



STAFF REPORT
HOLLISTER PLANNING COMMISSION
MEETING DATE: April 24, 2025
REPORT # Will auto populate once assigned

AGENDA ITEM: A RESOLUTION DETERMINING THAT THE PROPOSED VACATION AND DISPOSAL OF WELLER ALLEY IS IN CONFORMITY WITH THE CITY OF HOLLISTER (“CITY”) 2005-2023 GENERAL PLAN AND THAT PROPOSED VACATION AND DISPOSAL DOES NOT MEET THE DEFINITION OF A “PROJECT” PURSUANT TO CA

DEPARTMENT HEAD: David Mirrione, City Manager
STAFF CONTACT: Jennifer Thomspson, Assistant City Attorney

RECOMMENDED ACTION: Adopt a resolution determining that the proposed vacation and disposal of Weller Alley is in conformity with the City 2005-2023 General Plan and that proposed vacation and disposal does not meeting the definition of a “project” pursuant to CEQA guidelines section 15378.

DISCUSSION:

The City owns an approximate ten (10) foot by eighty (80) foot strip of real property, located between 140 San Benito Street (APN 054-190-008) and 102 San Benito Street (APN 054-190-002), that is a part of the historic Weller Alley (the “Property”). The City desires to vacate and transfer the Property because it no longer has the potential to serve as an alley for the public and is therefore no longer needed. The Property is the last remaining strip of what was historically intended to be an alley, called “Weller Alley.” Records show that Weller Alley was designated by the City to connect Monterey Street to San Benito Street; however, Monterey Street was not extended to parallel San Benito Street and, currently, there is no street that would be connected to San Benito Street via an alley. Historic maps label the alley as “abandoned,” and, over time, the other portions of Weller Alley were transferred to the adjoining property owners. This ten (10) foot by eighty (80) foot strip of land is all that remains in City ownership, and it is surrounded by private property.

Streets and Highways Code section 8331 provides that a local agency may summarily vacate a street or highway so long as: (1) the street or highway has been impassable for vehicular travel for a period of five (5) consecutive years, and (2) no public money was used for the maintenance of the street or highway during such period. The subject right-of-way meets these conditions. Accordingly, a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes. (Sts. & Hy. Code, § 8334, subd. (a).)

Pursuant to Government Code section 65402, subdivision (a), the Planning Commission must render a determination as to whether the proposed street vacation is in conformance with the City’s General Plan. The Planning Commission shall then forward a report containing that determination to the City Council. The City Council must consider and take action upon the Planning Commission’s report within forty (40) days. If ultimately approved, the right-of-way vacation would result in the City declaring

the alley exempt surplus land and then transferring the Property to the owner of the abutting parcels. The Property would acquire the planned land use and zoning of the parcels it abuts. The parcels at 140 San Benito Street (APN 054-190-008) and 102 San Benito Street (APN 054-190-002) are zoned for Downtown Mixed Use.

GENERAL PLAN CONFORMITY

Neither this Property, nor Weller Alley, in general, are reflected as one of the five (5) major street types (highway, major thoroughfare, major collector, collector, and residential) identified in the Circulation Element of the General Plan and are not illustrated on the circulation diagram. Nor is the Property's use or development contemplated as a means for the City to reach its goals. Accordingly, the vacation and disposal of the Property will not impede the City's ability to meet its General Plan goals and policies. Accordingly, staff recommend that the Planning Commission determines that the vacation and disposal conform to and are consistent with the City 2040 General Plan.

FISCAL IMPACT: There is no fiscal impact of vacating and disposing of the Property. The owner of the adjoining properties has entered into an agreement to reimburse the City for all costs related to the vacation and transfer.

PREVIOUS COUNCIL OR COMMISSION ACTION: N/A

CEQA: The Planning Commission's determination of conformity with the City of Hollister 2040 General Plan would not result in a direct physical change or reasonably foreseeable indirect physical change to the environment, nor is the Commission issuing a lease, permit, license, certificate, or other entitlement for use or making a recommendation about any such issuance. Therefore, the Planning Commission's determination does not fall within the definition of a "project" pursuant to CEQA Guidelines section 15378 and no further environmental review is required.

ATTACHMENTS:

1. Resolution