

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING THE CITY OF HOLLISTER ZONING MAP TO PREZONE THE PROPERTY LOCATED AT 1285 MCCRAY STREET (APN 020-100-014) FOR FUTURE ANNEXATION AS PART OF THE AGREEMENT FOR PURCHASE AND SALE OF SURPLUS REAL PROPERTY AND JOINT ESCROW INSTRUCTIONS.

WHEREAS, on October 15, 2024, the City of Hollister entered into an Agreement for the Purchase and Sale of Surplus Real Property and Joint Escrow Instructions for the Sale of Surplus Property (“Agreement”) located adjacent to the property located at 1285 McCray Street; and

WHEREAS, as a part of the terms of the Agreement, the Buyer, who is the owner of the adjacent subject parcel APN 020-100-014, has agreed to annex APN 020-100-014 into the City of Hollister city limits as it is currently an unincorporated “island” surrounded on all sides by incorporated property; and

WHEREAS, as a part of the terms of the Agreement, the City has agreed to facilitate the annexation of the subject property; and

WHEREAS, under the provisions of Section 17.24.250 of the Zoning Ordinance, the City Council authorized the initiation of the application for Prezoning 2025-1 on August 18, 2025 (Resolution 2025-108); and

WHEREAS, on August 28, 2025, the Planning Commission held a duly noticed public hearing to consider the request, and following the close of the public hearing determined to adopt Resolution 2025-21 recommending approval of the Prezone Application to the City Council; and

WHEREAS, under the provisions of Section 17.24.250(D) of the Zoning Ordinance, the City Council is charged with receiving the Planning Commission’s recommendation and taking action on the approval, modification, or disapproval of Prezone Applications based upon the required findings for approval found in Section 17.24.250(E); and

WHEREAS, the City Council held a duly noticed public hearing on October 6, 2025, to consider the request, review the staff report, and receive written and oral testimony for and against the proposal; and

WHEREAS, after closing the public hearing, the City Council deliberated and determined to approve Prezone 2025-1 in accordance with Section 17.24.250.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hollister makes the following findings regarding the approval of Prezone 2025-1:

1. **Finding:** The approval of the project is categorically exempt from CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines as it involves no expansion of an existing use and involves only a jurisdictional boundary change proposal with no land development or modification to the parcel. There is no proposed development on the parcel to be annexed. There is an existing gas station on the property which is proposed to remain.
2. **Finding:** The amendment is internally consistent with all other provisions of the General Plan because:

The current General Plan land use designation of the parcel is General Commercial. The proposed rezoning is to the General Commercial (GC) Zoning District, which is consistent with the General Plan designation. The parcel is an existing unincorporated "island" surrounded by incorporated properties. The annexation of this parcel will eliminate the "island" condition which is consistent with City General Plan guidance as well as with State law as enforced by LAFCO which indicates that islands should not be created.

3. **Finding:** The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare because:

The property is an unincorporated island. The annexation of the parcel will obligate the property owner to contribute toward property taxes in the city. The City has historically maintained surrounding infrastructure on behalf of this property, without the property's contribution toward this maintenance. Annexation will ensure that the fair contribution via property taxes is received in return for ongoing public maintenance for and surrounding this currently unincorporated parcel, which is of public interest to city taxpayers. Additionally, the property is currently served by a septic tank. The regional water board has adopted policies desiring to phase out septic tanks on small parcels. Though the septic tank is currently functional, should it fail in the future, the property would be required to connect to the City's municipal sanitary sewer system. Proactive incorporation of the parcel will allow for administrative connection to the sanitary sewer system in the case of a failure or any other emergency in the future, which will ensure timely facilitation of such a connection – protecting the surrounding properties and public from any prolonged health and safety consequences of such a failure.

The project has been determined to be categorically exempt from CEQA related to any potential environmental impacts (Section 15301, Existing Facilities) because there are no changes to the existing use or site development proposed for the annexed parcel.

4. **Finding:** The affected site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses or development because:

The property contains an existing gas station (Toro Petroleum). No development of the site to be annexed is proposed, and the existing gas station is intended to remain. The proposal will only result in a jurisdictional boundary change.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:

SECTION 1. The City of Hollister Zoning Map is hereby amended to include reference to this Ordinance, it's date of approval, and its name as abbreviated to "PZ 2025-1 1285 MCCRAY STREET" as part of its refence of amendments.

SECTION 2. The City of Hollister Zoning Map is further authorized to be amended to include the property located at 1285 McCray Street, APN 020-100-014, as further described in Exhibit A of this Ordinance, attached hereto as referenced, as part of the City of Hollister City Limits and designated as "GC", General Commercial Zoning District, immediately upon annexation of the property into the City Limits by action of the Local Agency Formation Commission (LAFCO).

SECTION 3. This ordinance shall authorize the prezoning of the subject parcel into the General Commercial Zoning District for two (2) years following the date of adoption, during which time, the application for annexation shall be filed with LAFCO and the property annexed into the corporate limits of the City of Hollister. Should the property fail to be fully annexed into the City of Hollister city limits within two years of the date of the approval of this ordinance, the Ordinance shall be deemed expired and repealed and the prezoning designation void. Nothing in this ordinance shall prohibit the property owner from applying for any subsequent application for prezoning and annexation of this parcel should it expire and be repealed per this section.

SECTION 4. SEVERABILITY. If any part of this Ordinance is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 6. PUBLICATION. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published in a newspaper of general circulation.

INTRODUCED at a regular City Council meeting on October 6, 2025, and **ADOPTED** as an ordinance of the City of Hollister at a regular City Council meeting on **Adoption Date** by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Roxanne Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:
Lozano Smith Attorneys at Law

Jennifer Woodworth, MMC, City Clerk

Mary Lerner, City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. Ordinance Number is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on Adoption Date, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Hollister on Adoption Date.

Jennifer Woodworth, MMC
City Clerk of the City of Hollister

Exhibit A. Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SAN BENITO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Part of the western half of Homestead Lot 34 of the San Justo Rancho as subdivided by the San Justo Homestead Association, which part is described as follows; to wit:

Beginning at an iron pipe set in the Northwest corner of that certain tract of land conveyed to Herman Smith by Wesley Judah, et ux by Deed which is recorded at Book 17 of deeds, at page 140, Records of San Benito County, California, which said Record is made a part hereof and is referred to for a particular description of the land thereby conveyed and for a more particular description of said point of beginning.

Said Point of Beginning being also the intersection of the division line between the lands formerly of Judah, now of Boynton, and the lands of Herman Smith with the easterly line of the Southern Pacific Railroad Company's right of way and from said point of beginning running along the said division line between Smith and Boynton,

1) South 86° 51" East 115 feet to an iron pipe; thence

2) South 1° 56' West 193.37 feet to an iron pipe set in the said easterly line of the Southern Pacific railroad Company's right of way, thence running along the said easterly line of the Southern Pacific Company's right of way North 28° 24' West 227.1 feet to the place of beginning.

APN: 020-100-014

