



HOLLISTER PLANNING COMMISSION AGENDA

Regular Meeting
May 25, 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_B5UYOo_wTfSa0X0uT8Bk4A

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

VERTIFICATION OF AGENDA POSTING

APPROVAL OF MINUTES

April 27, 2023 and May 11, 2023

PUBLIC INPUT

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

PUBLIC HEARINGS

1. **Site & Architectural Review 2023-3** – K2 Solutions LLC/Karson Klauer – Site & Architectural Review 2023-3 to develop lots 23 and 24 of Tract No. 293 (currently vacant ground) as a storage facility with office, 34 enclosed storage units, 142 open large RV storage stalls, 19 open small RV storage stalls, parking, trash enclosure, security fencing, and landscaping at 1960 and 1970 Airway Drive within the Industrial Business Park (IBP) Zoning District, further identified as San Benito County Assessor Parcel Number 053-420-032 and 053-420-033. CEQA: A Notice of Determination (NOD) pursuant to Section 15075 will be filed. Potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for the Airpark Business Center.

2. **Site & Architectural Review 2023-1** – Stodola Battery Energy Storage System (BESS) – The applicant is requesting site and architectural approval for the construction of the 10 MW Stodola Battery Energy Storage System (BESS) Project within the General Commercial 9GC) Zoning District. The project site is located at 431 Gateway Drive, further identified as San Benito County Assessor Parcel Number 053-410-006. CEQA: The Project is exempt from the California Environmental Quality Act pursuant to Section 15332 Class 32 (Infill Development Projects).
3. **Zoning Ordinance Overhaul 2023-3** – City of Hollister – An amendment to the Zoning Ordinance repealing Section 17.24.240 of the Zoning Ordinance and replacing with a new chapter, Chapter 17.40, Planned Developments. CEQA: This action is exempt from CEQ pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NEW BUSINESS

4. **Planning Commission Policy 2023-1** – City of Hollister – A Policy of the Planning Commission establishing findings related to Site and Architectural Review Permits.

OLD BUSINESS

STUDY SESSION ITEMS

PLANNING DEPARTMENT REPORTS

PLANNING COMMISSION REPORTS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Hollister's Planning Division at (831) 636-4360. Notification of 48 hours prior to the meeting will enable the City to attempt to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 2.102-35. 104 ADA Title II].

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

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

The next Planning Commission Meetings are scheduled as follows:

Planning Commission Study Session – Thursday, June 8, 2023 at 6:00 p.m.

Regular Planning Commission Meeting – Thursday, June 22, 2023 at 6:00 p.m.

MINUTES

HOLLISTER REGULAR PLANNING COMMISSION MEETING

April 27, 2023

PUBLIC PARTICIPATION NOTICE

CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Chairperson Henderson on April 27, 2023 at 6:01 p.m. in the City Council Chambers at 375 Fifth Street, Hollister, CA 95023.

PLEDGE OF ALLEGIANCE

Chairperson Henderson 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	Absent	
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	
Liz Gagliardi	Associate 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 25, 2023 was posted on the bulletin board at City Hall on Thursday, April 21, 2023 at 2:48 PM per Government Code Section 54954.2.

Resolution 2023-11 was adopted unanimously by the Planning Commission 4-0-0-1.

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

Commissioner Huboi moved, and Commissioner Corona seconded, to adopt Resolution 2023-12 recommending that the City Council make a determination that the Public Convenience or Necessity would be served with the issuance of a type 21-ABC License at 1280 Fourth Street.

Resolution 2023-12 was adopted unanimously by the Planning Commission 4-0-0-1.

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

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

Senior Planner, Erica Fraser, presented the staff report.

Chairperson Henderson opened up the public hearing at 7:11pm.

Public providing testimony: Mike Nino

Chairperson Henderson closed the public hearing at 7:16pm.

Commissioner Lenoir moved, and Commissioner Huboi seconded, to adopt Resolution 2023-13 approving S&A 2022-5 subject to the findings and conditions contained in the draft resolution.

Resolution 2023-13 was adopted unanimously by the Planning Commission 4-0-0-1.

RESULT:	Adopted [Unanimously]
MOTION:	Carol Lenoir
SECOND:	David Huboi

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

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.

Senior Planner, Erica Fraser, presented the staff report.

Chairperson Henderson opened the public hearing at 7:27p.m.

Public providing testimony: none

Chairperson Henderson closed the public hearing at 7:27p.m.

Commissioner Huboi moved, and Commissioner Lenoir seconded, to adopt Resolution 2023-14 to approve S&A 2022-4, subject to the findings and conditions contained in the draft resolution.

Resolution 2023-14 was adopted unanimously by the Planning Commission 4-0-0-1.

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

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.

Development Services Director, Christy Hopper, provided the staff report.

Commissioner Henderson opened up the public hearing at 7:57p.m.

Public providing testimony: none

Commissioner Henderson closed the public hearing at 7:57p.m.

Commissioner Lenoir moved, and Chairperson Henderson seconded, to adopt Resolution 2023-15 recommending that the City Council approve an ordinance to repeal 17.22.235 and amend 10.24 to include subsection 10.24.060.

Resolution 2023-15 was adopted unanimously by the Planning Commission 4-0-0-1.

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

NEW BUSINESS None.

OLD BUSINESS None.

PLANNING DEPARTMENT REPORTS

Interim Planning Manager, Eva Kelly, announced that Associate Planner, Liz Gagliardi, would no longer be assisting the City of Hollister and thanked her for her service.

PLANNING COMMISSION REPORTS

Commissioner Lenoir reported on her time at the Planning Commissioner Academy.

ADJOURNMENT

Commissioner Lenoir moved, and Commissioner Huboi seconded the motion, to adjourn the meeting at 8:12 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

May 11, 2023

PUBLIC PARTICIPATION NOTICE

CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Chairperson Kevin Henderson on May 11, 2023 at 6:00 p.m. in the City Council Chambers at 375 Fifth Street, Hollister, CA 95023.

PLEDGE OF ALLEGIANCE

Commissioner Carol Lenoir led the Pledge of Allegiance.

ROLL CALL

Attendee Name	Title	Status	Arrived
Kevin Henderson	Chairperson / District 1	Present	
David Huboi	District 2	Absent	
Steven Belong	District 3	Absent	
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 Study Session of Thursday, May 11, 2023 was posted on the bulletin board at City Hall on Friday, May 5, 2023 at 3:50PM per Government Code Section 54954.2.

APPROVAL OF MINUTES None.

PUBLIC INPUT None.

PUBLIC HEARINGS None.

NEW BUSINESS None.

OLD BUSINESS None.

STUDY SESSION ITEMS:

1. **Zoning Ordinance Overhaul (ZOA 2023-3)** – City of Hollister – An amendment to the Zoning Ordinance repealing Section 17.24.240 of the Zoning Ordinance and replacing with a new chapter, Chapter 17.40, Planned Developments.

Interim Planning Manager, Eva Kelly, provided the staff report. Senior Planner, Erica Fraser, was available as backup via Zoom.

Chairperson Henderson opened the public hearing at 6:26 PM.

Public providing testimony: None.

Chairperson Henderson closed the public hearing at 6:26PM.

Commissioner Lenoir requested clarification on accessory uses, Interim Planning Manager, Eva Kelly, provided clarification.

2. **Zoning Ordinance Overhaul** – City of Hollister – A discussion of Conditional Use Permits and uses in the Residential, Commercial and Industrial Zoning Districts (part of Phase IIB of the Overhaul).

Interim Planning Manager, Eva Kelly, provided the staff report. Senior Planner, Erica Fraser, was available as backup via Zoom.

Chairperson Henderson opened the public hearing at 6:46 PM.

Public providing testimony: None.

Chairperson Henderson closed the public hearing at 6:46PM.

Staff discussed Conditional Use Permit, removal of Administrative Review Permit and replace with a Minor Conditional Use Permit, Major Conditional Use Permit, and proposed modifications to permitted and conditionally permitted uses on tables. Commissioner Lenoir had a question on the staff report. Interim Planning Manager, Eva Kelly, and Development Services Director, Christine Hopper, addressed the question.

PLANNING DEPARTMENT REPORTS

Interim Planning Manager Kelly, reported on Outreach Events. Farmer's Market Wednesday, May 17th regarding the General Plan update. May 18th virtual workshop via Zoom, regarding the General Plan. Mobile Food Outreach on Monday, May 22nd at 6PM – 7PM. Upcoming information regarding the Housing Element, dates are being finalized. Additional outreach on inclusionary housing will be coming up, dates to be set.

PLANNING COMMISSION REPORTS

Commissioner Lenoir stated she had nothing to report but made a request a large existing general plan map and large draft/proposed general plan map, specified a 24" x 36" size map.

ADJOURNMENT

Chairperson Henderson moved, and adjourned the meeting at 8:15 p.m.

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christy Hopper, Secretary



Planning Commission

Memorandum

May 25, 2023

Item 1

SUBJECT: **Site & Architectural Review 2023-3** To construct a storage facility with office, 34 enclosed storage units, 142 open large RV storage stalls, 19 open small RV storage stalls, parking, trash enclosure, security fencing, and landscaping at 1960 and 1970 Airway Drive, further identified as San Benito County Assessor Parcel Number 053-420-032 and 053-420-033. CEQA: A Notice of Determination (NOD) pursuant to Section 15075 will be filed. Potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for the Airpark Business Center.

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

RECOMMENDATION: Continue the item to the June 22, 2023 Planning Commission Meeting.

Staff is requesting a continuance of this item to the June 29, 2023, Planning Commission. Staff intended to bring this item before the Planning Commission at the May 25, 2023, Planning Commission. However, this Project is within the Airport Land Use Commission purview and will be presented to the ALUC June 15, 2023. The continuance will allow this item to go before ALUC for review and approval and will allow staff to bring a completed review of this project to the Planning Commission.

Staff recommends that the Planning Commission continue this item to a date certain of June 22, 2023 for review by the Planning Commission.



Planning Commission

Staff Report

May 25, 2023

Item 2

SUBJECT:	Site and Architectural Review No. 2023-1 to construct a 10-megawatt unmanned battery storage facility, the Stodola Battery Energy Storage System (BESS), located at 431 Gateway Drive (Assessor's Parcel Number 053-410-006) within the General Commercial (GC) Zoning District.
STAFF PLANNER:	Magda Gonzalez, Senior Planner; (925) 789-7160
ATTACHMENTS:	1. Resolution approving Site and Architectural Review 2023-1 2. S&A 2023-1 Plan Set
RECOMMENDATION:	Approval with conditions of approval

PROJECT DESCRIPTION: The Applicant, RWE Solar Development, LLC, is requesting a Site and Architectural Review to construct the Stodola Battery Energy Storage System (BESS), a 10-megawatt unmanned battery storage facility, with perimeter fencing and landscaping for privacy and aesthetic appeal. The Project will be located on a 1.66-acre parcel at 431 Gateway Drive within the General Commercial (GC) Zoning District. The point of interconnect (POI) would be the existing Hollister Substation, located on the adjacent parcel. The Hollister Substation is owned and operated by Pacific Gas and Electric (PG&E) and regulated by the California Public Utilities Commission (CPUC).

A vicinity map is included below as Figure A.



ANALYSIS:

Permit Requirements:

This project requires a Site and Architectural Review, to establish a 10MW unmanned battery storage facility. Permit requirements are outlined below.

Site and Architectural Review (S&A):

Per Hollister Municipal Code (HMC) Section 17.24.190 *Site and Architectural Review*, “no building permit for a new commercial, industrial or multifamily building shall be issued for any purpose or purposes for any improvement or improvements in any district, except R1, until review and approval by the Planning Commission”. The Stodola Battery Energy Storage System consists of battery storage “lineups.” Each lineup would include three batter containers, a water injection system, and a DC combiner box. Each container would be self-enclosed, housing batteries, fire detection and suppression systems, controls, and cooling units. Each group of lineups will be connected to an inverter skid which contains both a Generation Step-Up transformer and a bi-directional inverter. BESS will store and deliver electricity to the grid through a Generator Interconnection Agreement (GIA) with PG&E. RWE will purchase the land, build and commission the project. The project would then be owned and operated by RWE.

General Plan Consistency:

The City of Hollister 2005-2023 General Plan designates the project site as General Commercial. Per the 2005-2023 General Plan, “The General Commercial designation allows for a variety of commercial uses and service-oriented businesses at scales ranging from large retail stores serving the community and region to smaller businesses oriented towards neighborhood activity. Uses are encouraged to develop in clusters, serving areas with access to major arterials. Independent small businesses such as hair salons, small offices, and restaurants are also permitted. Other examples of uses are department stores, supermarkets, hardware stores and convenience stores.”

Land Use Element Goal and Policy Goal LU9 “Encourage development patterns that promote energy efficiency and conservation of natural resources.”

The proposed Stodola Battery Energy Storage System (BESS) facility is consistent with the General Commercial land use designation. The proposed Site and Architectural Review to allow the 10MW battery storage facility proposes to connect to the existing Hollister Substation located on an adjacent parcel to the north of the subject site. The project promotes energy efficiency and conservation of natural resources by constructing a project that will be minimal in size, height and impact to its surroundings, consistent with Goal LU9. The subject parcel is part of the Gateway Center subdivision which has been developed with other commercial and public utility uses, including the PG&E Hollister Substation, Fairfield Inn and Suites by Marriot, Hollister Child Development Center, and Enterprise Rent-A-Car. Other surrounding uses include agricultural fields to the north, industrial and residential uses to the south, and commercial and residential uses to the east, and single-family homes to the west.

California Environmental Quality Act (CEQA):

The proposed project has been evaluated to determine whether it could be exempt from CEQA. Based on the environmental documents provided, Biological Resources Assessment, Cultural Resources Assessment, and Phase 1 Environmental Site Assessment, staff has determined that the proposed project is exempt from CEQA subject to Section 15332 Class 32 (In-Fill Development Projects). The project is consistent with in-fill development within urbanized areas that are environmentally benign, consistent with the City of Hollister general plan and zoning requirements, and would not result in any significant traffic, noise, air quality, or water quality effects.

CONCLUSION:

The applicant is seeking approval of a Site and Architectural Review to construct a 10MW unmanned battery energy storage system (BESS). The proposed facility will interconnect to the existing Pacific Gas & Electric (PG&E) Hollister Substation located to the north of the subject property, said interconnection will be constructed underground. The Project will not have employees onsite, it will be remotely operated 24 hours a day, 7 days a week. There will be periodic maintenance visits, some of the visits will be conducted twice a year. The site will not be open to the public, it will not construct any buildings therefore it will have minimal impacts to the site. The Project proposes to install perimeter fence and will provide site screening by installing landscaping and decorative block enclosures. The proposed Project meets City of Hollister Goals and Policies of the General Plan and the Zoning Ordinance. As prescribed in the Municipal Code a Site and Architectural Review (S&A) is required to ensure proper review when it comes to be construction or establishment of a land use on a vacant parcel within the General Commercial zoning district as well as compliance with City of Hollister regulations, as such the Project is not expected to negatively impact the surrounding area.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options regarding Site and Architectural Review 2023-1.

1. Adopt a Resolution approving Site and Architectural Review 2023-1, subject to the findings and Conditions of Approval contained in the draft resolution (Attachment 1);
2. Adopt a Resolution approving Site and Architectural Review 2023-1, subject to findings and conditions as 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 that the Planning Commission choose Option 1 for the S&A.

GENERAL INFORMATION

APPLICANT: RWE Solar Development, LLC.
Nicholas Gruzdownich
20 California Street, Floor 5
San Francisco, CA 94111

PROPERTY OWNER: Andy Chong

LOCATION: 431 Gateway Drive
Hollister, California 95023

**GENERAL PLAN
DESIGNATION:** General Commercial

ZONING DISTRICT: General Commercial (GC)

SURROUNDING USES:

Location	Zoning Designation	General Plan Land Use	Current use of Property
Project Site	General Commercial (GC)	General Commercial	Vacant
North	General Commercial (GC)	General Commercial	Vacant/PG&E Substation
South	General Commercial (GC)	General Commercial	Transportation/Trucking
East	General Commercial (GC)	General Commercial	Residential & Commercial
West	Medium Density Residential (R-3)	Medium Density Residential	Residential

PLANNING COMMISSION RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING SITE AND ARCHITECTURAL REVIEW (2023-1) TO CONSTRUCT A 10MW UNMANNED BATTERY ENERGY STORAGE SYSTEM LOCATED AT 431 GATEWAY DRIVE WITHIN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT (APN 053-410-006)

WHEREAS, the Applicant, RWE Solar Development LLC, has submitted an application for Site and Architectural Review (S&A 2023-1) to construct an unmanned 10MW battery storage facility, located at 431 Gateway Drive; and

WHEREAS, the Applicant has submitted a complete application for the requested entitlement prepared by Stantec Consulting Services, Inc. received by the Planning Division on December 22, 2022; and

WHEREAS, under the provisions of Section 17.24.060 of the City of Hollister, 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 a Site and Architectural Review; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 25, 2023 to consider Site and Architectural Review 2023-1, review the City Staff Report, and receive written and oral testimony for and against the proposal; and

WHEREAS, after closing the Public Hearing, the Planning Commission determined that the proposed project qualifies as a Categorical Exempt 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 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, the project involves the construction of a 10MW unmanned battery storage facility; and

NOW THEREFORE IT IS RESOLVED that the Planning Commission of the City of Hollister does hereby make the following findings and determinations regarding the proposed 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 a 10 MW unmanned battery storage facility within the General Commercial Zoning District. "Minor Utilities" are a permitted use within the General Commercial Zoning District.
 2. The proposed project is consistent with the General Plan as the "General Commercial designation allows for a variety of commercial uses and service-oriented businesses" site is surrounded by other commercial development.
 3. The proposed project is suitable for its proposed location and the surrounding uses. The project does not require parking, circulation, utilities, etc., as it is an unmanned facility.
 4. The proposed project is well designed and provides cohesive design elements as required by the General Plan LU1.9.
 5. The proposed landscaping for the site will include street trees, landscaping buffers, and evergreen and deciduous materials throughout the project site will provide attractive landscaping, screening, and shading and enhance the site as required by LUCD Goal LU3 and Policy LU3.2.
- B. The proposed Project, as conditioned, is consistent with Chapter 17.08.020, Commercial and Mixed Use Zone land uses and permit requirements, and Chapter 17.18, Pedestrian, Bicycle, Parking and Loading Standards because:
1. The proposed project is an unmanned facility and will be operated remotely, as such it will not require employees therefore parking and bicycle rack/storage areas are not required. Additionally, the site is not open to the public.
 2. The proposed project includes a landscape buffer between the site and surrounded parcels. Landscaping will include plant materials that will achieve a height to screen views of the site from surrounding lots. The Landscape Plan includes a variety of evergreen and deciduous plants to be planted throughout the site as required by the Zoning Ordinance.
 3. The proposed Landscape Plan includes the planting of trees and shrubs around the property line. It will also provide ground covers at the entrance of the facility. Final landscape plans shall be submitted for staff review as part of the Conditions of Approval for this project. The proposed tree planting, as conditioned, is consistent with Section 17.16.080(D) of the Zoning Ordinance.
- 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 in-fill project in an existing General Commercial area with existing development on the adjacent parcels. Pursuant to Section 15332, Class 32, of the California Environmental Quality Act, the proposed project is categorically exempt from CEQA because it is not expected to create an impact on the environment, and it is surrounded by commercial development.

2. The proposed project is minimal in construction, the project will install battery storage containers and related equipment. The project does not propose any building construction and complies with development standards and does not seek any special concessions. The subject parcel is in a commercial zoning district and is surrounded by existing and proposed commercial development. The project is an unmanned facility, remotely monitored 24 hours a day, seven days a week. The project will provide adequate landscaping to ensure privacy and aesthetic appeal to the site. The project has been routed to the City's DRC, where the project has been reviewed and conditioned accordingly.

**CONDITIONS OF APPROVAL
S&A 2023-1**

General Conditions

1. **Approval.** This Site and Architectural Review approval is for the Stodola Battery Energy Storage System (BESS), a 10MW unmanned battery storage facility. (RWE Solar Development, LLC., S&A 2023-1). The proposed development shall be in substantial conformance to Exhibit A (Project Plans) prepared by Stantec Consulting Services, Inc. and dated "Received, March 28, 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 life of the approved structures 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. **Clarification of Conditions.** In the event that there needs to be clarification to the Conditions of Approval, the Director of Development Services and the City Engineer have the authority to clarify the intent of these Conditions of Approval to the Developer without going to a public hearing. The Director of Development Services and City Engineer also have the authority to make minor modifications to these conditions without going to a public hearing in order for the Developer to fulfill needed improvements or mitigations resulting from impacts to this project.
11. **Noise During Construction.** Construction activities on the project site must employ noise suppression devices and techniques and shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays and shall be prohibited on Sundays and federally recognized holidays per Ordinance 1137 of the Hollister Municipal Code. No construction, landscape maintenance or grounds maintenances actives shall occur on federal holidays. Construction equipment and activities shall not use noise suppression devices and techniques.
12. **Overtime Inspections.** Arrangements for overtime inspection services and payment of fees for same shall be made at least 48 hours in advance and are subject to inspection availability and approval by the City Engineer. Alternatively, the Applicant may engage a third-party inspector at its own expense, so long as the identity of such inspector and work is approved in advance in writing by the City. Any work performed without inspection is subject to rejection by the City in City's reasonable determination.

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

15. **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.
16. **Equipment Screening.** All electrical and or mechanical equipment shall be screened from public view through fencing and landscaping. 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.
17. **Colors.** The exterior container paint colors shall comply with colors included on the plans. However, they may be subject to change based on the Director of Development Services discretion which may request the submittal of more color samples. Applicant may be required to paint a portion of the containers the proposed colors for review and approval by the Development Services Director prior to painting the building(s).

Planning Department – Project Specific

18. **Future Modifications.** Any future modifications to the exterior of the structures (i.e., containers, equipment, etc.) or the landscaping shall require review and approval by the City in a manner determined by the Development Services Director

Landscaping – Standard Conditions of Approval

19. **Final Landscape and Irrigation Plans.** Final Landscape and Irrigation Plans, all written documentation and an Application Fee as required by Chapter 15.22, Water Efficient Landscape Ordinance, shall be submitted to the Planning Division in conjunction with an application for a building permit. The Plans shall be prepared and stamped by a State licensed landscape architect or registered engineer shall be submitted for review and approval by the Development Services Director. The Plans shall be approved and all landscaping shall be installed prior to Occupancy.

20. **Landscaping.** The Applicant/Development shall construct all landscaping within the site, site's perimeter and along the project frontage. The on-site landscaping shall be installed in accordance with the approved plans. Trees located adjacent to the right-of-way shall be selected from the City's Approved Street Tree list, shall be a minimum of 36" box, and their exact tree locations and varieties shall be approved by the Director of Development Services and the City Engineer. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.
21. **Plant Maintenance.** The Applicant and/or property owner shall continuously maintain all trees, shrubs, and groundcover shown on the approved Landscape Plans including replacing dead or dying species with the same species, pruning and regular watering.
22. **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 property owner will maintain the approved landscaping in perpetuity. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians.
23. **Shrubs.** The Final Landscape Plans shall show that 60 percent of shrubs will be 5 gallons in size and 40 percent will be 1 gallon in size.
24. **Groundcover.** Groundcover shall achieve 100% growth within 1 year. If 100% growth is not achieved, the Property Owner shall plant additional plant materials to achieve 100% growth within four months, the satisfaction of the Development Services Director.

Building – Standard Conditions

25. **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.
26. **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.
27. **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.
28. **Code Compliance.** All building permit plans shall conform to all local and State energy and seismic requirements and all applicable Building and Fire Codes.
29. **Permits.** Permits will be required and must comply with the currently adopted building codes. Current code cycle is 2023 California Building Codes.

Engineering – Standard Conditions

30. **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.

Fire Department – Standard Conditions

31. **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.
 - iv. 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.
32. **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.
33. **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.

34. **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.
35. **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.
36. **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.
37. **Paving.** All fire apparatus access roads eight roads over eight percent (8%) shall be paved with a minimum of .17 feet of asphaltic concrete on .034 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.
38. **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.

39. **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.
40. **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**.
41. **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.
42. **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 improvements of the existing public safety communication systems.
43. **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.
44. **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.
45. **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.

46. **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.
47. **Single Parcel Fire Protection Water Supply.** For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 galloons (1 tank) 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons (2 tanks). For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply.
48. **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.
49. **Permits.** Obtain construction permits from the fire department for Battery Systems & Capacitor energy storage systems.
50. **Annual Inspection.** Schedule annual inspections with Fire Department. Treating as an H4 type of facility.
51. **Final Fire Inspection.** To schedule a final fire life safety inspection and pay associated fees please call (831) 636-4325.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 25th day of May 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

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, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the City Council at their meeting. In addition, the City provides for a 15-day appeal period.



Planning Commission

Memorandum

May 25, 2023

Item 2

SUBJECT:

Site & Architectural Review 2023-1 To construct a storage facility with office, 34 enclosed storage units, 142 open large RV storage stalls, 19 open small RV storage stalls, parking, trash enclosure, security fencing, and landscaping at 1960 and 1970 Airway Drive, further identified as San Benito County Assessor Parcel Number 053-420-032 and 053-420-033. CEQA: A Notice of Determination (NOD) pursuant to Section 15075 will be filed. Potential environmental impacts have been evaluated and mitigated through the Mitigated Negative Declaration for the Airpark Business Center.

STAFF PLANNER:

Magda Gonzalez, Senior Planner (925) 789-7160

The plan set for Site and Architectural Review 2023-1 is available for viewing at 361 Fifth Street, Hollister, California 95020.



Planning Commission

Staff Report

May 25, 2023

Item 3

SUBJECT: **Zoning Ordinance Overhaul (ZOA 2023-3)** – City of Hollister – An amendment to the Zoning Ordinance repealing Section 17.24.240 of the Zoning Ordinance and replacing with a new chapter, Chapter 17.66, Planned Developments and the establishment of an Application Fee related to modifications of a Planned Development.

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

ATTACHMENTS:

1. Resolution recommending the City Council repeal Section 17.24.240, Planned Development Permits, and replace with a new chapter, Chapter 17.66, Planned Development, and establish an application fee related to planned development modifications, with the new chapter attached as Exhibit A.
2. May 11, 2023 Planning Commission Study Session Staff Report (without attachments).
3. Link to the YouTube Recording of the May 11, 2023 Planning Commission Study Session
(<https://www.youtube.com/watch?v=HSwhkGcdJzc>)
4. February 9, 2023 Planning Commission Study Session Staff Report (without attachments)
5. Link to the YouTube Recording of the February 9, 2023 Planning Commission Study Session
(<https://www.youtube.com/watch?v=SLExQY1wvbE>)
6. March 9, 2023 Planning Commission Study Session Staff Report (without attachments)
7. Link to the YouTube Recording of the March 9, 2023 Planning Commission Study Session
(<https://www.youtube.com/watch?v=TVDdhsRag0U>)
8. Existing Planned Development Section of the Zoning Ordinance (Section 17.24.240)

RECOMMENDATION: Recommend City Council Approval

BACKGROUND

The Planning Commission has reviewed potential modifications to how the City regulates planned developments during two Study Sessions. On February 9, 2023, the Planning Commission discussed how the City currently reviews planned development requests and potential ways to approve planned developments (Attachment 4). A recording of the Study Session can be viewed at <https://www.youtube.com/watch?v=SLExQY1wvbE> (discussion starts at 1 hour and 19 minutes). During the meeting, the Planning Commission had several questions and comments regarding planned developments and also provided direction for staff on the preparation of regulations.

Staff brought the matter back to a Study Session on March 9, 2023 (Attachment 6) to provide additional information and receive additional direction from the Planning Commission on how the City should regulate planned developments moving forward. The recording of this Study Session can be viewed at <https://www.youtube.com/watch?v=TVDdhsRAg0U> (the item starts at minute 48). The Planning Commission provided direction to Staff related to the preparation of regulations for planned developments during this meeting.

The Planning Commission Reviewed a Draft Ordinance during a Study Session on May 11, 2023. The Planning Commission did not direct Staff to make any modifications to the Ordinance, but did ask for clarification regarding the difference between administrative and minor modifications. Please refer to staff's discussion under "Section 17.66.130 – Modifications to an Approved Planned Development" for additional information regarding the difference between these two permit types and well as revised language included in the Draft Chapter for clarity. The recording of the Study Session can be viewed at <https://www.youtube.com/watch?v=HSwhkGcdJzc>.

All Study Session Staff Reports and attachments can also be viewed or downloaded from the Hollister Planning Commission webpage at <https://hollister.ca.gov/government/city-departments/development-services/planning/planning-commission/>. The existing zoning ordinance can also be viewed at https://library.municode.com/ca/hollister/codes/code_of_ordinances?nodeId=TIT17ZO or accessed directly from the Planning Division webpage should anyone wish to.

As mentioned during the May 11, 2023 Study Session, Staff is bringing the new Planned Development Chapter for review and recommendation prior to the rest of Phase II. Staff has several projects that are currently under review that could benefit from the revised Ordinance. Additionally, Staff has also identified several projects where the final project outcome could have resulted in a better project with the revised planned development regulations.

PLANNED DEVELOPMENTS

The purpose of a Planned Unit Development is to allow greater flexibility than would otherwise be allowed by the Zoning Ordinance, in exchange for innovative or interesting designs or layout, the preservation of open space, or other amenity/public benefit.

The City's regulations for Planned Developments can be found in Section 17.24.240 of the Zoning Ordinance. The existing regulations are confusing, vague, are technically only allowed for very specific projects (Section 17.24.240 (B)) and contains errors (for example it requires conformance with the Zoning Ordinance and the purpose of a Planned Development is to allow something that would otherwise not be

allowed due to the inherent rigidity of a Zoning Ordinance). Additionally, this Section conflicts with the provisions of Section 17.14.010, Residential Performance Overlay Zoning District. As written the Planned Development section of the Zoning Ordinance is difficult for Staff to understand and enforce in a consistent manner.

What is a Planned Unit Development

A Planned Unit Development is a flexible zoning device that redefines the land uses or development standards that would otherwise apply to the property if the standards of the Zoning District in which the property is located were applied. Cities typically allow a developer to request a Planned Development in order to foster innovative designs and creativity, affordable housing, or other amenity that benefits the residents of the City.

Cities typically allow Planned Unit Developments to apply for relief of:

- Change in the otherwise requires setbacks;
- Change in the required Minimum Lot Size;
- Increase in Lot Coverage;
- Reduction in Open Space requirements;
- Allowance for Dwelling Unit Types that would otherwise not be permitted in the Zoning District (i.e. a triplex in the R1 District);
- Establish the uses for the site (uses that are not identified in the Zoning Ordinance or additional uses that may be complimentary such as a neighborhood market in a R1 district);
- Spread the required density throughout the project site (rather than on a parcel by parcel basis) for large developments where the developer would like to include a mixture of housing types; or
- Plan for a large development.

For example, under the application of the development standards in the R1, Low Density Residential Zoning District, each parcel must be a minimum of 5,000 square feet. The only type of housing allowed is single family detached dwellings and duplexes (recent change in the Zoning Ordinance). Under the strict application of the requirements of the Zoning Ordinance, the following is a typical example of the layout/design of a development.

By requesting a Planned Development, an Applicant can design a residential project which meets the established density but is laid out in a unique way, allows a variety of dwelling types, or allows for smaller dwellings to be constructed on a site. For example, approval of a Planned Development could allow for a cluster development in which the houses are located on smaller lots (for example 2,500 square feet) and surrounded by landscaping. In the following example, the lot size would be smaller than what would be

required in the Low Density Residential Zoning District.

By requiring a rezone process for planned development, a City can also allow for greater flexibility in uses. For example, if a large development in the R1, Low Density Residential, Zoning District wanted to allow for small neighborhood serving commercial uses, or a private neighborhood park with cafes or food stands, a Planned Development would be a way to achieve that. With a rezone an Applicant who wishes to establish a use that isn't currently listed on the list of approved uses for the site, but which may be appropriate, can request approval of the use through a Planned Development. An example of this could be an auction yard in the M1 District, an auction yard is not on the list of allowed uses, but could be appropriate in the M1. As uses change and new uses move into the City, the Zoning Ordinance may not be consistent with changing trends and a Planned Development may be a way to allow a unique use on an appropriate property.

CURRENT PROCESS FOR A PLANNED DEVELOPMENT IN HOLLISTER

In 2008, the Zoning Ordinance was completely overhauled. Prior to 2008, the City required a rezone for Planned Developments. Several Planned Unit Developments were approved with a rezone and they are noted on the City's Zoning Map.

In 2008, the City modified how the City allowed Planned Unit Developments. In an effort to encourage residential development in the City, the City modified the Zoning Ordinance to allow a Performance Overlay Zoning District. Most residential properties that are annexed into the City have a Performance Overlay. An applicant may only request a Planned Development for properties designated for residential uses.

The purpose of the Performance Overlay was to allow lot sizes that are smaller than what is typically allowed. For example, a parcel that is zoned Low Density Residential/Performance Overlay can have a minimum lot size of 2,500 square feet. Properties zoned Low Density Residential (only) have a minimum lot size of 5,000 square feet. The intention of the Overlay Zoning District was to encourage higher density in the City (by reducing the minimum lot size, more dwelling units can be constructed) and to allow these properties to bypass a rezone to allow smaller lots.

As amended in 2008, requests for a Planned Unit Development were processed as a Conditional Use Permit and are typically approved for properties that have been zoned Performance Overlay. The Conditional Use Permit is reviewed and approved or denied by the Planning Commission.

Approval of the Performance Overlay requires an applicant to rezone the property (application materials and a filing fee on the Fee Schedule based on rezoning or rezone) and then later apply for a Conditional Use Permit (application and filing fee of \$9,021.40) to allow for any modifications to setbacks or other development standards. The Zoning Ordinance then requires the approval of a Performance Agreement for each parcel located within a development prior to construction of the development (application and a filing fee of \$16,265.83). This Agreement must be reviewed and approved by the City Council (see Section 17.14.010.B.2) and recorded on each lot as a deed restriction. This means that a developer who wishes to annex their property with the Performance Overlay must zone the property Performance Overlay, then received approval of a Conditional Use Permit for a Planned Development (due to the smaller lot sizes allowed under this Overlay, the standard development regulations are unlikely to be met)

and then go to City Council for a Performance Agreement and subsequent deed restriction prior to construction.

ANALYSIS

Only one change was made following the previous Study Session to review the draft Planned Development Ordinance. The number of the Chapter has been changed from 17.40 to 17.66 to better fit in with the layout of Phase II of the overhaul.

The existing Section 17.24.240, Planned Development Permits will be repealed and replaced with Chapter 17.66, Planned Developments. The draft Chapter was reviewed by the City Attorney's office. The new Chapter 17.66 Planned Developments, is described in detail below.

Section 17.66.010 - Purpose

This Section provides the purpose of the planned developments in the City.

Section 17.66.020 - Applicability

As proposed, planned developments will be allowed for any project on land that is over one acre in size, including residential and non-residential projects, which will expand the availability of this flexible zoning tool to more projects/sites within the City (current regulations only allow a Planned Development for residential developments).

As proposed, an applicant requesting annexation into the City can also use the planned development designation for their project. This would allow a person requesting annexation to propose the development regulations for their project site at the time of the rezoning and would eliminate the need for a future planned development request and a Performance Agreement with the City Council. This would lead to thoughtful, well planned annexations and would also eliminate the need for multiple permitting requirements for applicants. The process currently required by the Zoning Ordinance also requires a significant amount of time and application types and the proposed modifications are also aimed at saving the applicant money and time.

Section 17.66.030 – Planned Development Established

This Section regulates how planned developments will be created in the City. A planned development will be established in the City through the following:

- A rezone of the project area to "Planned Development."
- The establishment of an underlying zoning district for the site This allows the planned development to "fall back" on the regulations of the zoning district where the planned development is silent.
- The Zoning Map will be amended to show the property as zoned Planned Development and will note the application number of the planned development to allow Staff to easily find the regulations for the property.

The rezoning of a property to “Planned Development” rather than allowing a Conditional Use Permit is a more appropriate way to regulate Planned Developments. As previously discussed, the purpose of a Conditional Use Permit is to review a proposed use and place conditions on said use to ensure that the use does not negatively impact the surrounding area. If a use failed to comply with the provisions of a Conditional Use Permit, the City can revoke the permit and require the use to cease operations.

During prior Study Sessions, the Planning Commission determined that a Conditional Use Permit was not an appropriate path to approval of a planned development. By allowing a rezone of a property to planned development, the City can expand the planned development zoning tool to allow for modifications to land uses, mixture of uses, layout, and development standards (discussed in greater detail below). As mentioned above, in addition to providing greater flexibility to applicants in the City, Staff believes the proposed rezone will also save project applicants time and money by removing the need for a rezoning to performance overlay, planned development approval, subsequent performance agreement, and deed restrictions.

Section 17.66.040 – Land Use

A planned development can include the following uses:

- Uses that are established for the underlying zoning district;
- Any use which is not listed in the zoning ordinance, but which the Planning Commission and City Council determines is compatible with the General Plan land use designation for the site;
- Accessory uses.; and
- Multi-family structures in a single family residential development (the project area must meet the density required in the General Plan).

The current planned development section of the Zoning Ordinance does not allow an applicant to establish the uses for the site. They are required to follow the density of the general plan and uses within the residential land use category.

Section 17.66.050 – Density

This Section details how the density of a planned development is calculated. Density will be calculated for all properties and the corresponding density of the General Plan. The Planned Development is not required to ensure that development on each parcel meets the permitted density range, rather the Planned Development can distribute the total number of allowed dwelling units or non-residential space throughout the project area if the required density range is met project wide.

Section 17.66.060 – Deviations Allowed for Planned Developments

This Sections details the deviations from the required development standards of the underlying zoning

district of the planned development. The following deviations are the same as the existing Section 17.24.240:

- Height;
- Minimum lot size and lot area per dwelling unit;
- Lot width, depth, and frontage;
- Setbacks;
- Open space requirements;
- Lot Coverage and Floor Area Ratio;
- Dwelling unit type.

Staff has also included a provision to allow other deviations as proposed by the applicant and deemed appropriate by the Planning Commission and City Council as well as shared parking within the planned development (requires a parking study).

Section 17.66.070 – Substantial Public Benefit in Exchange for a Planned Development

Each Planned Development must contain one or more substantial public benefit(s) in exchange for any modifications from standard zoning requirements. A "Substantial Public Benefit" means a project feature not otherwise required by the Municipal Code or General Plan that provides a unique feature or benefit to the City or the neighborhood in which it is located. Examples of Substantial Public Benefits include but are not limited to: enhanced architectural designs; public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather; commercial uses in a residential development that serve the neighborhood (excluding properties that are designated as Mixed-Use in the General Plan); recreational facilities; public art; community space(s); parks; contribution to or construction of significant off-site public improvements or community space; the preservation, restoration, or rehabilitation of a historic resource; and/or the protection of natural resources.

Section 17.66.080 – Prohibited within a Planned Development

A Planned Development may not be used to request deviations from any of the following regulations:

- The lowering or increasing of the residential density required by the General Plan land use designation(s) for the property.
- The elimination of a commercial component for projects designated as Mixed-use in the General Plan.
- Downtown Mixed-Use zoning requirements.

- For properties with a General Plan land use designation of Medium or High Density Residential or Mixed-Use, the Planned Development may not be used to modify the allowed dwelling unit types to allow single family residences, unless the Planning Commission and City Council determine that single family residences may be allowed as an Accessory Use and where the density of the project meets the required density of the General Plan.
- For the reduction of any design standards or guidelines adopted by the City.
- For the reduction of design or preservation requirements for any structure that is designated as historical.

Section 17.66.090 – Planned Development Application

This Section establishes the application and submittal requirements for a planned development request. Staff is not recommending any changes to the current application fee (\$8,392 + the citywide planning fee).

Section 17.66.100 – Review of a Rezoning to Planned Development

The Planning Commission will review a proposed planned development rezone during a noticed public hearing. The Planning Commission will then make a recommendation to the City Council on the proposed rezone. The City Council will then make the final decision on the planned development during a public hearing.

Section 17.66.110 – Ordinance Format

This Section of the Zoning Ordinance establishes the format Staff will use when writing the Ordinance establishing a planned development for a project.

Section 17.66.120 – Required Findings

This Section establishes new findings for planned developments. The findings Staff and the Planning Commission must make to recommend approval of a planned development are as follows:

- A. The Planned Development is consistent with the General Plan, applicable specific plan, and other plans and policies adopted by the City Council.
- B. The Planned Development will not be detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the Planned Development or to the general welfare of the city.
- C. The proposed development is superior to the development that could occur under the requirements of the Zoning Ordinance for the underlying zoning designation.
- D. That the location, design, size, and uses will result in an attractive, well designed, and beneficial environment for living, shopping, or working.

- E. The proposed Planned Development will be harmonious and compatible with existing and potential development in the surrounding area.
- F. The Planned Development would result in a thoughtful, well-planned development which has been designed to meet current and future needs of residents and workers within the City.
- G. The Planned Development will provide one or more Substantial Public Benefits, as defined by Section 17.66.070, in exchange for any modifications from standard zoning requested by the Planned Development.

Section 17.66.130 – Modifications to an Approved Planned Development

This Section has been written to address how the City will review any requested changes to Planned Developments. Where necessary, the Development Services Director by administrative action may clarify the provisions or make minor adjustments to a Planned Development. An example of this type of modification could include a revision to a parking requirement if the Zoning Ordinance is modified to reduce the parking requirements for a specific use and the older, more strict parking requirement is in the Planned Development. Another potential modification could be the replacement of all windows within a development with a new design if the planned development required a specific type of window and if those windows were no longer available. This section was modified based on questions by the Planning Commission and now reads:

- A. *“Clarification.* Where necessary, the Development Services Director by administrative action may clarify the provisions or make minor adjustments to conform to current provisions of the Zoning Ordinance, to refer to relevant sections of the Zoning Ordinance (where necessary) and to approve minor modifications to a Planned Development that do not conflict with the development standards, density, or intent of the Planned Development.”

Should a person request a minor modification to a Planned Development (i.e. a parking requirement is requested for a use not established by the Planned Development), the Planning Commission, by means of a Planned Development minor modification may approve minor amendments to a Planned Development with a finding that the amendment substantially complies with and does not materially change the provisions, intent, or development capacity of the applicable Planned Development. This would allow an applicant to request a minor change prior to construction. For example, an applicant may request a rezone to planned development and may establish a front yard setback in the planned development. Once plans are drawn up, the applicant may realize that the established setback needed to be modified. In that case, the applicant may request approval of the minor change from the Planning Commission rather than having to amend the entire ordinance and receive approval from the City Council. The minor modification could be reviewed by the Planning Commission at the same time as a Site and Architectural Review and no additional time or hearings would be required. This section was also slightly modified as follows:

- B. *“Minor Amendments.* The Planning Commission, by means of a Planned Development minor modification may approve minor amendments to a Planned Development with a finding that

the amendment substantially complies with and does not materially change the provisions, intent, land use, or development capacity of the applicable Planned Development.”

Additionally, at any time the Development Services Director or Planning Commission may refer a modification request to a different decision making body if desired.

All amendments that change the provisions or intent of the Planned Development, increase the development potential of the site, change the required Substantial Public Benefit, or substantially change the proposed land use map may be requested by submitting an application in the same manner and process as the initial request.

APPLICATION FEES

Staff is not proposing a change to the Planned Development Fee at this time (currently \$9,021 total). With the implementation of the new chapter and clear requirements, Staff believes that Staff time related to the review and path to approval will remain the same as the existing process.

The proposed Ordinance also includes two pathways for modifications. Staff is recommending that the Planning Commission recommend the City Council approve two new fees related to the modifications.

For clarification or minor modifications approved by the Development Services Director, Staff is recommending an application fee of \$1,603.90 (base fee of \$1,492.00 + planning wide fee of \$111.90). This is the same fee that is currently charged for Administrative Permit Reviews which are reviewed and approved by the Development Services Director and Staff believes the Staff time associated with the processing of these permits would be the same as a minor modification to a Planned Development.

For minor modifications approved by the Planning Commission, Staff is recommending a new fee of \$4,510.50, or half the current planned development application fee (total fee). These modifications will require a public hearing, preparation of a staff report and resolution, as well as staff time spent reviewing these modifications. Therefore, while the full planned development fee does not seem appropriate, Staff anticipates that the proposed fee will cover staff time on the request.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

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

CONCLUSION

The Planning Commission has reviewed the permit review process in the City and planned developments during several study sessions. The Planning Commission has provided staff with direction on how planned developments should be reviewed in the future and other potential modifications to the Zoning Ordinance

related to these changes.

The proposed new Chapter 17.66, Planned Developments, has been prepared with direction from the Planning Commission. By requiring a rezone for planned developments, the new regulations will expand the use of planned developments within the city and will be allowed for rezoning, residential, and commercial properties. The new regulations clearly outline the review process and submittal requirements to assist applicants and staff with the processing of these requests. By utilizing a rezoning method, Staff will also be able to clearly track and obtain these requirements when necessary to assist property owners and residents, thereby ensuring a quick and complete response to questions. Staff believes that the new process will result in more attractive, well planned projects and will provide a unique opportunity to all developers in the City, provide a clear path to approval, and could result in time and money savings for applicants.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution recommending City Council approval of amendments to the Zoning Ordinance to repeal Section 17.24.240, Planned Development Permits, and replace with a new Chapter, Chapter 17.66, Planned Developments, and a recommendation to the City Council to adopt Application Fees related to modifications to approved planned developments.
2. Adopt a Resolution recommending City Council approval of amendments to the Zoning Ordinance to repeal Section 17.24.240, Planned Development Permits, and replace with a new Chapter, Chapter 17.66, Planned Developments, and a recommendation to the City Council to adopt Application Fees related to modifications to approved planned developments.
with modifications to the proposed amendments as proposed by the Planning Commission;
3. Continue the hearing and direct Staff to provide additional information or clarification.

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

PLANNING COMMISSION RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER RECOMMENDING CITY COUNCIL APPROVAL OF A ZONING ORDINANCE AMENDMENT TO REPEAL SECTION 17.24.240, PLANNED DEVELOPMENT PERMITS, AND REPLACE WITH CHAPTER 17.66, PLANNED DEVELOPMENTS AND THE ADOPTION OF APPLICATION FEES RELATED TO ADMINISTRATIVE AND MINOR MODIFICATIONS TO A PLANNED DEVELOPMENT (ZOA 2023-3)

WHEREAS, the Planning Division has begun an overhaul of the existing Zoning Ordinance to ensure that the Zoning Ordinance is consistent with state law, updated to meet current planning practices, for clarity, for consistency, and to ensure the Zoning Ordinance meets the needs of the residents of Hollister; and

WHEREAS, revisions to the regulations related to Planned Developments was identified as a part of Phase II of the Overhaul; and

WHEREAS, the Planning Commission held two study sessions to review the existing Section 17.24.240, Planned Development Permits, of the Zoning Ordinance and discussed potential changes to the regulations and provided direction to staff; and

WHEREAS, direction received from the Planning Commission was incorporated into a Draft Chapter of the Zoning Ordinance related to Planned Developments'

WHEREAS, Planning Commission reviewed the Draft Chapter 17.66, Planned Developments, during a Study Session on May 11, 2023; and

WHEREAS, the City desires to repeal the existing 17.24.240, Planned Development Permits and replace with Chapter 17.66, Planned Developments; and

WHEREAS, currently there is no Application Fee associated with an application request for modifications to a Planned Development and the City desires to establish a Fee for these types of requests; and

WHEREAS, a base Application Fee of \$1,492.00 (plus the citywide planning fee) is comparable to the amount of time Staff anticipates to spend on modifications to a planned development that are reviewed by the Director of Development Services; and

WHEREAS, a base Application Fee of \$4,196.00 (plus the citywide planning fee), or half of the existing fee for planned developments, is comparable to the amount of time Staff anticipates to spend on modifications to a planned development that are reviewed by the Planning Commission; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 25, 2023 to review the new Chapter 17.66, Planned Developments and the proposed Application Fees for

modifications to an approved planned development 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 Section 17.24.240, Planned Development Permits, and replace with Chapter 17.66, Planned Developments and the adoption of two new Application Fees; and

WHEREAS, the draft Chapter 17.66, Planned Developments, is included as Exhibit A to this Resolution; and

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

NOW THEREFORE 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 17.24.240, Planned Development Permits, and add Chapter 17.66, Planned Developments, included as Exhibit A, and recommends that the City Council adopt a base Application Fee of \$1,492.00 for Modifications to a Planned Development Reviewed by the Development Services Director and a base Application Fee of \$4,196.00 for Modifications that require review by the Planning Commission.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 25th day of May 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christine Hopper, Secretary

Chapter 17.66 Planned Developments

17.66.010 - Purpose

The purpose of this Chapter is to:

- A. Establish a Planned Development Zoning District through which one or more properties are planned as a unit with the layout, design, uses, and development standards specifically tailored to the project.
- B. Allow for high quality development with maximum flexibility where strict application of the requirements of the Zoning Ordinance would result in a less desirable project.
- C. Maintain consistency with, and implement the provisions of, the General Plan and applicable specific plans.
- D. Ensure orderly and thoughtful planning of development projects to create a more desirable use of the land, ensure coordinated development of the project area, and result in a better physical environment.
- E. Allow freedom of design, layout, and uses to obtain developments which enhance the community by surpassing the type of development required by strict application of the Zoning Ordinance.
- F. Ensure that all Planned Developments provide a Substantial Public Benefit in exchange for relief from the strict application of the Zoning Ordinance.

17.66.020 - Applicability

An applicant may apply for a Planned Development Permit for any of the following:

- A. Any project where the total project area is over one acre in size within the city limits.
- B. As a prezone for any project that is requesting annexation into the City of Hollister.

17.66.030 – Planned Development Established

- A. *Rezone.* Each Planned Development shall be established through a rezone (or prezone where applicable) to “Planned Development.”
- B. *Underlying Zoning Designation.* Each Planned Development shall also have an underlying zoning district established within the Planned Development. The proposed underlying zoning district shall be compatible with the General Plan land use designation for the

property. If more than one land use designation exists for the project area, each land use designation shall have an accompanying underlying zoning district.

- C. *Zoning Map.* Following approval of a Planned Development rezone, the boundary of the Planned Development shall be indicated on the Zoning map. Each Planned Development shall be noted on the map as being zoned Planned Development (“PD”) and the Planned Development application number shall be noted on the map (for example PD 2023-1).

17.66.040 – Land Use

The following uses are permitted in a Planned Development:

- A. *Established in the Underlying Zoning District.* Any use permitted or conditionally permitted in the underlying zoning district or in any applicable specific plan.
- B. *Uses Not Listed.* Any use or uses that are not included in the Zoning Ordinance but are compatible with the intent and design of the Planned Development and are compatible with the General Plan use designation of the site, as determined by the Planning Commission and City Council.
- C. *Accessory Uses.* Any Accessory Uses, as defined in 17.02.020, that meet the needs of the residents or employees within a Planned Development and would otherwise not be permitted by the underlying zoning district.
- D. *Multi-Family within a Single-Family Development.* Multi-family dwelling units are allowed within any property designated as single family if the total number of dwelling units project-wide falls within the density range allowed by the General Plan.

17.66.050 – Density

- A. *General Plan Density.* The total number of dwelling units to be constructed within the project area shall be within the density range allowed by the General Plan land use designation(s) for the project area. The Planned Development may not increase or decrease the total number of dwelling units required to be constructed by the General Plan.
- B. *Density Calculation.* Project density shall be calculated by using the total size (acreage) of each General Plan land use designation within the Planned Development and calculating the maximum density allowed for each land use. The Planned Development is not required to ensure that development on each parcel meets the permitted density range, the Planned Development can distribute the total number of allowed dwelling units or non-residential space throughout the project area if the required density range is met project wide.

- C. *More Than One Land Use Designation.* For projects in which there are more than one General Plan land use designation, the total maximum density shall be the maximum density allowed for each land use designation.

17.66.060 – Deviations Allowed for Planned Developments

- A. *Development Standards.* A Planned Development may establish development standards that are different from the standards established for the underlying zoning designation(s) for the project area. Each land use designation within the project area may establish its own development standards. The following deviations from the underlying zoning designation development standards are allowed within a Planned Development:
1. Height;
 2. Minimum lot size and lot area per dwelling unit;
 3. Lot width, depth, and frontage;
 4. Setbacks;
 5. Open space requirements; and
 6. Lot Coverage and Floor Area Ratio.
- B. *Dwelling Types.* The Planned Development may allow dwelling types that are not otherwise permitted under the site's land use designation except for single family in a multi-family designation.
- C. *Other.* The relief of any provision of the Zoning Ordinance that would preclude the construction of a desirable development, as determined by the Planning Commission and City Council.
- D. *Shared Parking.* A Planned Development, if supported by a parking study, may establish shared parking within the Planned Development at the discretion of the Planning Commission and City Council.

17.66.070 – Substantial Public Benefit in Exchange for a Planned Development

Substantial Public Benefit. Each Planned Development must contain one or more Substantial Public Benefit(s) in exchange for any modifications from standard zoning requirements. A "Substantial Public Benefit" means a project feature not otherwise required by the Municipal Code or General Plan that provides a unique feature or benefit to the City or the neighborhood in which it is located. Examples of Substantial Public Benefits include but are not limited to: enhanced architectural designs; public plazas, courtyards, open space, and other public gathering

places that provide opportunities for people to informally meet and gather; commercial uses in a residential development that serve the neighborhood (excluding properties that are designated as Mixed-Use in the General Plan); recreational facilities; public art; community space(s); parks; contribution to or construction of significant off-site public improvements or community space; the preservation, restoration, or rehabilitation of a historic resource; and/or the protection of natural resources.

17.66.080 – Prohibited within a Planned Development

Prohibitions. A Planned Development may not be used to request deviations from any of the following regulations:

- A. The lowering or increasing of the residential density required by the General Plan land use designation(s) for the property.
- B. The elimination of a commercial component for projects designated as Mixed-use in the General Plan.
- C. Downtown Commercial Mixed-Use zoning requirements.
- D. For properties with a General Plan land use designation of Medium or High Density Residential or Mixed-Use, the Planned Development may not be used to modify the allowed dwelling unit types to allow single family residences, unless the Planning Commission and City Council determine that single family residences may be allowed as an Accessory Use and where the density of the project meets the required density of the General Plan.
- E. For the reduction of any design standards or guidelines adopted by the City.
- F. For the reduction of design or preservation requirements for any structure that is designated as historical.

17.66.090 - Planned Development Application

Applications for a Planned Development shall include:

- A. *Application Form.* The project applicant shall submit an application on a form prescribed by the City, with all the information listed on the form as part of the request for a Planned Development. If the property is not under a single ownership, all owners must sign the application, and a map showing the extent of ownership shall be submitted with the application.
- B. *Site Plan.* Plans or maps depicting the existing topography, on-site structures, natural features, mature trees, and other significant vegetation and drainage patterns. The map

shall also show the project boundaries and all properties within one hundred feet of the site boundary.

- C. *Conceptual Land Use Plan.* A map showing the location of each land use proposed within the site (including housing types where applicable), open space and common areas, community facilities, and the location of any use or structure that is proposed as a Substantial Public Benefit.
- D. *Density.* A plan showing the total site area, total density range for each General Plan land use designation for residential and non-residential designations, maximum numbers of residential units by type, and maximum non-residential square footage for each use.
- E. *Project Narrative.* A written project narrative which includes the following information:
 - 1. A description of the proposed project, existing and proposed General Plan land use designation(s), and the proposed underlying zoning district(s).
 - 2. Existing use of the project area and site conditions.
 - 3. A statement of the project objectives, how the proposed project will comply with General Plan goals and policies for the applicable land use designation, and how the project complies with the purpose of this Chapter.
 - 4. An overview of the proposed development plan including land use, densities, residential dwelling types, open space, and parking.
 - 5. A description of the project access and circulation.
 - 6. A description of how the proposed development is superior to development that could occur with the strict application of the standards required by the underlying zoning designation, and how it will provide a Substantial Public Benefit.
 - 7. The amount (in square feet or acres) and percentage of site area that will be dedicated for all land uses including residential, commercial, office, industrial, open space, recreational facilities and amenities, public facilities, and public buildings. The maximum number of dwelling units, by type, and the maximum square footage of all non-residential uses must be provided.
 - 8. A written statement of proposed uses including permitted, conditionally permitted, prohibited, and Accessory Uses for each land use type.
 - 9. All development regulations that apply within the project, including:
 - a. Density;

- b. Minimum lot size and dimensions;
 - c. Maximum building coverage including lot coverage and Floor Area Ratio;
 - d. Minimum setbacks;
 - e. Maximum building heights;
 - f. Landscaping;
 - g. On-site parking; and
 - h. Other items as recommended by Staff and deemed appropriate by the Planning Commission and City Council.
- F. *Design Guidelines.* Design standards and guidelines for the construction of future structures within the project area including landscaping, screening, and architectural design.
- G. *Phasing.* For Planned Developments that are to be constructed in phases, a phasing plan must be provided.
- H. *Parking.* Where a Planned Development includes shared parking or a use which is not listed in the Zoning Ordinance, a parking study prepared by a qualified preparer shall be submitted which establishes the parking requirement for the new use or reviews the proposed shared parking plan.

17.66.100 - Review of a Rezoning to Planned Development

- A. *Approval Process.* An application for a rezone to Planned Development shall be reviewed by the Planning Commission during a public hearing. The Planning Commission will then make a recommendation to the City Council. The City Council will then act upon the request for a rezone to a Planned Development.
- B. *Planning Commission Review.*
 - 1. *Hearing.* Following the receipt of a complete application for a Planned Development, the Planning Commission shall conduct a noticed public hearing for consideration of the application.
 - 2. *Decision.* The Planning Commission shall take one of the following actions during the public hearing:

- a. The Planning Commission shall make a written recommendation to the City Council to approve, approve with conditions or modification, or deny the application as submitted and shall make written findings supporting the reason for this recommendation in accordance with Section 17.66.120.
- b. If the Planning Commission is unable to make a recommendation to the City Council because the application fails to receive a majority vote resulting in no action being taken by the Planning Commission, the application shall be forwarded directly to the City Council.

C. *City Council Review.*

1. *Public Hearing Required.* After the Planning Commission provides a recommendation on the application for a Planned Development, the City Council shall hold a noticed public hearing on the application, shall consider the recommendations of the Planning Commission, and shall hear evidence presented for and against the proposed Planned Development rezone.
2. *Decision.* Following the conclusion of the public hearing, the City Council shall approve, modify, or reject the Planning Commission's recommendation. If the City Council requires the applicant to make a substantial modification not previously considered by the Planning Commission, the revised Planned Development shall be referred back to the Planning Commission for a written recommendation prior to consideration of the amendment. Prior to the approval of a Planned Development rezone, the City Council shall make written findings in accordance with Section 17.66.120 supporting the reason for approving the Planned Development rezone.
3. *Second Reading.* If the Planned Development is approved by the City Council, a second reading of the Ordinance will take place at the following City Council meeting. The Ordinance establishing the Planned Development rezone will not take effect until 30 days following the second reading.

17.66.110 – Ordinance Format

Each Ordinance for a Planned Development shall establish the following:

- A. Purpose and intent of the Planned Development;
- B. Underlying zoning district(s);
- C. A list of all permitted, conditionally permitted, and prohibited uses within the Planned Development;

- D. All applicable design themes, guidelines, or standards; and
- E. All site development regulations including:
 - 1. Density;
 - 2. Setbacks;
 - 3. Maximum height;
 - 4. Maximum Lot Coverage or Floor Area Ratio;
 - 5. Open Space requirements;
 - 6. Accessory Uses or structures;
 - 7. Landscaping and screening;
 - 8. Parking and loading; and
 - 9. Other items recommended by Staff and deemed appropriate by the Planning Commission and City Council

17.66.120 - Required Findings

An application for a Planned Development rezone shall be approved if the following findings can be made, in addition to the required findings of other permits required for the project.

- A. The Planned Development is consistent with the General Plan, applicable specific plan, and other plans and policies adopted by the City Council.
- B. The Planned Development will not be detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the Planned Development or to the general welfare of the city.
- C. The proposed development is superior to the development that could occur under the requirements of the Zoning Ordinance for the underlying zoning designation.
- D. That the location, design, size, and uses will result in an attractive, well designed, and beneficial environment for living, shopping, or working.
- E. The proposed Planned Development will be harmonious and compatible with existing and potential development in the surrounding area.

- F. The Planned Development would result in a thoughtful, well-planned development which has been designed to meet current and future needs of residents and workers within the City.
- G. The Planned Development will provide one or more Substantial Public Benefits, as defined by Section 17.66.070, in exchange for any modifications from standard zoning requested by the Planned Development.

17.66.130 – Modifications to an Approved Planned Development

- A. *Clarification.* Where necessary, the Development Services Director by administrative action may clarify the provisions or make minor adjustments to conform to current provisions of the Zoning Ordinance, to refer to relevant sections of the Zoning Ordinance (where necessary) and to approve minor modifications to a Planned Development that do not conflict with the development standards, density, or intent of the Planned Development.
- B. *Minor Amendments.* The Planning Commission, by means of a Planned Development minor modification may approve minor amendments to a Planned Development with a finding that the amendment substantially complies with and does not materially change the provisions, intent, land use, or development capacity of the applicable Planned Development.
- C. *Major Amendment.* All amendments that change the provisions or intent of the Planned Development, increase the development potential of the site, change the required Substantial Public Benefit, or substantially change the proposed land use map may be requested by submitting an application in the same manner and process as the initial request.

17.66.166 – Further Development Review

Prior to the construction of any structure or the establishment of any use within the Planned Development, all necessary permits as required by the Zoning Ordinance and the Planned Development shall be obtained.



Planning Commission Study Session Staff Report May 11, 2023 Item 1

SUBJECT: **Zoning Ordinance Overhaul (ZOA 2023-3)** – City of Hollister – An amendment to the Zoning Ordinance repealing Section 17.24.240 of the Zoning Ordinance and replacing with a new chapter, Chapter 17.40, Planned Developments.

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

ATTACHMENTS:

1. Draft Chapter 17.40, Planned Developments
2. February 9, 2023 Planning Commission Study Session Staff Report (without attachments)
3. Link to the YouTube Recording of the February 9, 2023 Planning Commission Study Session
(<https://www.youtube.com/watch?v=SLExQY1wvbE>)
4. March 9, 2023 Planning Commission Study Session Staff Report (without attachments)
5. Link to the YouTube Recording of the March 9, 2023 Planning Commission Study Session
(<https://www.youtube.com/watch?v=TVDdhsRAG0U>)
6. Existing Planned Development Section of the Zoning Ordinance (Section 17.24.240)

RECOMMENDATION: Provide Staff with Direction

BACKGROUND

The Planning Commission has reviewed potential modifications to how the City regulates planned developments during two Study Sessions. On February 9, 2023, the Planning Commission discussed how the City currently reviews planned development requests and potential ways to approve planned developments (Attachment 2). A recording of the Study Session can be viewed at <https://www.youtube.com/watch?v=SLExQY1wvbE> (discussion starts at 1 hour and 19 minutes). During the meeting, the Planning Commission had several questions and comments regarding planned developments.

Staff brought the matter back to a Study Session on March 9, 2023 (Attachment 4) to provide additional information and receive additional direction from the Planning Commission on how the City should

regulate planned developments moving forward. The recording of this Study Session can be viewed at <https://www.youtube.com/watch?v=TVDDhsRAg0U> (the item starts at minute 48).

PURPOSE OF THE STUDY SESSION

Based on direction received from the Planning Commission during the two Study Sessions, Staff has prepared a draft Planned Development Ordinance. Tonight the Planning Commission will review the proposed amendment to the Zoning Ordinance to repeal the existing Section 17.24.240, Planned Development Permits, and replace with a new Chapter, Chapter 17.40, Planned Developments.

ANALYSIS

The existing Section 17.24.240, Planned Development Permits will be repealed and replaced with Chapter 17.40, Planned Developments. The draft Chapter was reviewed by the City Attorney's office. The new Chapter 17.40, Planned Developments, is described in detail below.

Section 17.40.010 - Purpose

This Section provides the purpose of the planned developments in the City.

Section 17.40.020 - Applicability

Planned Developments will be allowed for any project on land that is over one acre in size, including residential and non-residential projects. The current regulations only allow a Planned Development for residential projects. An applicant requesting annexation into the City can also use the planned development designation for their project.

Section 17.40.030 – Planned Development Established

This Section regulates how planned developments will be created in the City. A planned development will be established in the City through the following:

- A rezone of the project area to "Planned Development."
- The establishment of an underlying zoning district for the site This allows the planned development to "fall back" on the regulations of the zoning district where the planned development is silent.
- The Zoning Map will be amended to show the property as zoned Planned Development and will note the application number of the planned development to allow Staff to easily find the regulations for the property.

Section 17.40.040 – Land Use

A planned development can include the following uses:

- Uses that are established for the underlying zoning district;
- Any use which is not listed in the zoning ordinance, but which the Planning Commission and City Council determines is compatible with the General Plan land use designation for the site;
- Accessory uses; and
- Multi-family structures in a single family residential development (the project area must meet the density required in the General Plan).

The current planned development section of the Zoning Ordinance does not allow an applicant to establish the uses for the site. They are required to follow the density of the general plan and uses within the residential land use category.

Section 17.40.050 – Density

This Section details how the density of a planned development is calculated. Density will be calculated for all properties and the corresponding density of the General Plan. The Planned Development is not required to ensure that development on each parcel meets the permitted density range, rather the Planned Development can distribute the total number of allowed dwelling units or non-residential space throughout the project area if the required density range is met project wide.

Section 17.40.060 – Deviations Allowed for Planned Developments

This Sections details the deviations from the required development standards of the underlying zoning district of the planned development. The following deviations are the same as the existing Section 17.24.240:

- Height;
- Minimum lot size and lot area per dwelling unit;
- Lot width, depth, and frontage;
- Setbacks;
- Open space requirements;
- Lot Coverage and Floor Area Ratio;
- Dwelling unit type.

Staff has also included a provision to allow other deviations as proposed by the applicant and deemed appropriate by the Planning Commission and City Council as well as shared parking within the planned development (requires a parking study).

Section 17.40.070 – Substantial Public Benefit in Exchange for a Planned Development

Each Planned Development must contain one or more substantial public benefit(s) in exchange for any modifications from standard zoning requirements. A "Substantial Public Benefit" means a project feature not otherwise required by the Municipal Code or General Plan that provides a unique feature or benefit to the City or the neighborhood in which it is located. Examples of Substantial Public Benefits include but are not limited to: enhanced architectural designs; public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather; commercial uses in a residential development that serve the neighborhood (excluding properties that are designated as Mixed-Use in the General Plan); recreational facilities; public art; community space(s); parks; contribution to or construction of significant off-site public improvements or community space; the preservation, restoration, or rehabilitation of a historic resource; and/or the protection of natural resources.

Section 17.40.080 – Prohibited within a Planned Development

A Planned Development may not be used to request deviations from any of the following regulations:

- The lowering or increasing of the residential density required by the General Plan land use designation(s) for the property.
- The elimination of a commercial component for projects designated as Mixed-use in the General Plan.
- Downtown Mixed-Use zoning requirements.
- For properties with a General Plan land use designation of Medium or High Density Residential or Mixed-Use, the Planned Development may not be used to modify the allowed dwelling unit types to allow single family residences, unless the Planning Commission and City Council determine that single family residences may be allowed as an Accessory Use and where the density of the project meets the required density of the General Plan.
- For the reduction of any design standards or guidelines adopted by the City.
- For the reduction of design or preservation requirements for any structure that is designated as historical.

Section 17.40.090 – Planned Development Application

This Section establishes the application and submittal requirements for a planned development request. Staff is not recommending any changes to the current application fee (\$8,392 + the citywide planning fee).

Section 17.40.100 – Review of a Rezoning to Planned Development

The Planning Commission will review a proposed planned development rezone during a noticed public hearing. The Planning Commission will then make a recommendation to the City Council on the proposed

rezone. The City Council will then make the final decision on the planned development during a public hearing.

Section 17.40.110 – Ordinance Format

This Section of the Zoning Ordinance establishes the format Staff will use when writing the Ordinance establishing a planned development for a project.

Section 17.40.120 – Required Findings

This Section establishes new findings for planned developments. The findings Staff and the Planning Commission must make to recommend approval of a planned development are as follows:

- A. The Planned Development is consistent with the General Plan, applicable specific plan, and other plans and policies adopted by the City Council.
- B. The Planned Development will not be detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the Planned Development or to the general welfare of the city.
- C. The proposed development is superior to the development that could occur under the requirements of the Zoning Ordinance for the underlying zoning designation.
- D. That the location, design, size, and uses will result in an attractive, well designed, and beneficial environment for living, shopping, or working.
- E. The proposed Planned Development will be harmonious and compatible with existing and potential development in the surrounding area.
- F. The Planned Development would result in a thoughtful, well-planned development which has been designed to meet current and future needs of residents and workers within the City.
- G. The Planned Development will provide one or more Substantial Public Benefits, as defined by Section 17.40.070, in exchange for any modifications from standard zoning requested by the Planned Development.

Section 17.40.130 – Modifications to an Approved Planned Development

This Section has been written to address how the City will review any requested changes to Planned Developments. Where necessary, the Development Services Director by administrative action may clarify the provisions or make minor adjustments to a Planned Development.

Should a person request a minor modification to a Planned Development (i.e. a parking requirement is requested for a use not established by the Planned Development), the Planning Commission, by means of a Planned Development minor modification may approve minor amendments to a Planned Development

with a finding that the amendment substantially complies with and does not materially change the provisions, intent, or development capacity of the applicable Planned Development.

All amendments that change the provisions or intent of the Planned Development, increase the development potential of the site, change the required Substantial Public Benefit, or substantially change the proposed land use map may be requested by submitting an application in the same manner and process as the initial request.

NEXT STEPS

Following tonight's meeting, Staff will incorporate any recommended changes to the Draft Ordinance. Although Planned Developments are included within Phase II of the Zoning Ordinance Overhaul, Staff will be bringing the Ordinance for review and recommendation prior to the rest of Phase II. Staff has several projects that are currently under review that could benefit from the revised Ordinance. Additionally, Staff has also identified several projects where the final project outcome could have resulted in a better project with the revised planned development regulations.



Planning Commission Study Session Staff Report February 9, 2023 Study Session Item 2

SUBJECT: **Zoning Ordinance Overhaul** – City of Hollister – A discussion of potential amendments to the Zoning Ordinance related to Planned Developments.

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

ATTACHMENTS:

1. Section 17.24.200, Planned Development
2. Planned Development Requirements in Other Jurisdictions
3. Example of a Planned Development Ordinance – Salinas
4. Example of a Planned Development Ordinance – Morgan Hill

RECOMMENDATION: Provide Staff with Direction

PURPOSE OF THE STUDY SESSION:

Tonight's discussion with the Planning Commission is intended to aid Staff in the preparation of a new Chapter in the Zoning Ordinance related to Planned Development. As part of Phase IIB of the Zoning Ordinance Overhaul, Staff will completely overhaul Chapter 17.24, Administration and Enforcement, which includes Section 17.24.240, Planned Developments.

Phase IIB of the Zoning Ordinance Overhaul includes a rewrite of each permit type and section to clearly identifying what types of projects require review, modifications for clarity, and to make this Section more user friendly for residents as well as developers. Amendments to Zoning Ordinances are common. Cities regularly amend and update their Zoning Ordinance for clarification, for consistency with State Law, to address changing conditions within the City, for consistency with best practices for Planning, and to change the permit types and projects that require permits prior to Building Permit.

A brief discussion of Planned Developments and questions to the Planning Commission are provided in this Staff Report. All questions are also included at the end of the Staff Report to guide discussion during the Study Session.

PLANNED DEVELOPMENTS

The purpose of a Planned Unit Development is to allow greater flexibility than would otherwise be allowed by the Zoning Ordinance, in exchange for innovative or interesting designs or layout, the preservation of open space or other amenity.

The City's regulations for Planned Developments can be found in Section 17.24.240 (Attachment 1) of the Zoning Ordinance. The regulations for Planned Developments must be completely rewritten as part of the Overhaul. The existing regulations are confusing, vague, are technically only allowed for very specific projects (Section 17.24.240 (B)), and contains errors (for example it requires conformance with the Zoning Ordinance and the purpose of a Planned Development is to allow something that would otherwise not be allowed due to the inherent rigidity of a Zoning Ordinance). Additionally, this Section conflicts with the provisions of Section 17.14.120, Residential Performance Overlay Zoning District. As written, the Planned Development section of the Zoning Ordinance is difficult for Staff to understand and enforce in a consistent manner.

Conditional Use Permit

In the City of Hollister, a Planned Development is approved by means of a Conditional Use Permit.

A Conditional Use Permit is intended to provide relief from a strict application of the requirements of the Zoning Ordinance in order to provide flexibility in the permitted (by right) uses within a City. Typically, a City will provide a list of permitted uses in each Zoning District as well as uses which are not permitted by right, but where a Conditional Use Permit may be obtained in order to operate the use (or business) For example, in the General Commercial (GC) Zoning District, a convenience store is a permitted use, but a convenience store with gas pumps is a conditional use. Section 17.24.200(A) of the Hollister Zoning Ordinance states:

"Purpose. Conditional Use Permits are intended to allow for activities and uses that are unique and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. At the time of Application, a review of the location, design, configuration, and potential impacts of the proposed use shall be conducted by comparing it to established development standards."

By requiring a Conditional Use Permit, the City can review the layout, parking, design, operational characteristics, and impacts to surrounding uses. The City can then include Conditions of Approval as part of the project approval to ensure that the use operates as proposed and to minimize impacts on surrounding uses. Should the use fail to operate in a manner consistent with the approval, the City can revoke or modify the Conditional Use Permit (Section 17.24.130(H)).

The City of Hollister requires a Conditional Use Permit for Planned Developments. Planned Developments in Hollister are currently only allowed on properties which are designated for residential uses and allows:

- Flexibility in development standards (i.e. setbacks);
- Encourages the development of affordable housing;
- Modifications to density (although the density proposed must comply with the General Plan);

Planned Development requests in the City of Hollister are typically only allowed for relief from setbacks or open space due to the wording of the existing Ordinance.

The use of a Conditional Use Permit to allow for a reduction in development standards is not consistent with the stated purpose of Conditional Use Permits (Section 17.24.200(A)) and is not consistent with best practices in the State of California (see Section below for more information). As part of the overhaul, Staff is recommending that Planned Developments be established through a different method.

Question 1: Is a Conditional Use Permit appropriate for Planned Development requests?

Rezoning or Other Permits

Staff conducted a review of 22 jurisdictions in the surrounding area to determine how each jurisdiction reviews Planned Developments (Attachment 1). Of the 22 jurisdictions surveyed, only 1 processes Planned Developments as a Conditional Use Permit. The remaining require the development be rezoned to Planned Development. The designation of the property once rezoned varies with some jurisdictions rezoning the site to a combining district (i.e. PD/R1) and some simply rezoning to PD.

Planned Development is typically a type of zoning classification. As a zoning mechanism, Planned Developments typically apply to the development of a specific area (there can be more than one parcel) where it is beneficial to the City to permit zoning regulations in a more flexible manner than those established under the base zoning district, and to grant diversification in the location and number of structures and other site qualities.

There are advantages in requiring a rezone for Planned Developments. With a rezone, the City can allow for greater flexibility in design and use (see following discussion topic for more information) than can be allowed currently.

Additionally, if a property is rezoned to Planned Development, the City's Zoning Map is updated accordingly. The map would then show the site has been rezoned to a Planned Development. This is a signal that different development standards or uses apply to the property.

By noting the Planned Development zoning and Planned Development number, the City can provide better identification of the exact regulations for a particular property. Without a rezone, the map just notes the zoning district for the property (i.e. R1, Low Density Residential). For example, the KB Cluster Lots which were just approved with a Planned Development is shown as RWF on the Zoning Map. No indication is given on the map that there are different development standards for this property. A homeowner or designer would not be aware that development standards exist, separate from the standards in the West Fairview Road Specific Plan.

Staff suggests that Planned Developments are approved in conjunction with a Rezone that will rezone an entire development to Planned Development (PD 2023-1 for example). This would provide clarity, empower property owners and designers to easily determine the regulations that apply to their property, and assist Staff in future information requests (Staff can answer questions regarding development standards more accurately and more quickly if the property is rezoned). Additionally, by requiring a rezone, the City of Hollister will be consistent with the method by which Planned Developments are approved in the surrounding areas. Developers who currently work in the City of Hollister also develop projects in neighboring cities where a rezone is required, so the process would be familiar.

The disadvantage of requiring a rezone for a Planned Development is that the process will take longer than it does currently. In order to rezone a property to Planned Development, the Planning Commission would have to make a recommendation to the City Council, the City Council would then make a decision on approving or denying the request. Staff anticipates that this will add approximately one month onto the total timeline for project approval if the project includes a Planned Development request.

Staff has included two sample Ordinances showing how these cities regulate Planned Developments. These two examples are included as Attachments 3 and 4.

Question 2: Should the Planned Development Section of the Zoning Ordinance be revised so that a Planned Development is approved through a rezone?

Commercial and Industrial Uses

Currently, Planned Developments are only allowed for residential uses. As shown in the attached spreadsheet (Attachment 1), some cities allow a Planned Development rezone for residential and non-residential uses. A Zoning Ordinance is inherently inflexible by nature. By allowing a Planned Development on non-residential properties as well as residential properties, the City can allow for greater flexibility in uses (as long as the City determines that the proposed use is consistent with the General Plan). This would allow a project to come forward in which the proposed use is not clearly allowed by the Zoning Ordinance (for example a training facility and residential dwellings on one site).

Staff would like to allow Planned Development zoning and allow for greater flexibility for residential and non-residential uses. Staff believes that this would be beneficial to the community and would allow for greater flexibility in design and allow for uses which might not otherwise be allowed by the City, but is a use that the City determines is appropriate for the site.

This change would also allow development proposals to consider mixed-uses in areas where they might otherwise not be allowed (such as allowing for neighbor-hood scale commercial development in an standard residential zone, for example). All Planned Developments would be subject to discretionary approval so proposals can be regulated and appropriately tailored to the unique situation, but this would open opportunities to advance other City and State policies, such as encouraging complete streets and neighborhoods, improving walkability and access to services in development, among other ideas.

Question 3: Should the City allow for greater flexibility in the “uses” allowed?

Question 4: Should the City allow Planned Developments on land designated for Commercial? Industrial?

PLANNING COMMISSION QUESTIONS:

Staff has prepared the following questions to guide the discussion of modifications to the Planned Development Section of the Zoning Ordinance.

Question 1: Is a Conditional Use Permit appropriate for Planned Development requests?

Question 2: Should the Planned Development Section of the Zoning Ordinance be revised so that a Planned Development is approved through a rezone?

Question 3: Should the City allow for greater flexibility in the “uses” allowed?

Question 4: Should the City allow Planned Developments on land designated for Commercial? Industrial?

Question 5: Are there any additional modifications the Planning Commission would like included in the draft Planned Development Ordinance?



Planning Commission Study Session Staff Report March 9, 2023 Study Session Item 1

SUBJECT: **Zoning Ordinance Overhaul** – City of Hollister – A discussion of potential amendments to the Zoning Ordinance related to Planned Developments. This is the second time the Planning Commission has discussed potential changes to the City’s Planned Development Ordinance.

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

ATTACHMENTS:

1. February 9, 2023 Planning Commission Study Session Staff Report (without attachments)
2. Link to the YouTube Recording of the February 9, 2023 Planning Commission Study Session (<https://www.youtube.com/watch?v=SLExQY1wvbE>)
3. Existing Planned Development Section of the Zoning Ordinance (Section 17.24.240)
4. Planned Development Reviews in Surrounding Jurisdictions
5. Existing Performance Overlay Zoning District Section of the Zoning Ordinance (Section 17.14.010)
6. Recently Approved Planned Unit Developments in Hollister

RECOMMENDATION: Provide Staff with Direction

PURPOSE OF THE STUDY SESSION:

Tonight’s discussion with the Planning Commission is intended to aid Staff in the preparation of a new Chapter in the Zoning Ordinance related to Planned Developments. As part of Phase IIB of the Zoning Ordinance Overhaul, Staff will completely overhaul Chapter 17.24, Administration and Enforcement, which includes Section 17.24.240, Planned Developments.

On February 9, 2023, the Planning Commission discussed potential modifications to Section 17.24.240 and provided direction to Staff (Attachment 1). A recording of the meeting can be viewed at <https://www.youtube.com/watch?v=SLExQY1wvbE> (this discussion starts at 1 hour and 19 minutes). At the meeting, the majority of the Planning Commission determined:

1. A Conditional Use Permit is not appropriate for Planned Development requests;
2. A rezone is a better way to approve these requests (but need additional information);

3. The City should allow for flexibility in allowed uses in a Planned Development; and
4. A Planned Development should also be allowed for residential and commercial uses.

Based on direction from the Planning Commission and questions asked during the meeting, Staff has prepared this Staff Report to provide further information, answer questions raised during the Study Session and ask for additional direction from the Planning Commission.

PLANNED DEVELOPMENTS

The purpose of a Planned Unit Development is to allow greater flexibility than would otherwise be allowed by the Zoning Ordinance, in exchange for innovative or interesting designs or layout, the preservation of open space, or other amenity.

The City's regulations for Planned Developments can be found in Section 17.24.240 (Attachment 3) of the Zoning Ordinance. The regulations for Planned Developments must be completely rewritten as part of the Overhaul. The existing regulations are confusing, vague, are technically only allowed for very specific projects (Section 17.24.240 (B)) and contains errors (for example it requires conformance with the Zoning Ordinance and the purpose of a Planned Development is to allow something that would otherwise not be allowed due to the inherent rigidity of a Zoning Ordinance). Additionally, this Section conflicts with the provisions of Section 17.14.010, Residential Performance Overlay Zoning District. As written the Planned Development section of the Zoning Ordinance is difficult for Staff to understand and enforce in a consistent manner. At the February 9, 2023 Study Session, the Planning Commission agreed that the existing Section needs to be rewritten.

What is a Planned Unit Development

A Planned Unit Development is a flexible zoning device that redefines the land uses or development standards that would otherwise apply to the property if the standards of the Zoning District in which the property is located were applied. Cities typically allow a developer to request a Planned Development in order to foster innovative designs and creativity, affordable housing, or other amenity that benefits the residents of the City.

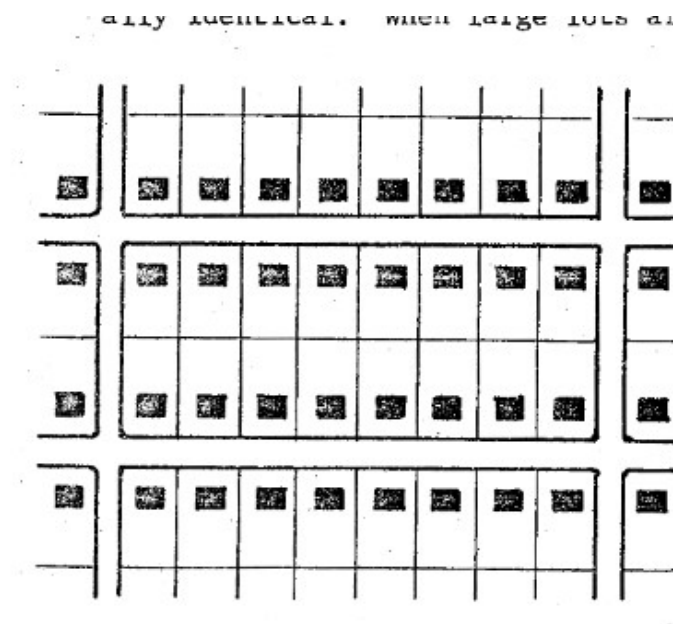
Cities typically allow Planned Unit Developments to apply for relief of:

- Change in the otherwise requires setbacks;
- Change in the required Minimum Lot Size;
- Increase in Lot Coverage;
- Reduction in Open Space requirements;
- Allowance for Dwelling Unit Types that would otherwise not be permitted in the Zoning District (i.e. a triplex in the R1 District);

- Establish the uses for the site (uses that are not identified in the Zoning Ordinance or additional uses that may be complimentary such as a neighborhood market in a R1 district); or
- Plan for a large development.

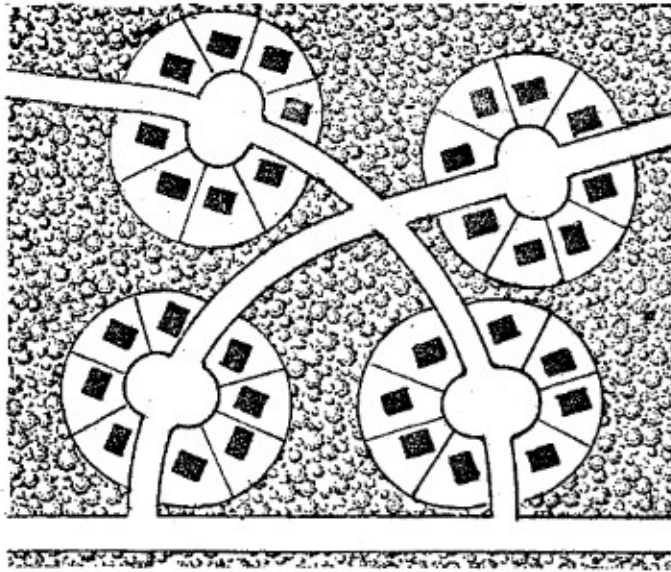
For example, under the application of the development standards in the R1, Low Density Residential Zoning District, each parcel must be a minimum of 5,000 square feet. The only type of housing allowed is single family detached dwellings and duplexes (recent change in the Zoning Ordinance). Under the strict application of the requirements of the Zoning Ordinance, the following is a typical example of the layout/design of a development.

Figure 1: Standard Lot Grid Pattern with a 5,000 Square Foot Minimum Lot Size



By requesting a Planned Development, an Applicant can design a residential project which meets the established density but is laid out in a unique way, allows a variety of dwelling types, or allows for smaller dwellings to be constructed on a site. For example, approval of a Planned Development could allow for a cluster development in which the houses are located on smaller lots (for example 2,500 square feet) and surrounded by landscaping. In the following example, the lot size would be smaller than what would be required in the Low Density Residential Zoning District.

Figure 2: Example of a Small Lot Cluster Development



By allowing a rezone, the City can also allow for greater flexibility in uses. For example if a large development in the R1, Low Density Residential, Zoning District wanted to allow for small neighborhood serving commercial uses, or a private neighborhood park with cafes or food stands, a Planned Development would be a way to achieve that. With a rezone an Applicant who wishes to establish a use that isn't currently listed on the list of approved uses for the site, but which may be appropriate, can request approval of the use through a Planned Development. An example of this could be an auction yard in the M1 District, an auction yard is not on the list of allowed uses, but could be appropriate in the M1. As uses change and new uses move into the City, the Zoning Ordinance may not be consistent with changing trends and a Planned Development may be a way to allow a unique use on an appropriate property.

Staff is recommending that the Planned Unit Development exceptions listed on page 2-3 be allowed in the new Planned Development Ordinance.

Question 1: Should the list of typical exceptions noted on pages 2-3 be allowed in Hollister? Are there any additional exceptions the Planning Commission would like to include in the Ordinance?

Planned Unit Developments in Hollister

In 2008, the Zoning Ordinance was completely overhauled. Prior to 2008, the City required a rezone for Planned Developments. Several Planned Unit Developments were approved with a rezone and they are noted on the City's Zoning Map.

In 2008, the City modified how the City allowed Planned Unit Developments. In an effort to encourage residential development in the City, the City modified the Zoning Ordinance to allow a Performance Overlay Zoning District. Most residential properties that are annexed into the City have a Performance Overlay.

The purpose of the Performance Overlay was to allow lot sizes that are smaller than what is typically allowed. For example, a parcel that is zoned Low Density Residential/Performance Overlay can have a minimum lot size of 2,500 square feet. Properties zoned Low Density Residential (only) have a minimum lot size of 5,000 square feet. The intention of the Overlay Zoning District was to encourage higher density in the City (by reducing the minimum lot size, more dwelling units can be constructed) and to allow these properties to bypass a rezone to allow smaller lots (more information on the Overlay is in the following Section).

As amended in 2008, requests for a Planned Unit Development were processed as a Conditional Use Permit. This change was likely due to the allowances in the Performance Overlay Zoning District. As discussed during the previous Study Session, this Section of the Zoning Ordinance is confusing and difficult to implement. This Section will be completely rewritten to meet the City's goal of amending the existing Zoning Ordinance so that it is easier to use.

Performance Overlay Zoning District

Section 17.14.010 of the Zoning Ordinance establishes the rules and regulations for the Performance Overlay Zoning District (Attachment 5). The Performance Overlay is an overlay zoning designation. That means that the underlying allowed uses and requirements are those established by the base zoning designation (for example, R1, Low Density Residential). By having an overlay designation, a City can allow for more flexible, or more strict (for example, a Historic Preservation Overlay), regulations.

As previously discussed, when the Zoning Ordinance was amended in 2008, the City established the Performance Overlay District to allow for a reduced lot size and a wider range of allowed housing types to encourage higher densities within the City. The Overlay, however, requires the approval of a Performance Agreement for each parcel located within a development. The Agreement must be reviewed and approved by the City Council (see Section 17.14.010.B.2) and recorded on each lot as a deed restriction. This is not currently being enforced by the City.

The Performance Overlay also has conflicting requirements which makes it difficult for Staff to consistently implement this Section of the Zoning Ordinance.

Staff is recommending that the Performance Overlay Zoning District be phased out. The requirements within this Zoning District are similar to what is typically required under a Planned Development. Applicants who wish to annex into the City can request a Planned Development zoning designation as their prezone instead of using the Performance Overlay. This should make the path to development approval much quicker and they may also be able to save on application fees.

Recently Approved Planned Unit Developments

Staff conducted a review of the Planned Unit Developments approved since 2015 (Attachment 6). As shown on Attachment 6, most of the Planned Unit Development requests were for properties located within the Performance Overlay Zoning District. The reason for the request varies, however, in most cases the request was to allow housing types (duettes, triplexes, and fourplexes) that are otherwise not permitted within the base zoning designation. These housing types, however, are allowed under the Performance Overlay with a Performance Agreement. The second most requested reason for the Planned

Unit Development request was to allow a 5 foot side yard setback (instead of the required 6 foot setback).

In one case, there are several approved Planned Unit Development requests related to Roberts Ranch which also required a rezone. A Planned Development rezone could have been done for the entire property to allow for a mixture of housing types and setbacks as appropriate.

Other requests include single family in the Medium Density Residential Overlay and a reduction of the open space requirements.

Staff Proposed Modifications to the Zoning Ordinance (Performance Overlay)

Staff is recommending that the Performance Overlay Zoning District be phased out and removed from the Zoning Ordinance. The existing Section is confusing and requires a Performance Agreement to be approved by the City Council and noted as a deed restriction on each parcel. Staff believes that the overall reason for allowing this Overlay District was to allow a path forward for a Planned Development that would not require a rezone, but still required the City Council to weigh in on this request. To follow this path established in the Zoning Ordinance is cumbersome.

As of today, there are only a few parcels that are vacant and zoned Performance Overlay. When a development request is proposed for these parcels, if the proposal includes a Planned Unit Development request, the rezone and Planned Unit Development can be reviewed at the same time. If the proposed development does not include a Planned Unit Development, the City can rezone the property to remove the Overlay at our own expense. This path would increase overall processing time by one month.

For projects in which are currently developed and in the Performance Overlay, Staff is recommending that the City initiate a rezone of these properties to Planned Development. That would allow the City to formally recognize the Planned Unit Development “rules” established for these properties and note the appropriate Zoning District on the Zoning Map (for example, the KB project recently approved would be designated Planned Development PD 2022-7 on the map). This could begin after the Zoning Ordinance Overhaul is complete.

Staff is also recommending a complete overhaul of the Planned Development Section of the Zoning Ordinance (as discussed during the last meeting). This would include requiring a rezone and allow a Planned Development for residential, commercial, and industrial properties.

For properties who wish to annex into the City, the Applicant may request approval of a Planned Unit Development rezone at that time (if the Zoning Ordinance is amended to require a rezone as previously discussed). By rezoning to a Planned Development, the applicant would not be required to rezone their property later. This would essentially take the place of what the Performance Overlay does today, but would include the rules for the development (i.e. setbacks, lot size, housing types).

Question 2: Should the City eliminate the Performance Overlay?

If the Performance Overlay is not phased out from the Zoning Ordinance, Staff will begin requiring developers to conform to the requirements of this Section (for properties that are zoned with the Overlay). That means that a request for a Planned Unit Development for a property with this Overlay will

be required to enter into a Performance Agreement for the project, which would require review and approval by the City Council.

Questions 3: Should the City rezone developed properties within the Performance Overlay to Planned Development in the future?

Staff Recommended Modifications to the Zoning Ordinance (Planned Developments)

Staff is also recommending a complete overhaul of the Planned Development Section of the Zoning Ordinance (as discussed during the last meeting). This would include a rezone and allow a Planned Development for residential, commercial, and industrial properties. The Chapter would be re-written to include the following:

- Applicability (can be used for residential, commercial, and industrial properties);
- Intent of the Planned Unit Development (definition of a Planned Development);
- Application Submittal Requirements;
- Approval/Rezone Process;
- Required Findings;
- Process for Amendments to the PD.

A rezone requires the Planning Commission to make a recommendation to the City Council regarding the request. Staff anticipates that this modification could extend the total project review time by one month. However, the change to a rezone allows the City to offer expand this opportunity to additional sites and to allow additional uses. Additionally, for annexations, a prezone to a Planned Development may save time during the development review process (following annexation).

The anticipated process for a Planned Unit Development rezone would be:

1. *Preliminary Review.* All Applicants are invited to apply for a preliminary review of their project prior to formal submittal of their application for feedback (no change to existing).
2. *Application Submittal.* When ready, the Applicant applies for the permits they are requesting (for example a Planned Development and a Tentative Map). The Applicant is required to fill out an Application Form and pay the appropriate fees. For a Planned Development, the existing fee is \$8,392 + the citywide planning fee and Staff is not requesting a modification to that fee. The submittal requirements will be listed in the new Planned Development Section of the Zoning Ordinance and Staff will also include a handout on the City's website which explains the review process, requirements, and submittal requirements (a draft of this handout will be available for review by the Planning Commission with the draft Ordinance).
3. *Completeness Review.* Once submitted, the proposed project is routed to the City's

Development Review Committee (DRC) for review. All comments and items necessary to deem the project complete are then sent to the Applicant by the Planning Division. The City has 30 days from the submittal of an Application to review the project and transmit completeness items to the Applicant. It is up to the Applicant to resubmit and address all concerns by the City and submit all items necessary to deem the Application complete.

4. *Application Resubmittal.* Once the Application is resubmitted, the project is re-routed to the City's DRC. The Planning Division will then make a determination on if the project is complete and if there are any remaining comments regarding the proposal.
5. *Application Complete.* Once the Application is deemed complete, any required environmental review is prepared, and design comments are addressed, Staff prepares the project for review.
6. *Planning Commission Public Hearing.* The Planning Commission will then review the proposed project during a noticed Public Hearing. The Planning Commission will then act on any requests that are under the purview of the Planning Commission (i.e. Tentative Map). The Planning Commission would then make a recommendation to the City Council on the Planned Development Rezone.
7. *City Council Public Hearing.* The City Council would then review the proposed project and the recommendation by the Planning Commission during a noticed Public Hearing. Action by the City Council is final.

Questions 4: Should the City modify the Planned Development Section as discussed above? Are there any additional items the Planning Commission would like to see in the revised Planned Development Section?

Planning Commission Recommended Changes

During the Planning Commission Study Session on February 9, 2023, the Planning Commission asked Staff to look into potential additional changes to the Zoning Ordinance in order to reduce the need for a Planned Development. Staff has identified potential changes that could be made based on our review of approved Planned Unit Developments in the City (Attachment 6).

For properties that are within the Low Density Residential Performance Overlay, the most requested development standard modifications are:

- Modify the required interior side yard setback from 6 feet to 5 feet;
- Lot Size; and
- Allow a mixture of housing types.

The Zoning Ordinance currently requires an interior setback of six feet. The Planning Commission could choose to modify Table 17.04-3 Residential Standards for Yards to allow a five foot interior side yard setback. This would have eliminated the need for a Planned Development in many cases. A five foot

interior side yard setback is consistent with requirements in many cities.

Question 5: Should the interior side yard setback for properties located in the Low Density residential Zoning District be changed from 6 feet to 5 feet?

Many requests for a Planned Development in the Low Density/Performance Overlay (R1-L/PZ) include a request to allow for a variety of housing types. Allowed housing types can be found in Table 17.04-1 – Residential Land Uses and Permit Requirements. In the R1-L/PZ only single family detached and duplexes/ are allowed (recent change due to SB 9). Many requests the City is seeing for a Planned Development is to also allow triplexes and fourplexes, which are not currently allowed.

Question 6: Should the City allow a wider variety of housing types in the R1/PZ? If so, what types?

With regards to Lot Size, the Performance Overlay does allow for a reduction in the minimum lot size with the approval of a Performance Agreement. The Planning Commission has approved several requests for a reduction in the minimum lot size for all residential zoning districts (Attachment 6). The design of residential developments is changing to meet demands. New residential developments are typically located on smaller lots with smaller front and rear yards. New single-family developments are also two-story. This differs from typical pre-2000 development where single family dwellings were located on large lots, with large front and rear setbacks, and a one-story house.

The Planning Commission could choose to reduce or eliminate the minimum lot size for residential properties. The Planning Commission could also choose to add a new residential zoning district, for example Small Lot Residential, which could specifically allow for a smaller lot size consistent with the types of single family developments the City is approving.

The above modifications could be made at the same time that Phase IIB of the Overhaul is implemented. Should the Planning Commission wish to defer making a decision on potential changes to the Zoning Ordinance related to lot size, housing type, and setbacks, a more detailed discussion could be conducted during Phase III of the overhaul, including a discussion of the development standards in surrounding jurisdictions.

Questions 6: Would the Planning Commission like any changes to the development standards in the Zoning Ordinance as part of Phase II of the Overhaul? If so, which development standards (i.e. lot size, setbacks, housing type) would the Planning Commission like to be modified? Are there any other modifications the Planning Commission would like included with Phase II?

PLANNING COMMISSION QUESTIONS:

Staff has prepared the following questions to guide the discussion of modifications to the Planned Development Section of the Zoning Ordinance.

Question 1: Should the list of typical exceptions noted on pages 2-3 be allowed in Hollister? Are there any additional exceptions the Planning Commission would like to include in the Ordinance?

Question 2: Should the City eliminate the Performance Overlay?

Questions 3: Should the City rezone developed properties within the Performance Overlay to Planned Development in the future?

Questions 4: Should the City modify the Planned Development Section as discussed above? Are there any additional items the Planning Commission would like to see in the revised Planned Development Section?

Question 5: Should the interior side yard setback for properties located in the Low Density residential Zoning District be changed from 6 feet to five feet?

Questions 6: Would the Planning Commission like any changes to the development standards in the Zoning Ordinance as part of Phase II of the Overhaul? If so, which development standards (i.e. lot size, setbacks, housing type) would the Planning Commission like to be modified? Are there any other modifications the Planning Commission would like included with Phase II?

17.24.240 Planned Development Permits.

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

Upon receipt of a complete application, Department staff shall conduct a review of the location, design, site plan configuration and impact of the proposed development by comparing the project plans to established development standards/regulations and any adopted design guidelines/policies. In general, development proposals will be reviewed considering criteria including, but not limited to, the following:
 - a. Compliance with this Zoning Ordinance and all other applicable city ordinances;

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

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

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

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

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

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

(Ord. 1038, § 2, 2008; Ord. 1071, § 19, 2011)



Planning Commission

Staff Report

May 25, 2023

Item 4

SUBJECT: **Planning Commission Policy (PCP 2023-1)** – City of Hollister – A Policy of the Planning Commission establishing findings related to Site and Architectural Review Permits

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

ATTACHMENTS:

1. Resolution approving Planning Commission Policy 2023-1, establishing findings for Site and Architectural Review permits, with the Policy attached as Exhibit A.
2. Resolution approving a Site and Architectural Review for 1700 Shelton (conditions removed).

RECOMMENDATION: Approve Policy PC 2023-1

BACKGROUND

The Planning Commission reviewed modifications to the existing Site and Architectural Review Chapter (which included findings) during a public hearing on November 17, 2022 and December 15, 2022. On December 15, 2022, the Planning Commission adopted a Resolution recommending City Council approval of the proposed amendments, which included findings. On January 16, 2023, the City Council reviewed the proposed amendments and declined to render a decision and the amendments were not codified.

ANALYSIS

Findings

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

The California Supreme Court identified the reason for making findings and the requirement for findings for quasi-judicial actions (the permits reviewed by the Planning Commission) in the *Topanga Association for a Scenic Community V. County of Los Angeles* ruling. Findings are also required to be supported by

evidence in the project record. Evidence can consist of staff report(s), written and oral testimony, environmental review documents, reports, and exhibits.

A City is prevented from making boilerplate findings. An example of a boilerplate finding would be “The project is consistent with the General Plan” with no evidence on why the project is actually consistent with the General Plan. The use of these types of findings has been struck down by the courts (*Honey Springs Homeowner’s Association v. Board of Supervisors*) and the courts have determined that findings must be analytical. An example of an analytical finding, as opposed to the boilerplate finding is:

“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.”

An example of a Resolution approving a Site and Architectural Review, with findings, is included as Attachment 2.

Section 17.24.190, Site and Architectural Review

The existing Site and Architectural Review Chapter does not contain findings. As discussed above, the Planning Commission is required to make findings when approving or denying a project. In the absence of specific findings in the Zoning Ordinance, Staff has been using the following three basic findings in the resolutions before the Planning Commission:

- A. The proposed Project, as conditioned, will comply with the policies of the General Plan because:
- B. The proposed Project, as conditioned, is consistent with (*insert relevant sections of the zoning ordinance here*) because:
- C. The proposed Project would not be detrimental to the health, safety, and welfare of persons residing or working in the neighborhood or to the general welfare of the City because:

Proposed Planning Commission Policy 2023-1

The Planning Commission can adopt Policies for the Planning Commission related to processes and review. While, Staff has been using the above findings, these findings are not adopted by the City. As part of the overhaul of the Zoning Ordinance, the City will include specific findings for each permit type. Although currently underway, Staff does not anticipate this phase (Phase IIB) to be completed until December 2023 at the earliest.

In the meantime, Staff is requesting that the Planning Commission identify the findings that should be used for Site and Architectural Reviews. These findings are important in creating a legal record and for

future review of approved projects. The attached Planning Commission Policy (PC 2023-1) lists six findings. These findings are the same findings as the ones previously reviewed by the Planning Commission and were included in the recommended modifications to the existing section of the Zoning Ordinance that were not adopted.

The proposed findings are:

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

These findings will allow staff to provide a better record for the reasons why a project is approved or denied and can also help guide development in the City by providing a basis on the way in which a project is to be reviewed. If adopted, Staff will begin using these findings when drafting resolutions for Site and Architectural Reviews.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

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

CONCLUSION

Findings are required to be made when the Planning Commission approves or denies a project. Findings form an important legal record for a project as well as providing Staff with the basis for why a project was

approved. Findings are very important to the City years after a project has been approved.

The existing Site and Architectural Review section of the Zoning Ordinance does not contain findings. In the absence of findings, staff has used three basic findings when drafting a resolution for the Planning Commission. The Planning Commission can adopt policies related to operations and review of projects. Staff is recommending that the Planning Commission formally adopt findings for Site and Architectural Reviews so that Staff has a list of findings the Planning Commission would like to be made for projects.

PLANNING COMMISSION OPTIONS:

The Planning Commission can choose one of the following options:

1. Adopt a Resolution adopting Planning Commission Policy PCP 2023-1 establishing findings related to Site and Architectural Review Permits;
2. Adopt a Resolution adopting Planning Commission Policy PCP 2023-1 establishing findings related to Site and Architectural Review Permits with modifications to the proposed amendments as proposed by the Planning Commission; 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.

PLANNING COMMISSION RESOLUTION NO. 2023-

**A RESOLUTION OF THE PLANNING COMMISSION ADOPTING A POLICY RELATED TO FINDINGS
FOR SITE AND ARCHITECTURAL REVIEWS (ZOA 2023-3)**

WHEREAS, the Planning Commission can adopt policies related to processes and review of projects; and

WHEREAS, Section 17.24.190, Site and Architectural Review, does not contain findings; and

WHEREAS, the Planning Commission desires to adopt specific findings related to Site and Architectural Reviews; and

WHEREAS, Planning Commission Policy 2023-1 has been prepared to include the required findings for Site and Architectural Reviews; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 25, 2023 to review the Policy; and

WHEREAS, a Staff Report was submitted to the Planning Commission of the City of Hollister recommending approval the Planning Commission Policy 2023-1; and

NOW THEREFORE IT IS RESOLVED, that the Planning Commission of the City of Hollister does hereby approve Policy PCP 2023-1 and establishes findings for Site and Architectural Reviews.

PASSED AND ADOPTED, at a regular meeting of the City of Hollister Planning Commission held on this 25th day of May 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Christine Hopper, Secretary



Planning Commission Policy

PCP 2023-1

May 25, 2023

FILE No: Planning Commission Policy 2023-1

PURPOSE: Establish findings for Site and Architectural Review

APPROVAL DATE: May 25, 2023

This Policy hereby establishes the required findings for Site and Architectural Reviews. All resolutions for approval or denial of a Site and Architectural Review shall contain the following findings and shall be supported by substantial evidence in the public record:

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

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 and 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