

**PLANNING COMMISSION RESOLUTION NO. 2022-22**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HOLLISTER APPROVING VESTING TENTATIVE MAP 2021-5 TO SUBDIVIDE 18.24 ACRES INTO 92 TOTAL LOTS, INCLUDING 75 LOTS FOR SINGLE FAMILY RESIDENTIAL USE, 16 DUET LOTS, AND A PARK DEDICATION LOT IN THE LOW DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONING DISTRICT LOCATED AT CHAPPELL ROAD SOUTH OF THE SR 25 BYPASS  
(KRAMER COMMONS - DAL PROPERTIES LLC)  
APN 051-230-006**

**WHEREAS**, under the provisions of Section 16.36 of Title 16 *Subdivisions* of the City of Hollister Municipal Code, the Planning Commission is charged with receiving, investigating, and taking action on Major Subdivision applications; and

**WHEREAS**, the subject parcel is intended for low density residential use, as identified on the Chappell Road Master Plan and Study Area diagram and is further identified as "Parcels 1 and 2" within the larger Chappell Road Annexation project area; and,

**WHEREAS**, DAL Properties, LLC ("the applicant") has submitted an application for Vesting Tentative Map 2021-5 to subdivide 18.24 acres into 92 total lots including 75 single family residential lots, 16 duet lots and a park dedication lot in conjunction with an application for Conditional Use Permit 2022-2 for a Planned Unit Development, located east of Chappell Road, further identified as San Benito County Assessor Parcel Number (APN) 051-230-006; and

**WHEREAS**, the Applicant has submitted a complete application for the requested entitlement prepared by HMM received by the Planning Division on May 25, 2022; 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**, the City of Hollister prepared an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) during the rezoning process of the property identified as San Benito County Assessor Parcel Numbers (APN) 019-170-084 and a portion of 019-170-083 and adjacent properties, per Prezone Application 2015-1, which contemplated the environmental effects that would occur from development associated with the property; and

**WHEREAS**, on June 18, 2018 the City Council approved Resolution 2018-167 to certify the Environmental Impact Report, Mitigation Monitoring and Reporting Program, and also held a duly noticed public hearing for the first reading of Ordinance 1159 for Prezone Application 2015-1 for a portion of the property identified as APN 019-170-083 and the first reading of Ordinance 1160 for the property identified as 019-170-084 and surrounding properties; and

**WHEREAS**, on August 6, 2018 the City Council adopted Ordinance 1159 for the rezoning of a portion of the property identified as APN 019-170-083 and adopted Ordinance 1160 for the rezoning of the property identified as APN 019-170-084; and

**WHEREAS**, on September 17<sup>th</sup>, 2018 the City Council approved Resolution 2018-221 approving an Annexation Agreement between the City and the applicant ensuring implementation of the City/County tax share agreement, City policy and compliance with LAFCO policies; and

**WHEREAS**, following a public hearing held on January 10, 2019 the San Benito County Local Agency Formation Commission approved the annexation of the property identified as San Benito County Assessor Parcel Number 019-170-084 and a portion of 019-170-083 into the corporate limits of the City of Hollister; 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**, the Development Review Committee considerations were presented to the Planning Commission as part of the City staff report; and

**WHEREAS**, a Staff Report was submitted to the Planning Commission of the City of Hollister recommending approval of the proposed Vesting Tentative Map; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on November 17, 2022 to consider Vesting Tentative Map 2021-5, 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 deliberated and determined to grant the applicant's request in accordance with Section 16.36.070 of the City of Hollister Municipal Code, and based on the facts as presented, and the code requirements as plainly stated; and

**WHEREAS**, after closing the Public Hearing, the Planning Commission determined that the project is identified as "Parcels 1 and 2" in the certified Chappell Road Project Final EIR (February 2018). That Programmatic EIR assumed that Parcel 1 and 2 would develop within five years and could yield up to 147 single family units. Staff has concluded that the previously certified EIR reflects the proposed subdivision and sufficiently analyzed the potential environmental effects of the map as submitted and resulting residential uses. No further environmental documentation under CEQA is required, pursuant to CEQA Guidelines Section 15168 c (2), as the proposed action is within the scope of the project covered by the certified EIR. The subdivision is subject to the mitigation measures of the certified EIR; 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 Vesting Tentative Map (TM 2021-5):

- A. The project as proposed is consistent with the City of Hollister General Plan.
  1. The project site has a land use designation of Low Density Residential in the Hollister General Plan. The subdivision gross density is 4.9 dwelling units per acre, which is consistent with the density allowed by the land use designation of one to eight units per gross acre.

- B. The project meets the criteria of the Title 17, Zoning, and Title 16, Subdivisions, of the Municipal Code.
1. The subdivision, as submitted and subject to compliance with the adopted mitigation measures and recommended conditions of approval, demonstrates that the application is compliant with all chapters of the City of Hollister Zoning and Subdivision Ordinances. The applicant has submitted in conjunction with this request, an application for Conditional Use Permit 2022-2 for a Planned Unit Development to modify the standard lot size and setback requirements of the Low Density Residential Zoning District as permitted by Section 17.14.010 Residential Performance Overlay Zoning District.
  2. The subdivision as proposed meets the Residential Performance Overlay Zoning District because it: avoids encroachment on watercourses and drainage areas; provides pedestrian and bicycle connectivity; provides a diversity of housing types and sizes (with the duet lots and in conjunction with the buildout of the Chappell Road area); provides usable open space; would preserve/enhance the character of the surrounding neighborhoods by providing compatible residential development; and provides an appropriate overall density.
- C. The design of the subdivision proposed by the Vesting Tentative Map will not cause substantial environmental damage or result in any significant environmental effects.
1. As indicated in Resolution 2018-167 approved by the City Council on June 18, 2018 certifying the Environmental Impact Report (EIR) for the subject property, development of the project site will result in several potentially significant environmental impacts, but those impacts can either be mitigated by appropriate mitigation measures and the proposed conditions of approval; or, the City has adopted a Statement of Overriding Considerations for any remaining significant effects. This resolution incorporates the applicable requirements of the Mitigation Monitoring and Reporting Program (MMRP) for the project to be implemented prior to and during construction. The EIR was completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the City CEQA process.
- D. The proposed project will 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 evidence supports this finding as represented by the development plans, City prepared staff report, and the proposed conditions of approval. As conditioned to require mitigation related to noise attenuation, as discussed in the Noise Study prepared by Salter Inc., dated August 8, 2022, interior and exterior noise levels will be reduced to acceptable levels.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Hollister hereby approves Vesting Tentative Map 2021-5 to allow the subdivision of 18.24 acres into 92 lots, located east of N. Chappell Road, south of the Highway 25 Bypass, subject to the following Conditions of Approval

**CONDITIONS OF APPROVAL  
VTM 2021-5**

**General Conditions**

1. **Approval.** This approval is for APN 051-230-006 (VTM 2021-5). This approval is in conjunction with Conditional Use Permit 2022-2 for a Planned Unit Development. The proposed development shall be in substantial conformance to Exhibit A (Project Plans) prepared by HMM and dated "Received, May 25, 2022" on file with the Planning Division, and other plans, text and diagrams relating to this Vesting Tentative Map, except as modified by the following conditions. The final map and improvements shall strictly adhere to the approved set of plans unless prior approval is granted by Director of Development Services for changes.
2. **Permit Expiration.** In accordance with Section 16.40.010(A) of the Municipal Code, this Vesting Tentative Map approval shall expire two (2) years from the date of approval unless a Final Map is recorded with San Benito County.
3. **Time Extension.** In accordance with Section 16.40.010(B) of the Municipal Code, the Planning Commission may extend the time for an approved tentative 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. The application for an extension shall state the reasons for requesting an extension. A request for an extension may be approved, approved conditionally, or denied by the Planning Commission.
4. **Appeal Period.** The final 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 Development Services 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 an appeal. In no case will a Final Map be approved or recorded until the appeal period has expired or a final action is taken on appeal.
5. **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 Development Services 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.
6. **Clarification of Conditions.** In the event that there needs to be clarification to the Conditions of Approval, the Director of Development Services and the City Engineer have the authority to clarify the intent of these Conditions of Approval to the Developer without going to a public hearing. The

Director of Development Services and City Engineer also have the authority to make minor modifications to these conditions without going to a public hearing in order for the Developer to fulfill needed improvements or mitigations resulting from impacts to this project.

7. **Noise During Construction.** Construction activities on the project site must employ noise suppression devices and techniques and shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays and shall be prohibited on Sundays and federally recognized holidays per Ordinance 1137 of the Hollister Municipal Code. No construction, landscape maintenance or grounds maintenance activities shall occur on federal holidays. Construction equipment and activities shall not use noise suppression devices and techniques.
8. **Overtime Inspections.** Arrangements for overtime inspection services and payment of fees for same shall be made at least 48 hours in advance and are subject to inspection availability and approval by the City Engineer. Alternatively, the Applicant may engage a third-party inspector at its own expense, so long as the identity of such inspector and work is approved in advance in writing by the City. Any work performed without inspection is subject to rejection by the City if in City's reasonable determination.
9. **Code Enforcement.** Prior to issuance of a building permit, the applicant shall not be in violation of the City of Hollister Municipal Code involving the project site. More specifically, Section 1.16.100, Refusal to issue permits, licenses or other entitlements, which states "no departments, commission or public employee of the city which is vested with the duty or authority to issue or approve permits, licenses or other entitlements shall issue or approve such permits, licenses or other entitlements where there is an outstanding violation involving the property upon which there is a pending application for such permit, license or other entitlement."

**Planning Department – Project-Specific Conditions of Approval**

10. **Site and Architectural Review.** Prior to recordation of the Final Map, the applicant shall apply for and receive approval of an Administrative Site and Architectural Review for the development project.
11. **Timing of Duet Lots:** The entitlement and development of the 16 duet lots shall be as follows:
  - a. Prior to issuance of a building permit for the 38<sup>th</sup> Single Family Detached unit in the subdivision, all building permits for the 16 Duet units shall be issued.
  - b. Prior to issuance of a final occupancy permit for the 74<sup>th</sup> (final) Single Family Detached unit in the subdivision, a final occupancy permit shall be issued for all 16 Duet units.
12. **Noise Study.** The project shall comply with all mitigation measures identified in the Noise Study prepared by Salter Inc. dated October 12, 2022 on file with the Planning Department. The plans submitted for a Site and Architectural Review shall include documentation that all mitigations required by the Noise Study will be incorporated into the project.

13. **Berms.** All berms required for this project shall meet all requirements of the Noise Study identified in Condition 12 above. The preliminary Landscape Plans submitted with the Site and Architectural Review Application shall indicate the proposed landscaping for this area.
14. **Chappell Road Master Plan Linear Park.** Prior to the approval of the improvement plans, the applicant shall submit the proposed linear park design improvements for the review of the City of Hollister Parks and Recreation Commission for consistency with the goals of the adopted Chappell Road Master Plan. The recommendations of the Parks and Recreation Commission shall be incorporated into the park design and this portion of the Chappell Road Linear Park shall be constructed by the applicant in the course of subdivision improvements. The recommendations shall take into consideration the park construction in-lieu impact fees which would have otherwise been paid by the applicant for this development ("Impact Fee"), and all reasonable efforts to keep construction costs of the park less than or equal to the Impact Fee shall be made. If, however, the Parks and Recreation Commission determines that in order to accomplish the goals of the Chappell Road Master Plan their recommendation is of a park design that would exceed the costs that would have otherwise been collected as the Impact Fee, the park design recommendation shall be forwarded to the City Council for ultimate approval. The Council shall either: 1) enter into a reimbursement agreement with the applicant to address any costs exceeding the Impact Fee that will incur as a result of their recommended park design, or 2) authorize a different park design that will not exceed the Impact Fee.
  - a. As part of the review of the park design proposal, emphasis shall be made to take into consideration safety concerns with regard to the proximity to the highway to ensure that future users of the open space will be protected while using the linear parkway, while also taking into consideration the aesthetics and views of the mountain range that are a part of the Chappell Road Master Plan.
15. **All Other Resolutions.** Resolutions and ordinances approved for the certification of the environmental document pursuant to CEQA, the Prezone, Tentative Map, and Conditional Use Permit for a Planned Unit Development for the project shall also apply to this resolution.

**Landscaping – Standard Conditions of Approval**

16. **Final Landscape and Irrigation Plans.** Final Landscape and Irrigation Plans, all written documentation and an Application Fee as required by Chapter 15.22, Water Efficient Landscape Ordinance, shall be submitted to the Planning Division in conjunction with an application for a building permit. The Plans shall be prepared and stamped by a State licensed landscape architect or registered engineer shall be submitted for review and approval by the Development Services Director. The Plans shall be approved and all landscaping shall be installed prior to Occupancy.
17. **Landscaping.** The Applicant/Development shall construct all landscaping within the site and along the project frontage. The on-site landscaping shall be to the satisfaction of the Director of Development Services.
18. **Street Trees.** Street trees are required as a condition of development. The street trees on the frontage landscaping shall be a minimum of 36" box, their exact tree locations and varieties shall

be approved by the Director of Development Services and the City Engineer. Street trees shall generally be planted at the rate of one street tree for each 30 lineal feet of property frontage. Landscape plans may include grouping of trees to vary this standard to honor site/public subdivision.

**Engineering Department – Standard Conditions of Approval**

19. **Standard Plans and Specifications.** All improvements required shall be designed in accordance with City Design Standards and constructed in accordance with the City of Hollister Standard Plans and Specifications and receive approval by the City of Hollister Engineering Department. All applicable codes and ordinances, along with the recommendations of the City Engineer and any required Geological Investigation, are to be adhered to, and all required fees shall be paid.
20. **Street Right-of-Way.** The final map shall be required to indicate all public and private rights-of-way for streets including a 10 ft. minimum P.U.E. as deemed necessary by the City Engineering Department as well as a one-foot non-vehicular access strip along all street terminating at the project boundary and at any property phase line.
21. **Public and Private Easements.** The final map shall be required to indicate all public and private easements necessary to serve the subdivision. These easements shall include the following: utility, water, sewer, telephone, storm drainage, fiber optic conduit, cable, T.V., tree planting and maintenance.
22. **Final Map Submittal.** The developer shall submit a final 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.
23. **Water Supply.** Prior to filing of the final map, the developer shall provide to the Engineering Department, water calculations based on recent hydrant tests showing sufficient water supply for domestic and fire suppression use.
24. **Subdivision Improvement Agreement.** Prior to filing of the final map and Subdivision Improvement Agreement, all material necessary to present the subdivision to the City Council shall be submitted to the City Engineer at least two weeks prior to the Council meeting. The material shall be submitted in a form satisfactory to the City Engineer.
25. **Utility Providers.** The developer shall submit three prints of the approved vesting tentative map to each of the following utilities: PG&E, Pacific Bell, AT&T, and Charter Cable. The developer shall subsequently provide the City Engineer with each utility's easement needs as part of the initial submittal.
26. **Public Roads on Tentative Map.** The streets as shown on the Vesting Tentative Map as public right-of-way in their alignments and dimensions shown are to be public roadways designed to City standards.

27. **Temporary Maintenance and Operation of Utilities.** The developer shall be responsible for all maintenance and operation of all utilities and improvements from the time of installation until acceptance of the subdivision improvements.
28. **Street Names.** Prior to recordation of the final map the developer shall submit all proposed private and public street names for the new streets to the City of Hollister Engineering Department for review and approval by the City of Hollister Development Review Committee (DRC) and County Communications. The approved street names shall be included on the final map and improvement plans. Any alterations to the street names may be allowed only after re-submittal of the revised street names to the City Engineering Department for review and approval of the DRC and County Communications.
29. **Site Clearance.** Prior to receiving issuance of a grading permit, the project site shall be properly cleared of all fences, wells, septic tanks, irrigation pipes, fuel tanks and other structures. Certificates from the County Environmental Health Department shall be provided to the City Engineer for any well or septic tank abandonment, and from the City Fire Department for abandoned fuel tanks.
30. **Temporary barricades.** All streets temporarily ending at property lines shall be barricaded in accordance with City Standards. A sign shall be posted stating that the road will be extended.
31. **Residential Fencing.** Prior to occupancy, residential fencing shall be installed or replaced along the residential boundary, in accordance with City standards. Residential fencing shall be approved by the City Engineering Department and Planning Division prior to installation. Residential fencing on interior lots shall comply with the fence standards in the Hollister Municipal Code. Fencing of the subdivision shall be placed along all residential boundaries. Double fencing shall not be allowed.
32. **Soils Report.** As part of the final map submission, a geotechnical soils report shall be submitted to comply with the current building code in accordance with the provisions of the City Subdivision Ordinance.
33. **Construction Stormwater BMP Control Plan (CSCP).** Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a CSCP for construction stormwater runoff BMP control measures.
34. **Post-Construction Stormwater Control Plans (SWCP).** Prior to any site development or grading, the applicant shall submit a SWCP for review and approval by the Engineering Department. The SWCP shall meet the requirements of the California Regional Water Quality Control Board Central Coast Region, Resolution No. R3-2013-0032 dated July 12, 2013 (PCRs), entitled Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region, as applicable and shall address all required post-construction stormwater runoff BMP control measures, as applicable. The applicant shall submit the SWCP as part of the plan, for City review and approval. The applicant is advised that the Engineer of Record shall inspect and provide certification to the City of Hollister that all stormwater post-construction improvements are properly installed and comply with the approved civil design plans.

35. **Drainage Report.** Prior to final map, a drainage report shall be submitted for review and approval by the City Engineer. The drainage report shall include, but is not limited to, depiction of all tributary areas on and to the site, and shall provide all information pertinent to the capability of the proposed drainage facilities to handle the expected post-construction storm water management (LID, runoff control and reduction, water quality treatment, etc.), and flood control measures as required for the site. Additionally, the report shall include or incorporate the grading plan, CSCP, SWCP, and landscape plan for the project.
36. **Grading and Drainage Plan.** Prior to any site development or grading, the applicant shall submit for review and approval by the Engineering Department a grading plan that complies with Chapter 15.24 "Grading and Best Management Practice Control" and Section 17.16.140 "Stormwater Management" of the Hollister Municipal Code and all subsequent amendments to those codes. Low Impact Development (LID) strategies shall be considered and incorporated as part of site planning and design as appropriately feasible.
37. **Storm Water and Grading Permit.** Prior to approval of any storm water permit, grading permit or improvement plans, the applicant shall obtain all applicable permits directly associated with the grading activity, including, but not limited to, the State Water Board's CGP, State Water Board 401 Water Quality Certification, U.S. Army Corps 404 permit, and California Department of Fish and Game 1600 Agreement. Further, the applicant shall provide evidence to the City Engineer that the required permits have been obtained.
38. **Stormwater Management Post-Construction Application.** As part of the improvement plan review process, the applicant shall submit to the Engineering Department a Stormwater Management Post-Construction Requirements application to be reviewed for compliance with the post-construction stormwater regulations and approved prior to Improvement Plans approval.
39. **Sediment/Trash Separator.** Drainage improvements shall include, but not be limited to, all necessary sediment traps and trash separator devices, such as hydrodynamic vortex separator, as directed by the City Engineer.
40. **Solid Waste Diversion Plan.** Prior to a building or demolition permit, the developer shall prepare and submit a solid waste diversion plan for review and approval by the Building Department. The diversion plan shall comply with Chapter 15.04.045 of the City of Hollister Municipal Code by establishing criteria and procedures to divert a minimum of 50% of all construction or demolition waste from being disposed at a landfill.
41. **Water Line Improvements:** The water system improvements shall be subject to the review and approval of either the City of Hollister and shall meet the following requirements:
  - a. All water system improvements shall be installed in accordance with the City of Hollister's standards that are in effect at the time of improvement plan approval.
  - b. Any offsite waterlines necessary to be installed under proposed pavements shall be installed at the time of the roadway improvements.

42. **Improvement Plans:** Prior to permit issuance for onsite and/or offsite work, Improvement Plans shall be submitted to the Engineering Department for review of all necessary improvements in compliance with mitigation measures, requirements, and conditions as per the Final Environmental Impact Report (EIR) for the Chappell Road Project, the Chappell Road Master Plan, the San Felipe Road Corridor Study, the Supplemental Analysis to San Felipe Road Corridor Study, and the 2022 (Wallace Group) infrastructure assessment.
43. **Improvements Prior to Occupancy:** In order to assure adequate access for emergency response vehicles and water supply for fire suppression, the issuance of any building permit shall be subject to the requirements of City Council Resolution 95-08, A Resolution of the City Council of the City of Hollister Establishing a Policy Relating to Home Construction in Incomplete Subdivisions or any subsequent policy. No certificate of occupancy shall be issued for any unit prior to the completion of such improvements.
44. **Final Occupancy Inspection for Residential Units:** A final occupancy shall not be granted for any residential units unless the Building Inspector can verify the following:
  - a. The water conditioning system that has been installed is a City-approved system that can be regenerated offsite and will not discharge waste or waste products into the City's sewage system.
  - b. Prior to final occupancy of the building, the applicant shall install new Radio Read Meters. For details, contact the Lead Water Operator with the Utilities Division of the Community Services Department at (831) 636-4377.
  - c. The front yard landscaping has been installed in compliance with Water Efficient Landscape requirements.
  - d. Runoff from roof gutters shall be directed to landscape swales, rain gardens, and shall not be piped directly to gutters or non-permeable paving.
  - e. The development impact fees shall be based on those in effect at the time of connection. Developer must pay all development impact fees due to the City and/or the County on the date of the final inspection, or the date the certificate of occupancy is issued for each residence, whichever occurs first.

Development impact fees that apply to the project are listed below:

- i. Water (City of Hollister)
- ii. Traffic
- iii. Sewer Treatment
- iv. Sewer Collection
- v. Storm Drainage
- vi. Park
- vii. Library Facilities
- viii. Police
- ix. Fire
- x. Detention – Jail/Juvenile Hall

For a complete list of all applicable impact fees, please contact the City of Hollister Engineering Department at 831-636-4340. Such list is also made available on our City website, under Engineering Department.

45. **School Impact Fee.** Unless otherwise required by law, all school impact fees shall be paid at the time of building permit issuance.
46. **Developer Fees.** Prior to final map approval, the developer shall pay all fees including, but not limited to, fees required by reimbursement agreements, drainage agreements, improvement plan checking and inspection fees, as well as any applicable fees pursuant to the Public Works Master plan.
47. **Reduced Pressure Principle (RPP):** When the City of Hollister deems it necessary, the applicant shall be required to install an RPP backflow prevention device at their sites which shall meet the following criteria:
  - a. The RPP shall conform to all AWWA (American Water Works Association) standards and shall be appropriately sized for the specific application on the site.
  - b. The RPP shall be inspected by a certified California-Nevada AWWA Backflow Prevention Assembly General Tester. The Utility Division shall provide a list of acceptable Assembly Testers within the area.
  - c. The Utility Division shall receive a copy of the initial RPP inspection report.
  - d. Any and all RPP defects shall be immediately repaired or replaced prior to the Utility Division reestablishing water service to the sites. The owner/operators shall have the RPP inspected/tested each year thereafter, with all reports forwarded to the Utility Division.
  - e. Should the RPP fail to pass any inspection or test, the device shall be immediately repaired or replaced, with all repair and/or replacement reports forwarded to the Utility Division.
  - f. The RPP shall be installed according to AWWA standards, in regards to concrete padding and surrounding landscape/RPP height requirements.
  - g. The RPP shall be installed inside a wire-mesh cage enclosure, preferably green in color, with a hinge on one end and a locking hasp device on the other to prevent vandalism and unauthorized entries.
  - h. The RPP shall be installed at a site between the City's water meter and the building inside the property line where the RPP can be readily observed and be easily accessible for future inspections.
48. **Sewer Mains and Laterals:** Prior to burial, the Engineering Department shall inspect all building laterals, the project's main sanitation collection system, the connection to the City's main sanitary collection system, and the interceptor installation. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections.
49. **Water Mains and Services:** Prior to connection and burial of services and mains, the Engineering Department shall inspect all water services, mains, meters, and meter boxes. At the time of the service inspection, a lay length spacer pipe shall be set in place of the meter which shall be drilled with holes that have a minimum diameter of  $\frac{1}{4}$ ", as approved the City inspector. The

- owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections.
50. **Storm Drain Facilities:** Prior to burial or connection of storm drain fallibilities, the Engineering Department shall inspect the installation and connection of such facilities to assure compliance with the City's standards. The owner/developer shall contact the Engineering Department at least 24 hours prior to all necessary inspections
  51. **Water Meter Applications:** The Engineering Department shall process applications for new water meters and meter boxes for irrigation and potable water systems. The owner/developer may contact the Engineering Department (831) 636-4340 for information.
  52. **Fire Hydrants:** Prior to improvement plan and final map approval, the applicant shall coordinate with the Fire Chief at 831-636-4325 for the placement of fire hydrants and provide an approved plan to the Engineering Department.
  53. **Slurry Seal:** Prior to the City's acceptance of the subdivision improvements, the subdivision roads and vicinity roads shall be in a good state of repair as determined by the City Engineering Department. Roads on the project site and vicinity determined not to be in a good state of repair by the City Engineering Department, or that have utility trench cuts, shall be repaired curb to curb by the applicant using Type II slurry seal or by an alternate method approved by the City of Hollister. Upon the overlay, all pavement legends and striping shall be placed and/or redone. Thermoplastic material shall be used for the road markings.
  54. **Water Sampling:** Prior to final map submittal, the map shall identify a water sampling device for water analysis at opposite ends of the project site to avoid using water hydrants for water analysis. The map shall be submitted to the City of Hollister Development Services Department and placement of the water sampling device on the map and ultimately on the site shall be reviewed and approved by the City of Hollister Utilities Department.
  55. **On-Site Drainage:** The developer shall be responsible to maintain all on-site drainage facilities, including underground chambers, bio-filtration basins and conduit (pipe).
  56. **Post Construction Stormwater Requirements:** Prior to occupancy a deed restriction shall be recorded for the proposed stormwater storage facility on Parcel A and for all on-site post construction stormwater requirements including, but not limited to, bio-filtration basin chambers and stormwater pipe. This will guarantee maintenance of drainage features.
  57. **Homeowners Association:** The project will create a Homeowners Association (HOA) that will be responsible for long-term funding of maintenance of on-site private roads, common area landscaping, open space, and storm drains for the project. A copy of the CC&Rs shall be submitted to the City for review prior to the recording of the first Final Map. Private Streets shall conform to City of Hollister Municipal Code Section 13.20.020(M).
  58. **HOA Responsibility.** The HOA shall be responsible for maintenance of all on-site common area landscaping and irrigation systems, which shall be kept in a neat, clean and healthy manner and

in compliance with the approved plans. The applicant will maintain the approved landscaping until such time that it has been accepted by the HOA. The HOA will maintain the approved landscaping in perpetuity. No trees, shrubs, or plant material shall obstruct site distance of motorists and pedestrians. This condition does not apply to individual private yards.

59. **Community Facilities District No. 4:** Prior to the approval of any Memorandum of Agreement for Early Start Homes; prior to the Subdivision Improvement Agreement; or prior to the recordation of the final map, whichever the applicant chooses to do first, the applicant shall cooperate with the City to facilitate the annexation of the entire project to the Community Facilities District No. 4. The entire project shall be included within the boundaries of the communities 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 in 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.
60. **Community Facilities District No. 5:** Prior to the approval of any Memorandum of Agreement for Early Start Homes; prior to the Subdivision Improvement Agreement; or prior to the recordation of the final map, whichever the applicant chooses to do first, the applicant shall cooperate with the City to facilitate the annexation of the entire project to the Community Facilities District No. 5. The entire project shall be included within the boundaries of the communities 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 in 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.
61. **Encroachment Permit:** An encroachment permit shall be issued in addition to the grading permit for the work within the City of Hollister right-of-way or public easements within the property. This includes improvements such as: driveway approaches, water line connection for domestic water or fire services, sewer lateral installations and any other improvements on right-of-way. Encroachment Permits are issued at the Engineering Department located at 339 Fifth Street, in Hollister Ca.
62. **County Express:** The project area is served by County Express' Dial-a-Ride. As such, prior to issuance of the first building permit within the subdivision, the project applicant shall coordinate bus stop amenities with the San Benito County Council of Governments and the City of Hollister Engineering Department. The bus stop amenities shall be reviewed and approved by the City of

Hollister Engineering Department. The applicant shall install the approved amenities prior to final occupancy of the building.

63. **Grading and Subdivision Improvement Work:** Prior to issuance of a grading permit, applicant shall provide approved surety in the amount of 100% of the Engineers Estimate for Performance surety and Labor and Material surety, pay all applicable fees, provide a work schedule, as well as insurance certificates as required per City Standards and Municipal Code sections 15.24.120 and 15.24.315.
64. **AutoCAD and GIS:** An electronic copy of the approved design improvements shall be submitted to the Development Services Department in both AutoCAD and GIS format, prior to recording of the map, as applicable. An electronic copy of the map shall be submitted to the Development Services Department in both AutoCAD and GIS format, prior to the recording of the map, as applicable.
65. **Addresses:** Prior to building permit issuance, address requests shall be submitted to the Engineering Department along with an AutoCAD file with line work showing the property lines, curb, gutter, and sidewalk.
66. **Water and Sewer Utility Clearance.** No buildings, trees, bushes, other structures or materials shall be placed within ten feet (10') of the meters, water lines, or sanitary sewer connections and laterals.
67. **Construction Equipment.** All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, 89.112.
68. **Hazardous Materials:** Prior to the issuance of a demolition permit or of a grading permit that involves demolition of existing structures, the developer shall contract with a certified asbestos/lead paint consultant to perform an asbestos and lead paint inspection prior to the demolition of regulated structures. Should the inspection identify the presence of asbestos and/or lead paint, the developer shall contract for material abatement. Removal or disturbance of asbestos and lead paint requires adherence to the California Division of Occupational Safety and Health and California Department of Public Health regulations. Should the asbestos and lead paint inspection indicate the presence of the significant levels of asbestos, the developer shall contract a California State registered and licensed asbestos abatement contractor to perform the asbestos work. The asbestos and lead paint inspection and evidence of abatement of any identified lead based paint and regulated asbestos containing materials shall be presented to the city prior to issuance of a grading and/or demolition permit.
69. **Damage During Construction.** The property owner/developer shall replace any street or sidewalk improvements or utility services that are removed or damaged during the construction of the project as determined by the City Engineer. This could include, but is not limited to, permeable paving, PCC curbs, gutters, sidewalks; street lighting; signing and striping; all underground utilities

including, but not limited to, sanitary sewer, gas, electrical, telephone, and water and fire services lines; and all other improvements to bring the right-of-way into full conformance with applicable City standards. All construction in the right-of-way shall be completed prior to final building approval.

70. **Separate Meters.** Each dwelling unit shall be metered separately for electricity, gas, and water/sewer services.
71. **As-Built Plans:** Prior to occupancy, developer must provide the City Engineering Department with an electronic pdf and AutoCAD copy of the final as-built plans as well as one Mylar print and one reproduction copy. The final as-built must be updated with all changes made during construction such as additions and deletions, including changes that were made to reflect actual site conditions.
72. **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.
73. **Bicycle Lanes:** Prior to map approval, bicycle lanes shall be designed in accordance with the San Benito County Bikeway and Pedestrian Master Plan. The design shall be reviewed and approved by the City Engineer. Pending approval of the bicycle lanes, the developer shall make the bicycle lane improvements on site in a method approved by the City Engineer in accordance to City standards.
74. **Construction Dust and Emissions:** To reduce dust emissions from demolition, grading, and construction activities on the project site, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits. The following dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:
  - a. Use recycled water, if available, or potable water if not, to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
  - b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;
  - c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
  - d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
  - e. Maintain at least two feet of free board and cover all trucks hauling dirt, sand, or loose materials;
  - f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
  - g. Stop grading, and earth moving if winds exceed 15 miles per hour;

- h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
  - i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance);
  - j. Limit the area under construction at any one time; and
  - k. Construction equipment shall use alternative fuels such as compressed natural gas (CNG), propane, electricity or biodiesel whenever possible.
75. **Utility Work Authorization.** The developer shall make arrangements for P.G.&E., AT&T, or any other utilities authorized to operate in the City of Hollister. All such utility work shall be done in accordance with Joint Utility requirements as well as the City of Hollister Specifications and Details.
76. **Dedications and Easements.** Off-site dedication/acquisition of property for public right-of-way purposes will be necessary to facilitate orderly development, anticipated build-out improvements, and/or to satisfy mitigation measures, conditions of approval, or compliance with City Standards and policies. The subdivider shall work with the City and the land owner(s) to acquire the necessary rights-of-way. In the event the subdivider is unable to acquire said rights-of-way, the City Council may consider lending the subdivider its powers of condemnation to acquire the off-site right-of-way dedication, including any necessary slope and drainage easements. If condemnation is required, the subdivider shall agree to pay all costs associated with the off-site right-of-way acquisition (including attorney fees and court costs).

### **Engineering – Project-Specific Conditions of Approval**

#### **On-Site Improvements**

77. **Rights-of-Way:** The developer shall dedicate, improve, and guarantee by bond full rights-of-way for the following road improvements as shown on the approved vesting tentative map, including street lighting and street trees; all underground utilities including, but not limited to, sanitary and storm sewers, gas, electrical, telephone, cable TV, fiber optic conduits, and water lines; and all other improvements necessary to bring the existing private rights-of-way into full conformance with all applicable City standards. Existing overhead utilities shall be undergrounded.
- a. **Chappell Road Improvements:** As shown of the vesting tentative map, Chappell Road to the west of the site shall have full road improvements including but not limited to sidewalk, curb, gutter, lighting, undergrounding of any existing overhead utilities, irrigation, and landscaping on the east side of Chappell Road, connecting to the existing roads, Chappell Road and Pacific Way to the south west of the project site, as determined by the City Engineer and in conformance with the Chappell Road master plan.
  - b. **Pacific Way Improvements:** As shown on the vesting tentative map, Pacific Way to the south of the project site shall have full road improvements including, but not limited to, Class II bike lane, sidewalk, curb, gutter, lighting, undergrounding of any existing overhead

utilities, irrigation, and landscaping on the north side of Pacific Way from Chappell Road to Maggiorre Drive, as determined by the City Engineer and in conformance with the Chappell Road master plan. Right of way for the portion of future Pacific Way on the project property shall be dedicated on the final map.

78. **Chappell Road/Pacific Way Roundabout:** Requirements for the Chappell Road/Pacific Way Roundabout are as follows: 1) The connection to Chappell Road must be constructed to the satisfaction of the City Engineer. 2) The developer shall dedicate adequate right of way, as approved by the City Engineer, to allow for the ultimate improvements of a roundabout at the Chappell Road and Pacific Way intersection per the adopted Chappell Road master plan. The developer shall prepare preliminary roundabout layouts for City approval verifying the ultimate right of way required. 3) Prior to approval of the improvement plans, the developer shall provide to the City's Engineering Department a cost estimate of the full roundabout improvements for review and approval. 4) prior to approval of the improvement plans, the developer shall fund a traffic cost analysis to determine their pro-rata share of the cost for the construction of the full roundabout improvements. 5) Prior to building permit issuance, the developer shall pay their fair share of the construction for the full roundabout improvements.
79. With respect to all off-site improvements, prior to filing of the Final Map, the subdivider shall either:
- a. Clearly demonstrate their right to construct the improvements by showing title or interest in the property in a form acceptable to the City Engineer; or,
  - b. Demonstrate, in writing, that the subdivider has exhausted all reasonable efforts to acquire interest to the subject property and request that the City assist in acquiring the property required for the construction of such improvements and exercise its power of eminent domain in accordance with Government Code Section 66462.5 to do so, if necessary. Subdivider shall also enter into an agreement with the City to pay all costs of such acquisition including, but not limited to, all costs associated with condemnation. Said agreement shall be in a form acceptable to the City Engineer and the City Attorney. If condemnation proceedings are required, the subdivider shall submit, in a form acceptable to the City Engineer, the following documents regarding the property to be acquired:
    - i. Property legal description and plat stamped and signed by a Licensed Land Surveyor or Civil Engineer authorized to practice land surveying in the State of California;
    - ii. Preliminary title report including chain of title and litigation guarantee;
    - iii. Appraisal of the property by a City approved appraiser. In the course of obtaining such appraisal, the property owner(s) must be given an opportunity to accompany the appraiser during any inspection of the property or acknowledge in writing that they knowingly waived the right to do so;
    - iv. Copies of all written correspondence with off-site property owners including purchase summary of formal offers and counter offers to purchase at the appraised price.
- Prior to submittal of the aforementioned documents for City Engineer approval, the Subdivider shall deposit with the City all or a portion of the anticipated costs, as determined by the City Attorney, of the condemnation proceedings. The City

does not and cannot guarantee that the necessary property rights can be acquired or will, in fact, be acquired. All necessary procedures of law would apply.

### Off-Site Improvements and Phasing

80. Project transportation infrastructure shall be completed in the sequential phase order as evaluated in the project EIR, Transportation Impact Study, the "San Felipe Road Corridor Study," dated February 19, 2021 including supplemental analysis, or as agreed to between the City and Developer. If phasing is modified, amendments to the Development Plan and EIR may be required.
81. **San Felipe Road Corridor Improvements.** The San Felipe Road Corridor Study and the Supplemental Analysis to the San Felipe Road Corridor Study prepared by Rick Engineering for the City of Hollister determined that the first phase of improvements are triggered by the 100<sup>th</sup> PM Peak Hour Trip that would go to the future intersection of San Felipe and Pacific. This trigger will be met by the 451<sup>st</sup> residential unit or the first commercial development, whichever occurs first. Rick Engineering has subsequently determined the "fairshare" cost of these improvements to be \$2,470 per PM Peak Hour Trip, to be increased annually by the CPI. Each newly created residential lot will generate one (1) PM Peak Hour Trip. This amount shall be paid to the City of Hollister prior to the issuance of each building permit and shall constitute full satisfaction of the project's obligation toward these improvements up to the 451<sup>st</sup> newly created lot within the study area.
82. Prior to issuance of the building permit for the unit that generates 750 trips:
  - **State Route 25 2<sup>nd</sup> Right Turn Lane.** Construct 2<sup>nd</sup> eastbound right turn lane with each lane providing a minimum storage length of 400 feet.
83. Prior to issuance of the building permit for the unit that generates 1,000 trips:
  - **San Felipe Road and Pacific Way Intersection.** Provide one exclusive left turn lane with a minimum of 260 feet of storage length, one shared left/through lane and one exclusive right turn lane with at least 155 feet of storage length; provide westbound right turn signal overlap with southbound left turn phase. Construct 2<sup>nd</sup> southbound left turn lane with at least 200 feet of storage length and reconstruct the center median on north leg of the intersection. In conjunction with these improvements, the applicant shall be responsible for submittal of improvement plans for retiming of the traffic signal including coordination with the traffic signals at State Route 25 and Gateway Drive.
84. Prior to issuance of the building permit for the unit that generates 1500 trips:
  - **State Route 25 2<sup>nd</sup> Left Turn Lane.** Construct 2<sup>nd</sup> westbound left turn lane with storage length of at least 100 feet.
  - **San Felipe Road and Pacific Way Intersection.** Widen San Felipe Road to provide an exclusive northbound right turn lane minimum 300 feet in length including signal overlap phase with westbound left turn phase; reconstruct the center median on south leg of intersection. In conjunction with these improvements, the applicant shall be responsible for submittal of

improvement plans for retiming of the traffic signal including coordination with the traffic signals at State Route 25 and Gateway Drive.

- **San Felipe Road and Gateway Drive Intersection.** Convert existing southbound right turn lane to shared right/through lane and extend third southbound through lane to 500 feet south of Gateway Drive. Provide transition from three lanes to two lanes.
- **San Felipe Road.** Construct curb, gutter and sidewalk along the east side of San Felipe Road between Gateway Drive and Pacific Way. Coordinate design of driveways to existing businesses with respective property owners and City, ensuring full access is provided. Driveways on San Felipe Road will be limited to right-in, right-out; provide new access on Pacific Way opposite Chappell Road interior road.
- **Pacific Way.** Construct curb, gutter and sidewalk along the south side of Pacific Way from San Felipe Road to the phase line for future Chappell Way development phases. Construct raised median prohibiting left turns between San Felipe Road and the intersection with the second interior road located approximately 450 east of San Felipe Road.

85. **Infrastructure Design and Implementation.** Infrastructure design, sizing and cost estimates for primary system improvements (water, sewer and drainage systems) shall completed for the entire Chappell Road annexation area prior to approval of the first Final Map within the Chappell Road Master Plan and Study Area. System improvements will be constructed by development. If improvements are constructed by others, development will contribute a fair share fee as established by the City of Hollister. All infrastructure plans must be reviewed and approved by the City prior to installation.

86. **Rustic Basin Improvements.** The City has tested the infiltration rates for the Rustic Basin for inclusion in the storm drain model to see the effects of improvements previously made by the City. The results show the basin is deficient for the total tributary area in the 25-year storm event. The developer shall either mitigate the 25-year storm on-site or increase the capacity of the Rustic Basin by increasing infiltration or basin volume to provide capacity for future flows.

#### **Improvement Plans/Final Map Submittal**

87. The applicant shall submit a final Transportation Improvement Phasing Plan for each final map development phase of the Project for City review and approval prior to recordation of the first final map.

88. The improvement plan submittal shall include a complete construction phasing plan in accordance with the mitigation measures, conditions of approval, City codes, and standards.

89. Detailed plans shall be provided for any off-site or out-of-phase improvements in conjunction with the proposed phasing plans unless preliminary or final designs are needed for orderly development and/or to substantiate the design of an adjoining phase.

90. All public streets shall conform to City Engineering Standards and the specific plan including curb, gutter, and sidewalk, driveway approaches, and curb ramps as approved by the City Engineer. Where conflicts occur between the City Engineering Standards and concepts identified in the Chappell Road project approval documents and/or represented on the tentative map, the City Engineer shall make the final determination of design approval and/or exceptions.
91. All subdivision improvements shall be consistent with the City Engineering Standards except where the applicant has requested and been granted a formal design exception by the City Engineer. Design exceptions shall be requested in a format approved by the City and shall be accompanied by the required application and review fee. The applicant shall summarize the need for the request, alternatives, and may be asked to propose final construction details, specifications, and minimum construction tolerances/testing for review and approval by the City Engineer in support of the request. The request shall be approved by the City Engineer prior to submittal of complete public improvement plans.
92. Final street sections shall be approved in conjunction with the review and approval of the final project geotechnical report. The final design shall consider drainage, transitions, and accessibility.
93. **Improvement Plans and Off-Site Improvements.** Improvement plans for the entire subdivision, including any off-site improvements shall be approved to the satisfaction of the Public Works Department, Utilities Department, and Fire Department prior to map recordation. Off-site improvements may include but are not limited to roadways, sewer mains, water mains, recycled water mains, and storm drain improvements. Off-site improvements may include off-site access roadways, transportation improvements, and utility system improvements.
94. **Improvement Plans.** The improvement plans shall clearly show all existing structures, site improvements, utilities, water wells, septic tanks, leach fields, gas and wire services, etc. The plan shall include any pertinent off-site water well and private waste disposal systems that are located within regulated distances to the proposed drainage and utility improvements. The plan shall include the proposed disposition of the improvements and any proposed phasing of their demolition and removal.
95. **Public and Private Easements and Wells.** The map and improvement plans shall show and clarify the extent of all existing public and private easements. The developer shall provide any additional clarification regarding the use and disposition of any water wells. Any private water well service piping that crosses or is proposed to cross an existing or future public right-of-way shall be approved by the City and shall be covered by an Encroachment Agreement to be recorded in a format approved by the City. The developer shall provide any additional clarifications, amendments, and/or quit-claims on any outstanding private easement agreements, as necessary.
96. **Truck Circulation Plan.** A truck circulation plan and construction management and staging plan shall be included with any demolition, stockpile, grading, or improvement plan submittal. General truck routes shall be submitted for review and acceptance by the City. The engineer of record shall provide a summary of the extent of cut and fill with estimates on the yards of import and export material. The summary shall include rough grading, utility trench construction, road construction, AC paving, concrete delivery, and vertical construction loading estimates on the

existing City of Hollister roadways. The developer shall either: 1) complete roadway deflection testing before and after construction to the satisfaction of the City Engineer and shall complete repairs to the pre-construction condition, or 2) shall pay a roadway maintenance fee in accordance with City Engineering Standards and guidelines, or 3) shall propose a pavement repair/replacement program satisfactory to the City Engineer. The roadway impacts analysis and mitigation strategy shall be approved prior to commencing with grading or construction.

97. **PGE Utility Approval:** Prior to the recordation of the final map, the developer shall provide evidence to the satisfaction of the City which demonstrates that Pacific Gas & Electric (PGE) has reviewed the proposed subdivision layout, and raises no concern with the development. The developer shall coordinate with the City and PGE to ensure that any concerns are resolved prior to recordation of the final map. The developer is hereby made aware that any significant design changes may be considered to be out of substantial conformance with the approved tentative map and may require reconsideration by the Planning Commission and/or City Council as appropriate.

#### **Overhead Utilities**

98. **Existing Overhead Utilities.** The public improvement plan submittal shall show all existing and proposed overhead wire utilities. Any existing overhead primary and secondary wiring within the tract boundary shall be undergrounded in conjunction with the subdivision improvements. Unless otherwise specifically approved, pole relocation in lieu of undergrounding is not permitted. Off-site service drops shall be eliminated. The new service feeds for the subdivision shall be completed by underground wiring without a net increase in utility poles. Terminal end utility poles shall be located off-site unless otherwise approved by the City.
99. **Street Widening.** Any widening of streets with existing overhead wire utilities shall include the undergrounding of the existing wiring. The City Engineer may require replacement streetlights per City Standards where streetlights exist on wood poles.
100. **Overhead Utilities.** The developer shall exhaust all reasonable efforts to eliminate or underground the existing overhead wiring located along the tract boundary. The elimination and/or undergrounding shall consider existing services and/or utilization equipment to remain. The plan to eliminate, reduce, or underground the existing services shall be approved to the satisfaction of the City, Caltrans, PG&E, and billboard easement grantee. Undergrounding service to any existing or proposed water well shall consider standard farming operations and the depth of deep ripping. Any proposal for partial undergrounding, waiver, or deferral shall be subject to the approval of the Community Development Director.
101. **Undergrounding Plans.** Preliminary undergrounding plans for the entire subdivision shall be processed through PG&E and any respective wire utility companies in conjunction with public improvement plan submittal. The preliminary PG&E plans/memo shall be provided to the engineer of record and the City for review and approval prior to commencing with the PGE final handout package. The final PGE handout package shall be approved by the engineer of record and City prior to commencing with construction.

### **Access**

102. **Secondary Access.** Secondary access is required from all portions and/or phases of the subdivision where more than 30 dwelling units are proposed. The location and development of the proposed secondary access shall be presented to the City for review and approval prior to the preparation of the related improvement plans or final map approval for each subsequent map or construction phase. Any temporary or permanent emergency access location, construction, and controls shall be in accordance with the Fire Code, City Engineering Standards, and shall be approved to the satisfaction of the Fire Department and Public Works Department.
103. **Fire Department Access.** Fire Department access shall be provided for each building construction phase to the satisfaction of the Fire Chief. Phased street construction shall consider and provide suitable Fire Department hydrant access, circulation routes, passing lanes, and turn-around areas in accordance with current City codes and standards.

### **Airport – Standard Conditions of Approval**

104. **FAA Crane Requirements.** Prior to building permit issuance for any site improvement, the applicant must notify the City of Hollister Airport director any dates that a crane would be used on site. If the crane exceeds 80 feet in height, the applicant must complete an airspace analysis with the FAA (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>), If the crane is less than 80 feet in height, the Airport Director will file the required NOTAM with the FAA. The crane will be required to display an orange and white checkered aircraft flag at its highest point, if the crane is left elevated at night it must also have a flashing red beacon. For more information please contact the Hollister Airport at 831-636-4365.
105. **Lighting Plan.** Prior to occupancy of any building permit issued, the applicant shall submit a site plan to the City of Hollister Airport Manager and obtain approval for project lighting. For more information, contact the Airport Manager at 831-636-4365.
106. **Storm Drainage.** All standard requirements regarding storm drainage shall be followed. There shall be no standing water for more than five days, nor shall any types of bodies of water, including bio retention swales, be allowed to form with any type of improvement on site in order to avoid attraction of birds in the vicinity of the airport that can interfere with aircraft. For details, please contact the Airport Manager at 831-636-4365.

### **Airport – Project-Specific Conditions of Approval**

107. **Real Estate Disclosure.** Prior to issuance of a Building Permit, the applicant shall record a real estate disclosure on all parcels located within the Routine Overflight Zone and within the airport influence area of the Hollister Municipal Airport. Contact the Council of San Benito County Governments (COG) at (831) 367-7665 for more information.

### **MITIGATION MEASURES – Project Specific**

108. **EIR Mitigation Measures.** The subdivision is subject to the applicable mitigation measures of the certified Final EIR and Mitigation Monitoring and Reporting Program (MMRP) for the Chappell Road Project. The applicable measures listed below shall carry through to all phases of project construction and operation. The project applicant/developer is responsible implementing all measures and demonstrating compliance to the City of Hollister based on the timing of the measure in the MMRP.

- MM 3.1.4 Nighttime lighting plan.
- MM 3.2.1 Agricultural land mitigation.
- MM 3.3.2 Prohibit wood burning fireplaces.
- MM 3.3.5a Lower emission construction equipment.
- MM 3.3.5b Construction pollutant mitigation plan.
- MM 3.4.1a Worker Environmental Awareness Program (WEAP).
- MM 3.4.1b Preconstruction surveys/setbacks.
- MM 3.4.1c Bird surveys/buffers.
- MM 3.4.1d Raptor protection.
- MM 3.4.1e Bat protection.
- MM 3.4.1f Preconstruction surveys.
- MM 3.4.1g No monofilament plastic or mesh.
- MM 3.4.1h Protective fencing.
- MM 3.4.1i Litter control.
- MM 3.4.1j Refueling location.
- MM 3.4.1k Construction vehicle speed limits.
- MM 3.5.2 Cultural/tribal/paleontological resource protection.
- MM 3.5.3 Tribal/archaeological resource protection.
- MM 3.7.2 Greenhouse gas reduction.
- MM 3.8.2a Prepare Phase I ESA.
- MM 3.8.2b Hazards encountered during construction.
- MM 3.8.2c Use qualified asbestos contractor.
- MM 3.8.2d Prevent accidental release of lead-based paint.
- MM 3.8.2e Prevent accidental release of PCBs.
- MM 3.14.1a Pay County TIMF fees.
- MM 3.14.4a Off site bicycle facilities study.
- MM 3.14.4b Contribute to planned bicycle facilities in project area.
- MM 3.14.4c Installation of sidewalks.
- MM 3.14.4d Develop safe routes to school program.

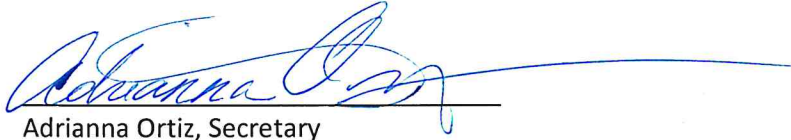
**PASSED AND ADOPTED**, at a regular meeting of the City of Hollister Planning Commission held on this 17<sup>th</sup> day of November 2022, by the following vote:

**AYES:** Huboi, Henderson, Belong, Corona, Stephens  
**NOES:** None  
**ABSTAINED:** None  
**ABSENT:** None



Chairperson of the Planning Commission  
of the City of Hollister

**ATTEST:**



Adrianna Ortiz, 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, please do not hesitate to contact the staff planner. Also, if you do not agree with the proposed conditions, you have an opportunity to present your case to the City Council at their meeting. In addition, the City provides for a 15-day appeal period.*