



HOLLISTER PLANNING COMMISSION AGENDA

Regular Meeting
April 27, 2023
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_aPgiRig7TRypKLbPgRkJGQ

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners: David Huboi, Kevin Henderson, Luke Corona, Steven Belong, Carol Lenoir

VERTIFICATION OF AGENDA POSTING Thursday, April 21, 2023 at 2:48 PM

APPROVAL OF MINUTES

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. **Conditional Use Permit 2022-6** – Hollister Super, Inc. – The applicant is requesting a Conditional Use Permit to allow for the sale of beer, wine, and distilled spirits at the existing Hollister Super grocery store. This project requires a finding of Public Convenience or Necessity (PCN) in addition to the Conditional Use Permit. The project site is located in the West Gateway (WG) Zoning District at 1280 Fourth Street, further identified as San Benito County Assessor's Parcel Number 052-090-049. CEQA: This project is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.

2. **Site & Architectural Review 2022-5** – Nader Javid – The applicant is requesting Site & Architectural Review approval to replace the existing Rite Aid Garden Center with a new restaurant including indoor and outdoor seating and related façade improvements. There are proposed beer/wine sales on site. The project is located in the General Commercial (GC) Zoning District at 1701 Airline Highway, further identified as San Benito County Assessor's Parcel Number 057-070-067. CEQA: This project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
3. **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 Light Industrial (M1) Zoning District, further identified as San Benito County Assessor Parcel Number 051-120-022. CEQA: This project is Categorically Exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines.
4. **Zoning Ordinance Amendment 2023-5** – City of Hollister – An Ordinance Amendment to 1) Repeal Section 17.22.235, Mobile Food and amend Chapter 10.24, Stopping, Standing, and Parking in Specific Streets and Area to add subsection 10.24.060 Mobile Food Trucks, 2) Amend Land Use Tables for multiple zoning to include Mobile Food Trucks, and 3) Amend Chapter 8.20.020 Definitions to include definitions associated with Mobile Food Trucks of the City of Hollister Municipal Code.

NEW BUSINESS

OLD BUSINESS

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 361 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 Meetings are scheduled as follows:

Planning Commission Study Session – Thursday, May 11, 2023 at 6:00 p.m.

Regular Planning Commission Meeting – Thursday, May 25, 2023 at 6:00 p.m.

MINUTES

HOLLISTER REGULAR PLANNING COMMISSION MEETING

March 23, 2023

PUBLIC PARTICIPATION NOTICE

CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Vice Chairperson Steve Belong on March 23, 2023 at 6:02 p.m. in the City Council Chambers at 375 Fifth Street, Hollister, CA 95023.

PLEDGE OF ALLEGIANCE

Commissioner Lenoir led the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	Arrived
Kevin Henderson	Chairperson / District 1	Absent	
David Huboi	District 2	Present	
Steven Belong	District 3	Present	
Luke Corona	District 4	Present	
Carol Lenoir	Mayoral Seat	Present	

STAFF IN ATTENDANCE

Attendee Name	Title	Status	Arrived
Jennifer Thompson	City Attorney	Present	
Christy Hopper	Development Services Director	Present	
Erica Fraser	Senior Planner	Present	
Eva Kelly	Interim Planning Manager	Present	
Ambur Cameron	Senior Planner	Present	
Jamila Saqqa	Housing Coordinator	Present	
Greg Goodfellow	Senior Associate (PlaceWorks)	Present	

VERIFICATION OF AGENDA POSTING

Development Services Director Christy Hopper verified that the agenda for the City of Hollister Planning Commission regular meeting of Thursday, March 23, 2023 was posted on the bulletin board at City Hall on Monday, March 20, 2023 at 11:41 AM per Government Code Section 54954.2.

APPROVAL OF MINUTES

Commissioner Huboi moved, and Commissioner Lenoir seconded, to approved the minutes for the Thursday, February 23, 2023 Regular Planning Commission meeting and Thursday, March 9, 2023 Planning Commission Study Session.

Motion adopted unanimously by the Planning Commission. 4-0-0-1.

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

PUBLIC INPUT None.

PUBLIC HEARINGS

1. **Site & Architectural Review 2022-16** – Eden Housing Inc. – The applicant is requesting site and architectural approval for the construction of 100 multifamily apartment units within the West of Fairview Subdivision (Tentative Map 2005-1) and Specific Plan Area. The units will be affordable to low and very low income families. The project site is located on the corner of Avenida Cesar Chavez (formerly Union Road) and Mimosa Drive in the Residential West Fairview Specific Plan (RWF/SP) Zoning Designation, further identified as San Benito County Assessor Parcel Number 057-860-046. CEQA: The project is consistent with the certified Environmental Impact Report and West Fairview Specific Plan.

Senior Planner, Erica Fraser, provide the staff report.

Vice Chairperson Belong opened the public hearing at 6:22 PM.

Public providing testimony: Weijia Song, Alexander Yuen, Priscilla Favela, Alicia Partee, Oluwaseyi Amarin, Omonayo Bolufawi, Pablo Rodriguez, and Sandra Quintanar.

Vice Chairperson Belong closed the public hearing at 6:58 PM.

Commissioner Lenoir moved, and Commissioner Huboi seconded the motion, to adopt Resolution 2023-8 approving Density Bonus 2023-1, subject to the findings and conditions contained in the draft resolution.

Resolution 2023-8 unanimously adopted by the Planning Commission 4-0-0-1.

RESULT:	Adopted [Unanimously]
MOTION:	Carol Lenoir

SECOND:	David Huboi
AYES:	Huboi, Corona, Belong, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	Henderson

Commissioner Huboi moved, and Commissioner Lenoir seconded the motion, to adopt Resolution 2023-9 approving Site & Architectural 2022-16, subject to the findings and conditions contained in the draft resolution.

Resolution 2023-9 was unanimously adopted by the Planning Commission 4-0-0-1.

RESULT:	Adopted [Unanimously]
MOTION:	David Huboi
SECOND:	Carol Lenoir
AYES:	Huboi, Corona, Belong, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	Henderson

2. **Zoning Ordinance Amendment 2023-4** – City of Hollister – An amendment to the City of Hollister Municipal Code to add Chapter 17.17, Inclusionary Housing Program. CEQA: This action is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Interim Planning Manager, Eva Kelly, introduced PlaceWorks Senior Associate, Greg Goodfellow who provided the staff report.

Vice Chairperson Belong opened the public hearing at 7:56 PM.

Public providing testimony: None.

Vice Chairperson Belong closed the public hearing at 7:57PM.

Commissioner Lenoir moved, and Commissioner Lenoir seconded the motion, to adopt Resolution 2023-10 recommending to City Council approval of a Zoning Ordinance Amendment to adopt Chapter 17.36, Inclusionary Housing Program, with the draft Chapter 17.36 included as Exhibit A and the Inclusionary Housing Program Financial Feasibility Analysis included as Exhibit B.

Resolution 2023-10 was unanimously adopted by the Planning Commission 4-0-0-1.

RESULT:	Adopted [Unanimously]
MOTION:	Carol Lenoir
SECOND:	David Huboi
AYES:	Huboi, Corona, Belong, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	

ABSENT:	Henderson
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NEW BUSINESS None.

OLD BUSINESS None.

PLANNING DEPARTMENT REPORTS

Interim Planning Manager Eva Kelly reminded the Planning Commission, that she, Senior Planner Ambur Cameron, and several members of the Planning Commission will be attending the upcoming League of California Cities 2023 Planning Commissioner Academy the following week.

PLANNING COMMISSION REPORTS

Commissioner Lenoir expressed that she was excited to attend the Planning Commissioner Academy and bring back some ideas for the City of Hollister. She mentioned that she would be paying particular attention to sessions regarding design measures and RHNA.

Commissioner Huboi also expressed he was excited to be attending the Planning Commissioner Academy. He looking forwarding to seeing what he could learn and being able to bring it back and share it with the commission, staff and community.

Vice Chairperson Belong clarified that his intentions in suggesting security measures as a condition of approval for the Eden Housing project was not meant to be discriminatory, but was suggested a means to address safety concerns for future potential residents. Belong sought clarification from City Attorney Thompson on whether or not the Planning Commission has authority to address potential public safety issues.

City Attorney Thompson clarified that the Planning Commission can address public safety issues. However, if the Commission requires security measures one project, it should also require security on projects of a similar nature. She recommended that if City wanted to implement various security measures on projects, that the City Council adopt an objective citywide policy or ordinance.

ADJOURNMENT

Commissioner Lenoir moved, and Commissioner Corona seconded the motion, to adjourn the meeting at 8:02 p.m. Motion carried 4-0-0-1.

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christy Hopper, Secretary

MINUTES

HOLLISTER REGULAR PLANNING COMMISSION MEETING

April 13, 2023

PUBLIC PARTICIPATION NOTICE

CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Chairperson Henderson on April 13, 2023 at 6:01 p.m. in the City Council Chambers at 375 Fifth Street, Hollister, CA 95023.

PLEDGE OF ALLEGIANCE

Commissioner Corona led the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	Arrived
Kevin Henderson	Chairperson / District 1	Present	
David Huboi	District 2	Present	
Steven Belong	District 3	Present	
Luke Corona	District 4	Present	
Carol Lenoir	Mayoral Seat	Present	

STAFF IN ATTENDANCE

Attendee Name	Title	Status	Arrived
Jennifer Thompson	City Attorney	Present	
Christy Hopper	Development Services Director	Present	
Erica Fraser	Senior Planner	Present	
Eva Kelly	Interim Planning Manager	Present	
Ambur Cameron	Senior Planner	Present	

VERIFICATION OF AGENDA POSTING

Development Services Director Christy Hopper verified that the agenda for the City of Hollister Planning Commission regular meeting of Thursday, April 7, 2023 was posted on the bulletin board at City Hall on Friday, April 7, 2023 at 4:12 PM per Government Code Section 54954.2.

APPROVAL OF MINUTES None.

PUBLIC INPUT

None.

PUBLIC HEARINGS

1. **Zoning Ordinance Amendment 2023-5** – City of Hollister – Amendments to the Zoning Ordinance to repeal Chapter 17.22.235 - Mobile Food of the City of Hollister Municipal Code and replace with a new Chapter 10.52. CEQA: This action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, Section 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061, subdivision(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

Interim Planning Manager, Eva Kelly, requested that the item be continued to a date certain of April 27, 2023 at the upcoming Planning Commission Meeting.

Chairperson Henderson opened the public hearing at 6:04 PM.

Public providing testimony: None.

Chairperson Henderson closed the public hearing at 6:04 PM.

Commissioner Lenoir moved, and Commissioner Huboi seconded the motion, to continue the item to a date certain of April 27, 2023.

Motion to continue was carried unanimously by the Planning Commission 5-0-0-0.

RESULT:	Adopted [Unanimously]
MOTION:	Carol Lenoir
SECOND:	David Huboi
AYES:	Henderson, Huboi, Corona, Belong, Lenoir
NOES:	
RECUSED:	
ABSTAIN:	
ABSENT:	

STUDY SESSION ITEMS

1. **Zoning Ordinance Overhaul** – City of Hollister – A discussion of potential amendments to the Zoning Ordinance related to Administrative Permits and Site and Architectural Review.

Senior Planner, Erica Fraser, provided the staff report.

Chairperson Henderson opened the public hearing at 6:38 PM.

Public providing testimony: None.

Chairperson Henderson closed the public hearing at 6:38 PM.

NEW BUSINESS

None.

OLD BUSINESS

None.

PLANNING DEPARTMENT REPORTS

Interim Planning Manager, Eva Kelly, provided a report on the upcoming April 24, 2023 Board and Commission Training.

Development Services Director, Christy Hopper, informed the Commission that the City was hoping to establish and recruit members for the Historic Preservation Commission outlined in the Municipal Code.

PLANNING COMMISSION REPORTS

Commissioner Huboi reported out on his time at the Planning Commissioner Academy, including the items from the legislative update.

Attorney Thompson offered to looking into Lozano Smith do a provide a legislative update as it pertains to Planning.

Commissioner Lenoir requested hardcopies of the Draft 2040 General Plan Update for herself and the rest of the Planning Commissioners. The Commission confirmed who would like to receive a hard copy and Staff offered to look into having them printed.

Vice Chairperson Belong disclosed that he would not be able to attend the upcoming May 11th Study Session. He also acknowledged that he may or may not be able not be attend the regularly scheduled Planning Commission meeting of April 27, 2023 depending on his travels.

ADJOURNMENT

Commissioner Lenoir moved, and Commissioner Huboi seconded the motion, to adjourn the meeting at 6:56 p.m. Motion carried 5-0-0-0.

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christy Hopper, Secretary



Planning Commission

Staff Report

April 27, 2023

Item 1

SUBJECT: **Conditional Use Permit 2022-6** to allow for the sale of beer, wine, and distilled spirits at an existing Hollister Super grocery store, located at 1280 Fourth Street (Assessor's Parcel Number 052-090-051) within the West Gateway (WG) Zoning District.

STAFF PLANNER: Liz Gagliardi, Associate Planner; (831) 636-4360

ATTACHMENTS:

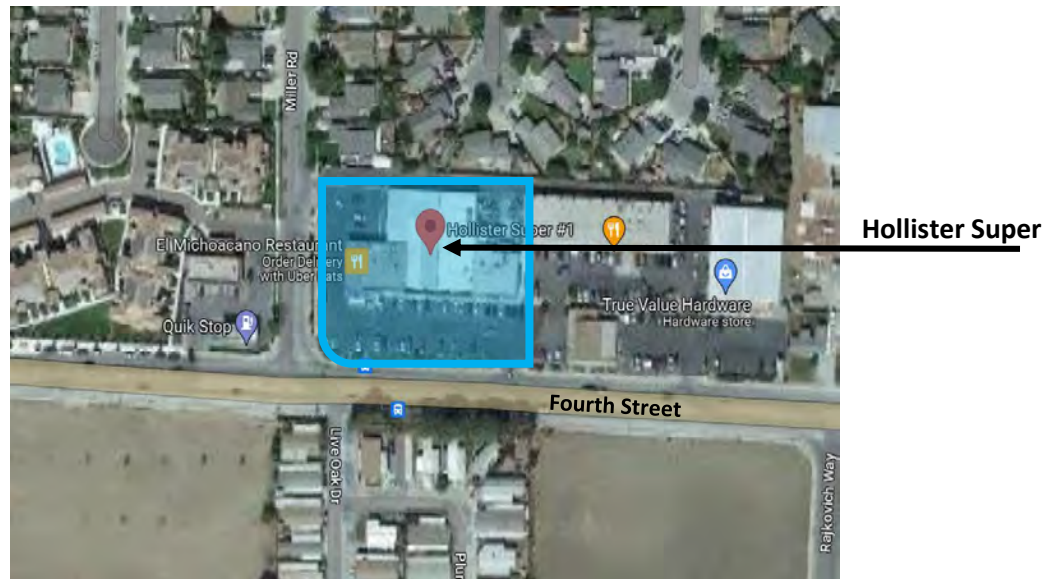
1. Resolution recommending City Council approve Conditional Use Permit 2022-6
2. Resolution recommending to the City Council that the determination of Public Convenience or Necessity would be served with the issuance of a Type 21 Off-Sale General ABC License at 1280 Fourth Street
3. Memo from City of Hollister Police Department, RE: Public Convenience or Necessity Determination
4. ABC 245 Form
5. Applicant Statement of Operations
6. CUP 2022-6 Plan Set

RECOMMENDATION: Approve Resolution recommending approval of CUP 2022-6, as well as a finding of Public Convenience or Necessity, to the City Council to allow off-site sale of alcohol at the existing target retail store located at 1280 Airline Highway.

PROJECT DESCRIPTION: The Applicant is requesting a Conditional Use Permit to allow for the sale of beer, wine, and distilled spirits at the existing Hollister Super grocery store located at 1280 Fourth Street (APN 052-090-051). This parcel has a General Plan Land Use Designation of West Gateway Mixed Use and is located in the West Gateway (WG) Zoning District.

A vicinity map is included below as Figure A.

Figure A



ANALYSIS:

Permit Requirements:

This project requires a Conditional Use Permit, which is tied to the issuance of a license from the California Department of Alcoholic Beverage Control (ABC). For this permit, ABC also requires a finding of Public Convenience or Necessity (PCN). Each of these permit requirements is outlined below.

Conditional Use Permit (CUP):

Per Hollister Municipal Code (HMC) Section 17.22.070 *Alcohol Uses*, the off-site and on-site sale of alcohol is a permitted use, subject to issuance of a Conditional Use Permit (CUP). An exception to this code states that the requirement for a CUP for alcohol sales does not apply to restaurants with kitchen facilities that offer on-site dining, and a bar area that does not exceed 30 percent of the gross floor area of the premises. Hollister Super does not meet this exception, thus requiring a Conditional Use Permit to authorize alcohol sales.

Alcoholic Beverage Control (ABC) License:

The California Department of Alcoholic Beverage Control (ABC) regulates the manufacturing and sale of alcoholic beverages. In addition to the City of Hollister requirement for a Conditional Use Permit, a license from ABC is also required for alcohol sales in the State of California. Currently, Hollister Super is permitted to sell wine and beer under a Type 20 Off-Sale Beer & Wine License from ABC. With their Conditional Use Permit application, Hollister Super is seeking to surrender their existing active Type 20 Off-Sale Beer & Wine License, and apply for a Type 21 Off-Sale General License, which allows for the sale of distilled spirits in addition to beer and wine, for consumption off the premises where sold.

Public Convenience or Necessity (PCN):

In their review of the application for a Type 21 Off-Sale General License for Hollister Super, ABC has issued a Type 245 Form, requiring that the City make a finding of Public Convenience or Necessity (PCN) prior to issuance of the required ABC License. PCN findings are required when ABC finds that there is an over concentration of alcohol outlets within the subject area.

“Over concentration” can refer to a case where the subject property is located in a high crime reporting district, and/or a case where the subject property is in a census tract where the number of off-sale licenses exceeds a number established by ABC. This number is calculated based on the ratio of off-sale licenses to population in the census tract, as compared to the ratio of off-sale licenses to population in the County where that census tract is situated.

In this case, ABC has reported that the property where Hollister Super is located is **not** in a high crime reporting district. However, the census tract where Hollister Super is located is over concentrated with licenses, as defined by ABC. In census tract 3.00', which includes the property where Hollister Super is located, ABC allows up to three (3) Off-Sale licenses without PCN findings. There are currently twelve (12) Off-Sale licenses existing in Census Tract 3.00'. Therefore, ABC requires that the Local Governing Body make a determination that either public convenience or determination would be served by the issuance of the Type 21 Off-Sale General license. In the City of Hollister, the Local Governing Body is the City Council. In this case, since the Conditional Use Permit for off-site alcohol sales is tied to the PCN determination, the role of the Planning Commission is to offer a recommendation on to the City Council on the project as a whole.

General Plan Consistency:

The City of Hollister 2005-2023 General Plan designates the project site as West Gateway Mixed Use. Per, the 2005-2023 General Plan, “Mixed-use areas will provide useful retail destinations within walking distance from many of Hollister’s residential areas”. In addition, Land Use and Design Element Policy LU10.3 is to “provide for economic development that assures the availability and diversity of resident-serving goods and services”.

Land Use and Design Element Policy LU5.5 is to “retain existing small businesses and attract new ones”. Hollister Super is an IGA (Independent Grocers Alliance) franchise, owned by Hollister Super, Inc. In addition to the 1280 Fourth Street Location, Hollister Super, Inc. also operates a second location at 211 Third Street in Hollister, CA, as well as the Windmill Market in San Juan Bautista, CA. Hollister Super is a local small business that has served the community for nearly 40 years.

The existing Hollister Super is a popular full service local grocery store. The location at 1280 Fourth Street offers nearby residents a convenient location to shop for groceries and other household items. Hollister Super, Inc. operates a business that is consistent with the West Gateway land use designation, as the local grocery location is conveniently accessible, and is within walking distance for many residents of the surrounding neighborhood. The proposed Conditional Use Permit to allow for off-sale general alcohol sales at the existing Hollister Super grocery store is consistent with the existing use, and will allow for residents to conveniently access a larger variety of products in at this retail area, consistent with Policy LU10.3.

Additionally, the proposed Conditional Use Permit would provide an opportunity for Hollister Super to expand their retail selection to include distilled spirits in addition to wine and beer, benefiting this small business,

consistent with Policy LU 5.5.

California Environmental Quality Act (CEQA):

The proposed project does not include any construction or expansion of the existing Hollister Super grocery store building. Section 15301, Class 1, Categorically Exempts projects from further review under CEQA for Existing Facilities, with the key consideration being whether the project involves negligible or no expansion of use.

Given that this project proposes a negligible expansion of use to change an existing ABC License from Type 20 (Off-Sale Beer & Wine) to a Type 21 (Off-Sale General), and proposes no construction or physical expansion of the structure, no further CEQA review is required.

CONCLUSION:

The applicant is seeking a Conditional Use Permit (CUP) to allow for the sale of beer, wine, and distilled spirits at the existing Hollister Super grocery store at 1280 Fourth Street. This proposal would not change the existing site plan or building façade, and would allow for the expansion of alcohol sales from the currently permitted sale of beer and wine to also include distilled spirits. This proposal 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 City of Hollister regulations and will not negatively impact the surrounding area.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options regarding Conditional Use Permit 2022-6.

1. Adopt a Resolution approving a recommendation that the City Council approve Conditional Use Permit 2022-6 (Attachment 1) with the findings and conditions contained in the draft resolution;
2. Adopt a Resolution approving a recommendation that the City Council approve Conditional Use Permit 2022-6 with findings and conditions as modified by the Planning Commission;
3. Adopt a Resolution approving a recommendation that the City Council deny Conditional Use Permit 2022-6, with findings as provided by the Planning Commission; or
4. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends that the Planning Commission choose Option 1 for the CUP.

The Planning Commission can choose one of the following options regarding the finding of Public Convenience or Necessity (PCN).

1. Adopt a Resolution recommending that the City Council make a determination that the City Council make the determination that Public Convenience or Necessity would be served with the issuance of Type 21 Off-Sale General ABC License for Hollister Super at 1280 Fourth Street (Attachment 2);

2. Adopt a Resolution recommending that the City Council make a determination that the City Council not make the determination that Public Convenience or Necessity would be served with the issuance of Type 21 Off-Sale General ABC License for Hollister Super at 1280 Fourth Street; or
3. Continue the hearing and direct Staff to provide additional information or clarification.

Staff recommends that the Planning Commission choose Option 1 for the finding of Public Convenience or Necessity.

GENERAL INFORMATION

APPLICANT: Hollister Super, Inc.
Attn. Chang So
1280 Fourth Street
Hollister, California 95023

PROPERTY OWNER: James Gibson, HAUKSO
P.O. Box 277
San Juan Bautista, California 95045

LOCATION: 1280 Fourth Street
Hollister, California 95023

**GENERAL PLAN
DESIGNATION:** West Gateway Mixed-Use

ZONING DISTRICT: West Gateway (WG)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
Project Site	WG	West Gateway Mixed-Use	Commercial (shopping center)
North	R1	Low Density Residential	Residential
South	R-M-H	Residential Mobile Home	Residential – Mobile Home Park
East	WG	West Gateway Mixed-Use	Commercial (shopping center)
West	WG	West Gateway-Mixed Use	Commercial (gas station/convenience store)

PLANNING COMMISSION RESOLUTION NO. 2023-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER RECOMMENDING
APPROVAL OF CONDITIONAL USE PERMIT 2022-6 TO THE CITY COUNCIL TO ALLOW OFF-SITE SALE OF
ALCOHOL AT THE EXISTING HOLLISTER SUPER GROCERY STORE LOCATED AT 1280 FOURTH STREET
APN 052-090-051**

WHEREAS, under the provisions of Section 17.24.200 of Title 17 *Zoning* of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Conditional Use Permit applicant; and,

WHEREAS, the Applicant, Hollister Super, Inc., has filed a Conditional Use Permit application to authorize off-site sales of beer, wine, and distilled spirits in a +/- 13,696 SF existing Hollister Super grocery store located at 1280 Fourth Street in the West Gateway (WG) Zoning District, in conjunction with a request to issue a determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 21 Off-Sale General License by the Department of Alcoholic Beverage Control (ABC); 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 Development Review Committee considerations were presented to the Planning Commission as part of the City staff report; and,

WHEREAS, Hollister Municipal Code Section 17.22.070 *Alcohol Uses* requires the approval of a Conditional Use Permit for the off-site and on-site sale of alcohol; and,

WHEREAS, the ABC has determined that there is an "undue concentration" in relation to the number of alcohol-related licenses that currently exist in this area of the City (Census Tract 3.00'), thus requiring a determination of Public Convenience or Necessity; and,

WHEREAS, a determination of Public Convenience or Necessity must be made by the City Council of the City of Hollister; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on April 27, 2023 to consider the applicant's request, 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 to recommend to the City Council that a determination be made that Public Convenience or Necessity would be served by the issuance of a Type 21 Off-Sale General ABC License to Hollister Super located at 1280 Fourth Street, and the approval of a Conditional Use Permit for such use; and,

NOW, THEREFORE IT IS RESOLVED, that the City of Hollister Planning Commission does hereby recommend approval of Proposed Conditional Use Permit 2022-6 with the determination that Public Convenience or Necessity would be served by the issuance of a Type 21 Off-Sale General License by the

Department of Alcoholic Beverage Control to Hollister Super located at 1280 Fourth Street, with the following findings and conditions:

CEQA FINDINGS:

1. **Finding:** The approval of Conditional Use Permit 2022-6 is Categorically Exempt from environmental review per Section 15301 (Existing Facilities) of the State's Guidelines to Implement CEQA.

***Evidence:** The project is located within an existing Hollister Super grocery store and does not expand upon an existing or former use. No exterior changes are proposed to the site.*

CONDITIONAL USE PERMIT FINDINGS:

1. **Finding:** The proposed use is conditionally allowed within the subject zoning district and complies with all applicable provisions of this Zoning Ordinance.

***Evidence:** The proposed use is conditionally allowed within the subject zoning district with the approval of a conditional use permit and complies with all applicable provisions of this Zoning Ordinance.*

2. **Finding:** The proposed use is consistent with the General Plan.

***Evidence:** The proposed use is consistent with the City of Hollister's 2005-2023 General Plan use designation of West Gateway Mixed-Use which is intended to provide useful retail destinations within walking distance from many of Hollister's residential areas. The proposed use is consistent with General Plan policy LU10.3 to "provide for economic development that assures the availability and diversity of resident-serving goods and services" by providing the option to purchase alcoholic beverages at this neighborhood-serving grocery store. The proposed use is also consistent with General Plan Policy LU5.5 "to retain existing small businesses and attract new ones", as Hollister Super is a small local grocery store business.*

3. **Finding:** The approval of the Conditional Use Permit is in compliance with California Environmental Quality Act (CEQA).

***Evidence:** The approval of Conditional Use Permit 2022-6 is Categorically Exempt from environmental review per Section 15301 (Existing Facilities) of the State's Guidelines to Implement CEQA.*

4. **Finding:** The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

***Evidence:** The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity. This use is within an existing Hollister Super grocery store located within the City of Hollister's West Gateway (WG) Zoning*

District. The use as a full service grocery retailer, including sales of beer, wine, and distilled spirits is compatible with the existing and future land use in the vicinity.

5. **Finding:** 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.

Evidence: The proposed project has been reviewed by the City of Hollister Development Review Committee (DRC). Given the nature of the business, a general merchandise retailer and grocery store, no evidence has been found to indicate that this use would pose an undue risk to the community.

CONDITIONS OF APPROVAL

1. **Approval.** This application is for the approval of Conditional Use Permit 2022-6 to authorize off-site sales of beer, wine, and distilled spirits in a +/- 13,696 SF existing Hollister Super grocery store located at 1280 Fourth Street in the West Gateway (WG) Zoning District, in conjunction with a request to issue a determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 21 Off-Sale General license by the Department of Alcoholic Beverage Control (ABC).
2. **Permit Expiration.** This approval expires within one year from the date of approval (April 27, 2024), if not implemented, unless an extension is approved by the Planning Commission in compliance with Section 17.24.170. If implemented, this approval shall be valid during the continued operation of the existing retail store described in Condition 1 above, by the Applicant, Hollister Super, Inc. Should the operation cease to exist, so shall this approval.
3. **Transferability of Conditional Use.** This permit is issued solely to the Applicant for the operations described and on file with the Planning Division of the City of Hollister. This permit shall not be transferrable to any other entity.
4. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City of Hollister, any agent, officer or employee of the City, and any advisory board of the City, against any claim, suit, action judgement, costs and attorney's fees arising out of this approval or any assertions that this approval, including the environmental determination made herein, is invalid, illegal, unconstitutional or otherwise contrary to law. The City shall promptly notify the applicant of any claim against the City and shall cooperate fully in the defense.
5. **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.
6. **ABC License Type.** This Conditional Use Permit limits alcohol sales to off-site sales of beer, wine, and distilled spirits, under a Type 21 *Off-Sale General* license from the Department of Alcoholic Beverage Control (ABC). Any changes to the ABC license type shall require an amendment to this conditional use permit.

7. **Hours of Operation.** The hours of operation may be between 6:00 AM and 10:00 PM seven days a week. Off-site sales of beer, wine, and distilled spirits shall only occur during the hours of operation.
8. **Modification of Conditions.** Any condition imposed by the City Council in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the City Council shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Council finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of the deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the Conditional Use Permit.

POLICE DEPARTMENT

9. **Security System.** Within 60 days of approval of this conditional use permit, the applicant shall submit for review and approval a security system plan that includes video & audio surveillance of all public areas as required to the City of Hollister Police Department. The security system shall be installed and maintained by the Applicant. The system shall remain operational and actively recording 24/7; contacts provided to the Police Department; and Police Department approval of the system given. The recordings shall be made available to law enforcement in any criminal investigations.
10. **Lighting.** The applicant shall provide adequate exterior lighting to the satisfaction of the Chief of Police and/or his/her designee. The lighting shall be downward casting and compliant with the City's Dark Sky Ordinance. Coverage of the exterior lighting shall include but is not limited to the entry and exit points of the building, the property's perimeter and other areas surrounding near the building, and parking lots.
11. **Security Contact Person.** The property owner shall provide three security contact persons to the City of Hollister Police Department.
12. **Graffiti.** The applicant shall maintain the facility and graffiti free. All graffiti must be removed or painted within 48 hours of it appearing. According to the City of Hollister Municipal Code 8.32.060, Prohibited Activities and Unlawful Conditions, Section 15, Graffiti is considered a public nuisance and is a violation of the City codes.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Hollister held this 27th day of April 2023 by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christy Hopper, Secretary

Please Note

It is the sole responsibility of the project applicant to comply with conditions as approved, modified or added by the Planning Commission. It is recommended that the applicant review the 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 Planning Commission at their meeting. In addition, the City provides for a 15-day appeal period.

PLANNING COMMISSION RESOLUTION NO. 2023-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER RECOMMENDING THAT THE CITY COUNCIL MAKE THE DETERMINATION THAT PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED WITH THE ISSUANCE OF A TYPE 21 OFF-SALE GENERAL ALCOHOLIC BEVERAGE CONTROL LICENSE TO HOLLISTER SUPER GROCERY STORE LOCATED AT 1280 FOURTH STREET
APN 052-090-051**

WHEREAS, the Applicant, Hollister Super, Inc., has applied for a Type 21 Off-Sale General License with the California Department of Alcoholic Beverage Control (ABC) to authorize the sale of beer, wine, and distilled spirits for off-site consumption at 1280 Fourth Street; and,

WHEREAS, it has been determined by ABC staff, and verified by the City of Hollister Police Department, that the premises are not located in a high crime reporting district; and,

WHEREAS, it has been determined by ABC staff that there is an “undue concentration” in relation to the number of alcohol related licenses that currently exist in the area of the City (Census Tract 3.00.’); and,

WHEREAS, as a result of the undue concentration, California Code Section 23958.4 requires that “the local governing body of the area in which the applicant premises are located, or its designated subordinate office or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance; and,

WHEREAS, the City Council is the City’s governing body and has the ability to make a determination of Public Convenience or Necessity; and,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends to the City Council of the City of Hollister the determination that Public Convenience would be served by the issuance of a Type 21 Off-Site General ABC license for Hollister Super, Inc. at 1280 Fourth Street based on the following findings.

1. **Finding:** The existing Hollister Super grocery store located at 1280 Fourth Street is consistent with the City of Hollister’s General Plan and Zoning Ordinance as it pertains to the use. Hollister Super is a popular local grocery store that serves the surrounding community and is a convenient shopping location for nearby residents to purchase groceries and other household items. Allowing sales of beer, wine, and distilled spirits at this location would provide a public convenience for customers looking to purchase these goods, and the City of Hollister has reviewed this proposed project and determined it 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.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Hollister on this 27th day of April 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christy Hopper, Secretary

Please Note

It is the sole responsibility of the project applicant to comply with conditions as approved, modified, or added by the Planning Commission. It is recommended that the applicant review the conditions carefully and if any questions arise as to compliance with the proposed 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 Planning Commission at their meeting. In addition, the City provides for a 15-day appeal period.

Date: April 20, 2023

To: Liz Gagliardi, Associate Planner
City of Hollister Development Services Department
Planning Division

From: Carlos Reynoso, Chief of Police
City of Hollister Police Department

RE: Public Convenience or Necessity Determination:
Hollister Super, 1280 Fourth Street, Hollister, California; (APN 052-090-051)

I received your request for input regarding the Hollister Super grocery store located at 1280 Fourth Street in Hollister, California; a supermarket seeking a Determination of Public Convenience or Necessity (PCN) to allow general off-site sales of alcohol (beer, wine, and distilled spirits).

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4 (a)(2). A location can be unduly concentrated because of its criminal statistics and/or its proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of Hollister's City Council is the delegated authority to grant these exceptions.

1280 Fourth Street is located in Hollister Police Beat 2. The reported crime statistics as defined by B&P Section 23958.4(c) are not over the 20% crime index thus the location is not considered unduly concentrated per B&P Section 23958.4 (a)(1).

Police Beat Crime Statistics

2022 Calls for Service	Arrests	20% Above Average
9001	183	No

Department of Alcohol Beverage Control (ABC) records indicate that 1280 Fourth Street is in census tract 3.00. Pursuant to B&P Section 23958.4 (a)(2), the ratio off-site retail licenses population in census tract 3.00 does exceed the ratio of off-site retail licenses to population in the county in which the applicant's premise is located. The approval of the current proposal would result in a further unduly concentration of off-sale retail licenses to population for the census tract.

Authorized and Current ABC Licenses in Census Tract 3.00

Census Tract	Authorized ABC Licenses As of September 2021		Current ABC Licenses as of April 2023	
	On-Sale	Off-Sale	On-Sale	Off-Sale
3.00	7	3	21	12

Given the type of business, a grocery and consumer goods store, the City of Hollister Police Department is neutral to the issuance of a determination of a Public Convenience or Necessity to allow off-sale of alcohol.

Please feel free to contact me at (831) 636-4330 if you have any questions.



Carlos Reynoso, Chief of Police
City of Hollister Police Department

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

SALINAS DISTRICT OFFICE
1137 WESTRIDGE PARKWAY
SALINAS, CA 93907
(831) 755-1990



RECEIVED

July 14, 2022

JUL 24 197

HOLLISTER SUPER INCORPORATED
PO BOX 877
SAN JUAN BAUTISTA, CA 95045-0877

CITY OF HOLLISTER
PLANNING DIVISION

Location: 1280 FOURTH ST
HOLLISTER, CA 95023-3496
CMD: December 2, 2021
File No.: 21-631382

Dear Applicant(s):

I have been assigned to investigate your application for an alcoholic beverage license. Please be advised that in order to process your application, the following documents and/or information are needed:

1. Zoning approval from the City planning Dept to include a Conditional Use Permit.
2. Public Convenience or Necessity (PCN) finding from the City on ABC-245 2nd pg. (see enclosed ABC-245).

To prevent unnecessary delays in the processing of your application, please submit the above-requested items to my attention by **August 1, 2022**. If you have any questions regarding the above, feel free to contact me at any time at (831) 755-1990.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marilyn Lefler'.

Marilyn Lefler
Licensing Representative II

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

Hollister Super Incorporated

2. PREMISES ADDRESS (Street number and name, city, zip code)

1280 Fourth St Hollister, CA 95023-3496

3. LICENSE TYPE

21'

4. TYPE OF BUSINESS

☐ Full Service Restaurant	☐ Hofbrau/Cafeteria	☐ Cocktail Lounge	☐ Private Club
☐ Deli or Specialty Restaurant	☐ Comedy Club	☐ Night Club	☐ Veterans Club
☐ Cafe/Coffee Shop	☐ Brew Pub	☐ Tavern: Beer	☐ Fraternal Club
☐ Bed & Breakfast:	☐ Theater	☐ Tavern: Beer & Wine	☐ Wine Tasting Room
☐ Wine only ☐ All			
☒ Supermarket	☐ Membership Store	☐ Service Station	☐ Swap Meet/Flea Market
☐ Liquor Store	☐ Department Store	☐ Convenience Market	☐ Drive-in Dairy
☐ Drug/Variety Store	☐ Florist/Gift Shop	☐ Convenience Market w/Gasoline	
☐ Other - describe:			

5. COUNTY POPULATION

63,526

6. TOTAL NUMBER OF LICENSES IN COUNTY

44

7. RATIO OF LICENSES TO POPULATION IN COUNTY

R:1,412

8. CENSUS TRACT NUMBER

3.00'

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

3

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

15

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☒ Yes, the number of existing licenses exceeds the number allowed
- ☐ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

☐ Yes (Go to Item #13) ☒ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

☐ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

☒ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

☒ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

PLANNING DEPT.

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

C Gonzalez (ABC)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

RECEIVED

OCT 24 2022

CITY OF HOLLISTER
PLANNING DIVISION



10/21/2022

Statement of Operations

The grocery store is open 7 days a week from 6am to 10pm. The only day the store is closed is on Christmas Day.

The store located at 1280 Fourth Street, Hollister, CA 95023 has 32-40 employees throughout the year.

We accept deliveries from our various vendors 7 days a week before 2pm. The majority of the deliveries happen Monday through Friday with occasional deliveries on the weekend.

We are a full service grocery store with fresh produce and full service meat departments. Our business has been serving the community with a beer and wine license since 1984 and would like to upgrade to an Off-Sale General license. We also operate two other locations in San Benito County that have an Off-Sale General license. These locations are:

- Hollister Super #2, 211 Third St, Hollister, CA 95023
- Windmill Market, 301 The Alameda, San Juan Bautista, CA 95045

Thank You

Chang So

831.297.8603

changs@hollistersuper.com



Planning Commission

Memorandum

April 27, 2023

Public Hearing Item #1

SUBJECT:

Attachment for Item #1 – Conditional Use Permit 2022-6 to allow for the sale of beer, wine, and distilled spirits at an existing Hollister Super grocery store, located at 1280 Fourth Street (Assessor's Parcel Number 052-090-051) within the West Gateway (WG) Zoning District.

The plan sets for Conditional Use Permit 2022-6 are available for public viewing at the City of Hollister Development Services Department office located at 361 Fifth Street during regular business hours. The Development Services Department is open to the public Monday-Thursday from 8:30 AM – 12:00 PM, and 1:00 PM – 4:30 PM, closed Fridays. Plans will also be available for viewing at the regular meeting of the Planning Commission at City Hall on April 27, 2023 starting at 6:00 PM.



Planning Commission

Staff Report

April 27, 2022

Item 2

SUBJECT: **Site and Architectural Review 2022-5** – Nader Javid – The applicant is requesting Site and Architectural Review approval to replace the existing Rite Aid Garden Center with a new restaurant, with beer and wine sales onsite, including indoor and outdoor seating and related façade improvements and a remodel of the existing front elevation of the two multi-tenant buildings. The project site is located in the General Commercial (GC) Zoning District at 1701 and 1709 Airline Highway, further identified as San Benito County Assessor’s Parcel Number 057-070-067.

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

ATTACHMENTS: 1. Resolution approving Site and Architectural Review 2022-5 for the modifications to an existing shopping center with the project plans included as Exhibit A.

RECOMMENDATION: Approval with Conditions

PROJECT DESCRIPTION:

The Applicant, Nader Javid, is proposing to improve the existing Heritage Plaza shopping center. The proposed improvements include the replacement of the existing 4,167 square foot (vacant) Rite Aid Garden Center with a new 5,895 square foot restaurant with indoor and outdoor dining and a façade remodel of the two existing multi-tenant buildings in the shopping center located at 1701 and 1709 Airline Highway. The Applicant will construct the improvements in two phases. The parcel has a General Plan Land Use Designation and Zoning Designation of General Commercial. The project plans are included as Exhibit A of Attachment 1.

ANALYSIS:

Location

The proposed project is located within the existing Heritage Plaza Shopping Center. The shopping

center is home to several tenants within two multi-tenant buildings, one of which includes Rite Aid and their garden center. Single-tenant buildings on site include Big O Tires, Midas and Speedee Oil Changers, Ace Hardware, and McDonalds. The single tenant buildings each have their own design. The multi-tenant buildings have two designs, with Rite Aid having its own design and the remainder of the building at 1701 and the building at 1709 Airline Highway sharing the same design. Parking is scattered throughout the site with the parking located between the street and the buildings.

The location of the Shopping Center is shown below:

Figure 1: Project Site and the Surrounding Area



Figure 2: Existing Shopping Center



Proposed Project Phasing:

The Applicant is proposing to construct the project in two phases to allow for the immediate construction of the new restaurant. Phase I includes the removal of the existing Rite Aid Garden Center and the replacement of the garden center with the new Brass Tap restaurant building. Phase II includes the remodel of the exterior façade (front elevations) of the two multi-tenant buildings. Phase II will not commence until after Phase I of the project is complete.

Phase I – Brass Tap Restaurant Site Plan (Sheet A2):

The Applicant is proposing to replace the existing 4,167 square foot Rite Aid Garden Center with a new 5,895 square foot restaurant (Brass Tap). The vacant garden center is located between Big O Tires and the Rite Aid store. The proposed restaurant includes a 4,167 square foot indoor restaurant and a new addition to the building. The proposed 1,728 square foot addition will be constructed for an outdoor dining area associated with the restaurant.

A new sidewalk will extend from the front of the Rite Aid store around the new restaurant. A new trash enclosure will be located at the rear of building in the exiting delivery accessway. No changes to the existing parking or circulation are proposed.

The location of the new restaurant within the center is shown on the aerial photo below.

Figure 3: Brass Tap Location



Brass Tap Architecture (Sheet A3):

The proposed Brass Tap restaurant with Rite Aid and the existing building is shown on Elevation A. The existing building will remain until Phase II of the project begins. An enlarged view of the Brass Tap Restaurant is shown on Elevation C.

The new Brass Tap restaurant will be located on the left side of the existing elevation. The new restaurant building will be 70 feet in length on this elevation and has a Spanish style architectural design. The new restaurant will extend forward from the existing parapet that will remain (see side elevation for more information).

Figure 4 – Existing Garden Center



On this elevation, the restaurant will have a small archway above an entryway (which is an arched wood paneled door). Three windows, with side shutters and trim, are located on this elevation which provide a visual of the inside of the restaurant as well as break up the massing of this wall.

The side elevations will not be visible from Airline Highway. The left elevation (Elevation D) has one window and an accent arch above the window. As shown on this elevation, the new restaurant will be tucked into the existing building and the indoor restaurant will be located beneath the existing parapet wall. The new outdoor portion of the restaurant will add onto the existing flat roof over a portion of the garden center.

The right side of the elevation (Elevation E) will be open with bronze painted metal railings and will also have an entry door for access.

The new Brass Tap restaurant will be attractively designed and will enhance the existing building by replacing the existing garden center, which lacks architectural detail and does not enhance views of the site.

The new restaurant has been designed to be compatible with the scale, height and massing of the existing shopping center. The new restaurant will be attractively designed and will include enhanced architectural details, articulation, and windows. The proposed restaurant has been designed so that it is compatible with the existing building and will enhance views of this portion of the building consistent with Section 17.08.030.1 of the Zoning Ordinance. As a stand alone project, the new restaurant will enhance the existing site and is compatible with the designs located in the shopping center as required by the General Plan.

Parking (Sheet PA2):

There are currently 353 parking spaces within the shopping center. While the Speedee/Midas, Big O Tires, McDonald's, and Ace Hardware are located within the Heritage Plaza Shopping Center, these buildings are on separate parcels (which include parking and the building) and each of these parcels are required to provide parking for their uses.

Table 17.18-1, Off-Street Parking and Bicycle Spaces Required by Land Use Type, requires one parking space for every 100 square feet of gross restaurant space or one parking space for every 2.5 seats, whichever is greater. Based on the interior layout and proposed seats shown on the Floor Plan, the space will have a parking requirement of one parking space for every 100 square feet of restaurant space (please note that the Zoning Ordinance requires parking for both the indoor and outdoor spaces). Once complete, the following parking is required to support the existing uses as well as the new restaurant.

Table 1: Required Parking

Tenant	Suite Size	Parking Requirement	Parking Spaces Required
Brass Tap	5,895 sq. ft.	1/100 sq. ft.	59
Rite Aid	27,009 sq. ft.	1/250 sq. ft.	108
Goodwill	17, 688 sq. ft.	1/250 sq. ft.	71
O'Reilly Auto Parts*	10,014 sq. ft.	1/450 and 1/300 sq. ft.	31
Other Shops	21,000 sq. ft.	1/250 sq. ft.	84
Total Spaces Required			353

**The parking requirement for Auto Parts is based on the area of the display of auto parts (1/300 sq. ft.) and the office space/parts storage (1/450 sq. ft.). In this case Staff has assumed that 25 percent of the Auto Parts store is dedicated to parts storage and the remainder is dedicated for the display of goods.*

As shown on the above Table, the shopping center will require 353 parking spaces to support the

proposed restaurant, addition, and existing uses and there are 353 parking spaces on site. Staff has visited the shopping center several times during various times of the day and has observed many vacant parking spaces in front of the Rite Aid/Goodwill/O'Reilly building. Once complete, there will be adequate parking to support the shopping center.

Alcohol Sales

The proposed restaurant includes the sale of alcohol in addition to food. Section 17.22.070 of the Zoning Ordinance allows alcohol sales as a permitted use if it is located at a restaurant with kitchen facilities and where the bar area does not exceed 30 percent of the gross floor area of the entire restaurant. The total bar area of the restaurant is 751 square feet which is approximately 13 percent of the restaurant. Therefore, a Conditional Use Permit is not required for alcohol sales.

Landscaping:

No landscaping improvements are proposed as part of this project. Prior to 2008 and as part of the widening of Airline Highway/State Route 25, landscaping was removed to accommodate the widened highway and the new multi-use trail. At some point, around 2017, shrubs were planted in the wider planting strip starting in front of the Goodwill store.

The City can require site improvements which are commensurate with the request in front of the City. Section 17.18.110(I)(3)(a) requires parking lots with ten or more vehicles to have a landscape planting strip between the street and the parking lot to screen views of the parking lot.

In this case, there is a very narrow dirt strip between the running path and the parking lot, which widens as it reaches the corner. The corner area, however is mostly the right of-way for the highway with a small narrow portion of the dirt area located on this property. The San Benito County Council of Governments is planning on enhancing landscaping along Highway 25 which will improve the area.

In the meantime, Staff believes that there is a nexus between the request and the requirements of the Zoning Ordinance to require the property owner to install landscaping in the dirt area, to the extent possible, between the parking lot and the street which will further enhance views of the site.

Staff has included Condition of Approval No. 27 which requires the Applicant to plant shrubs in the narrow dirt strip and around the base of the monument sign. Due to the narrow size of the strip, Staff has included two options for the property owner with respect to materials to allow for a plant material which can fit in this narrow area. There is more room around the base of the sign within the property lines which can accommodate larger shrubs such as an agapanthus, lavender, escallonia, day lily or other drought tolerant plant materials. The property lines and the

dirt/un-landscaped area are shown on the aerial photo below.

Phase II – Façade Remodel

Phase II of the project includes the complete remodel of the two existing multi-tenant buildings. As previously discussed, the Rite Aid store has a different architectural design from the remainder of the building and second multi-tenant building.

The new façade will have a Spanish style design theme. The existing tile roof and columns will remain. The existing parapet will be completely remodeled to be raised with wood siding. Each tenant will have a projecting element that extends from the base of the parapet wall to above the top of the flat parapet. New architectural details will be included on each of these projections.

The main body material will remain stucco and painted a taupe color. The wood paneled parapet walls will have a brown accent color. The Brass Tap restaurant will have exterior colors and materials that match the façade remodel.

The proposed façade remodel will enhance views of the existing shopping center. The proposal to modify the remainder of the building as well as the second multi-tenant building will provide a consistent design theme for these two large buildings. Once complete, the buildings will be upgraded to a new, enhanced architectural style with upgraded materials and the new parapet with varying roof heights and projecting element will break up the massing of these long buildings. The two multi-tenant buildings will be attractively designed and will enhance the area in which it is located consistent with Land Use and Circulation Policies LU 11.1 and LU 11.2.

General Plan Compliance

The proposed replacement of the existing vacant garden center with a new restaurant is consistent with the General Plan. The existing shopping center does not have a consistent design theme; however, the proposed restaurant is attractively designed and is compatible with the scale, design, colors, and materials of the existing shopping center. As a stand-alone project, the new restaurant will enhance the existing site and is compatible with the design of the existing shopping center as required by Land Use and Circulation Goal LU11.

Phase II of the project is a remodel of the two existing multi-tenant commercial buildings with one new attractive design. The new Spanish design includes new materials, an enhanced parapet wall, architectural details, and projections that enhance the design of the shopping center. Once complete the shopping center will be attractively designed and will enhance the area in which it is located consistent with Land Use and Circulation Policies LU 11.1 and LU 11.2.

California Environmental Quality Act:

The proposed project qualifies as a Categorical Exempt project pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) because the project is consistent with the General Plan Land Use Designation of General Commercial, the Zoning Designation of General Commercial (GC), the project is located within the City Limits of Hollister on a property with urban services, and the project involves a minor addition and façade improvements to the buildings within an existing shopping center. Furthermore, Phase I of the project involves the replacement of an existing garden center with a new restaurant with indoor and outdoor seating and includes a 1,728 square foot addition to the existing building which is less than the maximum size for building additions allowed under Class I and the proposed project is not located within a sensitive area and is currently served by existing utilities. Phase II of the project involves the enhancement of the exterior of the existing multi-tenant buildings only and therefore is also exempt under Class I.

CONCLUSION:

On-site circulation, access, parking design and other requirements have been reviewed by the City's Development Review Committee (DRC) to ensure compliance with City, State, and Federal Regulations. Conditions of Approval related to compliance have also been included in the Project Conditions of Approval.

The proposed replacement of the existing vacant garden center with a new restaurant will enhance the existing shopping center, provide additional commercial space for the city, and will enhance the viability of the center. Once complete, the restaurant will replace an existing garden center which is boxy, does not relate well to the design of the center, and has little visual interest. The new restaurant has been designed so that it is compatible with the existing shopping center in that the colors, materials, and overall design are compatible with the center which has six different building designs. If only Phase I of the project is constructed, the proposed restaurant will still meet the requirements of the General Plan and Zoning Ordinance for design.

Phase II of the project involves the remodel of the two multi-tenant buildings within the shopping center. Once complete, the multi-tenant buildings will be compatible with the design of the new restaurant. Additionally, the new design will enhance the site by providing an updated design with architectural details, enhanced materials, and other elements which will improve views of the site.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution approving S&A 2022-5, subject to the Conditions of Approval

(Attachment 1);

2. Deny the Proposed Project; or
3. 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: Nader Javid
845 Fox Hill Circle
Hollister, CA 95023

PROPERTY OWNER: Nino Family Heritage Plaza, LLC
P.O. Box 1180
Tres Pinos, CA 95075

LOCATION: 1701 and 1709 Airline Highway

**ASSESSOR PARCEL
NUMBER:** APN 057-070-067

**GENERAL PLAN
DESIGNATION:** General Commercial

ZONING DISTRICT: GC (General Commercial)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
Project Site	GC	General Commercial	Heritage Plaza shopping center
North	R1	Low Density Residential	Sunnyslope Road and single family residences
South	GC, R1, and CO	Low Density Residential and General Commercial	Remainder of shopping center, single family residences, and offices
East	MU	Mixed Use	Vacant
West	GC	Medium Density Residential	Various commercial uses including shops and restaurants

PLANNING COMMISSION RESOLUTION NO. 2023-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING A SITE AND ARCHITECTURAL REVIEW (S&A 2022-5) TO REPLACE THE EXISTING VACANT GARDEN CENTER FOR THE RITE AID STORE WITH A NEW RESTAURANT (BRASS TAP) AND TO MODIFY THE FAÇADE OF THE EXISTING TWO MULTI-TENANT BUILDINGS IN THE HERITAGE PLAZA SHOPPING CENTER IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT LOCATED AT 1701 AND 1709 AIRLINE HIGHWAY
APN 057-070-067**

WHEREAS, the Applicant, Nader Javid, has requested approval of a Site and Architectural Review for the construction of a new 5,895 square foot restaurant (Brass Tap) to replace the existing 4,167 square foot vacant garden center for Rite Aid, located at 1701 Airline Highway, and a façade remodel for the two multi-tenant buildings located in the Heritage Family Plaza shopping center at 1701 and 1709 Airline Highway; and

WHEREAS, the project will be constructed in two phases with Phase I comprising the replacement of the garden center with the new Brass Tap restaurant and Phase II comprising the façade remodel of the two multi-tenant buildings located at 1701 and 1709 Airline Highway; and

WHEREAS, the Applicant has submitted a complete application for the requested entitlement prepared by Concept Sketch received by the Planning Division on April 13, 2023; 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, under the provisions of Section 17.24.190 of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating and taking action on Site and Architectural Review applications; 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 the proposed Site and Architectural Review; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 27, 2023 to consider the Applicant's request, 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 project qualifies as a Categorically Exempt project pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) because the project is consistent with the General Plan Land Use Designation of General Commercial, the Zoning Designation of General Commercial (GC), the project is located within the City Limits of Hollister on a property with urban services, and the project involves a minor addition and façade improvements to the buildings within an existing shopping center. Furthermore, Phase I of the project involves the replacement of an existing garden center with a new restaurant with indoor and outdoor seating and includes a 1,728 square foot addition to the existing

building which is less than the maximum size for building additions allowed under Class I and the proposed project is not located within a sensitive area and is currently served by existing utilities. Phase II of the project involves the enhancement of the exterior of the existing multi-tenant buildings only and therefore is also exempt under Class I; 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 Site and Architectural Review:

- A. The proposed Project, as conditioned, will comply with the policies of the General Plan because:
1. The proposed project involves façade modifications to an existing shopping center and the replacement of the existing garden center with a new 5,895 square foot restaurant on a property that has a General Plan Land Use Designation of General Commercial which permits a wide variety of commercial uses including restaurants.
 2. The proposed project will be an attractive addition to the existing shopping center and will enhance the visual quality of the shopping center and the surrounding area as required by Land Use and Circulation Goal LU11.
 3. Phase I of the project includes the replacement of the existing vacant garden center with a new restaurant building. The new restaurant will be attractively designed and will include enhanced architectural details, articulation, and windows. The new restaurant will be incorporated into a portion of the existing façade of the building including the parapet wall and the tile roof over a portion of the existing garden center. As a stand along project, the new restaurant will enhance the existing site and is compatible with the designs of the buildings located in the shopping center as required by Goal LU11.
 4. Phase II of the project will include the complete remodel of the entire façade of the building. The existing shopping center is comprised of six buildings with differing designs. For the multi-tenant buildings, the Rite Aid portion of the building located at 1701 Airline Highway has a different design from the remainder of the building. The proposal to modify the remainder of the building as well as the second multi-tenant building will provide a consistent design theme for these two large buildings. Once complete, the buildings will be upgraded to a new, enhanced architectural style with upgraded materials. Once complete the shopping center will be attractively designed and will enhance the area in which it is located consistent with Land Use and Circulation Policies LU 11.1 and LU 11.2.
- B. The proposed Project, as conditioned, is consistent with Chapter 17.08, Commercial Zone Land Uses and Requirements and Chapter 17.18, Pedestrian, Bicycle, Parking and Loading Standards because:
1. The proposed restaurant will replace the existing Rite Aid garden center which is currently vacant. Once complete, the new Brass Tap (restaurant building) will be sited so that it complies with the required Front, Side, and Rear Yard Setbacks. The restaurant will be 15

feet 8 inches in height, which is lower than the existing façade of the remainder of the building and is consistent with the requirements of the Zoning Ordinance.

2. The proposed restaurant has been designed to be compatible with the scale, height and massing of the existing shopping center. The restaurant will also be located such that the existing parapet wall and tile roof will remain and the restaurant will be located underneath these areas, with a minor addition which will be added to the existing portion which has a flat roof. The proposed restaurant has been designed so that it is compatible with the existing building and will enhance views of this portion of the building consistent with Section 17.08.030.1 of the Zoning Ordinance.
 3. Once the façade remodel of the two existing buildings is complete, the two buildings will share one cohesive design, will be attractively designed and will enhance views of the shopping center consistent with Section 17.08.030.7 of the Zoning Ordinance.
 4. The proposed façade remodel includes new roof forms, an enhanced parapet, and varying heights to break up the massing of the building. The proposed façade remodel includes new materials, architectural details, and other enhancements to promote visual interest of the shopping center. The proposed design of the façade remodel is consistent with Section 17.08.030.2 of the Zoning Ordinance.
 5. The location of and design of the project has been reviewed by the DRC and meets the requirements of the Zoning Ordinance with respect to safety, design, circulation, drainage, lighting, and access.
- 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 involves the replacement of the existing garden center structure with a new restaurant with indoor and outdoor dining and the remodel of the existing façade for the existing multi-tenant buildings (two total) of the shopping center. Pursuant to Section 15332, Class 1, of the California Environmental Quality Act, the proposed project is categorically exempt from CEQA because the project involves a minor modification to an existing shopping center and because the small addition to the garden center is within the threshold for allowed additions to existing structures that are served by existing utilities.
 2. The proposed project includes the enhancement of an existing shopping center. The property located in a commercial area which is currently surrounded by developed parcels with a variety of commercial uses. The proposed building enhancements are well designed and as conditioned meets the Goals and Policies of the General Plan and the requirements of the Zoning Ordinance. The site will continue to have adequate circulation, access, parking, landscaping and site improvements and therefore will not be detrimental to the health, safety and welfare of persons working in the neighborhood or City. The project has been reviewed by the City's DRC to ensure that the project, as conditioned, will not have impacts on the site or the surrounding area.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Hollister hereby approves S&A 2022-5 to allow the project to be constructed in two phases with Phase I encompassing the replacement of the existing vacant garden center with a new restaurant building with a 1,728 square foot addition for outdoor dining and Phase II encompassing the remodel of the exterior façade of the existing two shopping center multi-tenant buildings and related improvements located at 1701 and 1709 Airline Highway subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL
S&A 2022-5**

General Conditions

1. **Approval.** This Site and Architectural Review approval is for site improvements and a new façade for the Brass Tap Restaurant (replacing the existing Rite-Aid garden center) and a façade remodel for the remainder of the Heritage Plaza Shopping Center (S&A 2022-5). The proposed development shall be in substantial conformance to Exhibit A (Project Plans) prepared by Concept Sketch and dated "Received, April 13 , 2023" 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 be valid for the remaining life of the approved structure so long as the operators of the subject property comply with the project's conditions of approval.
5. **Project Phasing.** The proposed project may be constructed in two phases. The Brass Tap Restaurant site work and façade improvements and the façade remodel for the remainder of the building. Should the project be constructed in two phases, the property owner shall ensure that the façade remodel and Brass Tap restaurant match in building color prior to Building Permit Final for the second phase. All phases must be constructed within the time frame allowed under Conditions 2 and 3.
6. **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.

7. **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.
8. **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.
9. **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.
10. **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.
11. **Accessory/Temporary Structures.** The use of any accessory or temporary structures, such as storage sheds or trailer/container units used for storage or for any other purposes shall be subject to review and approval by the Director of Development Services.
12. **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.
13. **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.

14. **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.
15. **Fencing/Walls.** Perimeter walls or fences shall be architecturally treated and compatible with the predominant architectural style of the site. In addition, anti-graffiti mechanisms such as landscaping or graffiti coating will be required on all new perimeter walls and fences.
16. **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

17. **Signage.** Prior to the installation of any signage the Applicant shall apply for and receive approval of a Sign Program from the Planning Division and any permits required from the Building Division in accordance with Chapter 17.20 of the Hollister Municipal Code.
18. **Equipment Screening.** All electrical and or mechanical equipment shall be screened from public view. Air conditioning units, ventilation ducts, vents and all other mechanical equipment shall be screened from public view with the materials compatible to and well integrated into the design of the main building. Any roof-mounted equipment shall be completely screened from view by materials architecturally compatible with the building and to the satisfaction of the Director of Development Services. 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.
19. **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). Once both phases are complete, the body (main) paint color of the Brass Tap Restaurant and the rest of the building shall match.
20. **Trash and Waste Accumulation.** The Applicant or any future owner shall provide and conduct regular maintenance of the site at least once daily, in order to eliminate and control the accumulation of trash, excess waste materials and debris.

21. **Future Modifications.** Any future modifications to the exterior of the building or the landscaping shall require review and approval by the City in a manner determined by the Development Services Director.
22. **Continuous Maintenance.** Prior to occupancy, a plan or agreement for continuous maintenance and management of the building, to include, but not be limited to, paved surfaces, utilities, trash and recycling enclosures, and open space areas such as in the form of Codes Covenants & Restrictions (CC&R's) or a maintenance agreement shall be recorded for building operations and provided to the City. The applicant shall be required to obtain garbage service at the site consistent with approved plans.
23. **Landscape and Property Maintenance.** In the event that any tenants or the property owner ceases or reduces operations on the Property, the property owner shall continue to comply with Conditions related to maintenance of the site and maintenance of Landscaping.

Planning Department – Project Specific

24. **Trash Enclosure.** Prior to issuance of a Building Permit for Brass Tap, the Applicant shall submit a trash enclosure plan(s) for review and approval by the Development Services Director.
25. **Trash Bins Agreement.** In the event that the Brass Tap facility is required to move the trash cans out of the enclosure for pick-up, the operator of the restaurant shall submit a signed letter to the Planning Division agreeing to Condition No. 26 prior to approval of a Building Permit. All subsequent operators of a restaurant in this location shall also submit a signed letter prior to operations.
26. **Trash Bin Location.** Trash bins shall be kept inside the enclosure except when needed to be removed from the enclosure for pick-up. The bins shall only be removed from the enclosure the night before pick-up and shall be immediately relocated to inside the enclosure after the trash has been picked up from the City's waste provider. When locating the bins outside of the enclosure, the bins shall be located parallel to the rear driveway, for access, and shall be placed so that the bins are located as close as possible to the buildings to keep the driveway access open and clear of obstructions.
27. **Live Music or Entertainment.** Prior to hosting live entertainment or music, the operators of any restaurant within this establishment shall obtain a Conditional Use Permit to allow entertainment during the hours and days of the week requested by the operators. No live entertainment or music can occur on site without the approval of a Conditional Use Permit. Each new operator must obtain their own Conditional Use Permit prior to the commencement of any live entertainment of music.

Landscaping – Project Specific

28. **Landscaping on Airline Highway.** Prior to issuance of a Building Permit for the first phase of this project, the Applicant shall submit a plan to plant shrubs between the parking lot and Airline Highway from where the existing band of shrubs ends up to the corner of Airline Highway and

Sunnyslope Road for review and approval by the Development Services Director. The shrubs shall match the existing shrubs planted between the parking lot and Airline Highway. If it is not possible to plant these shrubs in the existing planter due to the size, the Applicant shall then select a plant material from the San Benito County Council of Governments palette for roadway improvements along Highway 25. Shrubs shall also be planted around the base of the monument sign.

Building – Standard Conditions

29. **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.
30. **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.
31. **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.
32. **Code Compliance.** All building permit plans shall conform to all local and State energy and seismic requirements and all applicable Building and Fire Codes.
33. **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.
34. **ADA.** All requirements for handicapped accessibility shall be met, including but not limited to parking, access ramps and building accessibility facilities.
35. **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. Park Land Acquisition In-Lieu fee (Quimby Act)
 - g. Park Construction fee
 - h. Police Impact Fee

- i. Fire Impact Fee
- j. Jail and Juvenile Hall Facilities
- k. Library

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.

36. **Demolition Disposal Plan.** Prior to issuance of a building permit or a 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, subject to review and approval by the City of Hollister. To ensure compliance with the recycling plan, a refundable deposit shall be paid to the City of Hollister equivalent to \$50/ton of estimated construction and demolition debris for the project, to be deposited into an interest-bearing escrow account. The construction waste shall be calculated at 11.3 pounds per square foot of demolished area. The City shall return the deposit with any interest generated during the deposit after submittal of verifiable documentation of the required diversions.

Public Works – Standard Conditions

37. **Standards.** 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.
38. **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 improvements.
39. **Developer Fees.** Prior to Improvement or Grading Plan 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.
40. **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.
41. **Utility or Improvement Damages/Removal.** 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.

42. **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 $\frac{1}{4}$ ", as approved the City inspector. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections.
43. **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.
44. **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.
45. **Setbacks.** 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.
46. **Trash Enclosures.** The trash enclosure shall be designed by a California licensed architect and a California structural engineer, shall be located on the site served and shown on the engineering plans. The trash enclosure shall include a solid roof to prevent pollutant discharge and runoff during a rain event. The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting. The applicant shall contact Recology to confirm quantity and size of bins/containers in order to properly size the trash enclosure(s). The trash enclosure floor shall be designed to slope to an interior P-trapped area floor drain and connected to a grease, oil and sand interceptor before plumbing to the sanitary sewer system per the city's latest engineering standard specifications and details. The floor shall be designed to contain all interior run off and not allow outside storm runoff from entering the trash enclosure. A sign shall be posted on the front of the trash enclosure prohibiting the dumping of hazardous materials into the sanitary sewer system. The sign shall be 12 inches wide by 18 inches tall, made of rust proof aluminum, and read "No Hazardous Waste Dumping" in red letters with white background. The sign shall be reviewed and approved by the Engineering Department.
 - a. Design Criteria:
 - i. The design of the trash enclosure shall be architecturally compatible with the primary building on site to provide a coordinated design.
 - ii. The exterior materials and colors of the enclosure walls shall match the building walls.
 - iii. Chain link fencing with or without wooden/plastic slats is prohibited.

- iv. All trash enclosures shall have solid metal or wood gates with latches and be secured in the open/closed positions with cane bolts. Latch shall be no higher than five feet.
 - v. Roofs shall be painted with rust-inhibitive paint.
- 47. **Parking Lot Maintenance.** Every two years, or longer if deemed appropriate by the City Code Enforcement Officer, the applicant shall maintain and re-stripe the parking stalls so that they will always be clean and visible to employees and customers.
- 48. **Approved Resolution.** A complete hard copy of the approved signed resolution shall be included with the submittal of the improvement to the City Engineer.

Fire Department - Standard Conditions

- 49. **Construction and Design Provisions.** The construction and design provisions of the fire code shall apply as follows:
 - a. Structures, facilities and conditions arising after the adoption of this code.
 - b. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
 - c. Existing structures, facilities and conditions when identified in specific sections of this code.
 - d. Existing structures, facilities and conditions, which, in the opinion of the Fire Code Official, constitutes a distinct hazard to life and property.
 - e. Existing Structures, alterations and repairs:
 - i. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter.
 - ii. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the external walls of a building, or result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the existing internal structural and/or non-structural framework, independently or in combinations thereof, within a five-year period, the entire building shall be made to conform to the current provisions of this Chapter.
 - iii. Calculations of linear wall measurements shall be shown on all plans submitted for building permits, on the cover page in the project description of said plans. The determination under this section of the requirements for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.
- 50. **Change of Use or Occupancy.** A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

Exception: Where approved by the fire code official, a change of occupancy shall be permitted

without complying with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

51. **Occupancy Prohibited Before Approval.** The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.
52. **Construction Document Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.
53. **Information on Construction Documents.** Construction documents shall be drawn to scale on suitable material. Electronic media documents are allowed to be submitted where approved by the Fire Code Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances rules and regulations as determined by the Fire Code Official.
54. **Fire Protection System Shop Drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards found in Chapter 9 of the California Fire Code.
55. **Buildings and Facilities.** Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
56. **Fire Department Access and Egress.** Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
57. **Grade.** The grade of fire apparatus access roads shall be no greater than fifteen percent unless specifically approved by the Fire Code Official.
58. **Paving.** All fire apparatus access roads over eight percent (8%) shall be paved with a minimum of .17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

59. **Marking.** Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. MARKINGS WILL NEED TO BE ADDED TO FRONT AND BACK DRIVEWAY.
60. **Address Identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall construct with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of $\frac{1}{2}$ inch (12.7 mm). Where required by the [fire code official](#), address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained
61. **KNOX BOX.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the fire code official. Where a key box is used, it shall be listed in accordance with UL 1037. This jurisdiction utilizes the **KNOX Box and Security Systems**.
62. **Fire Flow.** Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.
63. **Fire Hydrants.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
64. **Hydrant for Standpipe Systems.** Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections.
65. **Hydrant Obstruction.** Unobstructed access to fire hydrants shall be maintained around the circumference of the fire hydrant at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
66. **Clear Space Around Hydrants.** A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or [approved](#).

67. **Hydrant Protection.** Where fire hydrants are subject to impact by a motor means shall comply with [Section 312 of the International Fire Code](#).
68. **Identification.** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.
69. **Utility Identification.** Where required by the [fire code official](#), gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit of space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.
70. **Required Hood.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.
71. **Occupancy.** It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved.
72. **Approved Automatic Sprinkler Systems.** Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction.

Exceptions:

1. Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.
 2. Detached agricultural buildings, as defined by this code, located at least one hundred feet (100) from any other structure or the property line, whichever is closer.
 3. Accessory structures associated with existing non-sprinklered R-3 occupancies (one- and two- family dwellings) and less than one thousand five hundred (1500) square feet in total fire area.
 4. Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the Fire Code Official permits alternate protection.
73. **Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with

a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

74. **A Fire Alarm System.** A fire alarm system shall be installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with this code. Fire alarm box shall be installed at a locations approved by the enforcing agency.
75. **Monitoring.** Fire alarm systems, whether required by this chapter or the California Building Code or voluntarily installed, shall be monitored by an approved supervising station in accordance with NFPA 72 and this section.
76. **FDC Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connection(s) shall be approved by the fire code official.
77. **Visible location.** Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.
78. **Locking Fire Department Connection Caps.** The fire code requires locking caps on fire department connections for water-based fire protection systems where the responding fire department carries appropriate key wrenches for removal. This jurisdiction utilizes the **KNOX Box and Security Systems**.
79. **Clear Space Around Connections.** A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire code official.
80. **Physical Protection.** Where fire department connections are subject to impact by a motor vehicle, vehicle impact protection shall be provided in accordance with Section 312 of the International Fire Code.
81. **Signs.** A metal sign with raised letters not less than 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.
82. **Backflow Protection.** The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the Health and Safety Code Section 13114.7.
83. **Access for Firefighting.** Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary

or permanent fire department connections. Vehicle access shall be provided capable of supporting vehicle loading under all weather conditions. Hollister Fire Department requires all weather hard paved roadway.

84. **Maintenance of Egress.** Required means of egress and required accessible means of egress shall be maintained during construction and demolition, remodeling or alterations and additions to any building.

Exception: Approved temporary means of egress and accessible means of egress systems and facilities.

85. **Portable Fire Extinguishers.** Structures under construction, alteration, or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 of the International Fire Code and sized for not less than ordinary hazard as follows:

- a. At each stairway on all floor levels where combustible materials have accumulated.
- b. In every storage and construction shed.
- c. Additional portable fire extinguishers shall be provided where special hazards exist, including, but not limited to, the storage and use of flammable and combustible liquids.

86. **Hazard Identification Signs.** Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above- ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official. Top corner of building below address markings.

87. **Carbon Dioxide (CO2) Systems. (USED IN BEVERAGE DISPENSING APPLICATIONS)** Emergency alarm system. An emergency alarm system shall comply with all of the following: Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate. Activation of the emergency alarm system shall initiate a local alarm within the room or area in which the system is installed.

88. **Carbon Dioxide (CO2) Systems Used In Beverage Dispensing Applications.** Emergency alarm system. An emergency alarm system shall comply with all of the following: Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate. Activation of the emergency alarm system shall initiate a local alarm within the room or area in which the system is installed.

89. **Addresses for Buildings.** All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers, and symbols for addresses shall be a minimum of 12-18-inch height t, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Permanent address numbers shall be posted prior to requesting final

clearance. Address numbers shall be placed on the upper Left/Right of address side of building per AHJ.

90. **Fire Hydrants and Valves.** A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and by road from the building it is to serve. **More restrictive hydrant requirements may be applied by the Reviewing Authority.** Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser.
91. **Final Fire Inspection.** To schedule a final fire life safety inspection and pay associated fees please call (831) 636-4325.

Police Department – Standard Conditions

92. **Lighting.** Prior to occupancy, the Applicant shall provide evening lighting, which is unobtrusive for neighboring parcels, on the project site. All light sources should be fully shielded from off-site view. All lights are to be downcast except where it can be proven to not adversely affect other parcels.
93. **Security Contact.** Prior to occupancy, the applicant shall provide three security contact persons to the City Police Department every two years. Please provide this to the Community Services Officer (831) 636-4330.
94. **Graffiti.** The Applicant shall maintain a clean facility and keep walls, fencing, signage, etc. free from graffiti. All graffiti must be removed or painted over within 48 hours of it appearing.

PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of Hollister on this 27th day of April 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christine Hopper, 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 to contact the staff planner. Also, if the applicant does not agree with the proposed conditions, there is an opportunity to present your case to the Planning Commission at their meeting. In addition, the City provides for a 15-day appeal period.



Planning Commission

Memorandum

April 27, 2023

Public Hearing Item #2

SUBJECT:

Attachment for Item #2 – Site & Architectural Review approval to replace the existing Rite Aid Garden Center with a new restaurant, with beer and wine sales onsite, including indoor and outdoor seating and related façade improvements and a remodel of the existing front elevation of the two multi-tenant buildings. The project site is located in the General Commercial (GC) Zoning District at the 1709 Airline Highway, further identified as San Benito County Assessor's Parcel Number 057-070-067.

The plan sets for Site & Architectural Review 2022-5 are available for public viewing at the City of Hollister Development Services Department office located at 361 Fifth Street during regular business hours. The Development Services Department is open to the public Monday-Thursday from 8:30 AM – 12:00 PM, and 1:00 PM – 4:30 PM, closed Fridays. Plans will also be available for viewing at the regular meeting of the Planning Commission at City Hall on April 27, 2023 starting at 6:00 PM.



Planning Commission

Staff Report

April 27, 2022

Item 3

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 and 051-162-080.

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

ATTACHMENTS: 1. Resolution approving Site and Architectural Review 2022-4 for a new industrial building with the project plans included as Exhibit A.

RECOMMENDATION: Approval with Conditions

PROJECT DESCRIPTION:

The Applicant is proposing to construct a 45,705 square foot addition to an existing 52,729 square foot industrial building on a developed lot and a parking lot on an adjacent parcel for the Pride Conveyance for a total project site of 2.65 acres. The parcel has a General Plan Land Use Designation of Industrial and is located in the M1 (Light Industrial) Zoning District. The project plans are included as Exhibit A of Attachment 1.

BACKGROUND:

The proposed project was properly noticed and was previously placed on the October 27, 2022 Planning Commission Agenda. Prior to the meeting, the Applicant requested that the item be continued to the next Planning Commission meeting. During the October 27, 2022 meeting, the Planning Commission continued the project to the November 17, 2022 Planning Commission meeting based on the Applicant's request.

Prior to the November 17, 2022 Planning Commission meeting, the Applicant requested that the review of their project be continued once again. Due to the fact that this was a second

continuance, Staff informed the Applicant that the project would not be scheduled for a future meeting until the Applicant paid the City's Continuance Fee and informed Staff that they were ready to proceed to a Public Hearing. The Continuance Fee was paid on March 28, 2023 and the project was scheduled for the next available Planning Commission meeting.

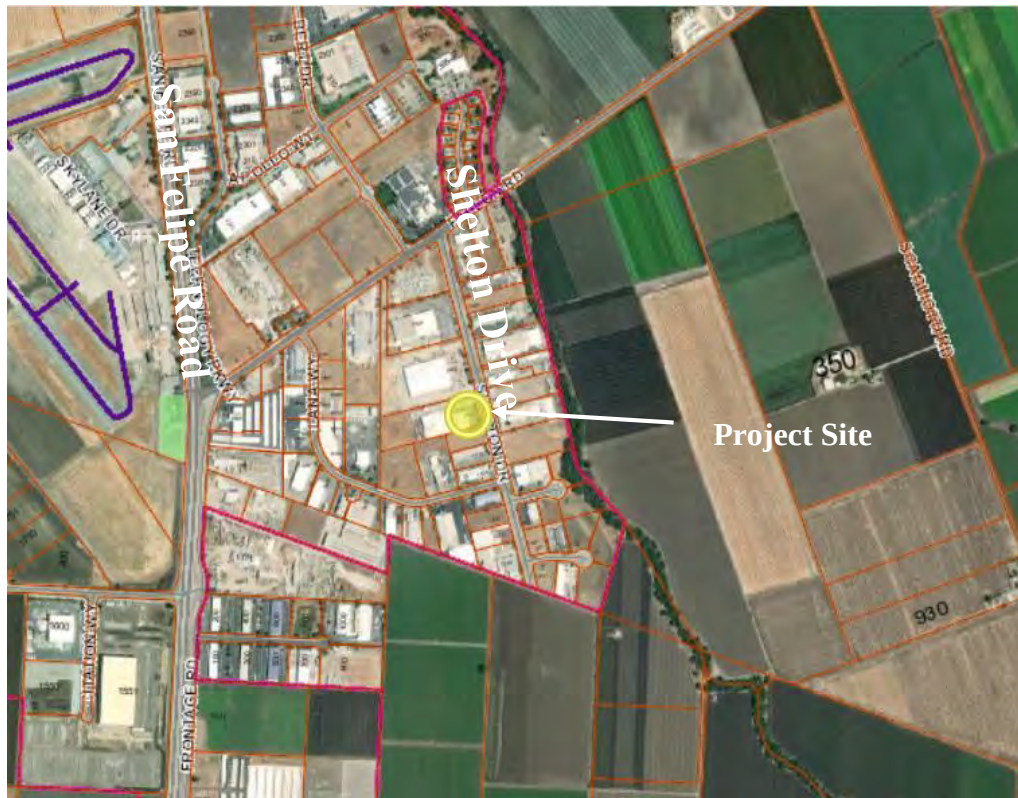
ANALYSIS:

Site Plan (Sheet A-1):

The Applicant is proposing to construct an addition to an existing industrial building located at 1700 Shelton Drive. The site is currently developed with hardscape, parking and landscaping. The total size of the property located at 1700 Shelton Drive is 4.26 acres. The proposed addition and related improvements will be located at the rear of the property and the project site at 1700 Shelton Drive will comprise 1.7 acres of the existing lot.

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

Figure 1: Project Site and the Surrounding Area

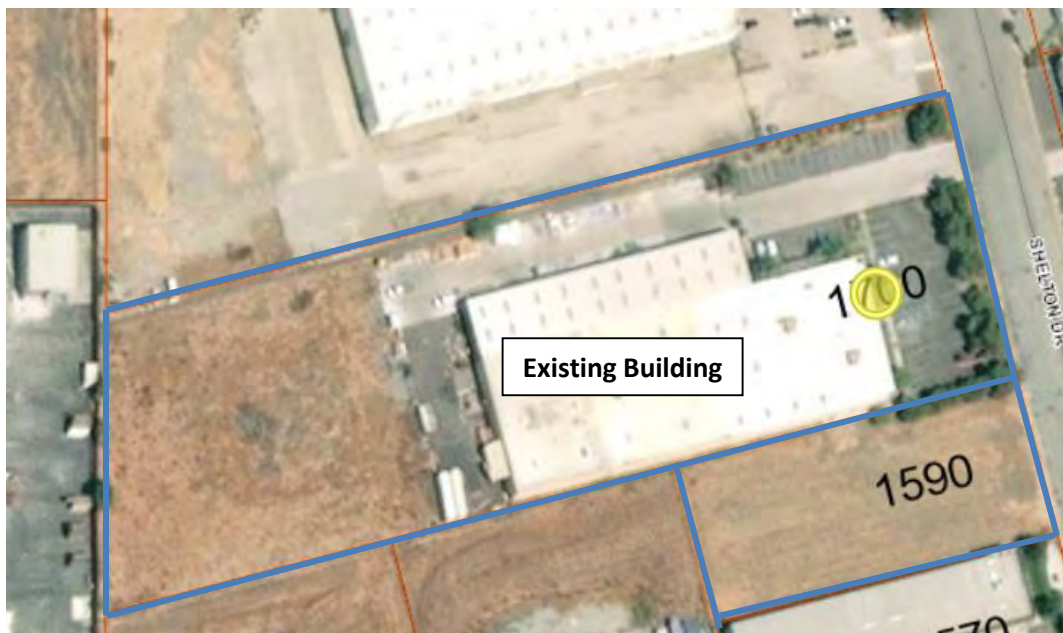


The site is currently developed with an existing 52,729 square foot building which is owned and operated by Pride Conveyance. A 40,729 square foot industrial building was previously approved on the site. On January 26, 2017, the Planning Commission approved Site and Architectural Review 2016-11 approving a 12,000 square foot addition to the existing building for warehouse space (bringing the total building size to 52,729 square feet). No changes are proposed to the developed portion of the lot with the exception of at the rear of the building where a portion of the existing hardscape will be modified in order to construct the addition.

Access to parking and the building is from two entrances/exits on Shelton Drive. Access is currently provided from the street to the front of the building and to the northern side and the rear of the property. No changes to the existing entrances and exits are proposed.

The existing building is used for assembly and shipping and employs 50 people. Building operations occur from 6:00 am – 4:30 pm Monday through Friday and from 6:00 am to 4:30 pm on Saturday, twice per month. The location of the existing building on the property is shown on the Aerial Map below.

Figure 2: Aerial View of Existing Developed Lot



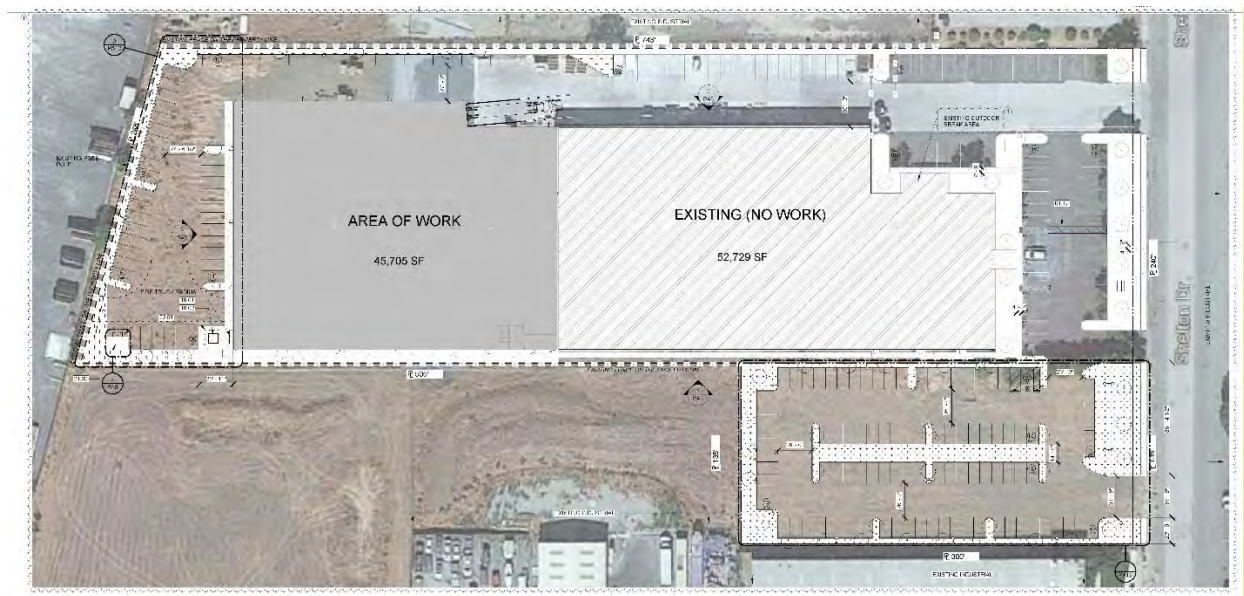
The proposed addition to the existing building will be located at the rear of the property. At the southern property line, the addition will line up with the existing building with a set back of 10 feet from the property line (the Zoning Ordinance allows a 0 foot side yard setback). On the northern side of the building, the addition will extend slightly beyond the wall of the existing building in order to allow for truck loading at the building. The building will be set back a minimum of 37 feet from the north property line in order to allow for circulation and parallel parking

spaces. The rear property line is at an angle and the addition will end 64 feet away from the property line at the closest point to allow for additional parking at the rear of the building.

In addition to the proposed addition, the Applicant is also requesting approval of a new parking lot with 95 parking spaces on a .95 acre lot located at 1590 Shelton Drive (location of property also shown above in Figure 2). As a Condition of Approval, the Applicant must obtain a Lot Line Adjustment prior to issuance of a Building Permit for the proposed parking lot to be incorporated into the existing site in order for the proposed parking spaces to be counted towards the required on-site parking to support the addition.

The proposed addition and new parking lot can be seen on the Site Plan below.

Figure 3: Site Plan



On-site circulation, access, parking design and other requirements have been reviewed by the City's Development Review Committee (DRC) to ensure compliance with City, State, and Federal Regulations. Conditions of Approval related to compliance have also been included in the Project Conditions of Approval.

Architecture:

Front - East Elevation

The front elevation (facing Shelton Drive) will remain unchanged as a result of the addition. Although the proposed addition has a different roof form from the existing building, this elevation will be set back approximately 336 feet away from the front elevation and 435 feet

from the front property line. Views of the addition will also be further blocked from the street by existing landscaping along Shelton Drive including mature street trees.

Side – North Elevation (Sheet PA5 of the Project Plans)

The addition on the north elevation will face the adjacent industrial building and will not be visible from the street and is not required to have articulation and design features pursuant to the Zoning Ordinance. Two roll-up doors for access into the warehouse and an area for truck loading are visible on this elevation. The proposed addition will be painted to match the existing building.

Side – South Elevation (Sheet PA5 of the Project Plans)

The south elevation will face a vacant field and an existing industrial building. The addition to this side of the building will not be visible from the street and is not required to have articulation and design features pursuant to the Zoning Ordinance. This elevation will have doors to the outside and will be painted to match the existing building.

Rear - West Elevation (Sheet PA5 of the Project Plans)

This portion of the building is completely blocked from view of the street and is not required to have articulation and design features pursuant to the Zoning Ordinance. This elevation will have a roll-up door for access into the warehouse. The addition will be painted to match the existing building.

Building (Tenant) Use:

The proposed addition is an expansion of an existing shipping and assembly building for Pride Conveyance which also operates at several locations in the City. The existing Floor Plan can be found on Sheet PA6 and the proposed Floor Plan can be found on Sheet PA7 of the project plans. The proposed addition will be dedicated to assembly of products (manufacturing). No on-site sales will occur in this facility. The proposed use is consistent with the allowed uses for the M1 Zoning District in Section 17.10.020 of the Zoning Ordinance.

Parking (Sheet PA2):

Section 17.18.060(G) of the Hollister Zoning Ordinance includes parking requirements by type of manufacturing/industrial use. The Zoning Ordinance requires Staff to calculate the parking based on each use within a project. This project includes a mixture of office, warehouse and manufacturing uses.

The proposed addition will add 45,705 square feet of manufacturing space to the existing building. The Municipal Code requires one parking space for every 400 square feet to support

this type of use. Therefore, the addition will require 114 additional parking spaces to the site to support the proposed use. The proposed new parking lot and parking at the rear of the addition, as well as the existing on-site parking are adequate to support the existing building and the proposed addition. A total of 83 parking stalls currently existing on-site and will remain once the project is complete. A total of 45 new stalls will be provided to the rear and side of the building addition and a total of 95 parking spaces will be provided on the new parking lot, located adjacent to the property, for a total of 140 new parking spaces. Once complete, the site will have 223 parking spaces which is adequate to support the proposed use of the building as shown on the Table below.

Table 1: Required Parking

Use	Parking Requirement	Interior Space by Use	Parking Required
Existing Office Space	1 space per 250 sq. ft.	8,953 sq. ft.	36
Existing Warehouse	1 space per 1,000	21, 566 sq. ft.	23
Existing Manufacturing	1 space per 400 sq. ft.	20,460 sq. ft.	51
Proposed Manufacturing	1 space per 400 sq. ft.	45,705 sq. ft.	114
<i>Required Parking</i>			<i>223</i>

The Municipal Code does not allow for off-site parking to support a proposed building or addition to an existing building. The proposed project also includes the construction of a parking lot with 95 parking spaces located at 1590 Shelton Drive. To ensure that this parking is used solely to support the proposed addition and to ensure that the parking lot site is not sold separately from 1700 Shelton Drive, Condition of Approval No.24, the Applicant must receive approval of a Lot Line Adjustment prior to issuance of a Building Permit. The Applicant has applied for a Lot Line Adjustment and review by the Engineering Department is currently underway.

Landscaping (Sheets L1.1 and L1.2):

No changes are proposed to the existing landscaping at 1700 Shelton Drive. A landscape buffer with a minimum width of 35 feet as required by Section 17.10.040(L)(1) to screen views of the parking lot is provided along Shelton Drive at the new parking lot. The plans include a variety of trees and shrubs throughout this area to provide a visual buffer of five feet to screen cars from view from the street.

Street trees adjacent to Shelton Drive (at the new parking lot) will be planted to comply with Section 17.16.080(E) of the Zoning Ordinance. The parking lot is missing two of the total number of trees required for the site pursuant to the Zoning Ordinance. Condition of Approval No. 30 has been included in the Resolution which requires the Final Landscape Plans to provide two additional trees inside the new parking lot (for a total of 47 new trees) to comply with the Zoning Ordinance.

At the rear and side of the property, new trees will be planted between the parking lot and the property lines.

As required by Condition of Approval No. 25, the Applicant will be required to submit an Application for Final Landscape and Irrigation Plans as required by Chapter 15.22, Water Efficient Landscape, prior to issuance of a Building Permit to ensure water efficiency of the proposed landscaping.

General Plan Compliance:

The proposed addition to an existing building and related improvements, including a new parking lot, meets the Goals and Policies of the General Plan. The proposed industrial building is consistent with the property's current land use designation of Industrial. Additionally, as conditioned, the project site will have attractive landscaping, an adequate landscape buffer, street trees and a variety of planting in accordance with LUCD Goal LU3 and Policy LU3.2.

California Environmental Quality Act:

The proposed project includes the construction of a 45,705 square foot addition to an existing 52,729 square foot industrial building located at 1700 Shelton Drive and a new supportive parking lot located at 1590 Shelton Drive and is surrounded by developed parcels. Section 15332, Class 32, Categorically Exempts projects from further review under the California Environmental Quality Act (CEQA) if the following conditions are met:

1. *Consistent with the existing general plan land use designation and all applicable policies and goals of the general plan and with the requirements of the zoning ordinance.* The proposed project is consistent with the General Plan Land Use Designation of Industrial and all relevant Goals and Policies of the General Plan. As discussed under the analysis portion of this Staff report, the proposed project meets or exceeds all requirements of the Zoning Ordinance. Once completed, the building and site will have a Floor Area Ratio of .53 on the 1700 Shelton site (which will be lower once the parcel at 1590 Shelton Drive is incorporated into this parcel) which is less than the development intensity allowed under the General Plan and Zoning Ordinance (a Floor Area Ratio of 1 is permitted in this Zoning District).
2. *The project occurs within city limits on a project site of no more than five acres.* The proposed project (a building addition and related improvements) at the rear of the building will be located on a project site that is 1.7 acres (or 74,215 square feet in size). This project will include some modifications to the rear of the existing building and development on an undeveloped portion of the site (an increase in impervious space of 64,984 square feet in size) but will not result in any modifications to the existing

parking lot and building on site. Rather this project only includes the undeveloped portion of the lot and a small portion of the exiting hardscape located at the rear of the existing building. The supportive parking lot is located on a parcel which is .95 acres (or 41,382 square feet) in size. This parking lot will be constructed entirely on an undeveloped parcel. Therefore, the total project site is 2.65 acres project site related to the area where improvements are proposed on the existing site as well as the adjacent undeveloped site) which is less than the 5 acre maximum permitted under this exemption (definition of a project site as determined under *Protect Tustin Ranch v. City of Tustin*).

3. *The project site has no value as habitat for endangered, rare or threatened species.* The project site is located within an established industrial area. The existing site at 1700 Shelton is developed currently with an industrial building and related improvements. Existing buildings occur on parcels surrounding the project area as shown in Figure 1. The project site is small and contains some grasses and other non-native plantings. No wetlands or other bodies of water are present on the site.
4. *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.* The proposed building is located on a developed site and the density of the site has been anticipated under the General Plan and Zoning Ordinance. The site is served by an existing roadway network. The proposed industrial building addition and related improvements are compatible with the land use designation of industrial and with existing buildings in the area. The City's Development Review Committee has reviewed the proposed project to ensure that the proposed project will not result in any significant impacts.
5. *The site can be adequately served by all required utilities and public services.* The project site is located within an urban area which is served by utilities and public services. The City's Development Review Committee has review the proposed project to ensure that the site can also be served.

Based on the above, the proposed project is Categorically Exempt from CEQA pursuant to Class 32, In-fill Development Projects.

CONCLUSION:

The Applicant is proposing the construction of a 45,705 square foot addition to an existing industrial building with related improvements, including a new parking lot on an existing vacant lot. The proposed addition is located at the rear of the property behind the existing building and therefore will not be visible from the street. The proposed parking lot, as conditioned, will be combined with the existing property at 1700 Shelton Drive (with approval of a Lot Line Adjustment) and will provide the necessary on-site parking to support the site. The proposed

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:

1. Adopt a Resolution approving S&A 2022-4, subject to the Conditions of Approval (Attachment 1);
2. Adopt a Resolution approving S&A 2022-4, 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: Jeffrey Eaton/E2 Architecture
1501 The Alameda Suite 105
San Jose, CA 95126

PROPERTY OWNER: Pride Conveyance
1700 Shelton Drive
Hollister, CA 95126

LOCATION: 1700 Shelton Drive

**ASSESSOR PARCEL
NUMBER:** APN 051-162-002 and 051-162-080

**GENERAL PLAN
DESIGNATION:** Industrial

ZONING DISTRICT: M1 (Light Industrial)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
1700 Shelton Drive	M1	Industrial	Industrial
1590 Shelton Drive	M1	Industrial	Vacant
North	M1	Industrial	Industrial
South	M1	Industrial	Industrial and Vacant
East	M1	Industrial	Industrial
West	M1	Industrial	Industrial

PLANNING COMMISSION RESOLUTION NO. 2023-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING A SITE AND ARCHITECTURAL REVIEW (S&A 2022-4) TO CONSTRUCT A 45,705 SQUARE FOOT ADDITION TO AN EXISTING 52,729 SQUARE FOOT INDUSTRIAL BUILDING AND A PARKING LOT ON A SEPARATE PARCEL IN THE LIGHT INDUSTRIAL (M1) ZONING DISTRICT LOCATED AT 1700 SHELTON DRIVE
APN 051-120-022 AND 051-162-080**

WHEREAS, the Applicant, E2 Architecture/Pride Conveyance, has requested approval of a Site and Architectural Review for the construction of a 45,705 square foot addition to an existing 52,729 square foot industrial building, a parking lot and related improvements located at 1700 Shelton Drive; and

WHEREAS, the Applicant has submitted a complete application for the requested entitlement prepared by E2 Architecture received by the Planning Division on April 4, 2023; 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, under the provisions of Section 17.24.190 of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating and taking action on Site and Architectural Review applications; 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, on October 26, 2022, the Planning Commission held a duly noticed public hearing and continued this item to the November 17, 2022 Planning Commission meeting at the Applicant's request; and

WHEREAS, on November 17, 2022, the project was continued to a future Planning Commission meeting at the request of the Applicant; and

WHEREAS, a Staff report was submitted to the Planning Commission of the City of Hollister recommending approval of the proposed Site and Architectural Review; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 27, 2023 to consider the Applicant's request, review the City Staff report, and receive written and oral testimony for an against the proposal; and

WHEREAS, after closing the Public Hearing, the Planning Commission determined that the project qualifies as Categorically Exempt as an in-fill development project pursuant to Section 15332, Class 32, of the California Environmental Quality Act (CEQA) because the project is consistent with the General Plan Land Use Designation of Industrial, the Zoning Designation of Light Industrial (M1), the project is located within the City Limits of Hollister on property with urban services, and the project involves the addition to an existing industrial building and a parking lot in which the total project area is less than five acres. The parcel located at 1700 Shelton is currently developed with an industrial building and the parking lot located on a separate parcel is surrounded by industrial development on two sides and a parcel in which industrial development is anticipated in the future. No modifications are proposed to the existing,

developed site at 1700 Shelton Drive, with the exception of the hardscape located at the rear of the existing building which will be modified in order to allow the addition to line up with the existing building. The rest of the project will be located on undeveloped land located at the rear of the property. Therefore, based on plans submitted to the City and contained in the record, the total project site will be 2.65 acres (0.95 on the parking lot site located at 1590 Shelton Drive and 1.7 acres on the site located at 1700 Shelton Drive). The proposed parking lot will be used as additional parking space and does not generate any addition trips than those anticipated under the Zoning Ordinance and in the General Plan. As such, the proposed project will be located on land that has no value as habitat for endangered, rare or threatened species. The proposed project involves the addition to an existing building which will result in a Floor Area Ratio of .53 which is less than the Floor Area Ratio of 1 which is permitted by the Zoning Ordinance; 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 Site and Architectural Review:

- A. The proposed Project, as conditioned, will comply with the policies of the General Plan because:
1. The proposed project is an industrial building and has a General Plan Land Use Designation of Industrial which permits a wide variety of industrial uses including the use of this building for warehouse space which currently operates in several buildings in the area as well as on the site.
 2. The proposed addition and parking lot is located within a developed industrial area and is surrounded by industrial development. The proposed addition to the existing building will not be visible from Shelton Drive. As conditioned, the parking lot on the second parcel will have attractive landscaping, an adequate landscape buffer, street trees and a variety of planting in accordance with LUCD Goal LU3 and Policy LU3.2. No changes will be made to the frontage of the existing building at 1700 Shelton Drive.
 3. Both project sites include a total of 223 parking stalls as required by Section 17.18.060.G of the Zoning Ordinance and also includes an ADA path to the sidewalk at the front of the building in accordance with Policy LU4.1.
- B. The proposed Project, as conditioned, is consistent with Chapter 17.10, Industrial/Manufacturing Zones, Chapter 17.18, Pedestrian, Bicycle, Parking and Loading Standards and Section 17.16.080, Landscaping Design and Standards because:
1. The existing front yard setback (Shelton Drive) will remain unchanged. The building will be set back a minimum of 37 feet and 10 feet from the side property lines and 64 from the rear property line which is greater than setbacks required under Table 17.10-2.
 2. The building addition will have a maximum height of 29 feet which is less than the maximum height of 75 feet permitted by the Zoning Ordinance.
 3. The proposed building addition has been designed to match the colors and materials of the existing building. The proposed addition will have a pitched roof, which is different

from the existing building, however, this portion of the building will be set back a minimum of 544 feet from the front property line and views of the structure will be blocked by existing landscaping as well as the existing building.

4. As conditioned, the project will include street trees along Shelton Drive which will be planted at 30 feet on center and selected from the City's Approved Street Tree list in accordance with 17.16.080(D)(2) of the Zoning Ordinance.
 5. As conditioned, drought tolerant shrubs and groundcover will be provided throughout the landscape area to achieve a screening height of 36 inches as required by the Zoning Ordinance. Conditions of Approval related to the prohibition of landscape removals without approval and requiring the maintenance of and replacement of dead or dying materials have been included to ensure that the landscaping is maintained in order to continuously provide a landscape buffer between the new parking lot and Shelton Drive as required by the Zoning Ordinance.
 6. As conditioned, all equipment will be required to be shown on the Building Permit plans and are required to be screened from public view as required by Section 17.10.040(K).
 7. The location of and design of the parking lot and circulation has been reviewed by the DRC and meets the requirements of Chapter 17.18 with respect to safety, design, circulation, drainage, lighting, and access.
- 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 an infill project in an existing industrial area with developed parcels and the site is surrounded by existing industrial buildings. Pursuant to Section 15332, Class 32, of the California Environmental Quality Act, the proposed project is categorically exempt from CEQA because the project is located on a project site which is surrounded by development and consists of fewer than 5 acres.
 2. The proposed project includes the construction of an addition to an existing building for manufacturing uses. The property located in an industrial area which is currently surrounded by developed parcels and is intended to be developed with industrial uses. The project site is well designed and as conditioned meets the Goals and Policies of the General Plan and the requirements of the Zoning Ordinance. The site will have adequate circulation, access, parking, landscaping and site improvements and therefore will not be detrimental to the health, safety and welfare of persons working in the neighborhood or City. The project has been reviewed by the City's DRC to ensure that the project, as conditioned, will not have impacts on the site or the surrounding area.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Hollister hereby approves S&A 2022-4 to allow the construction of an addition to an existing industrial building and a parking lot on a separate parcel and related improvements located at 1700 Shelton Drive subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL
S&A 2022-4**

General Conditions

1. **Approval.** This Site and Architectural Review approval is for 1700 Shelton Drive (S&A 2022-4). The proposed development shall be in substantial conformance to Exhibit A (Project Plans) prepared by Jeffrey Eaton Architecture and dated "Received, April 4, 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 be valid for the remaining life of the approved structure so long as the operators of the subject property comply with the project's conditions of approval.
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. **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.
11. **Accessory/Temporary Structures.** The use of any accessory or temporary structures, such as storage sheds or trailer/container units used for storage or for any other purposes shall be subject to review and approval by the Director of Development Services.
12. **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.
13. **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.
14. **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.
15. **Fencing/Walls.** Perimeter walls or fences shall be architecturally treated and compatible with the predominant architectural style of the site. In addition, anti-graffiti mechanisms such as landscaping or graffiti coating will be required on all new perimeter walls and fences.

16. **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

17. **Signage.** Prior to the installation of any signage the Applicant shall apply for and receive approval of a Sign Program from the Planning Division and any permits required from the Building Division in accordance with Chapter 17.20 of the Hollister Municipal Code.
18. **Equipment Screening.** All electrical and or mechanical equipment shall be screened from public view. Air conditioning units, ventilation ducts, vents and all other mechanical equipment shall be screened from public view with the materials compatible to and well integrated into the design of the main building. Any roof-mounted equipment shall be completely screened from view by materials architecturally compatible with the building and to the satisfaction of the Director of Development Services. 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.
19. **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).
20. **Trash and Waste Accumulation.** The Applicant or any future owner shall provide and conduct regular maintenance of the site at least once daily, in order to eliminate and control the accumulation of trash, excess waste materials and debris.
21. **Future Modifications.** Any future modifications to the exterior of the building or the landscaping shall require review and approval by the City in a manner determined by the Development Services Director.
22. **Continuous Maintenance.** Prior to occupancy, a plan or agreement for continuous maintenance and management of the building, to include, but not be limited to, paved surfaces, utilities, trash and recycling enclosures, and open space areas such as in the form of Codes Covenants & Restrictions (CC&R's) or a maintenance agreement shall be recorded for building operations and provided to the City. The applicant shall be required to obtain garbage service at the site consistent with approved plans.

23. **Landscape and Property Maintenance.** In the event that any tenants or the property owner ceases or reduces operations on the Property, the Developer and/or the property owner shall continue to comply with Conditions No. 23 through No. 31 related to Landscaping and Condition No. 19 related to Trash and Waste Accumulation.

Planning Department – Project Specific

24. **Bicycle Parking.** The Building Permit plans shall include an elevation detailing the design of the bicycle spaces and the site plan shall indicate the location of 12 required bicycle spaces (pursuant to Table 17.18-1, Off-Street Parking and Bicycle Spaces Required by Land Use Type).
25. **Lot Line Adjustment.** Prior to issuance of a Building Permit for the project, the Lot Line Adjustment shall be approved by the City's Engineering Department.

Landscaping – Standard Conditions of Approval

26. **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. Plans shall be generally consistent with the conceptual landscape plans prepared by WR&D Architects, LLP received by the Planning Department on July 12, 2022, except as modified by the Conditions listed below or as required by the Director of Development Services. The Plans shall be approved and all landscaping shall be installed prior to Occupancy.
27. **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. 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.
28. **Shrubs.** All shrubs shall be continuously maintained including pruning and regular watering. If at any time the shrubs in the parking lot or throughout the project site are damaged, missing, dead, or dying these shrubs shall be immediately replaced with the same species to the reasonable satisfaction of the Director of Development Services.
29. **Trees.** The Applicant and/or property owner shall continuously maintain all trees shown on the approved Landscape Plans including replacing dead or dying trees with the same species, pruning and regular watering of the trees.
30. **Maintenance of Irrigation.** The property owner shall be responsible for maintenance of all on-site 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 in perpetuity. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.

Landscaping – Project Specific

31. **Parking Lot Trees.** The Final Landscape Plans submitted with the Water Efficient Landscaping submittal shall show a total of 47 trees to be planted on-site. The Final Landscape Plans shall show that the trees within the parking lot will be a minimum of 24-inch box in size. Two additional trees shall also be planted in the center landscape strip in the larger parking lot.

Building – Standard Conditions

32. **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.
33. **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.
34. **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.
35. **Code Compliance.** All building permit plans shall conform to all local and State energy and seismic requirements and all applicable Building and Fire Codes.
36. **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.
37. **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.
38. **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.

39. **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.

Public Works – Standard Conditions

40. **Standards.** 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.
41. **Public and Private Rights-of-Way for Streets.** The Improvement Plans 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.
42. **Public and Private Easements.** If a Final Map is not recorded the developer shall be required to indicate all public and private easements necessary to serve the project by a separate instrument. These easements shall include the following: utility, water, sewer, telephone, storm drainage, fiber optic conduit, cable, T.V., tree planting and maintenance.
43. **Water Calculations.** Prior to issuance of building permit, the developer shall provide to the Engineering Department, water calculations based on recent hydrant tests showing sufficient water supply for domestic & fire suppression use.
44. **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.
45. **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.

46. **Fencing:** Prior to occupancy, commercial fencing shall be installed or replaced along the project boundary, in accordance with City standards. Fencing shall be approved by the City Engineering Department and Planning Division prior to installation. Fencing of the project shall be placed along all project boundaries. Double fencing shall not be allowed.
47. **Soils Report:** As part of the S&A approval, a geotechnical soils report shall be submitted to comply with the current building code in accordance with the provisions of the City Subdivision Ordinance.
48. **Developer Fees:** Prior to Improvement Plan 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.
49. **Final Occupancy Inspection.** A final occupancy shall not be granted 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.
50. **Reduced Pressure Principal (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.
51. **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.
52. **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.
53. **Water Valves.** The applicant shall place a valve on each leg of a water line tee or cross. The maximum distance between valves shall be 800 ft.
54. **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.
55. **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.
56. **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.
57. **Slurry Seal.** Prior to the City's Final Occupancy, 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.

58. **On-Site Drainage.** The developer shall be responsible to maintain all on-site drainage facilities, including underground chambers, bio-filtration basins and conduit (pipe).
59. **Post Construction Requirements.** A deed restriction shall be recorded prior to occupancy for all on-site post construction requirements including, but not limited to, bio-filtration basin chambers and pipe. This will guarantee maintenance of drainage features.
60. **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.
61. **Project Lighting.** 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.
62. **Crane.** 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.
63. **Standing Water.** 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.
64. **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.
65. **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.

66. **Setbacks.** 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.
67. **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.
68. **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.
69. **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.
70. **Damages.** 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.
71. **Backflow.** 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 ensure the device is working properly.
72. **Trash Enclosures.** The trash enclosure shall be designed by a California licensed architect and a California structural engineer, shall be located on the site served and shown on the engineering plans. The trash enclosure shall include a solid roof to prevent pollutant discharge and runoff during a rain event. The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting. The applicant shall contact Recology to confirm quantity and size of bins/containers in order to properly size the trash enclosure(s). The trash enclosure floor shall be designed to slope to an

interior P-trapped area floor drain and connected to a grease, oil and sand interceptor before plumbing to the sanitary sewer system per the city's latest engineering standard specifications and details. The floor shall be designed to contain all interior run off and not allow outside storm runoff from entering the trash enclosure. A sign shall be posted on the front of the trash enclosure prohibiting the dumping of hazardous materials into the sanitary sewer system. The sign shall be 12 inches wide by 18 inches tall, made of rust proof aluminum, and read "No Hazardous Waste Dumping" in red letters with white background. The sign shall be reviewed and approved by the Engineering Department.

- a. Design Criteria:
 - i. The design of the trash enclosure shall be architecturally compatible with the primary building on site to provide a coordinated design.
 - ii. The exterior materials and colors of the enclosure walls shall match the building walls.
 - iii. Chain link fencing with or without wooden/plastic slats is prohibited.
 - iv. All trash enclosures shall have solid metal or wood gates with latches and be secured in the open/closed positions with cane bolts. Latch shall be no higher than five feet.
 - v. Roofs shall be painted with rust-inhibitive paint.
73. **Parking Lot Maintenance.** Every two years, or longer if deemed appropriate by the City Code Enforcement Officer, the applicant shall maintain and re-stripe the parking stalls so that they will always be clean and visible to employees and customers.
74. **Wheel Stops.** Wheel stops shall be installed in parking areas where needed to maintain proper pedestrian movements or to protect landscaping.
75. **As-Built Plans.** 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.
76. **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:
 - a. 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:
 - b. 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;
 - c. 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;
 - d. 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;

- e. 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;
 - f. Maintain at least two feet of free board and cover all trucks hauling dirt, sand, or loose materials;
 - g. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
 - h. Stop grading, and earth moving if winds exceed 15 miles per hour;
 - i. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
 - j. 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);
 - k. Limit the area under construction at any one time; and
 - l. Construction equipment shall use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel whenever possible.
77. **Utilities.** The developer shall make arrangements for PG&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.
78. **Utility Maintenance and Operation.** The developer shall be responsible for all maintenance and operation of all utilities and improvements from the time of installation. All utilities to be privately maintain.
79. **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.
80. **Improvements Prior to Occupancy:** In order to assure adequate access for emergency response vehicles and water supply for fire suppression, no issuance of a building permit shall be granted until such improvements are constructed and approved by the City of Hollister Engineering Department.
81. **Water Line Improvements.** The water system improvements shall be subject to the review and approval of 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.
82. **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.

83. **Storm Water Pollution Prevention Plan (SWPPP):** Prior to any site development or grading permit issuance, the applicant shall provide evidence of the State issued permit and add the WDID number to the grading plan.
84. **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.
85. **Drainage Report.** Prior to any site development or grading, 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.
86. **Storm Water and Grading Permit.** 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.
87. **ADA.** The developer shall be responsible for upgrading non ADA compliant sidewalks and driveways as indicated by the City Engineering Department or Public Works Inspector.
88. **Off-Site Improvements.** Improvement plans for the entire project, including any off-site improvements shall be approved to the satisfaction of the Public Works Department, Utilities Department, and Fire Department prior to approval. 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.
89. **Existing Improvements.** 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.

90. **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.
91. **Overhead Wire 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 project 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.
92. **Undergrounding 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 project 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.
93. The developer shall exhaust all reasonable efforts to eliminate or underground the existing overhead wiring located along the project frontage. 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. Any proposal for partial undergrounding, waiver, or deferral shall be subject to the approval of the City Engineer.
94. **Preliminary Undergrounding Plans.** If applicable preliminary undergrounding plans for the entire project 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.
95. **Community Facilities District No. 4.** If determined by the City of Hollister, prior to the issuance of a building permit, the applicant shall cooperate with the City to facilitate the annexation of the

entire site to the Community Facilities District No. 4. The entire site shall be included within the boundaries of the community 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 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 is not 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.

Fire Department - Standard Conditions

96. **Construction and Design Provisions.** The construction and design provisions of the fire code shall apply as follows:
- a. Structures, facilities and conditions arising after the adoption of this code.
 - b. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
 - c. Existing structures, facilities and conditions when identified in specific sections of this code.
 - d. Existing structures, facilities and conditions, which, in the opinion of the Fire Code Official, constitutes a distinct hazard to life and property.
 - e. Existing Structures, alterations and repairs:
 - i. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter.
 - ii. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the external walls of a building, or result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the existing internal structural and/or non-structural framework, independently or in combinations thereof, within a five-year period, the entire building shall be made to conform to the current provisions of this Chapter.
 - iii. Calculations of linear wall measurements shall be shown on all plans submitted for building permits, on the cover page in the project description of said plans. The determination under this section of the requirements for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.
97. **Change of Use or Occupancy.** A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

Exception: Where approved by the fire code official, a change of occupancy shall be permitted

without complying with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

98. **Occupancy Prohibited Before Approval.** The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met. **A FIRE LIFE SAFETY INSPECTION REQUIRED FOR FINAL**
99. **Construction Document Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.
100. **Information on Construction Documents.** Construction documents shall be drawn to scale on suitable material. Electronic media documents are allowed to be submitted where approved by the Fire Code Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances rules and regulations as determined by the Fire Code Official.
101. **Fire Protection System Shop Drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards found in Chapter 9 of the California Fire Code.
102. **Vegetation.** Weeds, grass, vines, or other growth that is capable of being ignited and endangering property shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with Chapter 49 of the California Fire Code.
103. **California Code of Regulations, Title 19, Division 1, §3.07(b) Clearances.** The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

- a. Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

- b. Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
104. **Buildings and Facilities.** Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire is must be able to get to roadway on South End. All roadways and parking lots must be paved.
105. **Additional Access.** The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. A turn-around is required at the Southwest portion of the property.
106. **High-piled Storage.** Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32 of the California Fire Code.
107. **Fire Department Access and Egress. (Roads)** Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 26 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street, no gates.
- Fire apparatus access roads shall have an unobstructed width of not less than 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Firetruck access required 26 feet.
108. **Paving.** All fire apparatus access roads over eight percent (8%) shall be paved with a minimum of .17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.
109. **Marking.** Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. FIRE LANES TO BE PAINTED ON ALL CURBS IN DEVELOPMENT.
110. **Address Identification.** New and existing buildings shall be provided with approved address

identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall construct with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of $\frac{1}{2}$ inch (12.7 mm). Where required by the [fire code official](#), address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained

111. **KNOX BOX.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the fire code official. Where a key box is used, it shall be listed in accordance with UL 1037. This jurisdiction utilizes the **KNOX Box and Security Systems**.
112. **Fire flow.** Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.
113. **Fire Hydrants.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Fire hydrant required on property NW.
114. **Hydrant for Standpipe Systems.** Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections.
115. **Hydrant Obstruction.** Unobstructed access to fire hydrants shall be maintained around the circumference of the fire hydrant at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
116. **Clear Space Around Hydrants.** A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or [approved](#).
117. **Hydrant Protection.** Where fire hydrants are subject to impact by a motor means shall comply with [Section 312 of the International Fire Code](#).
118. **Identification.** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.

119. **Utility Identification.** Where required by the [fire code official](#), gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit of space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.
120. **Emergency Responder Radio Coverage in New Buildings.** All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
121. **Required Hood.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.
122. **Occupancy.** It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved.
123. **Approved Automatic Sprinkler Systems.** Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. FIREPUMP AND BACKUP GENERATOR MAY BE REQUIRED FOR PROPER CALCULATIONS.
124. **Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
 2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.
125. **A Fire Alarm System.** A fire alarm system shall be installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with this code. Fire alarm box shall be installed at a locations approved by the enforcing agency.
126. **Monitoring.** Fire alarm systems, whether required by this chapter or the California Building Code or voluntarily installed, shall be monitored by an approved supervising station in accordance with NFPA 72 and this section.
127. **Carbon Dioxide Enrichment Systems.** A gas detection system shall be provided in rooms and indoor areas in which carbon dioxide enrichment processes are located in accordance with

Section 5307.3.2. (This requirement addresses the use of carbon dioxide in cannabis growing operations).

128. **FDC Location.** With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connection(s) shall be approved by the fire code official.
129. **Visible location.** Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.
130. **Locking Fire Department Connection Caps.** The fire code requires locking caps on fire department connections for water-based fire protection systems where the responding fire department carries appropriate key wrenches for removal. This jurisdiction utilizes the **KNOX Box and Security Systems**.
131. **Clear Space Around Connections.** A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire code official.
132. **Physical Protection.** Where fire department connections are subject to impact by a motor vehicle, vehicle impact protection shall be provided in accordance with Section 312 of the International Fire Code.
133. **Signs.** A metal sign with raised letters not less than 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.
134. **Backflow Protection.** The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the Health and Safety Code Section 13114.7.
135. **Access for Firefighting.** Approved vehicle access for firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided capable of supporting vehicle loading under all weather conditions. Hollister Fire Department requires all weather hard paved roadway.
136. **Maintenance of Egress.** Required means of egress and required accessible means of egress shall be maintained during construction and demolition, remodeling or alterations and additions to any building.

Exception: Approved temporary means of egress and accessible means of egress systems and facilities.

137. **Water Supply for Fire Protection.** An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
138. **Portable Fire Extinguishers.** Structures under construction, alteration, or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 of the International Fire Code and sized for not less than ordinary hazard as follows:
 - a. At each stairway on all floor levels where combustible materials have accumulated.
 - b. In every storage and construction shed.
 - c. Additional portable fire extinguishers shall be provided where special hazards exist, including, but not limited to, the storage and use of flammable and combustible liquids.
139. **Hazard Identification Signs.** Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above- ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official. Top corner of building below address markings.
140. **Carbon Dioxide (CO₂) Systems.** (USED IN BEVERAGE DISPENSING APPLICATIONS) Emergency alarm system. An emergency alarm system shall comply with all of the following: Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate. Activation of the emergency alarm system shall initiate a local alarm within the room or area in which the system is installed.
141. **Carbon Dioxide Enrichment Systems.** The design, installation and maintenance of carbon dioxide enrichment systems with more than 100 pounds (45.4kg) of carbon dioxide, and carbon dioxide enrichment systems with any quantity of carbon dioxide having a remote fill connection, shall comply with Sections 5307.4.1 through 5307.4.7.
142. **Access road width with a Hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet.
143. **Gates.** Gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box, lock or Knox key switch is required.
144. **Aerial Fire Apparatus Access Roads.** Aerial Fire Apparatus Access Roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of the building or portion thereof.

145. **Proximity to Building.** At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.
146. **Addresses for buildings.** All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers, and symbols for addresses shall be a minimum of 12-18-inch height t, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Permanent address numbers shall be posted prior to requesting final clearance. Address numbers shall be placed on the upper Left/Right of address side of building per AHJ. (12-18 inch height for commercial or multi-family residential).
147. **Water Systems.** Water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards to meet the local Jurisdiction per NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available.
148. **Fire Hydrants and Valves.** A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and by road from the building it is to serve. **More restrictive hydrant requirements may be applied by the Reviewing Authority.** Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. UPDATE NEW FIRE HYDRANT ON SHELTON DRIVE.
149. **Standard Defensible Space Requirements.** Combustible vegetation shall be removed from within a minimum of 100 feet or to the property line from structures, whichever is closer.
150. **Hazard identification signs.** Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above- ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official-Top corner of building below address markings.
151. Submit Fire Underground prior to obtaining a Building Permit.
152. **Final Fire Inspection.** To schedule a final fire life safety inspection and pay associated fees please call (831) 636-4325.

Fire Department – Project Specific

153. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the fire code official.
154. **Additional Fire Protection Systems.** In occupancies of a hazardous nature, where special hazards exist in addition to the normal hazards of the occupancy, or where the fire code official determines that access for fire apparatus is unduly difficult, the fire code official shall have the authority to require additional safeguards. Such safeguards include, but shall not be limited to, the following: automatic fire detection systems, fire alarm systems, automatic fire-extinguishing systems, standpipe systems, or portable or fixed extinguishers. Fire protection equipment required under this section shall be installed in accordance with this code and the applicable referenced standards.
155. **Patio and BBQ Area.** The fire department will require the patio area to have sprinklers if the patio is attached, is a closed cover or if the cooking area is within 20 feet of the structure. If the patio is open and the BBQ is open covered and the cooking area is more than 20 feet from the building, then sprinklers will not be required.

Police Department – Standard Conditions

156. **Lighting.** Prior to occupancy, the Applicant shall provide evening lighting, which is unobtrusive for neighboring parcels, on the project site. All light sources should be fully shielded from off-site view. All lights are to be downcast except where it can be proven to not adversely affect other parcels.
157. **Security Contact.** Prior to occupancy, the applicant shall provide three security contact persons to the City Police Department every two years. Please provide this to the Community Services Officer (831) 636-4330.
158. **Graffiti.** The Applicant shall maintain a clean facility and keep walls, fencing, signage, etc. free from graffiti. All graffiti must be removed or painted over within 48 hours of it appearing.

PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of Hollister on this 27th day of April 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christine Hopper, 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 to contact the staff planner. Also, if the applicant does not agree with the proposed conditions, there is an opportunity to present your case to the Planning Commission at their meeting. In addition, the City provides for a 15-day appeal period.



Planning Commission

Memorandum

April 27, 2023

Public Hearing Item #3

SUBJECT:

Attachment for Item #3 – Site & Architectural Review 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 and 051-162-080.

The plan sets for Site & Architectural Review 2022-4 are available for public viewing at the City of Hollister Development Services Department office located at 361 Fifth Street during regular business hours. The Development Services Department is open to the public Monday-Thursday from 8:30 AM – 12:00 PM, and 1:00 PM – 4:30 PM, closed Fridays. Plans will also be available for viewing at the regular meeting of the Planning Commission at City Hall on April 27, 2023 starting at 6:00 PM.



Planning Commission

Staff Report

April 27, 2023

Item 4

SUBJECT: **Zoning Ordinance Amendment 2023-5** to 1) Repeal section 17.22.235, Mobile Food and amend Chapter 10.24, Stopping, Standing, and Parking in Specific Streets and Area to add subsection 10.24.060 Mobile Food Trucks, 2) Amend Land Use Tables for multiple zonings to include Mobile Food Trucks, and 3) Amend Chapter 8.20.020 Definitions to include definitions associated with Mobile Food Trucks of the City of Hollister Municipal Code.

STAFF PLANNER: Magda Gonzalez, Senior Planner; (925) 789-7160

ATTACHMENTS:

1. Resolution recommending City Council approve Zoning Ordinance Amendment 2023-5 to repeal Chapter 17.22.235, Mobile Food and amend Chapter 10.24 Stopping, Standing, and Parking in Specific Streets and Area and add subsection 10.24.060 Mobile Food Trucks; amend multiple land use zonings tables to include Mobile Food Trucks as a use; and amend Chapter 8.20.020 Definitions to include terminology associated with Mobile Food Trucks.
2. Exhibit A: Existing Section 17.22.235 (Mobile Food)
3. Exhibit B: Proposed Ordinance (New 10.24.060 Mobile Food Trucks)
3. Exhibit C: Amendment to Definitions and Land Use Tables (Amending 8.20.020 Definitions)

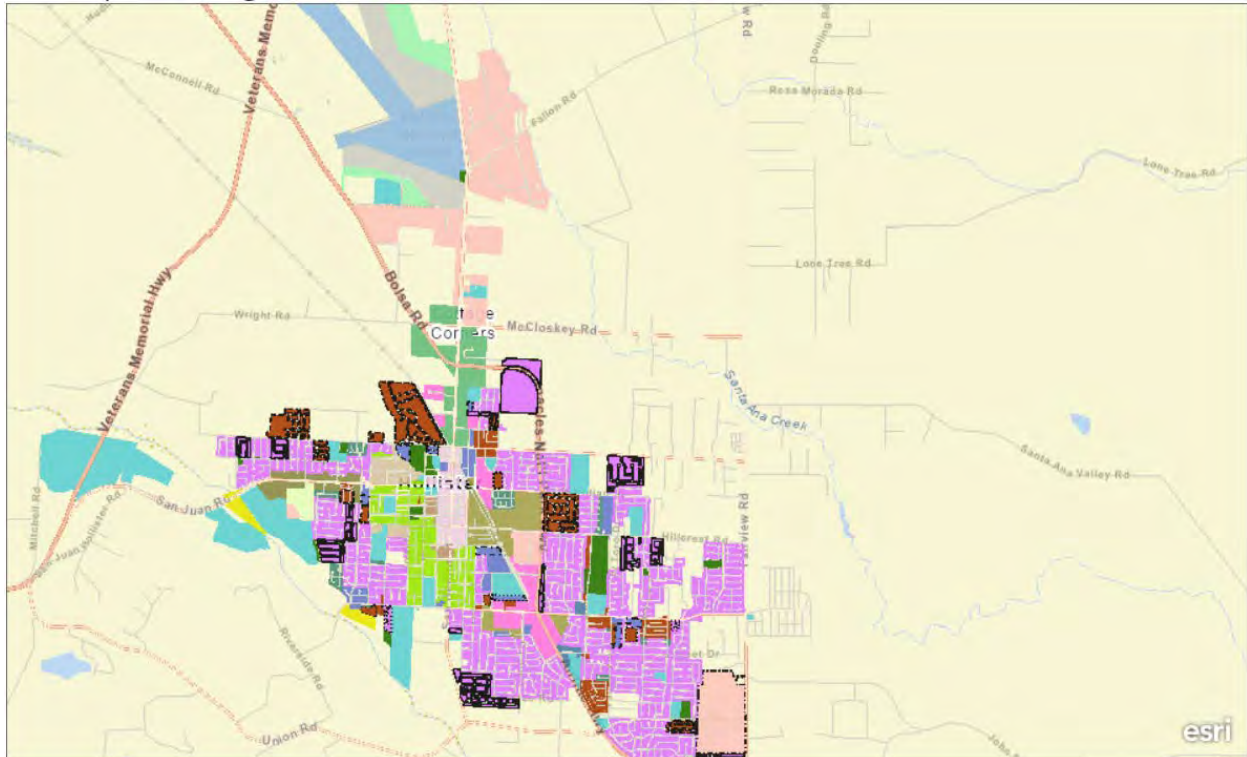
RECOMMENDATION: Approve Resolution 1) Repealing section 17.22.235, Mobile Food and Amending Chapter 10.24 Stopping, Standing, and Parking in Specific Streets and Area to add subsection 10.24.060 Mobile Food Trucks, 2) Amending multiple land use tables to include Mobile Food Trucks, and 3) Amending Chapter 8.20.020 Definitions to include terminology related to Mobile Food Trucks.

PROJECT DESCRIPTION:

The City of Hollister proposes to repeal Section 17.22.235, Mobile Food, which is limiting in the uses allowed and is amending Chapter 10.24 Stopping, Standing and Parking in Specific Streets and Areas to include subsection 10.24.060 Mobile Food Trucks. The current Mobile Food section has proven to be outdated in its limited zonings where mobile food is permitted. The City has experienced an influx of mobile food vendors wishing to operate within the City's jurisdiction, thus contribute to the local

economy. In an effort to effectively and efficiently regulate mobile food vending the City has drafted the Mobile Food Truck ordinance which will regulate these mobile food vending vehicles with specific requirements to protect the safety, health, and welfare of the community.

City of Hollister vicinity map is included below as Figure A.



BACKGROUND:

The City of Hollister has seen an influx of mobile food trucks wishing to operate within City limits. The City of Hollister has found, that although the current zoning ordinance allows mobile food vendors to operate within its jurisdiction, it does severely limit where mobile food vendors can operate.

As a result, staff has requested input from other divisions to help develop the City's mobile food truck ordinance. Additionally, staff has reviewed a number of food truck ordinances from cities and towns across the State of California, and studied the food truck issue as it is being handled in those jurisdictions. Staff has drafted an ordinance based on several provisions adopted by other cities and towns. With appropriate regulation, Mobile Food Trucks Vendors can provide additional food choices for Hollister residents and visitors.

ANALYSIS:

The City has determined that the current Mobile Food regulations no longer meet the needs of the City's residents, as such the City has deemed the regulation of Mobile Food Trucks is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the areas and methods of operation. To meet these ends, the City determined that all persons and/or entities that desire to vend from mobile food trucks within the City must be issued a permit pursuant to

the requirements set forth by the City.

The new ordinance will provide opportunities for employment and entrepreneurship. Mobile food vendors can make a significant contribution to the local economy. Consumers desire foods produced by mobile food vendors and want the flexibility to grab a quick bite on the way to or from work, as well as having various food options, especially when local restaurants close at early hours of the day.

Providing regulations will ensure public safety, health and will protect public welfare. Regulated mobile food vending contributes to a safe and dynamic public space. Aside from updated regulations, the Mobile Food Truck ordinance will provide additional zoning districts and will no longer be limited to a small number of zonings.

As prescribed in the City of Hollister Municipal Code Chapter 2.20.060 the Planning Commission has the authority to repeal Chapter 17.22.235 Mobile Food, a zoning issue. The Planning Commission repealing the Chapter 17.22.235 will allow the City to amend Chapter 10.24 to include Mobile Food Trucks to be regulated in a more appropriate chapter of the development code. City Council will review permit requirements, regulations and limitations on operations of the proposed ordinance. The fee associated with this application will be determined under the City's current fee study.

FINDINGS:

Pursuant to Chapter 17.02.120(D) Approval Criteria Zoning Map and Code Text Amendment, the following findings must be made by the Planning Commission in its recommendation to the City Council to approve Municipal Code Amendments.

1. Findings required for all Zoning Map/ordinance amendments:

a. The proposed amendment is consistent with the General Plan; and

The proposed ordinance amending the Municipal Code is consistent with other applicable provisions of the Municipal Code. The proposed ordinance identifies the Zoning Districts for the allowed use and regulates the establishment and operation of mobile food vending on the public right-of-way and developed private property.

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed ordinance is designed specifically to enhance the public interest, health, safety, convenience and welfare of the City to effectively regulate and mitigate the operations of mobile food vending.

c. The public necessity, general community welfare, and good zoning practice shall be served and furthered; and that the proposed amendment is in general conformance with the principles, policies and land use designations set forth in the General Plan and any adopted area or specific plan.

The proposed ordinance amending the Municipal Code is consistent with the General Plan because it supports land use goals and policies designed to require compatibility with existing uses and planned uses. Specifically, the proposed amendment includes regulations for mobile food operations within the public right-of-way and developed private property. The proposed amendment is also consistent with policies designed to reinforce community identity and will allow the City to properly regulate the establishment and operation of mobile food activities as delineated in proposed Chapter 10.24.060 Mobile Food Trucks of the Municipal Code.

ENVIRONMENTAL DETERMINATION:

The Municipal Code amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and it can be determined with certainty that the Municipal Code Amendment will not have a significant effect on the environment.

CONCLUSION:

The proposed repeal of section 17.22.235 Mobile Food and amendment to add subsection 10.24.060 Mobile Food Trucks will better serve the City in properly addressing the community's needs as it relates to mobile food vending. It provides a roadmap for vendors and City agencies when navigating requests for this use, commonly seen throughout the state. Approval of this Zoning Amendment will further the goals of the General Plan and is consistent with community needs.

RECOMMENDATION:

That the Planning Commission recommend that the City Council take the following actions.

1. Adopt a resolution recommending that the City Council approve an ordinance (to repeal 17.22.235, Mobile Food, and amend 10.24 Stopping, Standing and Parking in Specific Streets and Areas to include subsection 10.24.060 Mobile Food Trucks, amend multiple land use tables and definitions to include Mobile Food Trucks and terminology as it relates to this use), with findings contained in the draft resolution.
2. Adopt a resolution recommending that the City Council approve an ordinance (to repeal 17.22.235, Mobile Food, and amend 10.24 Stopping, Standing and Parking in Specific Streets and Areas to include subsection 10.24.060 Mobile Food Trucks, amend multiple land use tables and definitions to include Mobile Food Trucks and terminology as it relates to this use), with findings or changes as proposed by the Planning Commission.
3. Adopt a resolution recommending that the City Council deny an ordinance (to repeal 17.22.235, Mobile Food, and amend 10.24 Stopping, Standing and Parking in Specific Streets and Areas to include subsection 10.24.060 Mobile Food Trucks, amend multiple land use tables and definitions to include Mobile Food Trucks and terminology as it relates to this use) with findings as proposed by the Planning Commission.
4. Continue and get clarification.

Staff recommends option 1, recommendation for City Council approval of the ordinance with findings.

Proposed Addition to Land Use Tables

Land Use Zoning	Short-Term Operations within R-O-W	Long-Term Operations within R-O-W	Developed Private Property Operations
Residential Zoning Districts	APR		
Home Office Zoning	APR		
Commercial Zoning	APR	APR	APR
Industrial/Manufacturing Zones		APR	APR
Mixed Use Zoning District	APR	APR	APR
West Gateway Zoning District			
North Gateway District		APR	
Downtown Mixed-Use District			

APR = Administrative Permit Review. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

PLANNING COMMISSION RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER RECOMMENDING CITY COUNCIL APPROVAL OF A ZONING ORDINANCE AMENDMENT TO REPEAL SECTION 17.22.235, MOBILE FOOD AND AMEND CHAPTER 10.24, STOPPING, STANDING, AND PARKING IN SPECIFIC STREETS AND AREA, TO ADD 10.24.060, MOBILE FOOD TRUCKS (ZOA 2023-5)

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

WHEREAS, State Law allows a local agency to adopt an Ordinance to implement the provisions of Government Code 65852.2 and 65852.22; and

WHEREAS, the City desires to repeal the existing Section 17.22.235, Mobile Food, which is outdated in regard to community needs and add a subsection 10.24.060 Mobile Food Trucks to Chapter 10.24, Stopping, Standing, and Parking in Specific Streets and Area; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 27, 2023 to review the repeal of Chapter 17.22.235, the modification of land use tables and addition of terminology to Chapter 8.20.020, Definitions, 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 repeal 17.22.235, Mobile Food, and add Chapter 10.24.060, Mobile Food Trucks; and

WHEREAS, the draft Chapter 10.24.060, Mobile Food Trucks, is included as Exhibit A to this Resolution; and

WHEREAS, the draft terminology additions to Chapter 8.20.020, Definitions, is included as Exhibit B to this Resolution; and

WHEREAS, the proposed Zoning Ordinance amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, Section 15060, subdivision (c)(2) (the activity will not result in a director reasonably foreseeable indirect physical change in the environment) and Section 15061, subdivision(b)(3) (there is no possibility the activity in question may have a significant effect on the environment); 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 repeal Section 17.22.235, Mobile Food and include Chapter 10.24.060, Mobile Food Trucks, included as Exhibit A.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 27th day of April 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christine Hopper, Secretary

17.22.235 Mobile food.

- A. *Definitions.* For purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

Mobile food catering cart shall mean a self-contained, non-motorized mobile food unit that is used for either the preparation, storage, or transportation of food products for sale, or any combination thereof.

Mobile food catering vehicle shall mean a self-contained, motorized mobile food service unit that is used for either the preparation, storage or transportation of food products, or any combination thereof.

Mobile food unit shall mean any mobile food facility or portable food service unit for which food is prepared for service, sale, or distribution at retail for profit.

Mobile food vending facility shall mean any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail for profit.

Mobile food vendor shall mean any person selling food from a mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit.

- B. *Permit Requirement.* Mobile food uses shall be permitted in the North Gateway (NG) Zoning District, Light Industrial (M1) Zoning District, Industrial Business Park (IBP) Zoning District, Airport (A) Zoning District, and Airport Support (AS) Zoning District, subject to the provisions of this chapter with an Administrative Permit (AP) pursuant to Section 17.24.150 of the Hollister Municipal Code. An Administrative Permit (AP) shall be required for mobile food vendors operating over ten minutes at any one place to ensure that the mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit is in compliance with the following standards:
1. The area proposed for the use, shall be developed to current City development standards including, but not limited to, adequate paved parking, paved access routes, fencing, and landscaping standards.
 2. A minimum of three standard on-site parking spaces and one designated Americans with Disabilities Act (ADA) parking space in conformance with City standards and ADA requirements shall be required in conjunction with the location of a business governed by this chapter on private property.
 3. Adequate setbacks shall be provided as required by the zoning district where the mobile food vendor proposes to locate.
 4. No person may conduct business as a mobile food vendor and no person may park or operate or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise within 20 feet of any driveway.
 5. The mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall be kept in a good state of repair and shall be maintained with surfaces, which are clean and not cracked, peeling, or faded. The surfaces, which do not contain advertising display, shall be painted or otherwise covered in muted colors. Each mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall display in a manner legible and visible to its clientele:
 - a. The name, physical address and phone number of the vendor operating the vending facility.
 - b. The City business license issued to the vending facility.
 - c. The County health permit issued to the vending facility.
 6. The exterior of a mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit, and the surrounding area, as relating to the operation of food service, shall be maintained in a sanitary condition.

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7. All trash or debris accumulating by reason of any mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall be collected by the vendor and deposited in a trash container. Trash and recycling receptacles shall be provided on the site for the use of customers. Trash removal and recycling shall either be arranged with the City or the mobile food vendor shall obtain written permission from the property owner to utilize trash and recycling receptacle(s) related to any other business on the same site.
 8. The hours of operation of a mobile food vending facility shall be limited to the hours of operation of the fixed-base business on the fixed-base host site if applicable.
 9. When not in use, the mobile vendor shall provide proper storage for the mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit and specify storage location at time of permit to operate application.
 10. The pouring of grease, food waste, wash water, wastewater, or anything else down a storm drain is prohibited. Any spills must be cleaned up and disposed of immediately. A spill kit containing plastic bags, labels, a broom, and absorbent must be handy at all times. All spills must be reported to the city of Hollister Code Enforcement Department to ensure that the spills are properly cleaned.
 11. All wash water used for cleaning must be held on board until it can be properly discharged at an approved facility sanitary sewer connection (e.g., sink, clean-out, mop sink).
 12. No owner or operator of any mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit may place any chairs, stools, tables or other fixtures or furniture on any portion of the street, sidewalk or public right-of-way.
 13. Open flame cooking is prohibited. The generation of smoke/odor pursuant to Section 8.32.060 "Nuisances" of the Hollister Municipal Code is prohibited.
 14. Amplified music or other sounds in conjunction with a business governed by this chapter shall comply with the noise requirements in Title 8 of the Hollister Municipal Code.
- C. *Application Submittal.* The mobile food vendor shall meet and comply with all applicable laws including, but not limited to, building, zoning, housing, fire, safety, and health regulations relating to health and safety requirements.
1. The mobile food vendor shall complete and submit a project application, in sufficient quantity for City department review, to include a site plan indicating the location of all existing buildings, structures, driveways, parking spaces, and improvements, and the location or areas where the proposed vending activity, structures, and improvements related to the mobile food vending, will be located upon the site.
 2. Proof of current, valid City business license.
 3. Proof of current vehicle registration and a copy of an applicable vehicle insurance policy.
 4. Elevation plans showing different exterior views of the mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit (four photographs can substitute the elevation plans).
 5. A copy of a current San Benito County environmental health permit.
 6. Proof demonstrating acknowledgement and consent of the property owner to permit the mobile food vendor to operate on the site, signed by the property owner.
 7. An affidavit from the business or location providing the required restroom facilities for food service workers and customers, stating the hours that those facilities are being made available. At all times during their operation, and prior to the issuance of any permit under this article, access to hand

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- washing and restroom facilities must be made available for use by all owners, operators and employees of the mobile food unit. Access to the hand washing and restroom facilities must be at all times within 200 feet of the mobile food unit and evidence of such access must be sufficiently demonstrated to the satisfaction of the City.
8. A description of the length of time during which it is proposed that the mobile food vending business shall be conducted.
 9. A brief description of the nature, character, and quantity of the food, beverage, goods or merchandise to be sold.
 10. If employed by another, the name and business address of the employing person, firm, association, organization, company or corporation.
 11. Any other information the Director may require to show full compliance with this chapter and any other applicable laws of the City.
 12. All signs used in conjunction with any mobile food vending facility shall comply with city codes.
- D. The following may constitute grounds for denial of a permit to operate:
1. The mobile food vending operations or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations.
 2. Failure to obtain clearance from San Benito County Environmental Health Department.
- E. *Permit Revocation.* Any license issued under this chapter may be suspended or revoked for any of the following reasons:
1. Fraud or misrepresentation of the application for the license.
 2. Conducting the business of vending, contrary to the conditions of the license.
 3. Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety and welfare.
 4. Vending of alcoholic beverages, controlled substances or any other item, the possession or use of which is deemed illegal under any federal, state or local law or regulation, is prohibited and, notwithstanding any provision of this article to the contrary, grounds for immediate revocation of such person's vendor permit by the City.
 5. On suspension or revocation, the City shall deliver written notice to the license holder stating the action taken and the reason supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.
 6. The Director shall reserve the right to revoke any permit authorized by this section if the Director determines that the mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit is in violation of any of the provisions of this section. The mobile food vendor shall have the right to appeal the Director's decision in accordance with the provisions of Section 17.24.170 (Revocation of Administrative Permits).

(Ord. 1100, § 1, 2014)

10.24.060 – Regulation of Mobile Food Trucks.

A. Purpose and Findings:

The purpose of this chapter is to protect the health, safety, and welfare of the Hollister community by providing a set of regulations related to the operation of mobile food truck vendors, on public or developed private property within the City. Unless specifically exempted by this chapter, mobile food trucks shall only be allowed within the City Hollister in conjunction with an approved mobile food truck permit pursuant to the requirements set herein.

This chapter is not intended to enforce and/or regulate pedestrian food vendors, those mobile food vendors who operate human powered push carts, and/or other non-self-propelled vehicles including trailers. Such vendors may be regulated by other chapters in this Code and/or by other State or local laws. A Mobile Food Truck special event requires a temporary use permit not regulated by this chapter.

Findings:

- A. Mobile Food Trucks have the potential to foster an active, vibrant, and social pedestrian environment in areas and communities throughout the City. Although Mobile Food Trucks can be focal point to the community, they can also create certain dangers to public health, safety, and welfare if not adequately regulated.
- B. A Mobile Food Truck vendor is less attentive to pedestrian and vehicular traffic while driving and looking for potential customers which presents obvious traffic and safety risks. A vendor parking their vehicle improperly creating an obstruction can also increase the safety risks to pedestrians and other vehicles. The City of Hollister seeks to prevent this unneeded safety risk of the community.
- C. If Mobile Food Trucks park in highly congested areas to do business then this action might increase, and make worse, existing traffic issues as well as obstruct sidewalks and pedestrian path of travel. As such, this could create increased safety issues for pedestrians for those using the public sidewalk, as well as a safety risk to pedestrians attempting to buy from the vendor. This safety risk seems to increase around schools while children, and their parents, are coming and going from the site.
- D. The City of Hollister has an important, as well as a substantial, public interest to provide the community regulations in an effort to prevent safety, traffic, and health hazards, while also trying to preserve the peace, security, and welfare of the community.

B. Definitions:

- 1. **Beverage.** A liquid for drinking that does not contain alcohol.
- 2. **Block.** A segment of a street between adjacent intersections or between an intersection and the terminus of the street or City boundary.
- 3. **Food or foodstuff.** Any substance as defined by Section [113781](#) of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
- 4. **Mobile Food Trucks (MFT):**
 - a. Means any motorized vehicle designed primarily for dispensing food provisions. For purposes herein, the terms “mobile food truck” and “food truck” shall include any trailer designed primarily for dispensing food provisions but only if attached to a motor vehicle at all times during which the food provisions are dispensed. “Food truck” shall not include any other

- trailer or any wagon or pushcart, either propelled or drawn by motorized or other force, or any other vehicle incidentally used for dispensing any type of food provisions.
- b. Means any vehicle or trailer as those terms are defined in the California Vehicle Code, which is equipped or used for retail sales of prepared unpackaged food or foodstuffs of any kind. Food vending vehicle as used in this title does not refer to, nor include, ice cream trucks, catering trucks selling prepackaged food, or vehicles used for delivering previously ordered food from any store or restaurant to another place of business or residence.
 - c. Means a licensed and operable motor vehicle used to serve, vend, or provide food or nonalcoholic beverages for human consumption from a fixed location or along a route in a public place as authorized by Health and Human Services —San Benito County.
 - d. Means a licensed, motorized vehicle, including any legally attached trailer, used in conjunction with the service of a commissary, or other permanent food facility upon which prepackaged or approved non-prepackaged food is sold, offered for sale or otherwise distributed as retail.
- 5. **Mobile Food Truck Vendor.** A mobile food truck vendor is involved in the sale of prepared, unprepared, prepackaged, or unpackaged food of any kind on private or public property including streets, sidewalks, roadways, highways, and parkways.
 - 6. **Notarized Parking Authorization.** A notarized and typed or handwritten (legible) document signed by mobile food vendor and developed private property owner or legal representative indicating the vendor may utilize parking spaces within the development.
 - 7. **Operate.** To “operate” or “operation” shall mean all activities associated with the conduct of business, including but not limited to, set up, take down, and actual hours where the mobile food truck is open for business.
 - 8. **Private Property.** A legal designation for the ownership of property by non-governmental legal entities.
 - 9. **Right-of-way.** A path or route that may lawfully be used. The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

C. Applicability:

Application for Mobile Food Truck permit shall be filed with the Planning Division on a form prescribed by the Development Services Director (Director) and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Director or designee in order to review and take action on the application. A Mobile Food Truck vendor may apply for one or more of the allowed permits: short-term operations within public right-of-way, long-term operations within public right-of-way, or developed private property operations.

The Community Services Director and/or the City Engineer may from time to time create no parking zones, adjust parking space sizes, and impose parking time limits upon vending vehicles in areas that the Director deems necessary for the safe passage of pedestrians and vehicles.

D. Rules and Regulations by permit type:

- 1. Short-term Operations within the Public Right-of-Way:
 - a. Permitted Zonings: Residential Zoning Districts, Home Office Zoning District, Mixed-use Zoning Districts, and Commercial Zoning Districts. The following restrictions apply to operations in Residential Zoning Districts.
 - i. Mobile Food Truck shall not park in front of a residence.

- ii. Mobile Food Truck shall maintain 50 feet from a single-family residence, measuring from property line to mobile food truck.
 - b. Prohibited areas:
 - i. 4TH Street between Westside Boulevard and Monterey Street.
 - ii. South Street
 - c. Hours of Operation: Up to one (1) hour at one (1) location. Four (4) hours must pass to be allowed to return to a previous location. When moving from one location to another, vending must occur at another location at least one (1) block away.
 - i. Residential zonings: Mobile food vendors may operate between the hours of 8:00 a.m. to 6:00 p.m.
 - ii. All other zonings: Mobile food vendors may operate between the hours of 6:00 a.m. to 12:00 a.m.
- 2. Long-Term Operations within the Public Right-of-Way:
 - a. Permitted Zonings: North Gateway Commercial Zoning District, Mixed-use Zoning District, and Industrial/Manufacturing Zones.
 - b. Mobile Food trucks may operate within the parking lot of a public park when the following requirements are met.
 - i. The location allows safe vehicle queueing within the public right-of-way.
 - ii. Approval has been obtained to locate mobile food truck inside the park.
 - c. Prohibited areas:
 - i. 4TH Street between Westside Boulevard and Monterey Street.
 - ii. South Street
 - d. Hours of Operation: For one (1) hour or longer. For a maximum of four (4) hours.
 - i. Residential zonings: Mobile food vendors may operate between the hours of 8:00 a.m. to 6:00 p.m.
 - ii. All other zonings: Mobile food vendors may operate between the hours of 6:00 a.m. to 12:00 a.m.
- 3. Developed Private Property Operations:
 - a. Permitted Zonings: Industrial/Manufacturing Zones, Mixed-use Zoning Districts, and/or Commercial Zoning Districts, on a legally developed site with an established use and parking.
 - b. Prohibited Areas: Residential Zoning Districts
 - c. Hours of Operation: May operate only from the developed private property location approved in the permit.
 - i. All other zonings, excluding residential: Mobile food vendors may operate between the hours of 6:00 a.m. to 12:00 a.m.; or
 - ii. Mobile food vendors hours of operation may run concurrently with those of the established business on which the mobile food truck will be located.; or
 - iii. Mobile food vendors may propose an alternative hours of operation schedule in which the vendor and developed private property owner or legal representative have agreed upon, not to exceed the hours of 6:00 a.m. to 12:00 a.m.

E. Mobile Food Truck Permit Requirements, Licenses, and Process:

1. Process:
 - a. Upon receipt of a completed Mobile Food Truck Permit application, mobile food truck site plan, and all related documents and fees, the department shall consult with all applicable city departments, including police, fire, engineering, and code enforcement.
 - b. Planning Division staff will review the application submittal to determine completeness.
 - i. If application submittal is deemed complete it will be reviewed for approval or denial.
 - ii. If application submittal is deemed incomplete, applicant will be granted 30 days to submit all necessary information. If applicant fails to submit the required information within 30 days, the application will be withdrawn without prejudice.
2. Requirements by application type:
 - a. Short-Term Operations within Public Right-of-Way: The applicant shall supply a site plan and other information that the department may reasonably require based upon the location, intensity, and level of services required for each proposed food truck. The applicant must show or provide, at a minimum, the following information.
 - 1) Completed Mobile Food Truck Permit Application with Site Plan, and
 - 2) Compliance with State and local laws, by submitting the following:
 - i. Copy of California Sales Tax Permit, and
 - ii. Copy of Local Tax Allocation for Temporary Sales Form, and
 - 3) Business Tax Certificate and License from the City, and
 - 4) Environmental Health Permit issued by the San Benito County Health and Human Services Department, and
 - 5) Fees shall be paid to the affected department(s) at least 30 days before the scheduled occurrence of the Mobile Food Truck (MFT), and
 - 6) Bonding, and Insurance naming the City as an additional named insured. The City may require a bond to be posted before the MFT to ensure that all conditions are met, including cleanup.
 - b. Long-Term Operations within Public Right-of-Way: The applicant shall supply a site plan and other information that the department may reasonably require based upon the location, intensity, and level of services required for each proposed truck. The applicant must show or provide, at a minimum, the following information:
 - 1) Completed Mobile Food Truck Permit Application with Site Plan, and
 - 2) Authorization for use of Restroom Facilities, and
 - 3) Compliance with State and local laws, by submitting the following:
 - i. Copy of California Sales Tax Permit, and
 - ii. Copy of Local Tax Allocation for Temporary Sales Form, and
 - 4) Business Tax Certificate and License from the City, and
 - 5) Environmental Health Permit issued by the San Benito County Health and Human Services Department, and
 - 6) Fees shall be paid to the affected department(s) at least 30 days before the scheduled occurrence of the Mobile Food Truck (MFT), and

- 7) Bonding, and Insurance naming the City as an additional named insured. The City may require a bond to be posted before the MFT to ensure that all conditions are met, including cleanup.
- c. Developed Private Property Operations: The applicant shall supply a site plan and other information that the department may reasonably require based upon the location, intensity, and level of services required for each proposed food truck. The applicant must show or provide, at a minimum, the following information:
 - 1) Completed Mobile Food Truck Permit Application with Site Plan, and
 - 2) Authorization for use of Restroom Facilities Form, and
 - 3) Notarized Parking Authorization Form, and
 - 4) Compliance with State and local laws, by submitting the following:
 - i. Copy of California Sales Tax Permit, and
 - ii. Copy of Local Tax Allocation for Temporary Sales Form, and
 - 5) Business Tax Certificate and License from the City, and
 - 6) Environmental Health Permit issued by the San Benito County Health and Human Services Department.

F. Mobile Food Truck Permit Operational Standards:

No person or entity shall operate or be allowed to operate or contract to operate, a food truck vehicle at any location within the City of Hollister without an approved mobile food truck vehicle permit and/or other entitlement as required by the City Hollister. Mobile food truck vendor to comply with all requirements and regulations set forth within this chapter, including any State, and County rules and regulations. The failure to do so may result in the revocation or suspension of the food truck vendor permit.

The following exceptions apply:

- a. All food truck vendors shall be required to obtain a separate permit, i.e. a temporary use permit, for any Food Truck Special Events.
 - b. Any City of Hollister-sponsored event where the vendor of each food truck are operating pursuant to a valid contract with the City; or
 - c. Any event sponsored by the Public School District and held entirely on school property.
- 1) Mobile food vending shall only be allowed on legally established parallel parking. Vending from diagonal parking spaces is prohibited.
 - 2) Sales from Mobile Food Trucks parked along streets shall only occur out of the portion of the Mobile Food Truck that faces the sidewalk, or that portion opposite moving traffic.
 - 3) Mobile food trucks shall be removed at the end of business and/or when not in operation, this includes mobile food trucks permitted to operate on developed private property. No food truck shall be left unattended overnight or parked overnight in any public right-of-way.
 - 4) All food preparation, cooking, and storage shall occur inside the permitted vehicle and/or at an approved commissary off site. No food shall be prepared, sold, or displayed outside of the food truck vehicle.
 - 5) Mobile food trucks shall display in a conspicuous place a valid permit to operate a Mobile Food Truck issued by the San Benito County Health and Human Services Department.

- 6) Mobile food trucks shall, at all times, display the Mobile Food Truck permit issued by the Development Services Department. Permit shall be placed in an obvious location clearly visible to the public.
- 7) Mobile food trucks shall procure a business tax certificate and license from the City before operating within city limits. Business tax certificate and license shall be displayed in a visible place.
- 8) Mobile Food Trucks must be brought to a complete stop and be lawfully parked according to the provisions of this Code prior to initiating food sale operations.
- 9) The sale of non-food items, or the performance of professional and/or personal services, shall not be provided from a food truck.
- 10) Only the sale of food, foodstuff, and beverages are permitted.
- 11) Mobile Food Truck Vendor shall be responsible for managing customer queuing and for ensuring that safe pedestrian accessibility is maintained.
- 12) Food trucks shall be maintained in a clean and presentable condition at all times, free from graffiti, body damage, or obvious signs of deterioration (e.g., peeling paint, rust, etc.).
- 13) All grounds used by a food truck vendor shall be maintained clean at all times. Any trash or spills of food by-products shall be immediately cleaned.
- 14) Grease and liquid waste shall not be disposed in tree wells, storm drains, sanitary sewer systems, public streets or any other unapproved location.
- 15) Trash and recycling containers shall be provided by the food truck vendor for use by the patrons. All containers and their contents shall be removed from the site at the conclusion of business activities. No refuse or waste generated shall be disposed in any public trash receptable.
- 16) No food truck shall be allowed to install any physical addition to the food truck unit. The truck itself should function as a large-scale sign. No signage other than what is exhibited on the truck bodywork or inside the mobile food truck may be displayed.

G. Restrictions for sales around Children and Schools:

No Mobile Food truck shall sell or offer for sale, display, solicit, barter, exchange, gift or otherwise, any food and/or beverages to any minor child, attending any of the public or private schools within the City, on the street or from other public places within 1,000 feet of the exterior boundaries of land which any public or private school, or pre-school building, is located within the City between the hours of 7:00 a.m. and 4:00 p.m. on any school day.

The above provision shall not apply to any Mobile Food Truck vendor who has received written consent of the school principal, or other authorized school official, to park, stop, or stand for the purpose of selling food and/or beverages, such authorization shall not interfere with and vehicular traffic and/or pose a traffic safety hazard to school children. Any such written authorization shall be kept, maintained, and displayed by the Mobile Food Truck vendor at all times, and available any time for inspection.

H. Exceptions:

Any Mobile Food Truck Vendor identified in an application for a special event submitted to the City of Hollister pursuant to the City of Hollister Special Event Program, or any other City sponsored or approved event, shall be exempt from the requirements of this chapter pertaining to Mobile Food Trucks, provided that the Mobile Food Truck is parked for the duration of the special event in order to conduct business.

Any Mobile Food Truck who has not been granted a permit to operate at a special event must remain at least 500 feet away from the boundary of the special event for the duration of the event.

I. Approval and Issuance of a Mobile Food Truck Permit:

1. The Development Services Director, or designee, shall approve and issue a mobile food truck permit if:
 - a. The required permit fees have been paid.
 - b. No violation, as that term is defined in Section 10.04.150 – Violations – Civil penalties, are pending for the food truck vendor or the subject property where the food truck intends to locate.
 - c. The Mobile Food Truck vendor agrees to comply with the regulations in this chapter.
2. A permit is effective upon approval by the Development Services Director, or designee.
3. If the city issues a mobile food truck permit, the contents of the permit application shall become permit conditions, which exist in addition to any other permit conditions and/or restrictions imposed by the city.

J. Suspension or Revocation of a Mobile Food Truck Permit:

1. If the Development Services Director, or designee, determines that there has been a violation of the permit or the mobile food truck regulations, he or she may provide the permit holder with a notice of intent to revoke permit.
2. The notice of intent to revoke shall describe the violation, require the permit holder to immediately correct the violation or cause the violation to be corrected, and shall be provided to the permit holder by personal service, mail, or posting, to the license holder's place of business or mailed to the last known address.
3. If the permit holder fails to immediately (within 24 hours) correct the violation or cause the violation to be corrected, the Development Services Director or designee may revoke the permit. The Mobile Food Truck vendor shall have the right to appeal the Director or designee's decision in accordance with Section 17.24.170 (Revocation of Administrative Permits).

K. Expiration of a Mobile Food Truck Permit:

Each mobile food truck permit shall expire one year from the date of issuance.

L. Renewal of a Mobile Food Truck Permit:

1. A Mobile Food Truck Permit may be renewed under the same process for issuance of new Mobile Food Truck Permits when the approval has expired after one year of issuance.
2. Renewal of a Mobile Food Truck Permit when the permit was suspended or revoked due to violations or other noncompliance actions will require the applicant to submit a Compliance Plan to the Development Services Director or designee. The Compliance Plan shall detail measures taken to comply with the requirements listed in Section 10.24.060. The Compliance Plan will be reviewed by the Development Services Director or designee and a written determination shall be given within thirty (30) days of a complete application submittal.

8.20.020 – Definitions

A. Purpose:

The amendment will update this chapter and include terminology and provide clear meaning on wording associated with mobile food trucks.

B. Definitions:

1. **Beverages.** A liquid for drinking that does not contain alcohol.
2. **Block.** A segment of a street between adjacent intersections or between an intersection and the terminus of the street or City boundary.
3. **Commissary.** A fixed, non-mobile establishment or any other place used for the storage of supplies, the preparation of food to be sold or served at or by a mobile food truck vendor, or the cleaning and servicing of the mobile food truck.
4. **Food or foodstuff.** Any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
5. **Location.** Mobile vendor food courts will be allowed on a specific private property location within city jurisdiction.
6. **Mobile Food Trucks (MFT):**
 - a. Means any motorized vehicle designed primarily for dispensing food provisions. For purposes herein, the terms “mobile food truck” and “food truck” shall include any trailer designed primarily for dispensing food provisions but only if attached to a motor vehicle at all times during which the food provisions are dispensed. “Food truck” shall not include any other trailer or any wagon or pushcart, either propelled or drawn by motorized or other force, or any other vehicle incidentally used for dispensing any type of food provisions.
 - b. Means any vehicle or trailer as those terms are defined in the California Vehicle Code, which is equipped or used for retail sales of prepared unpackaged food or foodstuffs of any kind. Food vending vehicle as used in this title does not refer to, nor include, ice cream trucks, catering trucks selling prepackaged food, or vehicles used for delivering previously ordered food from any store or restaurant to another place of business or residence.
 - c. Means a licensed and operable motor vehicle used to serve, vend, or provide food or nonalcoholic beverages for human consumption from a fixed location or along a route in a public place as authorized by Health and Human Services —San Benito County.
 - d. Means a licensed, motorized vehicle, including any legally attached trailer, used in conjunction with the service of a commissary, or other permanent food facility upon which prepackaged or approved non-prepackaged food is sold, offered for sale or otherwise distributed as retail.
7. **Mobile Food Truck Vendor.** A mobile food truck vendor is involved in the sale of prepared, unprepared, prepackaged, or unpackaged food of any kind on private or public property including streets, sidewalks, roadways, highways, parkways, and alleys.
8. **Operate.** To “operate” or “operation” shall mean all activities associated with the conduct of business, including but not limited to, set up, take down, and actual hours where the mobile food truck or mobile food truck court/food truck court is open for business.
9. **Public property.** Any property owned or maintained by the City or any other public entity or public utility within the jurisdictional boundaries of the City.
10. **Private Property.** A legal designation for the ownership of property by non-governmental legal entities.

11. **Right-of-Way.** A path or route that may lawfully be used. The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another.

Title 17 - Zoning

- A. **Purpose:** Amend Title 17 Zoning, to include Mobile Food Trucks as a permitted use.
- B. **Proposed Land Use:** The following land use chapters will be amended to include Mobile Food Trucks as a permitted use with approval of an Administrative Permit Review (APR).
- 1) Chapter 17.04 Residential Zoning Districts
 - 2) Chapter 17.06 Home Office Zoning District
 - 3) Chapter 17.08 Commercial Zone Land Uses and Permit Requirements
 - 4) Chapter 17.10 Industrial/Manufacturing Zones
 - 5) Chapter 17.12 Special Purpose Zones
 - 6) Chapter 17.14 Overlay Zoning Districts

Proposed Addition to Land Use Tables

Land Use Zoning	Short-Term Operations within R-O-W	Long-Term Operations within R-O-W	Developed Private Property Operations
Residential Zoning Districts	APR		
Home Office Zoning	APR		
Commercial Zoning	APR	APR	APR
Industrial/Manufacturing Zones		APR	APR
Mixed Use Zoning District	APR	APR	APR
West Gateway Zoning District			
North Gateway District		APR	
Downtown Mixed-Use District			

APR = Administrative Permit Review. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.