



**STAFF REPORT
HOLLISTER PLANNING COMMISSION
MEETING DATE: October 23, 2025
REPORT # Community Development-2025-76**

AGENDA ITEM: A DISCUSSION OF GENERAL PLANNING APPLICATION PROCESSES AND REGULATORY FRAMEWORK

DEPARTMENT HEAD: Rod Powell, Assistant City Manager

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RECOMMENDED ACTION: Receive the report.

CEQA: Not a project subject to CEQA.

ANALYSIS: At the regular meeting of August 28, 2025, the Planning Commission requested an overview of planning application procedures from staff. This report and presentation will provide the requested overview.

This report and presentation will outline important local and state legislative framework that guide planning processes and policies; followed by an overview of the City's local planning processes and post-entitlement processes; and finally summarize the various application types that the City of Hollister Planning Division reviews and facilitates.

General Plan

The guiding policy document of the City of Hollister is the General Plan. The City's current General Plan was adopted in 2005, and outlined the City's policy, growth, and development through the 2023 horizon (2005-2023 General Plan). Since 2020, the City has been in the process of completing a comprehensive general plan update, including the adoption of a Climate Action Plan (CAP), through the year 2040 (2040 General Plan Update, or 2040 GPU).

The General Plan is a long-range planning document that serves as the blueprint for growth and development for the City. They are typically updated on a ten to twenty year cycle, and while they are flexible and can be amended, they are intended to provide a relatively stable foundation for all other city documents and actions through the course of the document's life. The General Plan establishes the community vision and includes a series of supporting goals, policies, and actions for the City to implement.

Every jurisdiction in California is required to have an adopted General Plan, and to report annually to the State on the progress of General Plan implementation.

There are several state-mandated "elements" which must be included in a General Plan:

- Land Use and Community Design
- Circulation
- Housing
- Natural Resources and Conservation
- Open Space and Agriculture
- Health and Safety (including Noise)

The City's current general plan also includes an additional custom element on Community Services and Facilities. The 2040 General Plan further proposes adding three new elements: Arts and Culture, Economic Development, and Environmental Justice.

Housing Element

The Housing Element is a unique, required chapter of a General Plan. The Housing Element is updated on a more frequent basis, under an 8-year "cycle". The City of Hollister is currently in the process of updating our 6th Cycle Housing Element for the years 2023-2031. The 5th Cycle Housing Element covered the years 2015-2023.

The Housing Element outlines the City's goals, policies, and actions to adequately plan to meet the housing needs of everyone in the community. Each housing element cycle, the California Department of Housing and Community Development (HCD) designates the Regional Housing Needs Assessment (RHNA) to all regional planning agencies within the state. The regional planning agencies further suballocate the RHNA to each of their member jurisdictions through a state-approved methodology document. The City of Hollister's regional planning agency is San Benito County Council of Governments (SBCOG), which consists of the City of Hollister, City of San Juan Bautista, and San Benito County. The RHNA specifies the number and level of affordability of housing units that each jurisdiction must plan to accommodate within their respective Housing Element.

To have a "Certified Housing Element", the City must submit and receive approval from HCD after adopting the Housing Element of the general plan. The City of Hollister does not currently have a certified 6th Cycle Housing Element, which means that the City is ineligible for many grant applications, and housing development project applications have opportunities for expedited review processes and limited local oversight of or ability to regulate the design of such proposals. Failure to adopt a Housing Element by the timelines outlined in state law, also potentially subject the City to fines and/or legal action from HCD.

Municipal Code

The City of Hollister Municipal Code is the framework for all actions taken by any elected or appointed officials of the City – including staff, commissions, and City Council. The Municipal Code outlines all city legislation and regulations regarding all departments, permits, licenses, commissions, financial transactions, nuisances, public services, etc. Every action taken by the City must follow the adopted municipal code. The Municipal Code can be changed only by adoption of an ordinance by the City Council.

The Planning Division and Planning Commission serve as the implementing agents of both Title 16 *Subdivisions* and Title 17 *Zoning* of the Municipal Code.

Title 16 outlines the procedures, standards, and other requirements for the submission and processing of tentative and final maps for the subdivision or merger of property in the City of Hollister. This Title largely implements the Subdivision Map Act, outlined in state law.

Title 17, the Zoning Ordinance, implements the goals and policies of the Land Use Element of the General Plan. The Zoning Ordinance regulates all uses of land and

structures within the city. The Zoning Ordinance serves to protect and promote the health, safety, convenience, and welfare of the business and community.

Additional State Laws

There are many state laws that pertain to land use and development activities and processing. They include:

- The California Environmental Quality Act (CEQA); (Public Resources Code §21000-§21189.91)
- Completeness Determination; (Government Code §65943)
- Decision Timelines; (Government Code §65950)
- Housing Accountability Act; (Government Code §65589.5)
- SB 330 Preliminary Application; (Government Code §65941.1)
- SB 35 Ministerial Applications; (Government Code §65913.4)

This report will discuss the other laws above in more detail below. However, it is important for the Planning Commission to be made aware of the Housing Accountability Act (HAA) which limits the ability for any local jurisdiction to deny an affordable housing development project. Under the HAA, a jurisdiction must make specific findings to deny a housing development project that provides a certain amount of affordable housing. While there are several findings of denial outlined in the law, the most relevant to the City of Hollister is that the project, if approved, would have a specific, adverse impact on public health or safety.

Development Review Process

Attachments 2 through 7 are flowcharts that detail various development application processes for the City of Hollister. These flowcharts are also available online on the City's Planning Division website.

Below is a summary of the general application process for a new development application:

1. Completeness Determination
 - a. Upon submission of a development application to the Planning Division, the City has 30 days to review the application for completeness.
 - b. The City has various submittal checklists which detail the exact requirements necessary to be included in the application plans and materials to be deemed complete for processing. See **Attachment 9** for the City's current general development submittal checklist.
 - c. On or before the 30th day, the City must provide an exhaustive list of any missing items or deem the application "complete for processing".
 - i. If an application is deemed incomplete, upon resubmittal the City again has another 30-day review period to determine if the application is complete.
 - d. Where feasible, the City also provides design comments during the initial 30-day completeness review.
2. Environmental Review (CEQA)
 - a. After an application is determined to be complete for processing, the City

must make a determination on the level of environmental review that is required for the project. This determination must be made no later than 30 days from the date the application was deemed complete.

- b. Many projects meet the requirements to be “categorically exempt” from CEQA.
 - c. If a project is not exempt, however, the City must prepare an initial study and either a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report pursuant to CEQA.
 - d. The City of Hollister contracts with environmental consultants for the preparation and/or peer review of environmental documents for development projects.
3. Design Review
- a. Following completeness, and generally concurrently with any necessary environmental review, the project application is reviewed for design compliance with all local, state, and federal regulations.
 - b. The City’s reviewing body is called the Development Review Committee (DRC).
 - c. The DRC consists of various internal departments and divisions and external agency partners with relevant purview pertaining to the proposed project, including Planning, Building, Engineering, Police, Fire, Airport, Parks and Recreation, Public Works, and Recology.
 - d. The DRC members are provided with the complete application submittal materials and plans for review against their relevant regulations and requirements.
 - e. Comments and conditions of approval from the DRC are compiled by the Planning Division in a formal comment letter package and provided to the applicant.
 - f. If comments require plan revisions, the applicant must revise their plans and resubmit them to address design/code compliance issues.
 - g. Once all design issues are resolved, the project will be finalized for a decision by the decision-making body.
4. Entitlement Decision
- a. Staff-level decisions
 - i. If a project can be approved by staff, an Action Notice is prepared with the details and any conditions of approval, which is provided to the applicant upon completion.
 - b. Planning Commission decisions
 - i. For projects that require approval by the Planning Commission approval, the project must be publicly noticed in the newspaper and to all property owners located within 300’ of the subject property.
 - ii. A staff report will be prepared.
 - iii. The Planning Commission must hold a public hearing on any land use decision.
 - iv. Following the public hearing, the Planning Commission may make a decision on the project.
 - c. City Council decisions
 - i. Legislative actions or applications require the approval of the City Council.

- ii. Land use applications that require legislative approval first go through the same public noticing and hearing process for Planning Commission decisions; however, rather than making a final decision, the Planning Commission must make a recommendation to the City Council.
- iii. Following the Planning Commission recommendation, the same noticing and staff report steps are taken to then hold a public hearing before the City Council.
- iv. Following a public hearing, the City Council will make the final decision on such items.
 1. The adoption of an ordinance requires two readings before the Council prior to adoption.

Where project proposals require multiple applications, the different applications can be reviewed and processed concurrently, with the decision authority going to the approval body of the application with the highest decision authority.

Most planning entitlements within the City of Hollister have a 2-year approval period.

A few key pieces of legislation outline mandatory decision timeframes for development applications. Government Code §65950 regulates the timeline between the certification of an environmental document pursuant to CEQA and the final decision on the development application. The timelines are as follows:

- 180 days from the certification an Environmental Impact Report (EIR)
 - o or 90 days for housing development that meets specific requirements
- 60 days from the adoption of a Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- 60 days from the determination that the project qualifies for an exemption from CEQA

Additionally, for housing development projects, Government Code Section §65905.5 requires that no more than five hearings can be held before a final decision must be rendered. This is inclusive of study sessions, planning commission hearings, appeal hearings, and city council hearings.

Appeals

The City of Hollister allows for a 15-day appeal period following any discretionary land use decision. Any person aggrieved by a decision may file an appeal. Staff level decisions may be appealed to the Planning Commission, and Planning Commission decisions may be appealed to the City Council. The City Council's decisions are final.

Post-Entitlement Processes

Every entitlement approval is accompanied by a series of conditions of approval. These conditions of approval outline the specific requirements, such as receiving a building permit and submitting plans that are compliant with building and fire codes, that are necessary to fully execute the approved project. Conditions of approval come from all members of the DRC and other agencies, to ensure that the project complies with

necessary regulations as the development moves toward completion. Conditions of approval have a responsible city department or division who ensures that they are met at the appropriate timing, such as prior to issuance of a building permit, before the project moves forward to the next step.

The first step following approval of almost all planning entitlement projects is Engineering civil review. The Engineering Division reviews any project that proposes grading of land or any improvement or other work within the right-of-way. The Engineering Division reviews improvement and grading plans against the approved entitlement and the City's Engineering Standards and Specifications. These plans must meet all technical specifications before they can be approved and permits are issued. For entitlements involving a subdivision, the applicant must file a Final Map with the Engineering Division for review and approval. Subdividers must enter into a Subdivision Improvement Agreement (SIA) with the City, approved by Council, before the Final Map can be approved and recorded.

The Engineering Division also issues permits for entitlements that need address assignments for new parcels, buildings, or tenant spaces, and encroachment permits for any work that is done within the City's right-of-way.

Following civil review, the next step in the post-entitlement process for any project proposing vertical construction of new buildings is to apply for and receive a building permit with the Building Division. Building Permit review consists of the following:

- Review for completeness
- Plan Check
- Building Permit Issuance (including payment of building permit fees)

Following review and issuance of a building permit, construction may begin. Each step of construction requires the developer to schedule and pass various incremental inspections in order to move forward to the next phase of construction.

Once all inspections have been completed and all conditions of approval have been complied with, the developer will request a final Certificate of Occupancy for the development. Every department involved in the project – Fire, Police, Engineering, Planning, etc. – must sign off on the issuance of the Certificate of Occupancy, and then it will be issued by the Building Official. Issuance of a Certificate of Occupancy means that the construction is complete, the building permit is closed, and the developer, property owner, or business may move in and begin operating or occupying the structure.

Application Types

The City of Hollister processes the following different types of planning applications:

Ministerial Applications

Ministerial applications are those that are reviewed and approved at the staff level and require no discretion. These applications are reviewed for compliance with the adopted Municipal Codes and regulations, and are approved or denied based on their compliance with all required standards. In addition to Planning applications, ministerial applications

include all post-entitlement applications such as civil reviews and building permit issuance. Common Planning applications that are ministerial are:

- Accessory Dwelling Units (ADUs) and Junior ADUs
- Temporary Use Permits
- Sign Permits
- Water Efficient Landscape Applications
- Administrative Permit Review (APR)
 - o This includes minor design review and minor use permit approvals
- Density Bonus Applications
 - o Note, while approval of a density bonus application is ministerial, the approving body can be the Planning Commission or City Council if it is associated with a project that requires a higher level of decision authority.

Preliminary Review

For development projects there are two different options for preliminary review.

The first is what is known as “SB 330 Preliminary Review”, outlined in Government Code §65941.1. SB 330 Preliminary Review is a state mandated application for housing development projects. There are 17 required items that need to be included in an SB 330 Preliminary Review application. Upon the submission of those required items, a housing development project is granted “vested” rights to all codes, ordinances, policies, regulations, and fees that are in place on the day of the application filing. Vested rights means that the city cannot apply any newly adopted codes or policies to the project if they were adopted after the filing date of the SB 330 Preliminary Review application. The applicant then has 180 days to submit a complete development application to maintain those vested rights. The law does not require or allow for any city review of the completeness of an SB 330 preliminary application.

Additionally, the City Planning Division offers a Preliminary Application Review and meeting for development applicants. A preliminary review is not a required step in the development application process. However, this offers an opportunity for applicants to provide initial plans or concepts and receive feedback from the Development Review Committee before submitting a formal development application. When received, the Planning Division routes the preliminary plans to the DRC to allow an opportunity to review, and then an in-person meeting with the applicant team and the DRC is scheduled to discuss the project, provide feedback on any initial concerns with design compliance for the project, answer questions from the applicant, and provide information on the formal application process. The city also provides written comments following the meeting. The city’s comments are based on the level of detail available at the preliminary stage, and are not final, but they can give the applicant a better idea of any challenges that their project may face and provides an opportunity to make design changes before their formal application to help to expedite the review process.

Major Development Applications

There are two categories of major development applications in the City. The first are applications that are approved by the Planning Commission.

- Tentative Map (TM)
 - o TM applications are for subdivisions of property.
 - o The post-entitlement approval of TM applications is to record a Final Map.
- Site & Architectural Review (S&A)
 - o S&A applications are for any proposal to construct new commercial, mixed-use, or multifamily residential development.
 - o S&A applications are also for the review of any major modifications to existing commercial, mixed-use, or multifamily residential projects.
 - o The post-entitlement process for S&A applications is to receive a building permit.
- Conditional Use Permit (CUP)
 - o CUP applications are for the review and approval of any proposed land use that requires specific review and consideration (and conditions of approval) prior to beginning operation.
 - o A CUP can be issued for land use where the City has determined that a proposed land use may have impacts to neighboring property, but rather than prohibiting the land use outright, the use should be reviewed and approved on a case-by-case basis to ensure that the proposed operations are compatible with surrounding properties and land uses.
 - o The post-entitlement process for a CUP is to obtain a building permit, but the building permit application can be as simple as receiving approval of a Certificate of Occupancy if the CUP does not require any physical modifications to an existing structure.

If a development application requires a modification to an existing code or policy (including a land use map such as the zoning map or general plan map) or an agreement between the City and the developer, this is known as a “legislative application”. Legislative applications must be approved by the City Council. The Planning Commission is a “quasi-judicial” body, which means that the Commission have limited authority to review projects for compliance with adopted policies, but the Planning Commission does not have the authority to *change* existing policy. For any legislative application that has to do with land use in the City of Hollister, it must first be reviewed by the Planning Commission, who must make a recommendation of approval or denial to the City Council. Legislative applications include the following:

- Planned Developments (PD)
- Zoning Amendment (ZOA) or Rezoning (RZ)
- Rezoning and Annexation (PZ)
- General Plan Amendment (GPA)
- Specific Plan (SP)
- Development Agreements

CONCLUSION: There are many local, state, and federal laws that shape the development process in the City of Hollister. For any proposal that has to do with the use of land or modification or construction of a structure, the Planning Division is the first step in the review for compliance with these regulations. The Planning Division (and Planning

Commission and City Council) issue “entitlements”, which can be thought of as the “permission” to receive a permit for the proposal. After an entitlement is approved through the planning process, the applicant has a certain timeframe (typically 2-years) to apply for and receive all necessary post-entitlement permits to complete their development project. Post-entitlement permits can include improvement plans and grading permits from the Engineering Division, building permits from the Building Division, and permits from other departments and agencies such as Fire Department permits or permits from San Benito County Environmental Health Department.

ATTACHMENTS:

1. Presentation slides
2. Accessory Dwelling Unit (ADU) Flowchart
3. CEQA Flowchart
4. Development Application Flowchart
5. General Plan Amendment (GPA), Prezone (PZ), Rezone (RZ) Flow Chart
6. Minor Project Flowchart
7. Appeal Flowchart
8. General Development Application
9. General Development Submittal Checklist
10. Environmental Supplemental Form