



**STAFF REPORT
HOLLISTER PLANNING COMMISSION
MEETING DATE: June 26, 2025
REPORT # Community Development-2025-30**

AGENDA ITEM: 20250626_PLN_Legislative,Uses and Definitions Cleanup.docx

DEPARTMENT HEAD: Rod Powell, Assistant City Manager
STAFF CONTACT: Erica Fraser, Consulting Senior Planner

RECOMMENDED ACTION: Discuss the proposed amendments and provide feedback to staff.

PROJECT DESCRIPTION: Staff is proposing several amendments to the Zoning Ordinance to comply with recent changes in State Law; provide additional definitions to support the permitted and conditionally permitted land uses; to ensure that residential dwellings are included in mixed-use developments; for consistency between all use tables and the definitions; and related amendments for clarity.

This clean-up is part of staff's overall goal to overhaul the existing Zoning Ordinance. The proposed amendments will provide clarity to the City and the public while staff continue to work on the overhaul.

Work on the overhaul was paused while staff and the City reviewed the General Plan Update and Housing Element. Staff will be restarting work on the overhaul this summer.

The proposed phases of the overhaul are as follows:

- Phase 1 – Edits to the Zoning Ordinance for consistency with State Law. In the past two years, Staff has made several amendments to the Zoning Ordinance for consistency with State Law. This Phase is on-going and as needed.
- Phase 2 – Edits to the Use Tables and Definitions. Staff has identified this as an important step in order to clear up inconsistencies and provide clear definitions for each use listed in the use tables.
- Phase 3 – Overhaul of the permitting requirements. Staff intends to repeal and replace Chapter 17.24, Administration and Enforcement, of the Zoning Ordinance. Study Sessions on the modifications is anticipated to begin in August or September.
- Phase 4 – Remainder of the Zoning Ordinance.

ANALYSIS: The purpose of tonight's Study Session is to discuss the proposed changes with the Planning Commission, make additional amendments requested by the Planning Commission, and bring back the amendments to a future public hearing. Staff's discussion is broken into the following categories.

Legislative Clean-up

Several amendments to the Zoning Ordinance are required to comply with State Law. These amendments are described in further detail below.

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

The definition of Accessory Dwelling Unit in Section 17.26.030 must be amended to correct the Government Code Section identified which was changed under SB 477 (the State's regulations for Accessory Dwelling Units was moved within the Government Code). For consistency with the updated Government Code, the Section reference must be changed to Section 66313.

Chapter. 17.32, Accessory Dwelling Units

The State of California has passed several bills amending how cities can regulate ADUs. These bills required the following amendments to the existing Chapter:

- The Government Code Section referenced in the Chapter has been changed and consolidated and must be corrected (SB 477).
- Multi-family properties can construct up to eight (8) ADUs (SB 1211 and AB 1033).
- Cities may no longer require owner occupancy for ADUs (AB 976 and AB 1033).
- ADUs which follow specific requirements, may be conveyed (sold) separately from the primary dwelling.
- Staff is proposing a few additional minor amendments for clarification.

The proposed amendments to this Chapter are included in Attachment 1. New text is shown in **bold and underlined font** and deleted text is shown in ~~red strikethrough~~.

Chapter 17.34, Density Bonus

The State of California has passed several bills which amended required regulations for Density Bonuses. These required modifications to our Zoning Ordinance are as follows:

- Amendments to required concessions and amendments (SB 713).
- Amendments to how density is calculated in a mixed-use development (AB 2334).
- Required to allow density bonuses for shared housing development (AB 682).
- Modifications to the definition of student housing developments (AB 3116).
- Modifications to developments that qualify as senior housing (AB 3116).

The proposed amendments to this Chapter are included in Attachment 2. New text is shown in **bold and underlined font** and deleted text is shown in ~~red strikethrough~~.

Religious Assembly

Churches and Places of Worship are regulated by the Religious Land Use Protection Act (RLUPA). Churches and Places of Worship (defined as 'Religious Assemblies' in the Zoning Ordinance) must be allowed with the same permitting requirements as similar uses (or gathering type uses). To comply with these requirements, several modifications

are required and are shown on the amended use tables discussed in further detail below.

Required Uses

Several uses are required to be permitted or allowed with a Conditional Use Permit that are not included in the City's Use Tables. Staff have added the uses (such as Emergency Shelters) as required by the State. These amended uses are included in the use table modifications which are described in detail below.

Minor Modifications to Use Tables

Most of the proposed modifications related to the Use Tables are for clarity, for consistency, to match the existing definitions, and to eliminate the number of type of uses listed which can be included within other use types. Additionally, staff are recommending the removal of references to "S&A" within the use tables (indicating the requirement for Site & Architectural Review, as the requirement for *design review* is separately processed from the requirement for a *use permit*. It is most appropriate for the land use tables to identify whether a use is permitted, not permitted, or conditionally permitted, while separately, depending upon the location, type, and scope of development or tenant improvement activities, administrative or planning commission-level design review might also be required.

Due to the number of modifications and to ensure formatting consistency across all use tables, Staff is proposing to repeal and replace each use table in the Zoning Ordinance with a new consistently formatted table. For tonight's meeting, however, staff have taken the existing use tables and has shown the proposed revisions for review. All proposed deleted text is shown in ~~red font with strikethrough~~ and new text is in **bold font and underlined**. Reformatted tables will be provided to the Planning Commission at the public hearing.

A summary of the proposed amendments to each table is provided below.

Table 17.04.020 – Residential zone land uses and permit requirements (see Attachment 3).

- Transitional Housing and Community Care Facilities (required by State Law) has been added to the table.
- Permit requirements for Supportive Housing have been added (currently this use type is blank).
- Permit requirements for Family Day Cares has been revised to comply with State Law.
- Use names have been revised for consistency with the definitions and other use tables in the Zoning Ordinance.
- Notes at the end of the Table have been added to the definitions section where possible to eliminate the number of notes at the bottom of this table.

Section 17.06.020, Home Office Zoning District (Attachment 4)

- Staff is proposing to repeal Section 17.06.020 and replace with a table, similar to the other zoning districts, listing uses and permitting requirements.
- Minor modifications related to consistency with the definitions are also proposed.

Section 17.08.020 – Commercial and Mixed Use Zones and Permit Requirements (Attachment 5)

- Minor modifications to use names for consistency with definitions and other use tables.
- Added Tasting Rooms as a permitted use.
- Changed Religious Assembly to allowed with an Administrative Permit Review as required by State Law.
- Added Emergency Shelters as required by State Law.
- Added Bail Bonds as a use.
- Deleted notes which are covered in other sections of the Zoning Ordinance or were added to the definitions to limit the number of notes at the end of the Table.
- Deleted the note in Section 17.08.020 which lists the permitting requirements which are covered in the table and in other sections of the Zoning Ordinance and causes some confusion and may lead to conflicting sections.

Section 17.10.020 - Industrial Zone Districts and Land Uses (see Attachment 6)

- Use names have been revised for consistency with the definitions and other use tables in the Zoning Ordinance.
- Emergency Shelters (required by State Law) have been added and requires a Conditional Use Permit in the M1 (Light Industrial) district.
- Several use types were redundant and moved within the definition of another use type (or were already included). For example 'furniture and fixtures manufacturing' is currently listed on the use table but also falls within the use type of 'manufacturing.'
- Recreation types have been renamed to 'Commercial Recreation, Indoor – Major – Minor and Outdoor' for clarity.
- Deleted the note in Section 17.10.020 which lists the permitting requirements which are covered in the table and in other sections of the Zoning Ordinance and causes some confusion and may lead to conflicting sections.

Airport Zone Districts Land Use and Permit Requirements (Attachment 7)

- Several use types were redundant and were relocated. For example 'Airport administration and maintenance buildings and facilities' and 'federal aviation

administration flight services facilities' (in addition to others) have been wrapped into a new definition 'Airport and Related Services.'

- Use names have been revised for consistency with the definitions and other use tables in the Zoning Ordinance.
- Added use types to allow for more uses in the airport including uses that are currently in the district.
- Deleted notes which list the permitting requirements which are covered in the table and in other sections of the Zoning Ordinance and causes some confusion and may lead to conflicting sections.
- Deleted notes that are already noted in other sections of the Zoning Ordinance.

*Open Space, Park and Public Facilities Land Use and Permit Requirements
(Attachment 8)*

- Deleted notes at the beginning which are noted in other sections of the Municipal Code.
- Use names have been revised for consistency with the definitions and other use tables in the Zoning Ordinance.

Definitions

Definitions of terms and uses are included in Section 17.02.020 of the Zoning Ordinance.

Due to the number of modifications and to ensure formatting consistency (the formatting of the definitions is currently inconsistent throughout), staff are proposing to repeal and replace the definitions in the Zoning Ordinance with consistently formatted definitions. For tonight's meeting, however, staff has taken the existing definitions and have shown the proposed revisions for review. All proposed deleted text is shown in red font with strikethrough and new text is in bold font and underlined (Attachment 9).

The following changes are proposed to this Section.

- Several of the definitions previously had a title that did not match the title used in the use tables and these have been corrected for consistency.
- Several uses did not have definitions and these uses have been added.
- Additional definitions to aid staff and the public have been provided.
- Where possible, similar use types were deleted from a previous section and grouped together.
- Minor edits were made for clarity.

Staff are aware that some sections of the Zoning Ordinance may be inconsistent with the modifications in the definitions section. The purpose of this update is to ensure consistency between the uses listed in each use table and the definitions for clarity and

to assist staff with inquiries into allowed uses. The remainder of the Zoning Ordinance will be updated to ensure consistency across all sections of the Zoning Ordinance during Phase 3 of the overhaul.

Other Modifications

Staff are also proposing additional modifications to various Sections of the Zoning Ordinance.

Project Sign Notification

Staff are requesting that Section 17.24.070(D) be repealed and replaced with the following:

“Notice of Proposed Project Notification Sign. For all projects that require review of a Conditional Use Permit, Site and Architectural Review, Minor Subdivision, Tentative Map, Planned Unit Development, Pre-zone, Annexation, Variance, General Plan Amendment, or Re-zoning, the applicant shall install a sign or signs on each site of the proposed project in accordance with the City’s requirements. Upon notification by staff, a project notification form shall be installed in accordance with the City’s regulations within 30 days. No application shall be deemed complete until the project notification sign is installed.”

Staff have developed new, more user-friendly guidelines that will adequately notify the public of development projects. The inclusion of these guidelines into the Zoning Ordinance is not appropriate as ss these guidelines may be updated from time to time to reflect the changing needs of the community and the details and specifications are long.

Staff’s new sign guidelines are available to developers and will be posted on the City’s website.

Mixed-Use Projects

The City currently does not include a requirement for housing to be constructed as part of a mixed-use development. This has led to concerns with the City’s ability to achieve our RHNA (Regional Housing Needs Allocation) in that the Housing Element identifies the mixed-use properties as being eligible to assist the City in meeting our RHNA numbers. Without a requirement to require housing however, there have been project proposals received that do not include both uses. Many of the mixed-use designated sites within the city are also Housing Element sites or are proposed to be a Housing Element site in the 6th Cycle Housing Element Update. Whenever a site that was proposed for housing the housing element is removed, the city is required to find a replacement site under “no net loss” requirements.

Staff is proposing to amend Section 17.08.010(D) to include the following (new text in bold and underlined):

“D. Mixed Use Districts. Mixed-Use Districts are intended to provide both commercial and residential uses on one property or development to support the needs of the City and ensure that housing is constructed to meet the City’s Regional Housing Needs Assessment and provide a mix of house types for the community. All mixed-use projects are required to provide residential dwellings that meet the City’s required density for that designation in addition to commercial space.”

Uses Not Listed

Staff are proposing to repeal Section 17.02.050(C) and replace with the following to clarify what happens is a use is not listed within the use tables:

“C. Allowable Uses of Land.

1. Non-Permitted Land Uses. A land use not listed in a land use and permit requirements table is not permitted if the use is not listed in the land use table for that zoning district. The use is also not permitted even if listed as a permitted use in one or more other zoning districts. In such a case, the absence of the use in the land use regulation table means that the use is prohibited in the zoning district.
2. Uses Not Listed in Zoning Ordinance. If a use is proposed that is not specifically listed in any of the land use and permit requirement tables or definitions, the Community Development Director may determine that the proposed use is equivalent to a permitted or conditionally permitted use if all of the following findings can be made:
 - a. The use is similar to other uses allowed in the zoning district.
 - b. The density or intensity of the use is similar to other uses in the zoning district.
 - c. The use is compatible with permitted or conditionally permitted uses in the zoning district.
 - d. The use will meet the purpose/intent of the zoning district.
 - e. The use is consistent with the goals and policies of the general plan.
 - f. The use will not be detrimental to the public health, safety, or welfare.
 - g. The use will comply with all local, state and federal laws.
3. When the Community Development Director determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable

requirements of the Zoning Ordinance.”

CEQA: The proposed Zoning Ordinance amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines because the proposed amendments will not result in any direct physical change to the City and any future 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).

PLANNING COMMISSION REVIEW: The purpose of tonight’s study session is to discuss the proposed amendments with the Planning Commission prior to a formal hearing. Staff requests feedback on the proposed amendments as well as any additional changes or modifications the Planning Commission would like to add to this clean-up.

ATTACHMENTS:

1. Draft modifications to Chapter 17.32, Accessory Dwelling Units
2. Draft modifications to Chapter 17.34, Density Bonus
3. Draft modifications to Table 17.04.020 – Residential zone land uses and permit requirements
4. Draft modifications to Section 17.06.020 – Home Office
5. Draft modifications to Section 17.08.020 - Commercial and Mixed Use Zones and Permit Requirements
6. Draft modifications to Section 17.10.020 - Industrial Zone Districts and Land Uses
7. Draft modifications to Airport Zone Districts Land Use and Permit Requirements
8. Draft modifications to Open Space, Park and Public Facilities Land Use and Permit Requirements
9. Draft modifications to Definitions