less than 2 feet in depth and 5 feet in width.
 - c. Change in roof form, as described in 1730.020 F.
 - d. Change in color scheme of adjacent units. A color scheme shall not be repeated more than once every six (6) units.
 - e. Change in architectural styles, of any type (including but not limited to craftsmen, bungalow, ranch, Mediterranean, mission, etc.) that are visually different from one another and include varying design elements. A minimum of 80% of the following design elements shall vary between units to qualify as a change in architectural style for the purpose of this section:
 - i. Window Style and materials
 - ii. Door style, shape, and materials

- iii. Inclusion of or change in style, material, and size of porches and balconies
 - iv. Shutters or other decorative elements
 - v. Change in trim size around windows
 - vi. Change in accent and body materials and colors
 - vii. Roof Pitch or Form
 - viii. Inclusion or change in structural design elements such as archways or columns
 - ix. Height of structure
 - x. Change in location of front door
 - f. Change in exterior materials on each dwelling unit. Trim does not count as an additional material for the purposes of this section.
 - g. Change in exterior colors so that the same body color is not repeated more than once for every six (6) dwellings.
5. The maximum length of any blank wall shall be limited to 20 feet.
 6. Parking and/or garages shall be oriented towards the rear of the building, away from the main street.
 7. Where a site has multiple access to more than one street, parking and access shall be located at the street with the lower traffic volume, as measured by the City's General Plan .
 8. Provide landscaping as a transition between the building and the street to include street trees and planters, small landscaped areas or plazas. Landscaping shall be incorporated for a minimum of 80% of the depth of the setback between any building and the street. For the purposes of this section, landscaping may include pedestrian pathways, however, pedestrian pathways may not exceed 60% of the overall landscaped area. Landscaping shall not include streets, driveways, parking lots, or other vehicle access areas.

C. **Building Articulation.** Building facades that face a public street, alley or any other publicly accessible space (whether publicly or privately owned) shall be articulated as follows:

1. The ground floor façade shall be articulated with windows, doors, accent colors or materials and changes in plane.

2. For buildings which are three stories in height and greater, the building shall have a clearly defined base, middle and top and shall include a minimum of two of the following on each floor:
 - a. Covered outdoor areas, alcoves, atriums or landscaping.
 - b. A minimum 18-inch raised planter for at least 10 feet.
 - c. Awnings, trellises, canopies, alcoves, balconies, pilasters, decorative lighting and window boxes.
 - d. Variation in form and massing.
 - e. Columns, accent walls, architectural detailing.
 - f. Upper floors which are setback from the main wall of the floor below.
3. The second floor shall be set back a minimum of two feet from the first floor for at least 75% of the length of each building elevation which faces a street or pedestrian pathway.

D. **Main Entry.** For buildings in which there is one main entrance to the building located adjacent to a public or privately owned street, the entryway shall incorporate at least four (4) of the following elements:

1. The entryway shall be recessed at least 2 feet from the building facade to create a porch or landing area.
2. A taller mass above the entrance such as a tower or projection from the main wall of the building.
3. Accented by special architectural elements such as columns, moldings, overhanging roofs, change in roofline or major break in the surface wall.
4. Include an overhead projection of at least 6 inches, such as an awning, canopy, landscaped trellis or other architectural design features.
5. The entryway shall be raised or lowered at least one stair step from the pedestrian pathway.

6. The landing area shall be enhanced with a paving material, texture, pattern, or color that is differentiated from the rest of the building
- E. **Individual Entry.** For buildings in which an entry is provided into each unit adjacent to the street, the entryway shall incorporate at least three (3) of the following elements:
1. The doorway shall be recessed at least 3 inches from the building facade.
 2. The entryway shall be designed with an overhead projection of at least 6 inches, such as an awning or other architectural design features, so as to distinguish the front door from the rest of the building facade.
 3. The entryway shall be clearly marked with a side light window panel, adjacent window (located within three feet of the door), or a door with a window.
 4. The entryway shall be raised or lowered at least one stair step from the pedestrian pathway.
- F. **Windows and Doors.** All windows and doors shall conform to the following:
- A. All windows and doors on one elevation shall match with respect to operating type, design, shape, color, trim style and the use of grids.
 - B. Window frames shall not be flush against the wall unless a trim is provided around the window.
 - C. For rowhouses and townhouses, the doors for each unit shall vary in color and style to clearly distinguish between each residence. Color schemes for each door shall not be repeated more frequently than every six (6) units within any row of townhouses within a line or facing the same direction along a right-of-way, street, or pedestrian pathway.
- G. **Mixed-Use Developments.** The design of buildings and dwellings located on any property in which a mixed-use development is proposed or within a mixed-use zoning district shall, in addition to the design standards for multi-family projects, also conform to the following:
1. Development located within a mixed-use zoning district shall include commercial space as well as residential dwellings.

2. Commercial space shall be located at a minimum on the ground floor of the building and shall face a public street.
3. For ground floor commercial uses which face a street, the ground floor commercial space shall include windows, doors or other openings which comprise at least 75 percent of the building wall area (for the length of the façade which is dedicated to commercial space).
4. Ground floor commercial uses shall have clear, non-reflective or opaque glass that permits views into the establishment.
5. Entry doors into each use shall be clearly marked with signage and an architectural accent such as a delineated porch, canopy, enhanced doors, or recessed entryway which faces the street.
6. The ground floor of buildings located on the corner of two streets shall include a recessed entry where the corner of the building is set back a minimum of 15 feet from each street so that the building is not located within a triangle which is drawn beginning at the corner of the property line and extending 15 feet from the corner along the property line in each direction. This open area shall be designed to include a plaza, landscaping, seating, fountain or other unique element.

H. **Mechanical Equipment.** All ground floor mechanical and utility equipment shall be screened from view from the street through a combination of wall or fencing and landscape plant materials sufficient to screen the height and width of the equipment from any street or pedestrian path. All rooftop mounted equipment shall be screened from view by a parapet wall or other architectural element.



Planning Commission

Staff Report

November 17, 2022

Old Business Item 1

SUBJECT: **Minor Subdivision 2018-3 Extension.** At the August 25, 2022 Planning Commission meeting, the commission granted a 90-day extension to Minor Subdivision 2018-3, which extended the approval of the project entitlement to December 27, 2022 to prepare a CEQA initial study to review the utility pole located in the alley.

STAFF PLANNER: Adrianna Ortiz, Development Services Director (831) 636-4360
Eva Kelly, Interim Planning Manager

ATTACHMENTS: 1. August 25, 2022 Planning Commission Minutes

RECOMMENDATION: Authorize staff to continue to work with the applicant on the CEQA analysis of the project, with the direction to return the extension for consideration no later than the February 16, 2023 Planning Commission memo.

At the August 25, 2022 Planning Commission meeting, the commission granted a 90-day extension to Minor Subdivision 2018-3 for the subdivision of a property located at 221 Hawkins Street (APN 056-091-002), to allow staff and the applicant time to prepare a CEQA Initial Study surrounding the issue of an existing utility pole located in the alley to the south of the project.

The project applicant has been working work Staff to prepare the CEQA analysis as was directed by the Planning Commission. However, there was a delay on the part of the City during this 90-day timeframe, and Staff is concerned that the CEQA analysis may not be fully completed before the 90 day timeframe ends and the entitlement extension expires.

Staff does not wish to have the entitlement expire while the CEQA Initial Study is still being prepared for the project. The suggested 90 days from the August 25th Planning Commission meeting, was anticipated to be enough time to prepare the document, but this may not be the case.

Staff would like to request clarification of the motion of the Planning Commission for the Minor Subdivision 2018-3 Extension from the August 25, 2022 Planning Commission meeting. A consensus from the Planning Commission is requested to confirm that the intent of the motion

was to give enough time for Staff and the Applicant to prepare the necessary CEQA analysis for the Planning Commission to properly consider the applicant's original one-year extension request, rather than give a strict 90-day extension to the project, after which the entitlement would expire. Through the consensus, Staff is requesting the authority to keep working on the CEQA analysis that is underway if it does extend past the December 28, 2022 90-day timeframe.

Staff would recommend additional time allowance, if the intent of the Planning Commission's motion was to allow time to complete the study, for the item to be brought back for consideration of a one-year extension no later than the regular Planning Commission meeting of February 16, 2023. Staff believes this to be an over-estimate of the actual time needed to complete the analysis, and the item may be brought back before the Commission sooner than that, but if the Item is not ready for the December 15, 2022 meeting, it is again, not our desire to have the application expire due to processing times.