

PLANNING COMMISSION RESOLUTION NO. 2024-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING MINOR SUBDIVISION 2024-1 TO SUBDIVIDE A 9.91-ACRE PARCEL INTO 2 INDIVIDUAL PARCELS WITH NO ASSOCIATED DEVELOPMENT PROPOSALS LOCATED AT 2101 BERT DRIVE AT THE SOUTHWEST CORNER OF BERT DRIVE AND FALLON ROAD IN THE LIGHT INDUSTRIAL ZONING DISTRICT APN 051-120-047

WHEREAS, the Applicant, EMC Planning Group, has submitted an application on behalf of the owner, for a Minor Subdivision, MS 2024-1, to subdivide an approximately 9.91-acre parcel into two new parcels, with no associated development proposals, located at the southwest corner of the intersection of Bert Drive and Fallon Road, further identified as San Benito County Assessor's Parcel Number 051-120-047 ("the Project"); and

WHEREAS, the Applicant has submitted a complete application and Vesting Tentative Parcel Map for the requested entitlement prepared by San Benito Engineering and Surveying Inc. on behalf of Marich Confectionary Inc. received by the Planning Division on June 4, 2024; 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 16.36.070 of the Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Tentative Map applications; and

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

WHEREAS, a Staff report was submitted to the Planning Commission of the City of Hollister recommending approval of the proposed Minor Subdivision; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 24, 2024 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 Categorical Exempt as a minor land division pursuant to 15315, Class 15, of the California Environmental Quality Act (CEQA) because the project is a division fewer than four parcels consistent with the General Plan Land Use Designation of Light Industrial (M1), the parcel was not involved in a division of a larger parcel within the previous two (2) years. And because the minor subdivision does not

require a variance or exceptions and can be adequately served by all required utilities and public services which are located in close proximity to the site; and

WHEREAS, after closing the public hearing, the Planning Commission deliberated and determined to grant the applicant's request in accordance with Section 16.36.070 of the City of Hollister Municipal Code, based on the facts presented and the code requirements as plainly stated; 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 application for the Minor Subdivision 2024-1:

Subdivision Findings:

- A. The project as proposed is consistent with the City of Hollister General Plan.
 - 1. The project site has a general plan land use designation of Industrial in the Hollister General Plan.
 - 2. The existing 9.91-acre parcel is proposed to be subdivided into two parcels. The existing building and related improvement will be located on one parcel and the second parcel will be vacant. The minor subdivision of the existing parcel is consistent with the Goals and Policies of the General Plan.
- B. The project meets the criteria of Title 17, Zoning and Title 16, Subdivisions, of the Municipal Code because:
 - 1. The proposed subdivided parcels comply to the minimum lot size and dimensions as outlined in Table 17.10-2 in Section 17.10.030 of the Hollister Municipal Code.
 - 2. The existing 9.91-acre parcel is proposed to be subdivided into two parcels. The southern parcel, known as Parcel 1 would measure approximately 5.91-acres while the northern parcel, known as Parcel 2 would measure approximately 4.00-acres. Parcel 1 will measure approximately 434.76 feet in length by 414 feet in width while Parcel 2 will measure approximately 800.63 feet in length by 186.61 feet in width.
 - 3. The project subdivision plan, as submitted, along with the proposed conditions of approval, demonstrates that the application complies with Chapter 17.10 of the City of Hollister Zoning Ordinance (Industrial/Manufacturing Zones) and all provisions of the Subdivision Ordinance outlined in Title 16.

- C. The design of the subdivision proposed by the vesting tentative parcel map will not cause substantial environmental damage or result in any significant environmental impacts.
 - 1. The project is Categorical Exempt from CEQA pursuant to Section 15315, Minor Land Division, Class 15. The project consists of the division of property in urbanized areas zoned for industrial use. The division of property would result in two parcels and is in conformance with the General Plan and zoning. The site requires no variances or exceptions and can be adequately served by all required utilities and public services. The parcel has not been involved in a division of a larger parcel within the previous two years and does not have an average slope greater than 20 percent.

- D. 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.
 - 1. The proposed layout of the site has been reviewed by the Development Review Committee to ensure that the requirements of the General Plan and Municipal Code have been met. As proposed, the minor subdivision will not be detrimental to the health, safety, or welfare of people residing in the area because any future development of the site will require review and approval by the Planning Commission to ensure compliance with the Municipal Code and all other applicable regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Hollister hereby approves Minor Subdivision 2024-1 to allow for the subdivision of 9.91-acres into two individual parcels with no associated development proposals, at the southwest corner of the intersection of Bert Drive and Fallon Road, further identified as San Benito County Assessor's Parcel Number 051-120-047, subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL
 MS 2024-1**

No.	Condition of Approval	Responsible Department	Required Prior To:
General Conditions			
1	<p>Approval. This Vesting Tentative Map approval is for APN 051-120-047 (MS 2024-1). The proposed subdivision shall be in substantial conformance with Exhibit A (Project plans) prepared by San Benito Engineering & Surveying, Inc. on behalf of Marich Confectionary Inc. dated July 19, 2024 and stamped "Received July 22, 2024" on file with the Planning Division, and other plans, text and diagrams relating to this Tentative Parcel Map, except as modified by the following conditions. The parcel map and improvements shall strictly adhere to the approved set of plans unless prior approval is granted by the Director of the Community Development Department for changes.</p>	Planning	Ongoing
2	<p>Permit Expiration. In accordance with Section 16.40.010(A) of the Hollister Municipal Code, this Vesting Tentative Parcel Map approval shall expire two (2) years from the date of approval unless a Parcel Map is recorded with San Benito County.</p>	Planning	October 24, 2026
3	<p>Time Extension. In accordance with Section 16.40.010(B) of the Hollister Municipal Code, the Planning Commission may extend the time for an approved vesting tentative parcel map upon the Applicant(s) written request for an extension of approval submitted at least thirty (30) days prior to the expiration of the permit, together with the filing fee. 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.</p>	Planning	Ongoing

4	<p>Appeal Period. The parcel map and improvement plan check package will be accepted for submittal after the completion of the 15-day appeal period for the project, unless the Director of Community Development 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 Parcel Map be approved or recorded until the appeal period has expired or a final action is taken on appeal.</p>	Planning	November 8, 2024
5	<p>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 Community Development 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.</p>	Planning	Ongoing

6	<p>Clarification of Conditions. In the event that there needs to be clarification to the Conditions of Approval, the Director of Community Development and the City Engineer have the authority to clarify the intent of these Conditions of Approval to the Applicant/Developer without going to a public hearing. The Director of Community Development and City Engineer also have the authority to make minor modifications to these conditions without going to a public hearing in order for the Applicant/Developer to fulfill needed improvements or mitigations resulting from impacts to this project.</p>	Planning and Engineering	Ongoing
7	<p>Right-of-Way Indicated. The Parcel Map shall be in substantial conformance with the Vesting Tentative Map for the Minor Subdivision.</p>	Planning and Engineering	Parcel Map Submittal
8	<p>Maps. The developer shall submit a parcel map package for review and approval by the City Engineer and City Council for the subdivision. The submittal shall be in complete form and accompanied by the traverse sheets, map checking fees and all other items required by Hollister Municipal Code Chapter 16. The parcel map shall be required to indicate all public and private rights-of-way for streets and all public and private easements necessary to serve the subdivision as deemed necessary by the City Engineering Department. No improvements are required for the recordation of this parcel map.</p>	Engineering	Parcel Map Submittal
9	<p>Improvement Plan Package. No entitlements of improvements are approved with this Tentative Map. A separate planning application will be required for any future site improvements.</p>	Engineering	Improvement Plan Submittal

10	<p>Community Facilities District No. 4. Prior to the approval or recordation of any Parcel Map Improvement Agreement or Parcel Map, the entire project shall be annexed into Community Facilities District No. 4 (CFD #4), or any such similar district as deemed necessary by the City for the ongoing maintenance of public facilities associated with the project. The applicant shall cooperate fully to facilitate the annexation of the entire project into CFD #4. The entire project shall be included within the boundaries of the community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Government Code 53311 et esq.) and be subject to a special tax levied hereunder. The special tax shall be in an amount that will be updated with the annual CPI per unit per year, subject to an annual increase in accordance with the designated consumer price index as of January 1 of each year. The property owner shall cooperate with the City to accomplish the inclusion of the project into the community facilities district, either through annexation to an existing district or through the formation of a new district. Such cooperation shall include, but not be limited to, executing and filing with the City Clerk, in a form acceptable to the City Attorney, any approval, consent, or waiver required by the City in order to expedite the inclusion of the project in such a district.</p>	Engineering	Recordation of the Parcel Map
11	<p>Vegetation. Properties must be maintained at all times to include weeds removed from entire lot to include property lines, sidewalk lines and street lines</p>	Fire	Ongoing
12	<p>Approved Resolution. A complete hard copy of the approved signed resolution shall be included with the submittal of the parcel map to the City Engineer.</p>	Engineering	Parcel Map Submittal

PASSED AND ADOPTED, at a regular meeting of the Planning Commission of the City of Hollister on this 24th day of October 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairperson of the Planning Commission
of the City of Hollister

ATTEST:

Eva Kelly, Secretary

PLEASE NOTE

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