

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF HOLLISTER APPROVING PHASE 3 OF THE COMPREHENSIVE ZONING ORDINANCE AMENDMENTS RELATED TO PERMITS AND PROCEDURES (ZOA 2025-4)

WHEREAS, the City occasionally initiates an amendment to the Zoning Ordinance in order to clarify provisions in the Zoning Ordinance or to reflect current conditions in the City and to comply with state law; and

WHEREAS, staff are proposing to replace Chapter 17.02, General Provisions and Chapter 17.24, Administration and Enforcement with new Chapters to provide clear and easy to understand requirements for permits as well as permitting procedures; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 26, 2026, and adopted Resolution No. 2026-6 recommending the adoption of Zoning Ordinance Amendment 2025-4 to the City Council; and

WHEREAS, on April 20, 2026, the City Council held a duly noticed public hearing to consider the adoption of Zoning Ordinance Amendment 2025-4; and

WHEREAS, the proposed Zoning Ordinance amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines because the proposed amendments will not result in any direct physical change to the City, and any future development projects will be subject to the requirements of CEQA and therefore the proposed amendments are not a project under CEQA and are exempt from further review (CEQA Guidelines, Section 15378).

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

SECTION 1. Chapter 17.02, General Provisions, is hereby repealed in its entirety and replaced with Exhibit A, Chapter 17.02, Title Purpose and Authority, attached to this ordinance and incorporated herein by this reference.

SECTION 2: Chapter 17.03, Zoning Districts and Zoning Map, is hereby added to the Zoning Ordinance as reads in Exhibit B, attached to this ordinance and incorporated herein by this reference.

SECTION 3: Chapter 17.66, Planned Development, is hereby repealed in its entirety.

SECTION 4: Chapter 17.34, Density Bonus, is hereby repealed in its entirety.

SECTION 5: Chapter 17.24, Administration and Enforcement is hereby repealed in its entirety.

SECTION 6: The following new chapters are added to Title 17, Zoning, as they read in Exhibits C through U attached to this ordinance and incorporated herein by this reference:

- Chapter 17.72, Authority and Development Permit Decisions (Exhibit C)
- Chapter 17.74, Permit Procedures (Exhibit D)
- Chapter 17.78, Appeals (Exhibit E)
- Chapter 17.80, General Plan Amendments (Exhibit F)
- Chapter 17.82, Specific Plans (Exhibit G)
- Chapter 17.84, Zoning Ordinance Amendments (Exhibit H)
- Chapter 17.86, Rezoning/Annexation (Exhibit I)
- Chapter 17.88, Development Agreements (Exhibit J)
- Chapter 17.90, Planned Developments (Exhibit K)
- Chapter 17.92, Density Bonus (Exhibit L)
- Chapter 17.94, Site & Architectural Review (Exhibit M)
- Chapter 17.96, Conditional Use Permits (Exhibit N)
- Chapter 17.98, Sign Permit (Exhibit O)
- Chapter 17.100, Temporary Use Permits (Exhibit P)
- Chapter 17.102, Variances (Exhibit Q)
- Chapter 17.104, Ministerial Review (Exhibit R)
- Chapter 17.110, Reasonable Accommodations (Exhibit S)
- Chapter 17.112, Nonconforming Uses and Structures (Exhibit T)
- Chapter 17.118, Enforcement (Exhibit U)

SECTION 7: Section 16.44.080, Improvements, of Title 16, Subdivisions, is hereby renumbered to Section 16.44.090.

SECTION 8. A new Section 16.44.080, Lot Line Adjustments is added to Title 16, Subdivisions, as reads in Exhibit V, attached to this ordinance and incorporated herein by this reference.

SECTION 9. 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 10. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 11. 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 April 20, 2026 and **ADOPTED** as an ordinance of the City of Hollister at a regular City Council meeting on May 4, 2026 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

Jennifer P. Thompson, City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1276 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 May 4, 2026, 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 May 4, 2026.

Jennifer Woodworth, MMC
City Clerk of the City of Hollister

Exhibit A

Chapter 17.02 – Title, Purpose and Authority

17.02.010 – Title

This Title (Title 17) shall be known as the Zoning Ordinance of the City of Hollister.

17.02.020 - Purpose

This Zoning Ordinance carries out the policies of the Hollister General Plan by classifying and regulating the uses of land and structures within the City of Hollister. This Zoning Ordinance is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity and general welfare of residents and businesses in the City. More specifically, the purposes of this Zoning Ordinance are to:

- A. Provide standards for the orderly growth and development of the City that will assist in maintaining a high quality of life.
- B. Implement the Hollister General Plan by encouraging the uses of land designated by the General Plan and avoiding conflicts between land uses.
- C. Maintain a balanced distribution of land uses throughout the City. Provide open space resources for passive and active recreational activities and protect the public from natural safety hazards.
- D. Provide a diversity of areas characterized by differing land use activities, scale and intensity, while maintaining community identity and quality development.
- E. Conserve and protect the natural resources of the City.
- F. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewage and other public facilities and utilities.
- G. Conserve and protect the natural resources of the City.
- H. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewage and other public facilities and utilities.
- I. Maintain Hollister as a unique, distinctive and secure environment for the City's residents and businesses.

17.02.020 - Authority, Relationship to General Plan.

This Zoning Ordinance is enacted based on the authority vested in the City of Hollister by the State of California, including but not limited to the State Constitution; Sections 65800 et seq., of the California Government Code; the California Environmental Quality Act, Housing Act, Subdivision Map Act, and the Health and Safety Code.

17.02.030 – Conformity Required

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of Hollister, as follows.

- A. **New Land Uses, Structures, and Changes to Them.** Compliance with the following requirements is necessary for any person or public agency to lawfully establish a new land use or structure, to alter or replace any land use or structure except as provided herein:
1. The proposed use of land must be allowed within the zoning district that applies to the site.
 2. The proposed use of land or structure must be legal or nonconforming and shall satisfy all applicable requirements of this Zoning Ordinance, including but not limited to minimum lot area, height limits, required yard and street setbacks, parking standards, residential density, and sign standards.
 3. Any land use permit or other approval required in this Zoning Ordinance shall be first obtained in compliance with Permit Procedures in this Zoning Ordinance.
 4. Any land use proposal may not be processed or approved where there is an existing violation of Municipal Code (See Section 1.16.100, Refusal to Issue Licenses or Other Entitlements), unless such process shall serve to directly resolve the violation.
- B. **Issuance of Building, Drainage or Grading Permits.** Building, drainage or grading permits may be issued by the City only when the proposed land use or structure satisfies the requirements of subsection A of this section, and when the Community Development Director determines that the site was subdivided in compliance with all applicable requirements of Title 16, Subdivisions, of the Hollister Municipal Code.
- C. **Subdivision of Land.** Any subdivision of land within the City of Hollister occurring after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size requirements of this title, the subdivision requirements of Title 16 (Subdivisions), and all other applicable requirements of this Zoning Ordinance.
- D. **Continuation of an Existing Land Use or Structure.** It is unlawful and a violation of the Municipal Code for anyone to maintain the use of a parcel that violates any provision of Title 17, Zoning. However, the requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully established before this Zoning Ordinance or any applicable amendment became effective. Any alteration, expansion or modification to an existing use or structure shall comply with all provisions of this Zoning Ordinance, specifically including Section 17.112, Nonconforming Uses and Structures.

- E. **Effect of Zoning Ordinance Changes on Projects in Progress.** The enactment of this Zoning Ordinance or amendments to its requirements may have the effect of imposing different standards on new land uses than those that applied to existing land uses, development and/or structures. Following the effective date of this Ordinance, or any amendments to this Ordinance, the following provisions shall apply.
1. **Projects With Pending Applications.** All land use permit and subdivision applications that have been determined by the Community Development Department to be complete before the effective date of this Zoning Ordinance or any amendment will be processed in compliance with the requirements in effect when the application was accepted as complete.
 2. **Approved Projects Not Yet Under Construction.** Any approved development for which construction has not begun as of the effective date of this Zoning Ordinance or amendment may still be constructed as approved, as long as required building permits have been obtained before the expiration of any applicable land use permit or before the expiration of any approved time extension granted.
 3. **Approved Subdivisions Not Yet Recorded.** Any approved subdivision for which a parcel or final map has not been recorded as of the effective date of this Zoning Ordinance or any amendment may still have a parcel or final map recorded in compliance with the approved tentative map, as long as recordation occurs before the expiration of the tentative map or, where applicable, before the expiration of any approved time extension granted under Title 16, Subdivisions.
 4. **Projects Under Construction.** A structure that is under construction on the effective date of this Zoning Ordinance or any amendment need not be changed to satisfy any new or different requirements of this Zoning Ordinance.
- F. **Other Requirements May Still Apply.** Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by other chapters of the Hollister Municipal Code or the regulations of any City department or any county, regional, state, or federal agency.
- G. **Conflicting Permits and Licenses to be Void.** All permits or licenses shall be issued by the City in compliance with the provisions of this Zoning Ordinance, after the effective date of this Zoning Ordinance or any applicable amendment. Any permit or license issued in conflict with this Zoning Ordinance shall be void.

17.02.040 – Responsibility for Administration

This Ordinance shall be administered by the Hollister City Council, Planning Commission, and Community Development Director as follows:

A. Community Development Director.

1. **Appointment.** The Community Development Director shall be appointed by the City Manager.
2. **Duties and Authority.** The Director shall have the following responsibilities:
 - a. Head and manage the day-to-day and long-range functions of the Community Development Department.
 - b. Have the responsibility to perform all of the functions designated by Government Code Section 65103.
 - c. Have the responsibility and authority to approve or disapprove applications identified in Chapter 17.72, Authority and Permit Decisions.
 - d. Perform the duties and functions prescribed in this Zoning Ordinance, including but not limited to the review of development projects.
 - e. Perform any other responsibilities assigned by the City Manager or City Council.
3. **Assignment of Duties.** Except where otherwise provided by this Title, the responsibilities of the Community Development Director may also be carried out by Department employees under the supervision of the Director.

B. Planning Commission.

1. **Appointment.** The Planning Commission shall consist of five (5) members that reside within the City of Hollister City Limits. The members shall be appointed by the City Council and shall serve in compliance with the provisions of the Municipal Code and the adopted Planning Commission Bylaws.
2. **Meetings.** Regular meetings of the Planning Commission shall be held in accordance with the adopted Planning Commission Bylaws.
3. **Duties and Authority.** The Planning Commission shall have the responsibility and authority to:
 - a. Approve or disapprove applications identified in Chapter 17.72, Authority and Permit Decisions and applications elevated to the Planning Commission by the Community Development Director.
 - b. Make a recommendation on applications identified in Chapter 17.72, Authority and Permit Decisions to the City Council.

17.02.050 – Interpretations of Provisions

The Community Development Director is assigned the responsibility and authority to interpret the provisions and requirements of Title 17, Zoning. This Section provides the rules for resolving questions regarding the meaning or applicability of any part of the Ordinance.

A. Language.

1. **Abbreviated Titles and Phrases.** For the purpose of brevity, the following phrases, personnel and document titles are shortened hereafter in this Title 17 of the Hollister Municipal Code. The City of Hollister is referred to hereafter as the "City." Title 17 of the Hollister Municipal Code is referred to hereafter as "this Zoning Ordinance." The Community Development Director is referred to hereafter as "Director." The City Council is referred to as the "Council." The Planning Commission is referred to as the "Commission," and the Community Development Department is referred to as the "Department." "Buildings and Structures" are referred to hereafter as "structures."
2. **Terminology.** When used in this Zoning Ordinance, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
3. **Number of Days.** Whenever a number of days are specified in this Zoning Ordinance, or in any permit, condition of approval, or notice given as provided in this Zoning Ordinance, the number of days shall be construed as calendar days. Time limits will extend to the following working day when the last of the specified number of days falls on a weekend or City holiday.
4. **Minimum Requirements.** When interpreting and applying the regulations of this Zoning Ordinance, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).

B. Allowable Uses of Land. If a proposed use of land is not specifically listed in the Use Table for the zoning designation of the project site, the use shall not be allowed, except as follows:

1. **Permitted.** The Director may determine that a proposed use not listed in this title is allowable if all of the following findings are made:
 - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of

activity/intensity or population density than the uses listed in the district;

- b. The proposed use will meet the purpose/intent of the zoning district that is applied to the site;
 - c. The proposed use will be consistent with the goals and policies of the General Plan and any applicable Planned Development or Specific Plan; and
 - d. The use will comply with all local, state, and federal laws.
2. **Equivalent to a Listed Use.** When the Director determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and provisions of this Zoning Ordinance apply.

C. Conflicting Requirements.

1. **Other Municipal Code Provisions.** If conflicts occur between requirements of this Zoning Ordinance, or between this Zoning Ordinance and other regulations of the City, the most restrictive shall apply.
2. **General Plan and Specific Plans.** When conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of the General Plan any specific plan, the requirements of the General Plan or specific plan shall apply.
3. **Private Agreements.** It is not intended that the requirements of this Zoning Ordinance are to interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Zoning Ordinance became effective. This Zoning Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City may not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

D. Procedure for Interpretation. The Director shall respond in writing to any request for interpretation of the provisions of this Zoning Ordinance.

1. **Request for Interpretation.** A request for an interpretation shall be made in writing and submitted to the Department. The request shall specifically state the provision(s) in question and provide any information to assist in the review.
2. **Record of Interpretations.** Whenever the Director determines that the meaning or applicability of any of the requirements of this Zoning Ordinance

are subject to interpretation generally or as applied to a specific case, the Director may issue an official interpretation. Official interpretations shall be:

- a. In writing, and shall quote the provisions of this Zoning Ordinance being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for the interpretation; and
 - b. Distributed to the Council, Commission, City Attorney, City Clerk, and Department staff. Any provisions of this Zoning Ordinance that are determined by the Director to need refinement or revision will be corrected by amending this Zoning Ordinance as soon as is practical. Until amendments can occur, the Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section that is the subject of the interpretation.
- E. **Referral.** The Director may refer any interpretation of this Zoning Ordinance to the Planning Commission for a decision during a public hearing.
- F. **Appeal.** Any interpretation of the Zoning Ordinance by the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.78, Appeals.

17.02.060 – Continuity of Provisions

The provisions of this title, to the extent that they are substantially the same as those in prior effect relating to the same subject matter, shall be constructed as restatements and continuations thereof and not as new enactments. No substantial property right accrued, or action or proceeding commenced prior to the effective date of the ordinance codified in this title, is affected by the provisions hereof, but all procedures hereafter taken shall conform to the provisions of this title.

17.02.070 – Partial Invalidity of Zoning Ordinance

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Zoning Ordinance is for any reason held to be invalid, unconstitutional or unenforceable, these decisions shall not affect the validity of the remaining portions of this Zoning Ordinance. The Hollister City Council hereby declares that this Zoning Ordinance and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this Zoning Ordinance may be declared invalid, unconstitutional or unenforceable.

Exhibit B

Chapter 17.03 – Zoning Districts and Zoning Map

17.03.010 – Purpose

The purpose of this Chapter is to establish the zoning districts within the City of Hollister and to adopt the official Zoning Map.

17.03.020 – Districts Established and Designated

The General Plan guides and defines all zoning. To maintain consistency with the General Plan the following Zoning Districts apply to the land use categories as illustrated on the General Plan Land Use Map and as described in the adopted Hollister General Plan.

Table 17.03-1 – Zoning Districts and Companion General Plan Designations

Zoning Map Symbol	Zoning District Name	General Plan Land Use Map Symbol	General Plan Land Use Name
Residential Zones			
R-E	Residential Estate	RE	Residential Estate
R-1	Low Density Residential	LDR	Low Density Residential
R-M	Medium Density Residential	MDR	Medium Density Residential
R-OTM	Old Town Medium Density Residential	MDR	Medium Density Residential
R-H	High Density Residential	HDR	High Density Residential
R-OTH	Old Town-High Density	HDR	High Density Residential
R-WF	West Fairview Road	LDR	Low Density Residential
R-MH	Mobile Home Park	N/A	Multiple Categories
Commercial Zones			
CO	Commercial Office	GC	General Commercial
GC	General Commercial	GC	General Commercial
Mixed-Use Zones			
HO	Home Office	HO	Home Office
DMU	Downtown Mixed-Use	DMU	Downtown Commercial and Mixed Use
NMU	Neighborhood Mixed-Use	MU	Mixed Use
NG	North Gateway Mixed-Use	NG	North Gateway Commercial
WG	West Gateway Mixed-Use	WG	West Gateway
Industrial/Manufacturing Zones			
IBP	Industrial Business Park	I	Industrial

M1	Light Industrial	I	Industrial
Special Purpose Zones			
A	Airport	A	Airport
AS	Airport Support	AS	Airport Support
OS	Open Space/Conservation	OS	Open Space
P	Park	OS	Open Space
PF	Public Facility/Institutional	P	Public
Overlay Zones			
PD	Planned Development	N/A	Multiple Categories
SP	Specific Plan	N/A	Multiple Categories

17.03.030 – Zoning Map Adopted

- A. **Implementation.** The Zoning Map shall implement the adopted General Plan and Specific Plans.
- B. **Boundaries.** The boundaries of the zoning districts in Table 17.03-1 shall be shown on the City of Hollister Zoning Map.
- C. **Map.** The Zoning Map, together with all legends, symbols, notation, references, zoning district boundaries and all other information on the map has been adopted by the City Council as required by Government Code Sections 65800 et seq. and is hereby incorporated into this Ordinance by reference.
- D. **Amendments.** Amendments to the Zoning Map shall follow the procedures in Chapter 17.84, Zoning Ordinance Amendments.

17.03.040 – Boundary interpretation.

If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:

- A. Where district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the district boundaries;
- B. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map;
- C. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley; and
- D. In case of uncertainty, the Director shall determine the precise location of the district boundary.

Exhibit C

Chapter 17.72 – Authority and Development Permit Decisions

17.72.010 – Purpose

This Chapter describes the authority and responsibilities of city staff, the Community Development Director, Planning Commission, and the City Council in the administration of Title 17 “Zoning Ordinance” of the Municipal Code.

17.72.020 – Community Development Director

- A. **Appointment.** The Community Development Director shall be appointed by the City Manager.
- B. **Authority.** The Community Development Director shall have the following responsibilities:
1. To perform the functions designated by Government Code Section 65103;
 2. Head and manage the day-to-day and long-range functions of the Community Development Department;
 3. Have the responsibility and authority to conduct public hearings and approve or disapprove applications for Administrative Permits, Temporary Use Permits, and minor amendments to approved entitlements as prescribed by this Chapter;
 4. Clarify the intent of conditions of approval placed upon entitlements granted by the Planning Commission or City Council under the authority of this Title where necessary;
 5. Perform the duties and functions prescribed by this Zoning Ordinance, including but not limited to, the review of development projects, in compliance with this Zoning Ordinance and the California Environmental Quality Act; and
 6. Perform any other responsibilities assigned by the City Manager and/or City Council.
- C. **Designation of Duties.** Except where otherwise provided by this Zoning Ordinance, the responsibilities of the Director may also be carried out by Department employees under the supervision of the Director.

17.72.030 – Planning Commission

- A. **Appointment.** See Section 2.20.020 of the Municipal Code.

B. **Meetings.** The Planning Commission shall hold regular and special meetings in accordance with the policies outlined in the Planning Commission Bylaws as adopted by resolution of the City Council.

C. **Duties.** See Section 2.20.060 of the Municipal Code.

17.72.040 – Authority for Land Use and Development Permits

Table 17.72-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of permit or amendment in the administration of the Zoning Ordinance.

Table 17.72-1 Review Authority

Type of Permit or Decision	Code Location	Development Review Committee (DRC)	Community Development Director	Planning Commission	City Council
Legislative Actions					
Development Agreements	17.88	Recommend	Recommend	Recommend	Final Decision
General Plan Amendments	17.80	Recommend	Recommend	Recommend	Final Decision
Planned Developments	17.90	Recommend	Recommend	Recommend	Final Decision
Pre-Annexation Agreements	17.88	Recommend	Recommend	Recommend	Final Decision
Prezoning/ Annexation	17.86	Recommend	Recommend	Recommend	Final Decision
Specific Plans	17.82	Recommend	Recommend	Recommend	Final Decision
Zoning Ordinance Amendments	17.84	Recommend	Recommend	Recommend	Final Decision
Permits					
Administrative Sign Permit	17.98	Not Applicable	Decision	--	--
Freestanding Sign	17.98	Recommend	Decision	Appeal	Appeal
Master Sign Program	17.98	Recommend	Recommend	Decision	Appeal
Conditional Use Permit - Major	17.96	Recommend	Recommend	Decision	Appeal
Conditional Use Permit - Minor	17.96	Recommend	Decision	Appeal	Appeal
Site and Architectural Review - Administrative	17.94	Not Applicable	Decision	--	--
Site and	17.94	Recommend	Decision	Appeal	Appeal

Type of Permit or Decision	Code Location	Development Review Committee (DRC)	Community Development Director	Planning Commission	City Council
Architectural Review - Minor					
Site and Architectural Review - Major	17.94	Recommend	Recommend	Decision	Appeal
Tentative Map	16.36	Recommend	Recommend	Decision	Appeal
Lot Line Adjustment	16.44	Recommend	Decision*	Appeal	Appeal
Final Map	16.40	Recommend	Recommend	Not Applicable	Final Decision
Parcel Map	16.44	Recommend	Decision*	Appeal	Appeal
Temporary Use Permit	17.100	Recommend	Decision	Appeal	Appeal
Variance	17.102	Recommend	Recommend	Decision	Appeal
Other Approvals					
Density Bonus	17.92	Recommend	Recommend	Decision	Appeal
Reasonable Accommodation	17.110	Not Applicable	Decision	Appeal	Appeal
Interpretations	17.02.050	Recommend	Decision	Appeal	Appeal

Exhibit D

17.74 – Permit Procedures

17.74.010 – Purpose

The purpose of this Chapter is to establish the procedures for the filing, review, processing, withdrawal and revocation of land use and development permits (hereafter referred to as “permits”) required by the Zoning Ordinance.

17.74.020 – Application Fees

- A. **Fee Schedule.** The City Council, by resolution, shall establish a schedule of fees for permits, amendments, and other matters pertaining to this Zoning Ordinance. For projects that require more than one permit type to approve, all fees associated with each permit type shall be charged. Unusually large or complex projects may be subject to an hourly rate in addition to the basic application fees.
- B. **Application Fee Payment.** All application fees are due at the time of application submittal. The City shall not process any application received until all of the required fees have been paid.
- C. **Refunds.** The application fee shall not be refunded for any project that is denied or withdrawn.

17.74.030 – Preliminary Review

- A. **Preliminary Review Filing.** An applicant or property owner is encouraged to apply for a preliminary review from the Community Development Department prior to the submittal of a formal application.
- B. **Preliminary Review Application Contents.**
 - 1. An applicant is encouraged to submit preliminary plans, diagrams, or conceptual plans in order to receive preliminary feedback on the project proposal prior to the preparation of a formal project submittal. If plans are unavailable, an applicant may also submit a question or written statement as part of the pre-application submittal.
 - 2. The applicant shall submit a completed application for a preliminary review, project materials, and the appropriate filing fee noted in the City’s Fee Schedule.
- C. **Preliminary Review by the Development Review Committee.** All preliminary review applications will be routed to the City’s Development Review Committee (DRC) for review.

D. Preliminary Review Meeting.

1. Following the review period, the City will schedule a preliminary review meeting between the DRC and the applicant.
2. During the preliminary review meeting, the City will provide the following information, to the extent possible, based on the submitted application materials:
 - a. Inform the applicant of the General Plan and Zoning Ordinance requirements that apply to the project;
 - b. Explain the City's review process;
 - c. Identify any additional information or technical studies that may be required for the project;
 - d. Provide guidance to the applicant on possible project alternatives or modifications;
 - e. Provide guidance on any questions or concerns raised by the applicant in the preliminary application submittal.
3. Preliminary review comments (both oral and written) provided by the City shall not be construed as a recommendation for approval or denial of a project.
4. The preliminary application will not be reviewed for completeness. The project application shall be reviewed for completeness during a formal application submittal and any during the subsequent review for compliance with the California Environmental Quality Act.

17.74.040 – Land Use and Development Permit Application Submittal

- A. **Project within City Limits.** All applications for a use or development permit shall be for properties located within the City Limits. For properties that are located outside of the City Limits, applications may only be submitted for Annexation with the accompanying Pre-Zoning and General Plan Amendment applications.
- B. **Forms.** The Community Development Director shall prepare application forms and supplemental information forms for all permits. It is the Applicant's responsibility to submit all required application and supplemental forms with their project.
- C. **Submittal Requirements.** The Planning Division shall maintain a list of all submittal requirements for each permit type including plans, written statements, diagrams, maps, reports, and fees. All of the items noted on the list(s) are required to be submitted in order to deem an application complete. Applicants are encouraged to contact the Department before submitting an application to verify which materials are necessary for application filing.

- D. **Signature.** Applications may be made by any person so long as the application is signed by the applicant as well as all property owner(s) of record for all parcel(s) located within the project area.
- E. **Application Submittal.** All required application materials together with the application fee shall be submitted to the Planning Division. An application that does not contain all of the required materials will not be accepted as complete.
- F. **Notice of Proposed Project Notification Sign.** For all projects that require review of a Conditional Use Permit, Site and Architectural Review, Minor Subdivision, Tentative Map, Planned Development, Pre-zone, Annexation, Variance, General Plan Amendment, or Rezoning, the applicant shall install a sign or signs on each site of the proposed project in accordance with the City's requirements. Upon notification by staff, a project notification sign shall be installed within 30 days. No application shall be deemed complete until the project notification sign is installed.

17.74.050 – Multiple Permit Applications

- A. **Concurrent Filing.** An applicant for a development project that requires the filing of more than one permit type (i.e., Site and Architectural Review and a Minor Conditional Use Permit) shall file all related applications concurrently, together with all applicable fees, application forms, and materials unless the concurrent filing requirement is waived by the Community Development Director.
- B. **Concurrent Processing.** The Community Development Department shall process all applications for the same project concurrently. Projects requiring multiple permit applications shall be acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Site and Architectural Review shall have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit).

Where a permit requires approval by the City Council, the Planning Commission shall review the project during a public hearing and shall transmit their recommendation on the project to the City Council.

17.74.060 – Application Review

All applications for permits required by this Zoning Ordinance shall be processed as follows:

- A. **Development Review Committee.** All projects which require review by the City's Development Review Committee (DRC), as noted in Table 17.72-1, shall be routed to the DRC for review for compliance with all applicable city requirements, city standards, state law, and all applicable safety codes.
- B. **Completeness Review.** Within 30 calendar days of the acceptance of an application, the applicant shall be informed in writing if the application is complete

and has been accepted for processing or if the application is incomplete and that additional information, specified in the Notice, shall be provided. If the 30th day of review falls upon a weekend or city holiday, the Notice of Completeness shall be provided on the next regular business day.

- a. **Appeal of Determination.** An Applicant may appeal an incompleteness determination by the Community Development Director in accordance with Chapter 17.78 Appeals.
- C. **Resubmittal of Requested Application Materials.** Resubmittals shall contain the information and plans included in the prior submittal plus all items noted in Notice of Incompleteness (partial submittals will not be accepted). Project resubmittals shall be submitted to the City within 180 days of the date of the Notice or the project will be deemed abandoned in accordance with Section 17.74.170. Project resubmittals will be reviewed as noted under Sections A and B above. Following resubmittal and the Applicant will be informed within 30 days if the application is complete for processing or if additional information must be submitted.
- D. **Environmental Review.** After an application has been accepted as complete, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) in accordance with Chapter 17.76. The Department may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act and/or the National Environmental Protection Act.
- E. **Determination by Decision-Making Authority.** Upon completion of environmental review or a determination of exemption from CEQA, a complete application shall be forwarded to the decision-making authority for a determination on the permit application. Staff reports and public noticing shall be prepared where applicable in accordance with this Chapter.

17.74.070 – Referral of Decision-Making Authority

- A. **Application Referral.** Any application may be referred to another decision maker and shall not be considered an appeal.
- B. **Referral to Planning Commission.** At any point during the review process the Community Development Director may transfer original hearing jurisdiction to the Planning Commission at their discretion because of policy implications, unique or unusual circumstances, significant neighbor concerns, or the magnitude of the project.
- C. **Referral to City Council.** At any point in the project review process the Planning Commission may transfer original hearing jurisdiction to the City Council at their discretion because of policy implications, unique or unusual circumstances, regarding the project, or the magnitude of the project.
- D. **Review of Referred Project.** All projects referred to another decision-making body shall be reviewed in the same manner as a non-referred project.

- E. **Referral is Not Appealable.** The decision to refer a project to another decision-making body may not be appealed.

17.74.080 – Notice of Community Development Decision

A notice of an intent to approve or deny a Minor Site and Architectural Review or a Minor Conditional Use Permit by the Community Development Director shall be given as follows:

- A. **Notice of Decision.** A notice shall be given ten days prior to the decision of the Community Development Director for a Minor Site and Architectural Review Permit or a Minor Conditional Use Permit.
- B. **Content of Notice.** The Notice of Decision shall include the date and time in which the Community Development Director will render a decision on the proposed project; a general explanation of the matter to be considered and the determination proposed to be made; and a general description, in text or by diagram, of the location of the real property that is the subject of the application.
- C. **Method of Notice Distribution.** Notice of a decision by the Community Development Director shall be mailed or delivered as follows:
- a. The applicant and the owner(s) of the parcel(s) located within the project area;
 - b. All occupants of the properties located immediately adjacent to the project site;
 - c. Occupants of any business located within the same building or shopping center as the proposed use;
 - d. All owners of real property as shown on the latest equalized assessment roll within 300 feet of the property that is the subject of the application; and
 - e. Any person who has filed a written request for notice with the Director and has paid the fee set by the most current City Fee Resolution for the notice.
- D. **Request for a Hearing.** Should anyone request a public hearing for the proposed project, the Community Development Director shall transfer decision making authority to the Planning Commission and notice of the hearing shall be given under Section 17.74.090.

17.74.090 – Notice of Public Hearing

A notice of a public hearing for review by the Planning Commission and City Council shall be given as follows:

- A. **Notice of Hearing.** The public shall be provided notice of hearings in compliance with state law (including but not limited to the Planning and Zoning Law, Government Code Sections 65000 et seq., Subdivision Map Act, Government Code Sections 66410 et seq., the Ralph M. Brown Act, and the California Environmental Quality Act, Public Resources Code 21000 et seq.).
- B. **Content of Notice.** Notice of a public hearing shall include: the date, time and place of the hearing; the name of hearing body; a general explanation of the matter to be considered; and a general description, in text or diagram, of the location of the real property that is the subject of the hearing.
- C. **CEQA Notice.** A notice required pursuant to the California Environmental Quality Act notifying the public comment period for a CEQA document or the intent to adopt a CEQA document may be combined with the required permit public notice.
- D. **Method of Notice Distribution.** Notice of a public hearing required by this title shall be given as follows, as required by Government Code Sections 65090 and 65091.
 - 1. Notice shall be published at least once in a newspaper of general circulation in the City a minimum of ten (10) days prior to the hearing; and
 - 2. Notice shall be mailed or delivered at least ten days before the hearing to:
 - a. The applicant and the owner(s) of the parcel(s) located within the project area;
 - b. All owners of real property as shown on the latest equalized assessment roll within 300 feet of the property that is the subject of the hearing; and
 - c. Any person who has filed a written request for notice with the Director and has paid the fee set by the most current City Fee Resolution for the notice.
- E. **Extensive Mailing.** If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternate notice allowed by Government Code Section 65091(a)(3).
- G. **Additional Notice.** The Community Development Director may expand the distribution method at their discretion.

17.74.100 – Staff Reports

When a public hearing is required, a staff report shall be prepared in accordance with the following:

- A. **Staff Report Preparation.** A staff report shall be prepared by the Planning Division that describes the project and the conclusions/findings of staff regarding the

proposed land use and/or development of the project site and the proposal's compliance and consistency with the provisions of this Zoning Ordinance, other applicable provisions of the Hollister Municipal Code, applicable design guidelines, applicable specific plans, and the General Plan. The staff report shall include recommendations on the application's approval, compliance with the provisions of the California Environmental Quality Act, project Conditions of Approval, and findings for approval or disapproval of the application.

- B. **Report Distribution.** Staff reports shall be distributed to applicants and the property owner(s) of the project site at the same time as they are distributed to the Planning Commission or City Council prior to a hearing on the application.

17.74.110 – Public Hearing

When a public hearing is required by this Title, the hearing shall be conducted as follows:

- A. **Scheduling of Hearing.** After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and the preparation of a staff report, the matter shall be scheduled for public hearing on the next available meeting agenda reserved for the matters, consistent with CEQA and permit noticing requirements.
- B. **Public Hearing.** Hearings shall be held at the date, time, and place for which notice has been given. The public hearing shall be conducted in accordance with any policies or procedures adopted by the hearing body. At the public hearing, interested persons shall be given the opportunity to present information and testimony about the proposed project.
- C. **Findings.** The Planning Commission and City Council shall make the required findings for each permit type as specified in the Zoning Ordinance.
- D. **Notice of Decision.** At the conclusion of a scheduled hearing, the hearing body will announce its decision or recommendation, as applicable, which shall contain applicable findings and any conditions of approval. A notice of the decision and any conditions of approval shall be provided to the applicant.
- E. **Recommendation.** For applications in which the Planning Commission makes a recommendation to the City Council, the Planning Commission shall transmit its recommendations in writing to the City Council for final action.
- F. **Continuance of a Public Hearing Item.** At the discretion of the hearing body, a public hearing may be continued from its scheduled date to a future date provided that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued. Projects that are not continued to a date certain meeting will be required to be re-noticed in accordance with this Chapter prior to the rescheduled meeting.

17.74.120 – Denied Projects

Upon denial of a permit, and if the decision is not reversed through an appeal, no further application for a permit for the same use or project on the same property shall be filed for a period of one year from the date of denial. A new application for a permit may be submitted upon the same property within one year of the date of denial if the Community Development Director has deemed that the new project is substantially different from the project that was previously denied.

17.74.130 – Permit Implementation

- A. **Effective Date of Permits.** Non-legislative actions shall become effective on the 11th day following the date of application approval by the appropriate review authority, provided that no appeal of the review authority's action has been filed in compliance with Chapter 17.78 (Appeals). In the case of an appeal being filed, a permit shall become effective following the final determination on the appeal.
- B. **Applications Deemed Approved.** Any permit application deemed approved in compliance with Government Code 65956 shall be subject to all applicable provisions of this Zoning Ordinance and conditions of approval or mitigation measures upon which approval is contingent. No subsequent permit for land development or construction shall be issued or a land use subject to a use permit under this Title established unless the all applicable local, state, and federal requirements are met and conditions of approval or mitigation measures complete.
- C. **Performance Guarantees.** A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the faithful performance of any/all conditions of approval imposed by the review authority.
- D. **Permit to Run with the Land.** Approved permits shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the approved permit as long as the use and operation is consistent with the approved permit and project conditions of approval.

17.74.140 – Permit Expiration and Extensions

- A. **Time Limits.** Approval of a permit shall be valid for two (2) years following the date of approval. If within the two-year time period, the proposed use of the site has not commenced or a building permit has not been issued for construction of buildings pursuant to and in accordance with the provisions of the approved permit, the permit shall automatically expire.
- B. **Extensions of Time Tentative Map.** Upon request by the applicant, the Planning Commission may extend the time for the Final Map to be recorded in accordance with Section 16.40.010 of the Municipal Code.
- C. **Extensions of All Other Permits.** Prior to expiration of all other approved permits, an applicant may request an extension of the project's approval as discussed

below. Should a permit expire, a new application shall be submitted along with project plans and all applicable fees paid. Such application will be processed in accordance with the Zoning Ordinance.

1. Upon request by the applicant, the Community Development Director may extend the time for an approved permit to be exercised. The applicant shall submit the required application form, written statement describing the reason the extension is necessary, and the required application fees at least thirty (30) days prior to expiration of the permit.
 2. The request for an extension will be reviewed by the City's Development Review Committee (DRC) to ensure that the project complies with current requirements of the Fire Code, Building Code, and Municipal Code. The City's DRC may also impose new or modified conditions of approval on the project as part of the extension request.
 3. Following the review and recommendation of the DRC, the Director shall make a determination regarding the request for an extension. Requests for an extension are approved by an Action Letter upon finding that the project conditions of approval are valid and all of the required findings for approval can continue to be made.
 4. The Director may, at the Director's sole discretion, approve an extension of the term of an approved permit for up to a period of one year; provided, that no more than two such term extensions may be approved for any development permit.
 5. The decision to grant, deny, or condition an extension is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an extension or to require the Director to issue an extension. If the Director denies an extension, nothing herein shall preclude the applicant from thereafter filing an application for an appropriate development permit.
- D. **Cessation of Use.** If any use approved under a Conditional Use Permit ceases operations for a period of twelve (12) consecutive months, the approval shall expire.

17.74.150 – Permit Revocation

- A. **Hearings.** At the request of the Community Development Director, the Planning Commission shall hold a public hearing in order to consider revocation or modification of any permit issued by the City.
- B. **Notice.** Ten days prior to the public hearing, notice shall be delivered in writing by certified mail to the applicant and owner of the property for which the permit was granted. Notice shall be deemed delivered upon acceptance of the certified mail.

- C. **Findings.** A permit may be revoked or modified by the Planning Commission, if any one of the following findings can be made:
1. That the permit was obtained by misrepresentation or fraud;
 2. That the Applicant has failed to comply with one or more of the conditions of the permit;
 3. That the requirements of the Mitigation, Monitoring, and Reporting Program required under CEQA have not been met;
 4. That the improvement authorized in compliance with the permit is in violation of any statute, ordinance, law, or regulation; or
 5. That the improvement/use allowed by the permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.
- C. **Revocation, Modification, or Reaffirmation of Permit.** If the Planning Commission makes one or more of the above findings it may revoke the permit, change conditions or add new conditions deemed necessary to ensure compliance with CEQA, the Municipal Code and/or General Plan. If the Planning Commission does not make any of the above findings, it shall reaffirm the permit.
- D. **Notification of Permit Revocation.** Upon the revocation, modification or reaffirmation of any land use permit, the Planning Division shall provide the applicant/operator and the property owner a formal written notice of the Planning Commission's action. If the permit is revoked, the notice shall contain a statement directing the permittee and property owner to immediately cease the formerly authorized use, and shall further inform them that failure to cease the use shall be subject to enforcement and penalties as set forth in Chapter 17.118, Enforcement.
- E. **Appeal.** A decision to revoke, modify or reaffirm any land use permit or approval may be appealed to the City Council.

17.74.160 – Refunds and Withdrawals

- A. **Denied Applications.** Application fees cover City costs for public hearings, staff and consultant review time, reports, letters, and other activities involved in the processing of an application. Therefore, the City will not refund fees for an application that is denied.
- B. **Application Withdrawal.** An applicant may request their application be withdrawn at any time in the process in writing. In the event that an applicant withdraws their application, no refund of the application fee will be granted. If the project included a deposit for the preparation of any studies, technical reports, CEQA work, or other documents, the City will refund the balance once all bills associated with the deposit have been paid.

- C. **Deemed Withdrawn.** If an applicant does not provide information requested in the Notice of Incompleteness by the Community Development Department within nine (9) months following the date of the notice from the City, the application shall expire and be deemed withdrawn without any further action by the City. After the expiration of an application, future City consideration shall require the submittal of a new complete application and associated filing fee.

Exhibit E

Chapter 17.78 – Appeals

17.78.010 – Purpose

The purpose of this Chapter is to establish procedures for the appeal of incompleteness, interpretations, decisions, or determinations by the Community Development Director and the Planning Commission.

17.78.020 – Appealable Actions

A. **Code Administration and Interpretation.** The following actions of the Community Development Director may be appealed to the Planning Commission and then to the City Council:

1. Determinations on the meaning or applicability of the provisions of this Zoning Ordinance that are believed to be in error, and cannot be resolved with Department staff;
2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with Government Code Section 65943; and
3. Any enforcement action in compliance with Section 17.118 of the Zoning Ordinance.

B. **Action on a Permit.**

1. **Community Development Director.** The approval or denial of a project by the Community Development Director on a permit may be appealed to the Planning Commission.
2. **Planning Commission.** The approval or denial of a project by the Planning Commission may be appealed to the City Council.
3. **Recommendation.** A recommendation by the Planning Commission to the City Council is not an appealable action.

17.78.030 – Ministerial Actions

- A. There is no right to appeal ministerial actions which do not involve the exercise of judgment or deliberation.

17.78.040 – Who May Appeal

- A. **Who May Appeal.** Any person aggrieved by a decision or action of the Community Development Director may appeal that decision or action to the Planning

Commission. Any person aggrieved by a decision or action of the Planning Commission may appeal that decision or action to the City Council.

- B. **City Council.** Any Member of the Hollister City Council may appeal the decision of the Community Development Director or Planning Commission acting as an individual.

17.78.050 – Filing Appeals

- A. **Subdivision Map Act.** All appeals of the Planning Commission's decision on a Tentative Map shall be filed and processed in accordance with the Subdivision Map Act (Government Code Section 66452.5(a)(2) and (3)).
- B. **Effective Date of Approval.** All Planning Commission decisions on a permit application shall become effective at 5:00 p.m. on the tenth day following the action.
- C. **Filing of An Appeal.** All appeals shall be filed prior to 5:00 p.m. within ten days of the action which is the subject of appeal. When the appeal period ends on a weekend or holiday, the appeal period shall extend to 5:00 p.m. on the next business day. Appeals filed beyond the ten-day period will not be accepted.
- D. **Form.** An appeal shall be in writing on the form prescribed by the City and accompanied by the required fee. The appeal shall include a written statement which specifically states the pertinent facts and the basis for the appeal, the specific grounds for the appeal, and may also include any materials the appellant wishes to provide.
- E. **Location of Filing.** Appeals of the Community Development Director, in accordance with Section 17.78.020, shall be filed with the Planning Division. Appeals of any action by the Planning Commission shall be filed with the City Clerk.
- F. **Hearing Date.** The appeal body shall review the appeal no later than 45 days after the date the appeal was filed.

17.78.060 – Effect of Filing

- A. **Effect of Filing.** In the event that an appeal is filed, the decision being appealed shall not be effective until final action by the appeal body and all appeals have been exhausted.

17.78.070 – Processing of Appeals

- A. **Report and Scheduling of Hearing.** The Community Development Director shall prepare a staff report on all filed appeals, and schedule the matter for consideration by the appropriate appeal body after completion of the report.

- B. **Notice of Appeal.** A public hearing notice shall be provided in accordance with Section 17.74.090 of the Zoning Ordinance for decisions on land use projects that have been appealed.
- C. **Hearing.** The appeal body shall conduct a public hearing in compliance with Section 17.74.090 (Public Hearings). At the hearing, the appeal body may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.
- D. **Action.** During the meeting the appeal body will do one of the following:
 - 1. The appeal body may affirm, affirm in part, or reverse the action, decision or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this Zoning Ordinance.
 - 2. Remand the appeal for further review, recommendation or action to the previous review body.
- E. **New and/or Modified Conditions of Approval.** When reviewing a decision on a land use permit, the appeal body may adopt additional conditions of approval to address issues or concerns other than the subject of the appeal.
- F. **Final Decision.** The decision of the City Council on an appeal shall be final.

17.78.080 – Effect of Denial

- A. **Effect of Denial.** When an application for a permit is denied on appeal, no application for the same or substantially the same permit or a permit for the same use on the same property shall be filed for a period of one year from the date of denial, except where the permit was denied without prejudice.

17.78.090 – Withdrawal

- A. **Community Development Director Actions.** An appeal may be withdrawn by the appellant, in writing, prior to 3:00 pm on the day of the appeal hearing. Past 3:00 pm, the appeal may not be withdrawn except with the consent of the Planning Commission.
- B. **Planning Commission Actions.** An appeal may be withdrawn, in writing prior to 3:00 pm on the day of the appeal hearing. Past 3:00 pm, the appeal may not be withdrawn except with the consent of the City Council.

17.78.100 – Judicial Review

No person shall seek judicial review of a City decision on a planning permit or other matter until all appeals have first been exhausted.

Exhibit F

17.80 – General Plan Amendment

17.80.010 – Purpose

The purpose of this Chapter is to establish the rules and procedures for the review of proposed amendments to the text, goals, policies, implementation, land use designations or maps.

17.80.020 – Frequency

- A. **Frequency of Amendments.** pursuant to Government Code Section 65358, mandatory elements of the General Plan shall not be amended more than four (4) times per year. If more than four (4) applications are submitted during a calendar year, City Planning staff may combine the applications and bring forth two (2) or more applications at a time to comply with the Government Code.
- B. **Adjacent Projects.** If the City receives a General Plan Amendment request for two projects which are located close to or in close proximity to each other, the Community Development Director may require the applications to be processed together.

17.80.030 – City Initiation of a General Plan Amendment

- A. **City Council Initiation.** Any member of the City Council may propose an amendment to the General Plan. Council initiation of a General Plan Amendment shall require four (4) affirmative votes of the Council.
- B. **Planning Commission Initiation.** The Planning Commission may recommend City Council initiation of a General Plan amendment by four affirmative votes, provided that the Commission provides the Council both a report and recommendation. The City Council will then review the request and process said request in accordance with A above.
- C. **City Staff Initiation.** City Staff may request an amendment to the General Plan. Staff-initiated General Plan Amendments shall not require prior authorization of the City Council.

17.80.040 – Property Owner or Applicant Initiation of a General Plan Amendment

- A. **Initiation of General Plan Amendment.** A General Plan amendment may be proposed by a property owner or property owner representative. For project areas which include more than one property owner, all property owners shall consent to the application. Prior to submission of an application for a General Plan amendment, the property owner(s) shall submit, on a form prepared by the City together with a filing fee, a request for Initiation of a General Plan amendment.

- B. **Authorization To Proceed.** Once received, the proposed General Plan amendment request for initiation will be scheduled for a City Council public hearing to determine if the City Council will authorize the application to proceed. Authorization of a property owner initiated General Plan Amendment shall require four (4) affirmative votes of the Council to proceed.
- C. **General Plan Amendment Application.** Following the authorization of the City Council for initiation of a General Plan amendment, the Applicant shall submit a General Plan Amendment Application, filing fee, and all items noted on the City's checklist within six (6) months of authorization by the City Council.
- D. **Inaction.** In the event that the City Council approves a General Plan Amendment initiation request and the applicant fails to apply for the General Plan Amendment within six months, the initiation request shall be deemed withdrawn and future amendment requests will need to go through the initiation process.

17.80.050 – Review Procedures

- A. **Project Review.** Once the City Council determines that the proposed General Plan amendment should be processed, City staff will process the application in accordance with Chapter 17.74, Permit Procedures and Chapter 17.76, Environmental Review.
- B. **Notice.** Notice of the hearings shall be given in compliance with Chapter 17.74.090.
- C. **Planning Commission Action.** The Planning Commission shall review General Plan Amendments and shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in 17.80.060.
- D. **City Council Actions.** Upon receipt of the Commission's recommendation, the Council may approve, approve in modified form or disapprove the proposed amendment based upon the findings contained in 17.80.060. Action of the City Council is final.
- E. **Effective Date.** Upon approval of a General Plan amendment by the City Council, the amendment shall go into effect thirty (30) calendar days following the date of the decision.

17.80.060 – Findings for General Plan Amendments

In approving or denying a request for a General Plan Amendment, the Planning Commission and City Council shall make the following findings:

- A. The amendment is internally consistent with all other provisions of the General Plan;

- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare; and
- C. The affected site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses or development.

Exhibit G

17.82 - Specific Plans

17.82.010 – Purpose

The purpose of this Chapter is to establish the procedures for the adoption, implementation, and amendments of specific plans. When required by the General Plan, this Zoning Ordinance, or proposed by an Applicant, a specific plan shall be prepared, processed, approved or denied, and implemented in compliance with this Chapter and Government Code Section 65450 et seq.

17.82.020 – Relationship to Zoning Ordinance

An adopted specific plan shall operate as the zoning regulations for the specific plan area and each property located within the area. Where the specific plan is silent on uses, development standards, or permit requirements, the property shall be subject to the requirements of the Zoning Ordinance.

17.82.030 – Relationship to General Plan

- A. **Residential Density.** A specific plan must meet the development potential identified for the properties within the specific plan area in the General Plan. Each specific plan shall calculate the minimum and maximum number of dwelling units allowed by the General Plan. The specific plan may locate dwelling units, residential land uses, and dwelling types in the area where deemed appropriate, however the development potential identified in the General Plan must be met at build out.
- B. **Land Uses.** A specific plan shall be consistent with all land uses, housing types, and other requirements of the General Plan land use designations for the specific plan area.
- C. **Goals and Policies.** A specific plan shall conform to the goals and policies of the General Plan.

17.82.040 – Initiation Procedures

A specific plan may be initiated in the following manner:

- A. **City Initiated.** The City may adopt a specific plan for any land within the City Limits or the Sphere of Influence upon authorization of the City Council.
- B. **Non-City Initiated.** A project applicant may apply for a specific plan, with written authorization of all property owners within the specific plan area. An applicant can apply for a specific plan for land located inside the City Limits or land located outside the City Limits, but within the City's Sphere of Influence, and contiguous to the City Limits.

- C. **Mandatory Preliminary Application.** Before preparing a non-city initiated specific plan in compliance with this Chapter, the applicant shall apply for a Preliminary Application Review from the Community Development Department to request a pre-application conference. The purpose of the meeting shall be for the Department and applicant to review the requirements of this chapter and the provisions of the General Plan, this Zoning Ordinance, or State law that require preparation of the specific plan, to discuss issues associated with the specific plan area that shall be addressed by the plan, and to respond to questions from the applicant about the proper procedure for preparing the plan, its processing, and issues associated with its implementation if it is approved.

17.82.050 – Content of Specific Plans

- A. **Specific Plan Content.** A specific plan shall include all of the information required for specific plans by Government Code Section 65451 and as follows:
1. *Proposed Land Uses.* The distribution, location and extent of land uses proposed within the area covered by the specific plan, including open space areas.
 2. *Infrastructure.* The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities to be located within the specific plan area and needed to support the proposed land uses.
 3. *Development Regulations.* Regulations for future development which shall include but not be limited to development standards (i.e. setbacks, lot coverage), recreation and open space requirements, parking, accessory structures, additions, and allowable uses.
 4. *Implementation Measures.* A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria, phasing of the project area, and development application review processes.
 5. *Relationship to General Plan.* A statement of the relationship of the specific plan to the General Plan.
 6. *Residential Development Potential.* The specific plan must provide a breakdown of each property within the specific plan area and the residential density allowed by the General Plan. Total development potential for the specific plan area must be calculated based on the land use designations and total area for each designation. The specific plan must then assign the development potential to specific properties and show how the number of dwellings allowed by the General Plan will be constructed within the specific

plan area. An accompanying map shall show the required density for each area within the specific plan area.

7. *Design Guidelines.* The specific plan must provide design guidelines for each land use. Guidelines shall include requirements for architecture, streetscape, landscaping, parking, signage, screening, open space, and outdoor spaces.
8. *Additional Information.* The specific plan shall contain any additional information determined to be necessary by the Director because of the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issue determined by the Director to be significant.

17.82.060 – Specific Plan Application

Applications for a Specific Plan shall include:

- A. **Application Form.** The project applicant shall submit an application on a form prescribed by the City for a Specific Plan, along with any other applications that are necessary to process the request (such as a rezone, prezone or General Plan Amendment). If the property is not under a single ownership, all owners must sign the application, and a map showing the extent of ownership shall be submitted with the application.
- B. **Draft Specific Plan.** The project applicant shall submit the draft specific plan with all of the required information in Section 17.82.050.
- C. **Rezone.** A request for a Specific Plan must also include a rezone or prezone of the property to designate the specific plan area on the general plan land use map. A map of the area to be rezoned shall be submitted with the application.

17.82.070 – Environmental Review

- A. **Environmental Review.** The draft specific plan shall be subject to environmental review as specified in Chapter 17.76, Environmental Review, and in accordance with the California Environmental Quality Act (CEQA).

17.82.080 – Adoption and Amendment Procedures

- A. **Approval Process.** An application for a specific plan and the accompanying rezone or prezone shall be reviewed by the Planning Commission during a public hearing. The Planning Commission will then make a recommendation to the City Council. The City Council will then act upon the request for a Specific Plan.

B. Planning Commission Review.

1. **Hearing.** Following the receipt of a complete application for a Specific Plan, the Planning Commission shall conduct a noticed public hearing for consideration of the application.
2. **Decision.** The Planning Commission shall take one of the following actions during the public hearing:
 - a. The Planning Commission shall make a written recommendation to the City Council to approve, approve with conditions or modification, or deny the application as submitted and shall make written findings supporting the reason for this recommendation in accordance with Section 17.82.090.
 - b. If the Planning Commission is unable to make a recommendation to the City Council because the application fails to receive a majority vote resulting in no action being taken by the Planning Commission, the application shall be forwarded directly to the City Council.

C. City Council Review.

1. **Public Hearing Required.** After the Planning Commission provides a recommendation on the application for a Specific Plan, the City Council shall hold a noticed public hearing on the application, shall consider the recommendations of the Planning Commission, and shall hear evidence presented for and against the proposed Specific Plan and accompanying rezone.
2. **Decision.** Following the conclusion of the public hearing, the City Council shall approve, modify, or reject the Planning Commission's recommendation. If the City Council requires the applicant to make a substantial modification not previously considered by the Planning Commission, the revised Specific Plan shall be referred back to the Planning Commission for review and a written recommendation prior to consideration of the amendment. Prior to the approval of a Specific Plan, the City Council shall make written findings in the Resolution approving the Specific Plan, in accordance with Section 17.82.090 supporting the reason for approving the Specific Plan.
3. **Amendments.** A specific plan may be amended as often as necessary. Amendments to an adopted Specific Plan shall be made in accordance with the provisions of this Section for the adoption of a specific plan, except that a rezone is not required for Amendments.

17.82.090 – Required Findings

An application for a Specific Plan and the accompanying Rezone or Prezone shall be approved if the following findings can be made.

- A. The proposed specific plan is consistent with the goals and policies of the General Plan.
- B. The land uses and density (overall) of the specific plan area conform to the land uses and density of the General Plan designation of the site.
- C. The specific plan contains all of the required information in Section 17.82.050.
- D. Development under the Specific Plan will not have a significant effect on the environment or is subject to the overriding findings by the City Council.
- E. The proposed specific plan will not adversely affect surrounding properties.
- F. The Specific Plan Area is within the City Limits or is within the City's Sphere of Influence and contiguous to property located within the City Limits.

17.82.100 – Specific Plan Established

- A. **Rezone.** Each Specific Plan shall be accompanied by a request for a rezone or prezone.
- B. **Zoning Map.** Following approval of the rezone, the boundary of the Specific Plan shall be indicated on the Zoning Map. Each specific plan shall be noted on the map as being zoned the name of the specific plan (i.e. West of Fairview Specific Plan).

17.82.110 – Further Development Review

- A. **Compliance with Specific Plan.** After the adoption of a specific plan, no public works project, improvement, tentative or parcel map, or other development application shall be approved unless it is consistent with the specific plan.
- B. **Required Development Permits.** Prior to the construction of any structure or the establishment of any use within the Specific Plan area, all necessary permits as required by the Specific Plan or Zoning Ordinance shall be obtained.

Exhibit H

Chapter 17.84 – Zoning Ordinance Amendments

17.84.010 – Purpose

The purpose of this Chapter is to establish procedures for amending the text of the Zoning Ordinance and amending the City of Hollister's Zoning Map.

17.84.020 – Initiation

- A. **Amendments to the Zoning Ordinance.** An amendment to the text of the Zoning Ordinance may be initiated by Staff, the Planning Commission, or the City Council.
- B. **Amendments to the Zoning Map.** An amendment to the City of Hollister's Zoning Map, thereby rezoning a property from one zoning district to another, or to modify the boundaries of a zoning district, may be initiated by an applicant, the Planning Commission, or the City Council.
- C. **Amendments which include a Prezoning or General Plan Amendment.** Amendments to the Zoning Map which include a prezoning shall be initiated in accordance with Chapter 17.86, Prezoning/Annexation. Amendments to the Zoning Map which also include an amendment to the General Plan shall be initiated in accordance with Chapter 17.80, General Plan Amendments.

17.84.030 – Review Procedures

- A. **Application.** An application for an amendment to the City of Hollister's Zoning Map shall be filed and reviewed in accordance with Chapter 17.74, Permit Procedures. The application shall include the required application form, signed by all property owners, together with all information and materials required by the Planning Division and the required application fee.
- B. **Notice.** Notice of the Planning Commission and City Council public hearings shall be provided in accordance with Section 17.74.090. Notice of the Planning Commission review of an amendment to the Zoning Ordinance or Map, during a public hearing, shall be published, posted, and mailed 20 days prior to the hearing in accordance with Section 65854 of the Government Code.
- C. **Planning Commission Action.** The Planning Commission shall review amendments to the Zoning Ordinance or Zoning Map and shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in 17.84.040.

- D. **City Council Action.** Upon receipt of the Commission's recommendation, the Council shall make one of the following actions during a public hearing:
1. **Approve.** Approve the amendment as proposed or approve in modified form based upon the findings contained in 17.84.040. If the Council proposes to adopt any substantial modifications to the amendment, which were not previously considered by the Planning Commission during its hearing(s), the proposed modification shall first be referred back to the Planning Commission for further consideration and recommendation.
 2. **Remand.** The City Council may remand the amendment back to the Planning Commission for further discussion or consideration based on feedback by the Council.
 3. **Deny.** The City Council may deny the proposed amendment based upon the findings contained in 17.84.040. No action by the City Council shall also constitute a denial of the proposed amendment.
- E. **Final Action.** Approval or denial by the City Council in accordance with Subsection (D) above is final.

17.84.040 – Findings

- A. **Zoning Ordinance Amendment.** In approving or denying a Zoning Ordinance Amendment, the Planning Commission and City Council shall make the following findings:
1. The proposed amendment is consistent with the General Plan and any adopted specific plans.
 2. The proposed amendment is internally consistent with other provisions of the Zoning Ordinance.
- B. **Zoning Map Amendment.**
1. The proposed amendment is consistent with the General Plan and any adopted specific plans.
 2. The proposed map amendment would be compatible with the existing and planned development in the surrounding area.
 3. The subject site is physically suitable for the proposed land use and intensity of the zoning district proposed for the site.
 4. The proposed amendment would not be detrimental to public interest, health, safety, convenience, or welfare.

17.84.050 – Effective Date

- A. **Effective Date.** A Zoning Ordinance text amendment or a Zoning Ordinance map amendment shall take effect 30 days following adoption of the ordinance by the City Council.

17.78.060 – Record of Amendments

- A. **Zoning Map.** Within 30 days of the effective date of a Zoning Map Amendment, the Planning Division shall modify the City's Zoning Map to reflect the change.

Exhibit I

17.86 – Rezoning and Annexations

17.86.010 – Purpose

The purpose of this Chapter is to establish the rules and procedures for the review of requests to rezone a property prior to annexation into the City of Hollister. Unincorporated properties within the City's Sphere of Influence who wish to annex into the City of Hollister shall first receive approval of a Prezone of the property prior to application to the Local Area Formation Commission (LAFCO) for annexation.

17.86.020 – Applicability

- A. **Contiguous Property.** An Applicant or Property Owner(s) may request rezoning of a property which is contiguous to the City of Hollister's City Limit Line as required by Government Code Section 56741.
- B. **Non-Contiguous Property.** If an Applicant or Property Owner wishes to annex a property into the City of Hollister that is not contiguous to the City Limit Line, the request shall include all properties between the parcel and the City Limit Line, so that the entire annexation area is contiguous to the City.
- C. **City-Initiated Prezone.** The City of Hollister may prezone a property in accordance with Government Code Sections 56737-56759.

17.86.030 – General Plan Amendment Required

- A. **Concurrent Application.** All requests for a Rezoning shall be accompanied by a concurrent request for a General Plan Amendment and shall be initiated in accordance with Section 17.80.040, Property Owner or Applicant Initiation of a General Plan Amendment.
- B. **Inaction.** In the event that the City Council approves a Prezone and General Plan Amendment initiation request and the applicant fails to apply for the Prezone and General Plan Amendment within six months, the initiation request shall be deemed withdrawn and future amendment requests will need to go through the initiation process.

17.86.040 – Review Procedures

- A. **Application Filing.** Prior to filing a formal application for Rezoning, the applicant shall have received City Council authorization to proceed with the associated General Plan Amendment as outlined in Section 17.86.030.
 - 1. Formal applications for Rezoning shall be timely filed following authorization to proceed, as required by Section 17.80.040(D).

- B. **Project Review.** City staff will process the application in accordance with Chapter 17.74, Permit Procedures, Chapter 17.84, Zoning Ordinance Amendments.
- C. **Notice.** Notice of the hearings shall be given in compliance with Chapter 17.74.090.
- D. **Planning Commission Action.** The Planning Commission shall review Prezone applications and shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in 17.86.050.
- E. **City Council Actions.** Upon receipt of the Commission's recommendation, the Council may make one of the following actions during a public hearing:
 - 1. **Approve.** Approve the Prezone as proposed or approve in modified form based upon the findings contained in 17.86.050. If the Council proposes to adopt any substantial modifications to the amendment, which was not previously considered by the Planning Commission during its hearing(s), the proposed modification shall first be referred back to the Planning Commission for further consideration and recommendation.
 - 2. **Remand.** The City Council may remand the Prezone back to the Planning Commission for further discussion or consideration based on feedback by the Council.
 - 3. **Deny.** The City Council may deny the proposed amendment based upon the findings contained in 17.84.040. No action by the City Council is a denial of the proposed amendment.
- F. **Final Action.** Action of the City Council is final.

17.86.050 – Findings for Prezones

In approving or denying a request for a Prezone, the Planning Commission and City Council shall make the following findings:

- A. The proposed prezone is internally consistent with all other provisions of the General Plan and any adopted specific plans.
- B. The proposed prezone would be compatible with the existing and planned development in the surrounding area.
- C. The proposed prezone would not be detrimental to the public interest, health, safety, convenience, or welfare.
- D. The affected site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses or development.

17.86.060 – Application to LAFCO

- A. **Application to LAFCO.** Upon approval by the City Council of a request for a Prezone, the City shall apply for annexation of the property into the City as required by the San Benito Local Agency Formation Commission (LAFCO). All application materials and fees required by LAFCO shall be submitted to the City by the Applicant.

17.86.070 – Zoning Upon Annexation

- A. **Effective.** The prezoning designation shall become effective upon approval of the annexation by LAFCO via an approved Resolution. Once approved, the Zoning Map and General Plan Land Use Map shall be amended to accurately reflect the zoning and land use designations for the property.
- B. **Limit on Rezones.** After annexation, an Applicant or Property Owner may not apply for a rezone or general plan amendment for a period of two years following the effective date of the annexation, except as may be allowed by Government Code Section 56375(e).

17.86.080 – Expiration of Prezone

- A. **Expiration of Prezone.** Upon approval by the City Council, a Prezone shall expire within one (1) year of approval if the Applicant has failed to provide the necessary materials in accordance with Section 17.86.060 above or if LAFCO denies the annexation.

Exhibit J

17.88 – Development Agreements

17.88.010 – Purpose

The purpose of this Chapter is to outline the procedures and requirements for the review and approval of Development Agreements, which is an agreement entered into between the City and a property owner(s) of a specific project, in accordance with Government Code Sections 65864 – 65869.5.

17.88.020 – Development Agreement Requests

- A. **Applicant.** A person or persons whom have a legal or equitable interest in a property (which is the subject of the Development Agreement) or their authorized agent may submit an application for a Development Agreement. Where there is more than one property owner, all property owners must agree to the Development Agreement application. An application for a Development Agreement may be filed for the following types of properties.
1. **City limits.** The City of Hollister may enter into a Development Agreement with the property owner(s) of a property within the City.
 2. **Sphere of Influence.** The City of Hollister may enter into a Development Agreement for a property located within the City's Sphere of Influence. Any Development Agreement entered into, for land located outside the City Limits, will not take effect until the annexation of the property is approved by the San Benito Local Agency Formation Commission (LAFCO). If annexation is not completed within the time specified within the Development Agreement, the Development Agreement shall become null and void.

17.88.030 – Content of Development Agreements

- A. **Required Content.** The Development Agreement shall include all of the required content found in Government Code Section 65865.2 and as listed below:
1. Duration of the agreement;
 2. Phasing of a project;
 3. Permitted/allowed uses for the subject property;
 4. Density or intensity of the allowable uses;
 5. Provisions, if any, for reservation or dedication of land for public purposes;

6. Protection from either a future growth control ordinance or a future increase in development or impact fees; and
 7. Review procedures for development within the project area and/or amendments.
- B. **Optional Provisions.** A Development Agreement may also contain additional provisions which are not required by Government Code Section 65865.2, such as the financing of necessary public improvements or reimbursement over time.
- C. **Provisions Required by City Council.** Development Agreements may also include any terms determined to be appropriate and necessary by the City Council.

17.88.040 – Application

- A. **Application.** An application for a Development Agreement shall be filed on the form prescribed by the City and filed with the Planning Division. All property owners of the properties which are a part of the Development Agreement shall sign the application form.
- B. **Fee.** The application for a Development Agreement shall be accompanied by the fee listed on the City's Fee Schedule.
- C. **Materials.** The Applicant shall submit any information or supporting data the Community Development Director determines is necessary to process the application.

17.88.050 – Review Procedures for Development Agreements

- A. **Development Agreement Review.** The Community Development Director and Development Review Committee shall review all applications for a Development Agreement.
- B. **Notice.** Notice of the hearings shall be given in compliance with Chapter 17.74.
- C. **Concurrent Review.** When a Development Agreement application accompanies another development application, the Development Agreement and development application(s) shall be reviewed concurrently.
- D. **Planning Commission Action.** The Planning Commission shall review Development Agreements and shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in 17.88.070.
- E. **City Council Actions.** Upon receipt of the Commission's recommendation, the Council may make one of the following actions during a public hearing:
1. **Approve.** Approve the Development Agreement as proposed or approve in modified form based upon the findings contained in 17.88.070.

2. **Deny.** The City Council may deny the proposed Development Agreement based upon the findings contained in 17.88.070. No action by the City Council is a denial of the proposed amendment.
3. **Final Action.** Action of the City Council is final.

Section 17.88.060 – Amendments and Cancellations

- A. **Amendment to a Development Agreement.** An amendment (including an extension of the terms of the Agreement) to a Development Agreement may be proposed by any party to the Agreement. Amendments to a Development Agreement shall be reviewed in accordance with the review for new Development Agreements, as discussed in Section 17.88.050.
- B. **Cancellation of a Development Agreement.** Any party to a Development Agreement may propose cancellation of a Development Agreement. Cancellation of a Development Agreement shall be reviewed in accordance with the review for new Development Agreements, as discussed in Section 17.88.050.

17.88.070 – Findings for Development Agreements

In approving or denying a Development Agreement, the Planning Commission and City Council shall make the following findings:

- A. The Development Agreement is consistent with the General Plan and any applicable Specific Plan;
- B. The Development Agreement will not adversely affect the orderly development of property.
- C. The Development Agreement is in the best interest of the City.
- D. A Tentative Map prepared for a subdivision (as defined under Government Code Section 66473.7) which is a part of the Development Agreement will comply with Government Code Section 66473.7.

17.88.080 – Recordation

- A. **Effective.** Within ten (10) days following City Council approval of a Development Agreement, the City shall record a copy of the Development Agreement with the San Benito County Recorder.

17.88.090 – Periodic Review

- A. **Periodic Review.** The Community Development Director shall conduct a periodic review of each Development Agreement every twelve (12) months.

- B. **Applicant Demonstration.** The Applicant or successor shall demonstrate good faith compliance with the terms of the Development Agreement during the review. Should the City determine that the Applicant has not complied in good faith with the terms or conditions of the agreement, the City may terminate or modify the agreement.

- C. **Fees.** If necessary, the applicant shall be required to cover the costs associated with the review and any necessary amendments.

Exhibit K

Chapter 17.90 Planned Developments

17.90.010 – Purpose

The purpose of this Chapter is to:

- A. Establish a Planned Development Zoning District through which one or more properties are planned as a unit with the layout, design, uses, and development standards specifically tailored to the project.
- B. Allow for high quality development with maximum flexibility where strict application of the requirements of the Zoning Ordinance would result in a less desirable project.
- C. Maintain consistency with, and implement the provisions of, the General Plan and applicable specific plans.
- D. Ensure orderly and thoughtful planning of development projects to create a more desirable use of the land, ensure coordinated development of the project area, and result in a better physical environment.
- E. Allow freedom of design, layout, and uses to obtain developments which enhance the community by surpassing the type of development required by strict application of the Zoning Ordinance.
- F. Ensure that all Planned Developments provide a Substantial Public Benefit in exchange for relief from the strict application of the Zoning Ordinance.

17.90.020 – Applicability

An applicant may apply for a Planned Development Permit for any of the following:

- A. Any project where the total project area is over one acre in size within the city limits.
- B. As a prezone for any project that is requesting annexation into the City of Hollister.

17.90.030 – Planned Development Established

- A. **Rezone.** Each Planned Development shall be established through a rezone (or prezone where applicable) to “Planned Development.”
- B. **Underlying Zoning Designation.** Each Planned Development shall also have an underlying zoning district established within the Planned Development. The proposed underlying zoning district shall be compatible with the General Plan land use designation for the property. If more than one land use designation exists for

the project area, each land use designation shall have an accompanying underlying zoning district.

- C. **Zoning Map.** Following approval of a Planned Development rezone, the boundary of the Planned Development shall be indicated on the Zoning map. Each Planned Development shall be noted on the map as being zoned Planned Development (“PD”) and the Planned Development application number shall be noted on the map (for example PD 2023-1).

17.90.040 – Land Use

The following uses are permitted in a Planned Development:

- A. **Established in the Underlying Zoning District.** Any use permitted or conditionally permitted in the underlying zoning district or in any applicable specific plan.
- B. **Uses Not Listed.** Any use or uses that are not included in the Zoning Ordinance but are compatible with the intent and design of the Planned Development and are compatible with the General Plan use designation of the site, as determined by the Planning Commission and City Council.
- C. **Accessory Uses.** Any Accessory Uses, as defined in 17.02.020, that meet the needs of the residents or employees within a Planned Development and would otherwise not be permitted by the underlying zoning district.
- D. **Multi-Family within a Single-Family Development.** Multi-family dwelling units are allowed within any property designated as single family if the total number of dwelling units project-wide falls within the density range allowed by the General Plan.

17.90.050 – Density

- A. **General Plan Density.** The total number of dwelling units to be constructed within the project area shall be within the density range allowed by the General Plan land use designation(s) for the project area. The Planned Development may not increase or decrease the total number of dwelling units required to be constructed by the General Plan.
- B. **Density Calculation.** Project density shall be calculated by using the total size (acreage) of each General Plan land use designation within the Planned Development and calculating the maximum density allowed for each land use. The Planned Development is not required to ensure that development on each parcel meets the permitted density range, the Planned Development can distribute the total number of allowed dwelling units or non-residential space throughout the project area if the required density range is met project wide.

- C. **More Than One Land Use Designation.** For projects in which there are more than one General Plan land use designation, the total maximum density shall be the maximum density allowed for each land use designation.

17.90.060 – Deviations Allowed for Planned Developments

- A. **Development Standards.** A Planned Development may establish development standards that are different from the standards established for the underlying zoning designation(s) for the project area. Each land use designation within the project area may establish its own development standards. The following deviations from the underlying zoning designation development standards are allowed within a Planned Development:
1. Height;
 2. Minimum lot size and lot area per dwelling unit;
 3. Lot width, depth, and frontage;
 4. Setbacks;
 5. Open space requirements; and
 6. Lot Coverage and Floor Area Ratio.
- B. **Dwelling Types.** The Planned Development may allow dwelling types that are not otherwise permitted under the site's land use designation except for single family in a multi-family designation.
- C. **Other.** The relief of any provision of the Zoning Ordinance that would preclude the construction of a desirable development, as determined by the Planning Commission and City Council.
- D. **Shared Parking.** A Planned Development, if supported by a parking study, may establish shared parking within the Planned Development at the discretion of the Planning Commission and City Council.

17.90.070 – Substantial Public Benefit in Exchange for a Planned Development

Each Planned Development must contain one or more Substantial Public Benefit(s) in exchange for any modifications from standard zoning requirements. A "Substantial Public Benefit" means a project feature not otherwise required by the Municipal Code or General Plan that provides a unique feature or benefit to the City or the neighborhood in which it is located. Examples of Substantial Public Benefits include but are not limited to: enhanced architectural designs; public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather; commercial uses in a residential development that serve the neighborhood (excluding properties that are designated as Mixed-Use in the General Plan); recreational facilities; public art; community space(s); parks; contribution to or construction of significant off-site

public improvements or community space; the preservation, restoration, or rehabilitation of a historic resource; and/or the protection of natural resources.

17.90.080 – Prohibited within a Planned Development

A Planned Development may not be used to request deviations from any of the following regulations:

- A. The lowering or increasing of the residential density required by the General Plan land use designation(s) for the property.
- B. The elimination of a commercial component for projects designated as Mixed-use in the General Plan.
- C. Downtown Commercial Mixed-Use zoning requirements.
- D. For properties with a General Plan land use designation of Medium or High Density Residential or Mixed-Use, the Planned Development may not be used to modify the allowed dwelling unit types to allow single family residences, unless the Planning Commission and City Council determine that single family residences may be allowed as an Accessory Use and where the density of the project meets the required density of the General Plan.
- E. For the reduction of any design standards or guidelines adopted by the City.
- F. For the reduction of design or preservation requirements for any structure that is designated as historical.

17.90.090 – Planned Development Application

Applications for a Planned Development shall include:

- A. **Application Form.** The project applicant shall submit an application on a form prescribed by the City, with all the information listed on the form as part of the request for a Planned Development. If the property is not under a single ownership, all owners must sign the application, and a map showing the extent of ownership shall be submitted with the application.
- B. **Site Plan.** Plans or maps depicting the existing topography, on-site structures, natural features, mature trees, and other significant vegetation and drainage patterns. The map shall also show the project boundaries and all properties within one hundred feet of the site boundary.
- C. **Conceptual Land Use Plan.** A map showing the location of each land use proposed within the site (including housing types where applicable), open space and common areas, community facilities, and the location of any use or structure that is proposed as a Substantial Public Benefit.

- D. **Density.** A plan showing the total site area, total density range for each General Plan land use designation for residential and non-residential designations, maximum numbers of residential units by type, and maximum non-residential square footage for each use.
- E. **Project Narrative.** A written project narrative which includes the following information:
- a. A description of the proposed project, existing and proposed General Plan land use designation(s), and the proposed underlying zoning district(s).
 - b. Existing use of the project area and site conditions.
 - c. A statement of the project objectives, how the proposed project will comply with General Plan goals and policies for the applicable land use designation, and how the project complies with the purpose of this Chapter.
 - d. An overview of the proposed development plan including land use, densities, residential dwelling types, open space, and parking.
 - e. A description of the project access and circulation.
 - f. A description of how the proposed development is superior to development that could occur with the strict application of the standards required by the underlying zoning designation, and how it will provide a Substantial Public Benefit.
 - g. The amount (in square feet or acres) and percentage of site area that will be dedicated for all land uses including residential, commercial, office, industrial, open space, recreational facilities and amenities, public facilities, and public buildings. The maximum number of dwelling units, by type, and the maximum square footage of all non-residential uses must be provided.
 - h. A written statement of proposed uses including permitted, conditionally permitted, prohibited, and Accessory Uses for each land use type.
 - i. All development regulations that apply within the project, including:
 - i. Density;
 - ii. Minimum lot size and dimensions;
 - iii. Maximum building coverage including lot coverage and Floor Area Ratio;
 - iv. Minimum setbacks;
 - v. Maximum building heights;

- vi. Landscaping;
 - vii. On-site parking; and
 - viii. Other items as recommended by Staff and deemed appropriate by the Planning Commission and City Council.
- F. **Design Guidelines.** Design standards and guidelines for the construction of future structures within the project area including landscaping, screening, and architectural design.
- G. **Phasing.** For Planned Developments that are to be constructed in phases, a phasing plan must be provided.
- H. **Parking.** Where a Planned Development includes shared parking or a use which is not listed in the Zoning Ordinance, a parking study prepared by a qualified preparer shall be submitted which establishes the parking requirement for the new use or reviews the proposed shared parking plan.

17.90.100 – Review of a Rezoning to Planned Development

- A. **Approval Process.** An application for a rezone to Planned Development shall be reviewed by the Planning Commission during a public hearing. The Planning Commission will then make a recommendation to the City Council. The City Council will then act upon the request for a rezone to a Planned Development.
- B. **Planning Commission Review.**
- 3. **Hearing.** Following the receipt of a complete application for a Planned Development, the Planning Commission shall conduct a noticed public hearing for consideration of the application.
 - 4. **Decision.** The Planning Commission shall take one of the following actions during the public hearing:
 - c. The Planning Commission shall make a written recommendation to the City Council to approve, approve with conditions or modification, or deny the application as submitted and shall make written findings supporting the reason for this recommendation in accordance with Section 17.90.120.
 - d. If the Planning Commission is unable to make a recommendation to the City Council because the application fails to receive a majority vote resulting in no action being taken by the Planning Commission, the application shall be forwarded directly to the City Council.
- C. **City Council Review.**

4. **Public Hearing Required.** After the Planning Commission provides a recommendation on the application for a Planned Development, the City Council shall hold a noticed public hearing on the application, shall consider the recommendations of the Planning Commission, and shall hear evidence presented for and against the proposed Planned Development rezone.
5. **Decision.** Following the conclusion of the public hearing, the City Council shall approve, modify, or reject the Planning Commission's recommendation. If the City Council requires the applicant to make a substantial modification not previously considered by the Planning Commission, the revised Planned Development shall be referred back to the Planning Commission for a written recommendation prior to consideration of the amendment. Prior to the approval of a Planned Development rezone, the City Council shall make written findings in accordance with Section 17.90.120 supporting the reason for approving the Planned Development rezone.
6. **Second Reading.** If the Planned Development is approved by the City Council, a second reading of the Ordinance will take place at the following City Council meeting. The Ordinance establishing the Planned Development rezone will not take effect until 30 days following the second reading.

17.90.110 – Ordinance Format

Each Ordinance for a Planned Development shall establish the following:

- A. Purpose and intent of the Planned Development;
- B. Underlying zoning district(s);
- C. A list of all permitted, conditionally permitted, and prohibited uses within the Planned Development;
- D. All applicable design themes, guidelines, or standards; and
- E. All site development regulations including:
 1. Density;
 2. Setbacks;
 3. Maximum height;
 4. Maximum Lot Coverage or Floor Area Ratio;
 5. Open Space requirements;
 6. Accessory Uses or structures;

7. Landscaping and screening;
8. Parking and loading; and
9. Other items recommended by Staff and deemed appropriate by the Planning Commission and City Council

17.90.120 – Required Findings

An application for a Planned Development rezone shall be approved if the following findings can be made, in addition to the required findings of other permits required for the project.

- A. The Planned Development is consistent with the General Plan, applicable specific plan, and other plans and policies adopted by the City Council.
- B. The Planned Development will not be detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the Planned Development or to the general welfare of the city.
- C. The proposed development is superior to the development that could occur under the requirements of the Zoning Ordinance for the underlying zoning designation.
- D. That the location, design, size, and uses will result in an attractive, well designed, and beneficial environment for living, shopping, or working.
- E. The proposed Planned Development will be harmonious and compatible with existing and potential development in the surrounding area.
- F. The Planned Development would result in a thoughtful, well-planned development which has been designed to meet current and future needs of residents and workers within the City.
- G. The Planned Development will provide one or more Substantial Public Benefits, as defined by Section 17.90.070, in exchange for any modifications from standard zoning requested by the Planned Development.

17.90.130 – Modifications to an Approved Planned Development

- A. **Clarification.** Where necessary, the Development Services Director by administrative action may clarify the provisions or make minor adjustments to conform to current provisions of the Zoning Ordinance, to refer to relevant sections of the Zoning Ordinance (where necessary) and to approve minor modifications to a Planned Development that do not conflict with the development standards, density, or intent of the Planned Development.
- B. **Minor Amendments.** The Planning Commission, by means of a Planned Development minor modification may approve minor amendments to a Planned

Development with a finding that the amendment substantially complies with and does not materially change the provisions, intent, land use, or development capacity of the applicable Planned Development.

- C. **Major Amendment.** All amendments that change the provisions or intent of the Planned Development, increase the development potential of the site, change the required Substantial Public Benefit, or substantially change the proposed land use map may be requested by submitting an application in the same manner and process as the initial request.

17.90.190 – Further Development Review

Prior to the construction of any structure or the establishment of any use within the Planned Development, all necessary permits as required by the Zoning Ordinance and the Planned Development shall be obtained.

Exhibit L

Chapter 17.92 - Density Bonus

17.92.010 – Purpose

As required by Government Code Section 65915, this chapter offers Density Bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 17.92.030 (Eligibility for Bonus, Incentives, or Concessions). This chapter is intended to implement the requirements of Government Code Section 65915 et seq., and the Housing Element of the General Plan. As used in this chapter and when otherwise required by Government Code Section 65915 et seq., “housing development” means a development project for five (5) or more residential units, including a mixed-use development, that meets the requirements of Government Code Section 65915(i).

17.92.020 – Definitions

The following definitions shall apply to this Chapter:

- A. **Affordable Ownership Cost.** Affordable ownership cost means a reasonable down payment and an average monthly housing cost during the first calendar year of occupancy, mortgage insurance, property taxes and property assessments, homeowner's insurance, homeowner's association dues, if any, and all other dues and fees assessed as a condition of property ownership, which does not exceed the income limits established under Section 50052.5(b) of the California Health and safety Code.
- B. **Affordable Rent.** Affordable rent means monthly rent, including a reasonable allowance for garbage collection, water, electricity, gas, and other heating, cooking, and refrigeration fuels, and all mandatory fees charged for use of the property, which does not exceed the income limits established under Section 50053(b) of the California Health and Safety Code.
- C. **Area Median Income.** Area median income is the annual median income for San Benito County, adjusted for household size, as published periodically in Title 25, Section 6932, California Code of Regulations, or its successor provision, or as established by the city of Hollister in the event that such median income figures are no longer published periodically in the California Code of Regulations.
- D. **Applicant.** An applicant is any person, firm, partnership, non-profit, association, joint venture, corporation, or any entity or combination of entities who seeks approval of a permit from the City for a development that includes residential dwelling units on a parcel within the City which is owned or not owned by the Applicant.
- E. **Base Density or Base Units.** Base density or base units is the maximum number of dwelling units per gross acre permitted on the property, as established by the

general plan designation of the parcel. When the calculation of density results in a fractional number of units, the number of permitted units shall be rounded up to the nearest whole number. When the general plan designation of the property allows for mixed-use development, the base density shall be calculated the same as those properties which are designated only for residential uses.

- F. **Child Care Facility.** A facility approved and licensed by the State, other than a family day care home, that provides non-medical care on less than a 24-hour basis, including infant centers, preschools, extended day care facilities, and school age children, operated and maintained by the operator or owner. Day care center does not include residential care facilities, residential service facilities, interim housing, or convalescent hospitals/nursing homes.
- G. **Common Interest Developments.** A community apartment project, a condominium project, a planned development or a stock cooperative.
- H. **Concessions.** A reduction in site development standards or a modification of zoning code or architectural design requirements, approved of mixed-use zoning or other regulatory incentives or concessions which actually result in cost reductions.
- I. **Density Bonus.** An increase in the number of dwelling units over the otherwise maximum allowable residential density as established in the Land Use Element of the Hollister General Plan and the Zoning Ordinance in accordance with State law and this Chapter.
- J. **Density Bonus Units.** The residential dwelling units approved pursuant to this Chapter, which exceed the otherwise allowable maximum allowable residential density for the development site.
- K. **Development Standard.** A site or construction condition, other than density or lot size, including but not limited to: a height limitation, minimum lot size, lot dimensions, setback requirements, lot coverage (except where Floor Area Ratio is used instead of lot coverage), or open space requirement that applies to a residential development pursuant to any ordinance, General Plan Element, Specific Plan, or other City condition, law, policy, resolution, or regulation.
- L. **First Approval.** The first of the following approvals to occur with respect to a residential development: Specific Plan, Development Agreement, Planned Unit Development Permit, Tentative Map, Minor Subdivision, Conditional Use Permit, Site Plan Review, or Building Permit.
- M. **Housing Development.** A development project consisting of five or more residential units including mixed-use developments. Housing development also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by the City and consistent of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial

rehabilitation of an existing multifamily dwelling, where the result of the rehabilitation would be a net increase of the available residential units.

- N. **Homeless Persons.** Homeless persons shall have the same meaning as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).
- O. **Incentives.** Regulatory incentives as defined in Section 17.30.100, Incentives and Concessions.
- P. **Lower-Income Households.** Persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually. Lower-income households includes very low-income households, as defined in Section 50105, and extremely low-income households, as defined in Section 50106.
- Q. **Lower Income Student.** A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.
- R. **Major Transit Stop.** A major transit stop shall have the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.
- S. **Maximum Allowable Residential Density.** The maximum number of dwelling units permitted for a residential project by the City's Zoning Ordinance and by the Land Use Element of the General Plan on the date that the application for the residential project is deemed complete, excluding any units allowed by a Density Bonus. If the maximum density allowed by the Zoning Ordinance is inconsistent with the density allowed by the Land Use Element of the General Plan, the General Plan density shall prevail.
- T. **Mixed-Use Development.** A development that includes residential as well as commercial, office or industrial uses.
- U. **Moderate-Income Households.** Households whose income does not exceed the moderate income limits applicable to San Benito County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its

successor provision) by the California Department of Housing and Community Development, adjusted for household size.

- V. **Non-Restricted Units.** All dwelling units within a residential development except the target units.
- W. **Residential Development.** A development project of five or more dwelling units and includes a subdivision or common interest development.
- X. **Shared Housing Building.** A residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units. A shared housing building may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.
- Y. **Shared Housing Unit.** One or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.
- Z. **Senior Housing Development.** A residential development, mobile home park, shared housing, or residential care facility for the elderly (Health and Safety Code Section 1569.2) is constructed or substantially renovated for senior citizens aged fifty-five (55) years or older.
- AA. **Specific Adverse Impact.** A significant, quantifiable, direct and unavoidable impact based on objective and identified written public health or safety standards, policies or conditions as they existed on the date that the application for the housing development was deemed complete as defined by Section 65589.5 of the Government Code.
- BB. **State Density Bonus Law.** State of California Government Code Section 65915 as may be amended.
- CC. **Student Housing Development.** A housing development which is used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. A minimum of twenty (20) percent of the units (rental beds) must be reserved for lower income students to qualify and the rent for the affordable units

must be calculated at 30 percent of 65 percent of the area medium income for single-room occupancy unit type in accordance with Government Code Section 65915(b)(1)(F)(i).

DD. **Target Unit.** A dwelling unit within a housing development that is reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to: very-low, lower, or moderate-income households, or is a dwelling unit in a senior housing development, and which qualifies the residential development for a Density Bonus and other incentives or concessions pursuant to Section 17.92.030(A) of this Article.

EE. **Very-Low Income Households.** Households whose income does not exceed the very-low income limits applicable to San Benito County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development, adjusted for household size.

17.92.030 – Eligibility for Bonus, Incentives, or Concessions

To be eligible for a Density Bonus and other incentives or concessions as provided by this chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of Hollister Municipal Code, except as provided by Section 17.92.060 (Allowed Incentives or Concessions).

A. **Resident Requirements.** A housing development proposed to qualify for a Density Bonus shall be designed and constructed so that it includes at least one of the following:

1. Ten percent (10%) of the total number of units in a housing development, including shared housing, for rental or sale for lower-income households, as defined in Health and Safety Code Section 50079.5;
2. Five percent (5%) of the total number of units in a housing development, including shared housing, for rental or sale for very low-income households, as defined in Health and Safety Code Section 50105;
3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 and 799.5;
4. Ten percent (10%) of the total number of units in a housing development, in a common interest development as defined in Civil Code Section 4100, are sold to persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase;
5. Ten percent (10%) of the total number of units in a housing development of housing for transitional foster youth, as defined in Section 66025.9 of the

Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.), where such units are subject to a recorded affordability restriction of fifty-five (55) years and provided at the same affordability level as very low income units;

6. Twenty percent (20%) of the total number of units in a housing development, for lower income students and made available at an affordable rent in an exclusively student housing development, as specified in Government Code Section 65915(b)(1)(F), where such units are subject to a recorded affordability restriction of fifty-five (55) years and priority is given to students experiencing homelessness; or
 7. One hundred percent (100%) of all units in the development, including total units and Density Bonus Units, but exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of the units in the development, including total units and Density Bonus Units, may be for moderate-income households, as defined in Health and Safety Code Section 50053.
- B. **Applicant Selection of Basis for Bonus.** For purposes of calculating the amount of the Density Bonus in compliance with Section 17.92.040 (Allowed Density Bonuses), the applicant who requests a Density Bonus shall elect whether the bonus shall be awarded on the basis of subsection (A)(1), (2), (3), (4), (5), (6), (7), or (8) of this section. An application submitted pursuant to Section 17.92.100, shall include the number of bonus units requested pursuant to this section.
- C. **Bonus Units not Included in Calculation.** Except as provided in subsection (A)(7), a Density Bonus granted in compliance with Section 17.92.040 (Allowed Density Bonuses) shall not be included when determining the number of housing units that is equal to the percentages required by subsection A of this section.
- D. **Minimum Project Size to Qualify for Density Bonus.** The Density Bonus provided by this chapter shall be available only to a housing development of five (5) or more dwelling units.
- E. **Condominium Conversion Projects.** A condominium conversion project for which a Density Bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.
- F. **Existing Units; Replacement.** When a proposed project affects existing units and/or any other circumstances identified in Government Code section 65915(c)(3) apply, a proposed development must replace the affected units and comply with all other requirements of Government Code section 65915(c)(3), as specified, to be eligible for a Density Bonus or other incentives or concessions.

17.92.040 – Allowed Density Bonuses

The amount of Density Bonus allowed in a housing development shall be determined in compliance with this section.

A. **Density Bonus.** A housing development that complies with the eligibility requirements in Section 17.92.030(A)(1), (2), (3), (4), (5), (6), or (7) shall be entitled to Density Bonuses as follows, unless a lesser percentage is proposed by the applicant:

1. **Bonus for Units for Lower-Income Households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.92.030(A)(1) (ten percent (10%) of units for lower-income households) shall be entitled to a Density Bonus calculated as follows:

Table 17.92-1: Density Bonus for Low-Income Units

Percentage of Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

2. **Bonus for Units for Very Low-Income Households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.92.030(A)(2) (five percent (5%) of units for very low-income households) shall be entitled to a Density Bonus calculated as follows:

Table 17.92-2: Density Bonus for Very-Low Income Units

Percentage of Very-Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

3. **Bonus for Senior Citizen Development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.92.030(A)(3) (senior citizen development or mobile home park) shall be entitled to a Density Bonus of twenty percent (20%) of the number of senior housing units.

4. **Bonus for Moderate-Income Units in Common Interest Development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.92.030(A)(4) (ten percent (10%) of units in a common interest development for persons and families of moderate income) shall be entitled to a Density Bonus calculated as follows:

Table 17.92-3: Density Bonus for for-Sale Moderate-Income Units

Percentage of Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18

Percentage of Moderate-Income Units	Percentage Density Bonus
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

5. **Bonus for Transitional Foster Youth, Disabled Veterans, or Homeless Persons Development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.92.030(A)(5) (transitional foster youth, disabled veterans, or homeless persons) shall be entitled to a Density Bonus of twenty percent (20%) of the units of the type giving rise to a Density Bonus.

6. **Bonus for Lower Income Students in a Student Housing Development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.92.030(A)(6) (lower income students in student housing) shall be entitled to a Density Bonus of thirty-five percent (35%) of the student housing units.

7. **Bonus for Units for Lower-Income and Moderate-Income Households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 17.92.030(A)(7) (lower-income and moderate-income households) shall be entitled to a Density Bonus of eighty percent (80%) of the number of units of lower income households.
 - a. If the housing development described in this subsection (A)(7) is located within one-half mile of a major transit stop, there shall be no maximum controls on density. "Major transit stop" means a site

containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

- b. A housing development that receives a waiver from maximum controls on density shall only be eligible for a waiver or reduction of a height increase of up to three additional stories, or 33 feet, as expressly provided in Section 17.92.060(C)(5)(a).

8. **Density Bonus for Land Donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this subsection, the applicant shall be entitled to a Density Bonus for the entire development, as follows; provided, that nothing in this subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

- a. **Basic Bonus.** The applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district for the entire development, and an additional increase as follows:

Table 17.92-4: Density Bonus for Land Donation

Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31

Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
27	32
28	33
29	34
30	35

- b. **Increased Bonus.** The increase identified in the table above shall be in addition to any increase in density required by subsections (A)(1) through (7) of this section up to a maximum combined mandated density increase of thirty-five percent (35%) if an applicant seeks both the increase required in compliance with this subsection (A)(8), as well as the bonuses provided by subsections (A)(1) through (7) of this section.
- c. **Eligibility for Increased Bonus.** An applicant shall be eligible for the increased Density Bonus provided by this subsection if all the following conditions are met:
- (1) The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or applicable development review application for the residential development.
 - (2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development.
 - (3) The transferred land is at least one acre in size, or of sufficient size to permit development of at least forty (40) units; has the appropriate General Plan land use designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
 - (4) No later than the date of approval of the final map, parcel map, or other applicable development review application for the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section

65583.2(i) if the design is not reviewed by the City before the time of transfer.

- (5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 17.92.130 and 17.92.140 (Continued Affordability and Availability), which shall be recorded on the property at the time of dedication.
- (6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.
- (7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter (1/4) mile of the boundary of the proposed development, provided that the City Council finds, based on substantial evidence, that off-site donation will provide as much or more affordable housing at the same or even lower income levels, and of the same or superior quality of design and construction, and will otherwise provide greater public benefit, than donating land on site.
- (8) No later than the date of approval of the final map, parcel map or other applicable development review application for the residential development, a proposed source of funding for the very low-income units shall be identified.

B. **Greater or Lesser Bonuses.** The City may choose to grant a Density Bonus greater than provided by this section for a development that meets the requirements of this section, or grant a proportionately lower Density Bonus than required by this section for a development that does not fully comply with the requirements of this section. The applicant may elect a lesser percentage of density increase than what is provided in this section.

C. **Density Bonus Calculations.** The calculation of a Density Bonus in compliance with this section that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a Density Bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

D. **Requirements for Amendments or Discretionary Approval.** The granting of a Density Bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

E. **Location of Bonus Units.** The developer may locate Density Bonus Units in the housing project in other than the areas where the units for the lower-income households are located.

17.92.050 – Density Bonus for Affordable Housing on the Site of a Commercial Development

- A. An applicant seeking City approval of a commercial development that has entered into an agreement for partnered housing where at least 30 percent of the total units are dedicated to low-income households or at least 15 percent of the total units for very-low income are eligible for a development bonus, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following:
1. Up to a 20-percent increase in maximum allowable intensity in the General Plan.
 2. Up to a 20-percent increase in maximum allowable floor area ratio.
 3. Up to a 20-percent increase in maximum height requirements.
 4. Up to a 20-percent reduction in minimum parking requirements.
 5. Use of a limited-use/limited-application elevator for upper floor accessibility.
 6. An exception to a zoning ordinance or other land use regulation.
- B. The agreement between the applicant and the housing developer shall identify how the commercial developer will contribute affordable housing and the timeline for construction. The agreement between the applicant and the housing developer shall be approved by the City.
- C. Nothing in this Section shall preclude an affordable housing developer from seeking a Density Bonus under Section 17.92.040 (Allowed Density Bonuses). If the developer of the affordable units does not commence with construction of the affordable units as outlined in the agreement between the applicant and the housing developer, the City may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

17.92.060 – Allowed Incentives or Concessions

- A. **Applicant Request and City Approval.**
1. An applicant for a Density Bonus in compliance with this chapter may submit to the City a proposal for the specific incentives or concessions listed in subsection D of this section (Type of incentives) that the applicant requests in compliance with this section. The applicant may file a request either before filing a final application for City approval of a proposed project or concurrently with a final application for project approval. A preliminary application submitted pursuant to Section 17.92.100, or a final application if a preliminary application is not submitted, shall include any incentives,

concessions, waivers, or parking reductions requested pursuant to this section.

2. Incentive or concession requests that comply with this section shall be granted unless either of the following findings is made, in writing, and based upon substantial evidence:
 - a. The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 9.26.070(B) (Unit cost requirements); or
 - b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

B. Waiver of Standards Preventing the Use of Bonuses, Incentives, or Concessions.

1. As required by Government Code Section 65915(e), the City will not apply a development standard that will have the effect of physically precluding the construction of a development meeting the criteria of Section 17.92.030(A) (Resident Requirements), at the densities or with the concessions or incentives allowed by this chapter.
2. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that will have the effect of physically precluding the construction of a development meeting the criteria of Section 17.92.030(A) (Resident Requirements), at the densities or with the concessions or incentives allowed by this chapter on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements. The proposal must identify the specific waiver(s), concession(s), or incentive(s) sought and demonstrate that the request satisfies the requirements of Government Code Section 65915(e).
3. Nothing in this subsection shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact upon health, safety, or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, or upon any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law..

C. Number of Incentives. The applicant shall receive the following number of incentives or concessions:

1. **One Incentive or Concession.** One incentive or concession for a project that includes at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, at least ten percent (10%) for persons and families of moderate income in a common interest development, or developments that include at least twenty percent (20%) of the total units for lower income students in a student housing development.
2. **Two (2) Incentives or Concessions.** Two (2) incentives or concessions for a project that includes at least seventeen percent (17%) of the total units for lower-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.
3. **Three (3) Incentives or Concessions.** Three (3) incentives or concessions for a project that includes at least twenty-four percent (24%) of the total units for lower-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.
4. **Four (4) Incentives or Concessions.** Four (4) incentives or concessions for a project that includes at least sixteen percent (16%) of the total units for very low-income households or at least forty-five percent (45%) of the total units for moderate income households in a for-sale development.
5. **Five (5) Incentives or Concessions.** Five (5) incentives or concessions for projects where one hundred percent (100%) of all units in the development, including total units and Density Bonus Units, but exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of all units in the development, including total units and Density Bonus Units, but exclusive of a manager's unit or units, may be for moderate-income households, as defined in Health and Safety Code Section 50053.
 - a. If the housing development described in this subsection (C)(4) is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three (3) additional stories, or 33 feet. "Major transit stop" means a site containing an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

Table 17.92-5 Incentives or Concessions Summary

Target Group	Target Units				
	5%	10%	15%	16%	100% ⁽¹⁾⁽²⁾
Very Low-Income	5%	10%	15%	16%	100% ⁽¹⁾⁽²⁾
Low-Income	10%	17%	24%	--	100% ⁽¹⁾⁽²⁾
Student Housing Low Income	20%	--	--	--	--
Moderate Income	10%	20%	30%	45%	--
<i>Maximum Incentive/Concession</i>	1	2	3	4	5

⁽¹⁾ Projects in this category may include moderate-income units that comprise up to 20% of the development.

⁽²⁾ Projects in this category, within one-half (1/2) mile of a major transit stop, shall also receive a height increase of up to three (3) additional stories, or 33 feet.

D. **Type of Incentives.** For the purposes of this chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of the Hollister Municipal Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (see also Section 17.92.070, Parking Requirements in Density Bonus Projects), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions to provide for affordable housing costs and/or rents;
2. Approval of mixed-use land uses not otherwise allowed by the City's development and zoning ordinances, in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;
3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions to provide for affordable housing costs and/or rents; and/or
4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

E. **Effect of Incentive or Concession.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

- F. **Exceptions.** Notwithstanding the provisions of this Chapter, nothing in this section shall be interpreted to require the City to:
1. Grant a Density Bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 2. Grant a Density Bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
 3. Grant a Density Bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would be contrary to state or federal law.

17.92.070 – Parking Requirements in Density Bonus Projects.

- A. **Applicability.** This section applies to a development that meets the requirements of Section 17.92.030 (Eligibility for Bonus, Incentives, or Concessions) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section in compliance with Section 17.92.060 (Allowed Incentives or Concessions).
- B. **Number of Parking Spaces Required.**
1. At the request of the applicant, the City shall require the following vehicular parking ratios for a project that complies with the requirements of Section 17.92.030 (Eligibility for Bonus, Incentives, or Concessions), inclusive of handicapped and guest parking:
 - a. Zero (0) to one bedroom: One on-site parking space.
 - b. Two (2) to three (3) bedrooms: One and one-half (1-1/2) on-site parking spaces.
 - c. Four (4) and more bedrooms: Two and one-half (2-1/2) on-site parking spaces.
 2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

Table 17.92–6: Parking Requirements For a Density Bonus Project

Unit Type	Required Off-Street Parking Per Unit
Studio	1 Parking Space
1 Bedroom	1 Parking Space
2 Bedrooms	1.5 Parking Spaces
3 Bedrooms	1.5 Parking Spaces
4+ Bedrooms	2.5 Parking Spaces

C. Adjustments to Parking Requirements.

1. If the development includes at least twenty percent (20%) low-income units or at least eleven percent (11%) very low-income units, and the development is located within one-half mile of a major transit stop, as defined in Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the parking ratio, inclusive of handicapped and guest parking, shall not exceed one-half (1/2) spaces per unit.
2. At the request of the applicant, if the development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, no vehicular parking standards will apply:
 - a. If the development is located within one-half (1/2) mile of a major transit stop, as defined in Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development.
 - b. If the development is a for-rent housing development for individuals who are sixty-two (62) years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.
 - c. If the development is either a special needs housing development, as defined in Health and Safety Code Section 51312, or a supportive housing development, as defined in Health and Safety Code Section 50675.14, and the development has either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.

D. Location of Parking. For purposes of this section, a development may provide on-site parking through uncovered parking, but not through on-street parking.

- E. **Religious Institution Affiliated Housing Development Projects.** The requirements of Government Code section 65913.6 shall apply to any “religious institution affiliated housing development project,” as defined, that proposes to eliminate parking as part of the housing development project. Except as specifically required by Government Code section 65913.6, all other applicable provisions of this Section and this Chapter shall apply to the proposed housing development project.

17.92.080 – Bonus and Incentives for Developments with Child Care Facilities.

- A. **Housing Developments.** A housing development that complies with the resident and project size requirements of Sections 17.92.030(A) and (D), and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus, incentives, and requirements.

1. **Additional Bonus and Incentives.** The City shall grant a housing development that includes a child care facility in compliance with this section either of the following:

- a. An additional Density Bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or
- b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. **Requirements to Qualify for Additional Bonus and Incentives.**

- a. The City shall require, as a condition of approving the housing development, that:

- (1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the Density Bonus Units are required to remain affordable in compliance with Section 17.92.120 (Continued Affordability and Availability); and

- (2) Of the children who attend the child care facility, the children of very low-income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income in compliance with Section 17.92.030(A) (Resident Requirements).

- b. The City shall not be required to provide a Density Bonus for a child care facility in compliance with this section if it finds, based upon

substantial evidence, that the community has adequate child care facilities.

B. Commercial and Industrial Developments. A developer of a commercial or industrial development project, containing at least fifty thousand (50,000) square feet of floor area, may be granted a Density Bonus when that developer agrees to set aside at least two thousand (2,000) square feet of interior floor area and three thousand (3,000) outdoor square footage to be used for a child care facility, other than a large or small family day care home, in compliance with Government Code Section 65917.5 (Commercial Density Bonus).

1. **Allowable Density Bonuses.** The allowable Density Bonus may be one of the following:
 - a. A maximum of five (5) square feet of floor area for each one square foot of floor area contained in the child care facility located in an existing child care facility; or
 - b. A maximum of ten (10) square feet of floor area for each one square foot of floor area contained in the child care facility located in a new child care facility.
2. **Qualifications.** Requirements to qualify for the additional Density Bonus shall include all of the following.
 - a. For purposes of calculating the allowable Density Bonus under this subsection, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.
 - b. The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least forty (40) children.
 - c. This facility may be located either on the project site or may be located off site as agreed upon by the developer and the City.
 - d. If the child care facility is not located on the site of the development project, the City shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this section.
 - e. The granting of a Density Bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial Density Bonus).

17.92.090 – Location and Type of Designated Units

- A. Target units shall be constructed concurrently with non-restricted dwelling units or pursuant to a schedule included in the Density Bonus Housing Agreement approved pursuant to Section 17.92.120, Density Bonus Housing Agreement.
- B. Single-family detached target units shall be dispersed throughout the residential development. Townhouse, row house, and multifamily target units shall be located so as not to create a geographic concentration of target units within the residential development.
- C. Target units shall have the same proportion of dwelling unit types as the market-rate dwelling units in the residential development.
- D. The quality of exterior design and overall quality of construction of the target units shall be consistent with the exterior design and quality of construction of the market rate units.
- E. The affordable units shall be the same as the unit type of the market rate units within the development.
- F. Target units made available for purchase shall include space and connections for a clothes washer and dryer within the dwelling unit. Target units made available for rent shall include either connections for a clothes washer and dryer within the target unit or sufficient on-site self-serve laundry facilities to meet the needs of all tenants without laundry connections in their dwelling units.
- G. The residential development shall comply with all requirements of the Building Code, Fire Code, Housing Code and all other requirements related to the safety of the project.

17.92.100 – Density Bonus Application

Applications for a Density Bonus shall include:

- A. **Application Form.** The project Applicant shall submit an application on a form prescribed by the City, with all the information listed on the form as part of the request for a Density Bonus.
- B. **Site Plan.** A tentative map and/or site plan, drawn to scale, showing the number and location of all residential units, location and square footage of any commercial space, the location of the affordable units, and the layout of each unit (for single family, duplex and townhouse developments).
- C. **Design of Project.** The Applicant shall submit floor plans and elevations for each unit type, drawn to scale, and noting all colors, materials and exterior design features.

- D. **Pricing.** Proposed sales price, financing, terms, rental rates or other factors which will make the units affordable.
- E. **Phasing.** Construction schedule or phasing including the timing of the construction of the affordable dwelling units.
- F. **Land Donation.** If a Density Bonus is requested for a land donation, the location of the land to be dedicated, proof of site control and reasonable documentation that each of the requirements included in Government Code Section 65915(g) can be met.
- G. **Mixed Use Development.** If the Density Bonus request includes a request for a mixed-use development (where mixed-use is not permitted or conditionally permitted by the zoning district in which the property is located), the square footage of the commercial development shall be noted on the site plan.
- H. **Child Care Facility.** If the Density Bonus or incentive/concession is based on the provision of a childcare facility, a written summary addressing all the eligibility requirements in Government Code Section 65915(g) can be met. An application for a Site and Architectural Review to ensure that the facility will be constructed shall be submitted with an application for a Density Bonus.
- I. **Condominium Conversion.** If the Density Bonus or incentive/concession is based on the provision of affordable units as part of a condominium conversion, a written summary addressing the eligibility requirements as described in Government Code Section 65915(h) have been met.
- J. **Student Housing Development.** The Applicant shall provide evidence that the Applicant has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.
- K. **Incentives/Concession.** If an incentive/concession is requested, above the waiver of lot size granted by this Chapter, the Applicant shall submit the following:
 - 1. The number of incentives/concessions the applicant is eligible for pursuant to State Density Bonus Law.
 - 2. A list of all Development Standards the Applicant is requesting be waived as part of the incentives/concessions for the project.
 - 3. A list of all of the regulatory standards the Applicant is requesting be waived as part of the incentives/concessions for the project.
 - 4. A written description of how the incentive will result in actual cost reductions.

17.92.110 – Review of Density Bonus Application

- A. **Reviewing Body.** An Application for a Density Bonus shall be considered by and acted upon by the approval body with authority to approve the residential development. The Density Bonus Plan may be ministerially approved or denied pursuant to the findings required by this Chapter. Any decision regarding a Density Bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed in accordance with the requirements of Section 17.24.140 (Appeals) of the Zoning Ordinance.
- B. **Findings.** An Application for a Density Bonus shall be approved pursuant to the State Density Bonus Law if the following findings can be made, in addition to the required findings of other permits as part of the project.
1. The residential development meets the requirements of this Article.
 2. The proposed project provides the required number of Target Units for the proposed affordability type as listed in Section 17.92.030 (Eligibility for Bonus, Incentives, or Concessions).
 3. The Applicant is requesting concessions or incentives that the project is eligible under Section 17.92.060 (Allowed Incentives or Concessions).
- C. **Denial.** An application for a Density Bonus may be denied if the following findings are made:
1. The residential development, as proposed, does not meet the requirements of this Article.
 2. The concession or incentive does not result in identifiable and actual cost reductions to provide affordable housing.
 3. A concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
 4. The concession or incentive would be contrary to state or federal law.
 5. The proposed project does not meet the number of Target Units for the affordability type as listed in Section 17.92.030 (Eligibility for Bonus, Incentives, or Concessions).

6. The Applicant is requesting concessions or incentives in an amount greater than the number of incentives or concessions the project is eligible under Section 17.92.060 (Allowed Incentives or Concessions).

- D. **Land Donation.** For projects that include land donation, the findings listed in Section 17.92.040(A)(8)(c) shall also be made.

17.92.120 – Density Bonus Housing Agreement.

- A. **Agreement Required.** An applicant requesting a Density Bonus shall agree to enter into a Density Bonus Agreement (referred to as the “agreement”) with the City in the City’s standard form of agreement.

- B. **Agreement Provisions.**

1. **Project Information.** The agreement shall include at least the following information about the project:

- a. The total number of units approved for the housing development, including the number of designated dwelling units;
- b. A description of the household income group to be accommodated by the housing development;
- c. Duration of the use restrictions for designated dwelling units of the time periods required by Section 17.92.140(Continued Affordability and Availability);
- d. A schedule for completion and occupancy of the designated dwelling units;
- e. A description of the additional incentives and concessions being provided by the City;
- f. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and
- g. Other provisions to ensure successful implementation and compliance with this chapter.

2. **Minimum Requirements.** The agreement shall provide, at minimum, that:

- a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;
- b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign,

lease, rent, sell, sublet, or otherwise transfer any interests for designated units without written notice to the City;

- c. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;
- d. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy;
- e. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and
- f. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

3. **For-Sale Housing Conditions.** In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

- a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents;
- b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement which:
 - (1) Restricts the sale of the unit in compliance with this Article, or other applicable City policy or ordinance, during the applicable use restriction period;
 - (2) Contains provisions as the City may require ensuring continued compliance with this Article and State law; and
 - (3) Shall be recorded against the parcel containing the designated dwelling unit.
- c. The agreement shall include an equity sharing provision, as required by Government Code section 65915(c).

4. **Rental Housing Conditions.** In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:

- a. The tenant qualifications, affordable rent category(ies), and designating dwelling units for qualified tenants;
- b. Provisions requiring owners to maintain books and records to demonstrate compliance with this chapter;
- c. Provisions requiring owners to submit an annual report to the City demonstrating compliance with this chapter; and
- d. The applicable use restriction period shall comply with the time limits for continued availability in Section 17.92.140 (Continued Affordability and Availability).

C. Execution of Agreement.

1. Following approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.
2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the designated dwelling units.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

17.92.130 – Deed Restriction

- A. Residential Units for Rent.** Prior to the issuance of a Building Permit, the Applicant shall record a restrictive covenant in the form prescribed by the City, which shall run with the land which contains the following:
1. A prohibition on non-residential use of any units, with the exception of Home Occupations approved by the City;
 2. A prohibition against renting or leasing the units for a period of less than thirty (30) days;
 3. A description of the affordability requirements of the Residential Housing Development pursuant to the Density Bonus and Density Bonus Housing Agreement;
 4. The number of years the property is subject to affordability as required by the Density Bonus Housing Agreement; and
 5. A notation that the property is subject to a Density Bonus and the requirements of a Density Bonus Housing Agreement.

B. **Residential Units for Sale.** Prior to the issuance of a Building Permit, the Applicant shall record a restrictive covenant in the form prescribed by the City, for each lot which is for sale in the development, which shall run with the land which contains the following:

1. A prohibition on non-residential use of any units, with the exception of Home Occupations approved by the City;
2. A prohibition against renting or leasing the units for a period of less than thirty (30) days;
3. The owner is required to occupy their unit as their principal residence;
4. The restriction on the sale of the affordable unit to another household that meets the affordability requirements of the unit for a period of time required by Section 65915 of the Government Code; and
5. A notation that the property is subject to a Density Bonus and the requirements of a Density Bonus Housing Agreement.

17.92.140 – Continued Affordability and Availability

The units that qualified the housing development for a Density Bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 17.92.150 (Control of Resale).

A. **Duration of Affordability.** The applicant shall agree to, and the City shall ensure, the continued availability of the units that qualified the housing development for a Density Bonus and other incentives and concessions, as follows:

1. **Low- and Very Low-Income Units.** The continued affordability of all low- and very low-income qualifying units shall be maintained for fifty-five (55) years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.
2. **Moderate-Income Units in Common Interest Development.** The continued availability of moderate-income units in a common interest development shall be maintained for a minimum of thirty (30) years, or a longer time if required by City policy or ordinance.

B. **Unit Cost Requirements.** The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a Density Bonus and other incentives and concessions shall not exceed the following amounts during the period of continued availability required by this section:

1. **Rental Units.** Rents for the lower-income Density Bonus Units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.
 - a. For housing developments specified in Section 17.92.030(A)(7), rents for all units in the development, including both base density and Density Bonus Units, shall be as follows:
 - (1) The rent for at least twenty percent (20%) of the units in the development shall be set at an affordable rent, as defined in Health and Safety Code Section 50053.
 - (2) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
2. **Owner-Occupied Units.** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

17.92.150 – Control of Resale

To maintain the availability of for-sale affordable housing units constructed in compliance with this chapter, the following resale conditions shall apply.

- A. **Limits on Resale Price.** The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the local consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.
- B. **Units to be Offered to the City.** Home ownership affordable units constructed, offered for sale, or sold under the requirements of this section shall be offered to the City or its assignee for a period of at least ninety (90) days from the date the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households determined to be eligible for affordable units in compliance with this section. The seller shall not levy or charge any additional fees nor shall any “finder’s fee” or other monetary consideration be allowed other than customary real estate commissions and closing costs.
- C. **Declaration of Restrictions.** The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions stating the restrictions imposed in compliance with this section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all

applicable resale controls, occupancy restrictions, and prohibitions required by this section.

- D. **City to Monitor Resale of Units.** The City may monitor the resale of ownership affordable units. The City or its designee shall have a ninety (90) day option to commence purchase of ownership affordable units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action.

17.92.160 – Judicial Relief

- A. **Judicial Relief.** As provided by Government Code Section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested Density Bonus, incentive, or concession.

Exhibit M

17.94 - Site and Architectural Review

17.94.010 – Purpose

The purpose of this Chapter is to establish the requirements for Administrative, Minor, and Major Site and Architectural Review permits; to establish the procedures for approving, conditionally approving, or denying a Site and Architectural Review; and to ensure that all projects meet the following objectives:

- A. To ensure that the proposed development or improvement is well-designed to enhance the site where it is located and is compatible with the surrounding area.
- B. To ensure the design of the project complies with the requirements of any adopted design guidelines, specific plan, or the General Plan.
- C. To ensure compliance with development standards in the Zoning Ordinance.

17.94.020 – Administrative Site and Architectural Review

The Community Development Director or their designee may approve an Administrative Site and Architectural Review for the following types of improvements.

- A. **Single-Family and Two-Family Properties.** The following improvements are subject to review on properties that are developed with a single-family detached dwelling unit, duplex, or duet.
 - 1. **Accessory Structures.** The construction, demolition, or modifications of accessory structures which are greater than 120 square feet in size and less than 15 feet in height.
 - 2. **Additions.** Additions to a single-family detached dwelling unit, duplex, or duet.
 - 3. **Driveway Cuts.** Installation of new or modifications to existing driveway cuts.
 - 4. **Historic-Designated Structures.** Facade, roof, or other exterior modifications to properties which have been registered with the State of California or listed as a contributing building to the City's historic districts.
 - 5. **Single-Family New Construction.** New construction of one or more single-family units, unless the unit is both a part of a development of 11 or more total single-family units and Site and Architectural Review is required by a specific plan, planned development, or development agreement.

6. **Outdoor Space and Landscaping.** Removal or replacement of landscaping, play areas, or other improvements in a common open space area, or in a landscaped area
 7. **Removal of a Street Tree.** The removal and/or removal and replacement of a street tree that was part of the approved landscape plans for a residential subdivision. The removal of a tree and replacement with the same species is exempt from this requirement.
- B. **All Other Properties.** The following improvements on all other properties are subject to review.
1. **Administrative Minor Modification.** A minor modification, as determined by the Community Development Director, to an approved Site and Architectural Review (Minor or Major) where the Director determines the modification is consistent with the conditions of approval, the Zoning Ordinance, and the General Plan, where a record of the modification is necessary.
 2. **Accessory Structures.** The construction of or modification to an accessory structure that is less than 15 feet in height.
 3. **Parking Lot Restriping.** The restriping of all or a portion of a parking lot.
 4. **Roof.** Modifications to an existing roof material, parapet, or roof screen.
 5. **Mechanical Equipment.** Installation of new ground-level mechanical equipment or modifications to screening of existing equipment.
 6. **Murals and Artwork.** The painting of a mural or installation of artwork which is visible from the public right-of-way. Excludes murals or artwork containing a commercial message, which are subject to the regulations of Chapter 17.20, Signs.
 7. **Trash Enclosure Modifications.** Modifications to an existing trash enclosure.
 8. **Window and Door Modifications.** The addition or removal of up to two doors or windows.
 9. **All Other Improvements.** All other improvements which the Community Development Director has determined to be minor in nature and requiring review.

17.94.030 – Minor Site and Architectural Review

The Community Development Director or their designee may approve a Minor Site and Architectural Review for the following types of improvements:

- A. **Single-Family and Two-Family Properties.** The following improvements require Minor Site and Architectural Review on properties that are developed with a single-family detached dwelling, duplex, or duet:
1. **Accessory Structures.** Construction of or modification to accessory structures which are over 15 feet in height.
 2. **Conversion.** The conversion of a single-family residence or part or all of a duplex or duet to create additional dwelling units (provided that the total number of dwelling units does not exceed 10) or to convert part of all of the residence into mixed-use or commercial space.
- B. **All Other Properties.** The following improvements on all other properties are subject to review.
1. **Additions.** Additions to an existing building that are not visible from the right-of-way and less than 10,000 square feet.
 2. **Accessory Structures.** The construction, demolition, or modification to accessory structures which are over 15 feet in height.
 3. **Conversion.** The conversion of a building from mixed-use to residential only, the internal conversion of a building to create additional residential units, or the conversion of a building to mixed-use for development where the total number of new or converted dwelling units does not exceed 10.
 4. **Drive-Thru Modifications.** Modifications to an existing drive-thru.
 5. **Facade Modifications.** Facade modifications including arcades, modifications to building materials (i.e. stucco to wood siding), adding attached patio covers or trellises, modified architectural details, that are minor in nature, as determined by the Community Development Director.
 6. **Fences and Walls.** Any fences or walls over five feet in height.
 7. **Lighting.** New parking lot light fixtures, new lighting on façade, new security lighting, light strings, or replacement of light fixtures with a fixture with a higher lumen than the existing.
 8. **Major Landscape Modifications.** Major landscape modifications including the removal of any species, modifications to three or more plant species, increase or decrease in landscaped area, replacement of grass with plant materials, new play structures or modifications to common open space.
 9. **Minor Modification.** A minor modification, which requires review by the City's Development Review Committee, to an approved Site and

Architectural Review where the Director determines the modification is consistent with the conditions of approval, the Zoning Ordinance, and the General Plan, where a record of the modification is necessary.

10. **Projects Subject to Streamlined Review.** Any residential project which is eligible for a streamlined review by the State of California.
11. **Residential New Construction.** New residential development of 10 or fewer dwelling units.
12. **Mixed-Use New Construction.** New mixed-use development which includes 10 or fewer residential units.
13. **Roof.** Modifications to the roof pitch or to construct a new roof screen.
14. **SB-9.** All Urban Lot Splits and Two-Unit Residential Developments.
15. **Security Gates.** New or replacement security gates at the entrance(s) to a residential, commercial, industrial, or office development.
16. **Site Layout Modification.** A modification of the layout of the site including but not limited to an increase in paving areas, modification to the existing circulation, creation of an outdoor dining area, modification to the parking lot layout, modification to the number or size of parking stalls, or other similar improvements as determined by the Community Development Director.
17. **Trash Enclosure.** All new trash enclosures.
18. **All Other Improvements.** All other improvements or a combination of improvements that the Community Development Director determines that due to the nature of the total improvements requires a Minor Site and Architectural Review instead of an Administrative Site and Architectural Review.

17.94.040 - Major Site and Architectural Review

The Planning Commission is the decision-making authority for all Major Site and Architectural Review which is required for the following types of improvements.

- A. **Single Family Residence and Two-Family Residences.** The following improvements require Minor Site and Architectural Review on properties that are developed with a single-family detached dwelling unit, duplex, or duet:
 1. **Two-Family New Construction.** New duplex or duet construction which results in 11 or more total dwelling units on the project site.

2. **Single-Family New-Construction.** New single-family development of 11 or more dwelling units when Site and Architectural Review approval is required by a specific plan, planned development, or development agreement.
- B. **All Other Properties.** The following improvements on all other properties are subject to review:
1. **Additions.** The addition of any space to an existing building that is visible from the public right-of-way or greater than 10,000 square feet.
 2. **New Drive-Thru.** All new drive-thrus or drive-ins.
 3. **New Construction.** All new non-residential development, new mixed-use development with 11 or more total dwelling units, and new residential development of 11 or more total dwelling units. Includes residential and mixed-use development where the number of new dwellings is 10 units or less, but where the project will have 11 or more total dwelling units within the development.
 4. **Conversion.** Any conversion of all or part of a building from an existing residential use to a non-residential use or from a non-residential use to a residential use, where the total number a new or converted dwelling units is equal to or greater than 11. Includes development where new or converted dwelling units may be less than 11, but where either the existing or resulting development includes 11 or more residential dwelling units.
 5. **Major Façade Remodels.** A major façade remodel or modification, as determined by the Community Development Director. Major remodels may include a modification to the overall architectural style or theme of the building, significantly modifying the details and materials, and adding or removing significant architectural features.
 6. **All Other Improvements.** All other improvements which due to their nature the Community Development Director has determined required review by the Planning Commission during a public hearing.

17.94.050 – Application

- A. **Application.** An application for a Site and Architectural Review shall be filed on the form prescribed by the City and filed with the Planning Division.
- B. **Fee.** The application for a Site and Architectural Review shall be accompanied by the fee listed on the City's Fee Schedule.

- C. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist.

17.94.060 – Review Procedures

A. **Administrative Site and Architectural Review Procedures.**

1. **Review.** The Community Development Director or their designee shall review all Administrative Site and Architectural Review applications for compliance with applicable code requirements.
2. **Determination.** The Community Development Director or their designee shall provide a written determination approving or denying the project to the Applicant following project review.
 - a. The approval of an Administrative Site and Architectural Review shall include any applicable conditions to which the project may be subject to ensure compliance with all local and state regulations.
 - b. The denial of an Administrative Site and Architectural Review shall include the findings which resulted in the denial.

B. **Minor Site and Architectural Review.**

1. **Review.** Minor Site and Architectural Review applications shall be reviewed in accordance with Section 17.74.060, Application Review, and Chapter 17.76, Environmental Review.
2. **Notice.** A notice shall be given ten days prior to action on the project in accordance with Section 17.74.080, Notice of Community Development Decision.
3. **Determination.** The Community Development Director or their designee will make a written determination on the project following the close of the notice period.
4. **Effective Date.** The permit shall become effective eleven days after the Community Development Director's decision if no appeals have been filed.

C. **Major Site and Architectural Review**

1. **Review.** Major Site and Architectural Review applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
2. **Notice.** Following project review, the Community Development Director shall schedule the application for review by the Planning Commission and provide a notice in accordance with Section 17.74.090, Notice of Public

Hearing, and shall prepare a staff report in accordance with Section 17.74.100, Staff Reports.

3. **Public Hearing.** The Planning Commission shall review an application in accordance with Section 17.74.120 and provide a decision. For projects that also require City Council approval, the Planning Commission shall make a recommendation to the City Council who shall act on the application during a public hearing.

17.94.070 – Findings for Site and Architectural Reviews

In approving or denying a Site and Architectural Review, the decision-making authority shall make the following findings.

ALL PROJECTS. The following findings shall apply to all project types:

- A. The proposed project, as conditioned, is consistent with the goals and policies of the General Plan and any applicable Specific Plan.
- B. The proposed project, as conditioned, is consistent with the provisions of Title 17, Zoning, and any other applicable section of the Hollister Municipal Code.
- C. The proposed project, as conditioned, is consistent with the City of Hollister Objective Design Standards and any applicable design guidelines.
- D. The project is consistent with the California Environmental Quality Act.

NO NET LOSS FINDINGS. The following finding shall apply to all project types.

5. The project site meets one of the following:
 1. The site is not identified in the City of Hollister Housing Element Candidate Sites Inventory;
 2. The site is identified in the City of Hollister Housing Element Candidate Sites Inventory and is providing greater than or equal to the identified number of units, at each income level, than is identified in the Housing Element, and “no net loss” findings are not required;
 3. The site is identified in the City of Hollister Housing Element Candidate Sites Inventory and though fewer units are being developed than identified in the Housing Element, or at different income levels, the City is maintaining enough sites to accommodate the RHNA; or
 4. The site is identified in the City of Hollister Housing Element Candidate Sites Inventory and approval of the project requires the City to identify additional sites to accommodate the RHNA. The City shall identify

additional candidate sites to accommodate the RHNA within 180 days of approval of the project.

RESIDENTIAL PROJECTS. The following findings shall apply to any project with a residential component:

6. The project would not result in a specific, adverse impact to public health or safety.

COMMERCIAL AND INDUSTRIAL PROJECTS. The following findings shall apply to any project with a commercial component:

7. Architectural considerations, including the character, scale, and quality of the design, site layout, screening of unsightly uses, lighting, building materials, and colors result in a project that is harmonious with its surroundings and that is compatible with other developments in the vicinity.
8. The project is consistent with requirements related to landscaping and screening, including the location, type, size, water efficiency, and coverage of plant materials to ensure visual relief, adequate screening, and an attractive environment for the public.
9. The project would 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.

Exhibit N

17.96 – Conditional Use Permits

17.96.010 – Purpose

The purpose of this Chapter is to establish the procedures for approving or denying Minor and Major Conditional Use Permits which are intended to allow for activities and uses that are unique and which have the potential to impact the surrounding area. This Chapter applies to all land uses which are noted as requiring a CUP (Conditional Use Permit) on the use tables for each zoning district.

17.94.020 – Application

- A. **Application.** An application for a Minor or Major Conditional Use Permit shall be filed on the form prescribed by the City and filed with the Planning Division.
- B. **Fee.** The application for a Minor or Major Conditional Use Permit shall be accompanied by the fee listed on the City's Fee Schedule.
- C. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist.

17.94.030 – Review Procedures

A. Minor Conditional Use Permit

- A. **Review.** Minor Conditional Use Permit applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
- B. **Notice.** A notice shall be given ten days prior to action on the project in accordance with Section 17.74.080, Notice of Community Development Decision.
- C. **Determination.** The Community Development Director or their designee will make a written determination on the project following the close of the notice period.
- D. **Effective Date.** The permit shall become effective eleven days after the Community Development Director's decision if no appeals have been filed.

B. Major Conditional Use Permit

- A. **Review.** Major Conditional Use Permit applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
- B. **Notice.** Following project review, the Community Development Director shall schedule the application for review by the Planning Commission and

provide a notice in accordance with Section 17.74.090, Notice of Public Hearing, and shall prepare a staff report in accordance with Section 17.74.100, Staff Reports.

- C. **Public Hearing.** The Planning Commission shall review an application in accordance with Section 17.74.120 and provide a decision. For projects that also require City Council approval, the Planning Commission shall make a recommendation to the City Council who shall act on the application during a public hearing.

17.96.040 – Findings for a Conditional Use Permit

In approving or denying a Conditional Use Permit, the decision maker shall make the following findings:

- A. The proposed use is conditionally allowed within the subject zoning district and complies with all of the applicable provisions of this Zoning Ordinance.
- B. The proposed use is consistent with the General Plan and any applicable specific plan.
- C. The site and tenant space are physically suitable for the type and intensity of the proposed use including access, parking, and circulation.
- D. The use will not be detrimental to the health, safety, and welfare of persons residing or working in the surrounding area or to the general welfare of the City.

17.96.050 – Approval to Run with the Land

- A. **Approval.** The approval of a Conditional Use Permit shall continue to be valid for the location in which it was approved, upon change of ownership of the business, as long as the new business owner complies with all Conditions of Approval and complies with Section B below.
- B. **New Owner.** All new owner(s) of a business with an approved Conditional Use Permit shall submit a written description of their business (to show compliance with the approved characteristics of the business) and agree in writing to follow all conditions of approval of the permit. Any changes to the operational characteristics of the business shall require an amendment to the Conditional Use Permit in accordance with Section 17.96.070.

17.96.060 – Revocation

- A. **Revocation.** Failure to comply with the terms of the approved Conditional Use Permit or impacts to the surrounding neighborhood beyond what was originally anticipated may result in revocation of a Conditional Use Permit in accordance with Section 17.74.160, Permit Revocation.

17.96.070 – Amendments

Any amendment to the operational characteristics of an approved Conditional Use Permit (including but not limited to increasing the size of the operating space or intensity of the use, modifying the hours of operation, modifying the business in such a way as to no longer comply with a condition of approval, changing the nature of the business, etc.) shall require an amendment to the approved Conditional Use Permit as follows:

- A. **Amendment to a Minor Conditional Use Permit.** The Community Development Director shall have the authority to approve any amendments to a previously approved Minor Conditional Use Permit. Review of an amendment to a Minor Conditional Use Permit shall be conducted in accordance with Section 17.96.030(A), subject to the findings of Section 17.96.040.

- B. **Minor Amendment to a Major Conditional Use Permit.**
 1. The Community Development Director shall have the authority to approve any of the following amendments proposed to an approved Major Conditional Use Permit.
 - a. The expansion of the physical space occupied by the use by no more than 500 square feet.
 - b. Relocation of the use within the same property or center where the space is equal to, smaller than, or no more than 500 square feet larger than the original size of the business.
 - c. Minor change in the operational characteristics of the business, as determined by the Community Development Director which would not result in any additional impacts to the environment or the surrounding area.
 - d. Any other proposed minor change for which, in the sole determination of the Director, the findings in Subdivision 3 of this section can be made.
 2. Review of a minor amendment shall be conducted in accordance with Section 17.96.030(A).
 3. Approval of a minor amendment shall be subject to the following findings:
 - a. Approval of the minor amendment is consistent with all applicable Zoning Ordinance and General Plan policies and requirements.
 - b. Approval of the minor amendment will not result in any additional environmental impacts than was previously considered by the original approval of the Conditional Use Permit.

- c. The minor amendment is consistent with the original intent and intensity of the approved Conditional Use Permit.
 - d. The most-recent amendment to the Conditional Use Permit was not also approved by a Director-level minor amendment.
- C. **Major Amendment to a Major Conditional Use Permit.** The process for all other amendments shall be the same as for a new Major Conditional Use Permit and review shall in accordance with Section 17.96.030(B).

Exhibit O

17.98 – Sign Permits

17.98.010 – Purpose

The purpose of this Chapter is to establish the procedures for approving or denying requests for the installation of signs and to ensure that each application is consistent with the requirements of Chapter 17.20, Signs. All signs, with the exception of the signs exempt under Section 17.20.060 or prohibited under Section 17.20.080, require review and approval prior to installation.

17.98.020 – Temporary Sign Permit

The Community Development Director or his/her designee may approve a Temporary Sign Permit for the following types of signs, in accordance with Section 17.20.090, Temporary Signs.

- A. **Temporary Sign or Banner.** Banner or sign with any typeface intended for a business that is not intended for permanent installation.
- B. **Promotional Sign or Banner.** A temporary banner or sign intended to promote new hours of operation, new ownership, the sale of new products, a special sale, or promotional period of a business.
- C. **Grand Opening Sign or Banner.** Temporary banner installed prior to the opening of a business.
- D. **Car Dealership.** Bunting, garland, or other signs intended to promote the dealership or a sale.

17.98.030 – Downtown A-Frame Sign Permit

The Community Development Director or his/her designee may approve a Portable Sign Permit for A-Frame Signs in the Downtown Mixed-Use Zoning District in accordance with Section 17.20.110(C)(3), Portable/A-Frame Signs.

17.98.040 – Administrative Sign Permit

The Community Development Director or his/her designee may approve an Administrative Sign Permit for the following signs.

- A. **Wall Signs.** Permitted wall signs including new signs, replacement copy, or replacement housing, as permitted by Sections 17.20.050(C)(1) and 17.20.120.
- B. **Awning and Canopy Signs.** Awning and canopy signs, including new awnings and replacement text, as permitted by Section 17.20.050(C)(3).
- C. **Directional Signs and Menu Boards.** On-site directional signage and menu boards that are not otherwise exempt in accordance with Section 17.20.060.

- D. **Projecting/Blade/Pedestrian/Hanging Sign.** Projecting, blade, pedestrian or hanging signs which meet the requirements of Section 17.20.050(2).
- E. **Kiosk or Bulletin Boards.** Kiosk signs or bulletin boards which meet the requirements of Section 17.20.050(C)(6).

17.98.050 – Creative Sign Permit

The Planning Commission is the reviewing body for all Creative Sign Permits.

- A. **Creative Signs.** A creative sign is a sign allowed pursuant to Section 17.20.040(H)(4). An applicant may apply for a Creative Sign Permit by applying for a Creative Sign Permit, or a Creative Sign may be incorporated into a Master Sign Plan.

17.98.060 – Monument Signs

Monument Signs shall be reviewed as follows. Monument signs shall meet the requirements of Section 17.20.050(C)(4), Freestanding Signs.

- A. **Monument Signs, Less than Six Feet.** Monument or freestanding signs which are less than six feet in height, as measured from grade, shall be reviewed by the Community Development Director or his/her designee with a Minor Site and Architectural Application.
- B. **Monument Signs, Greater than Six Feet.** Monument or freestanding signs which are taller than six feet in height, as measured from grade, shall be reviewed by the Planning Commission. These monument signs shall require an application for a Master Sign Plan.
- C. **Monument Sign Minor Modification.** The Community Development Director or his/her designee shall review all minor modifications to an approved monument sign including sign copy change or modification to the approved colors. Minor modifications require approval of an Administrative Sign Permit.
- D. **Monument Sign Major Modification.** The Planning Commission shall review all major modifications to an approved monument sign. Major changes shall consist of structural changes to the monument sign. Major modifications shall require an application for an amendment to the existing Master Sign Plan.

17.98.070 – Master Sign Plan

The Planning Commission shall be the reviewing body for all applications for a Master Sign Plan (MSP).

- A. **Master Sign Plan.** A Master Sign Plan is required for any site having two or more nonresidential tenants or any site with a monument sign. Requirements for Master Sign Plans can be found in Section 17.20.040(H)(3).

17.98.080 – Signs not Subject to a Sign Permit

The following signs are not subject to the requirements of this Chapter.

- A. **Exempt Signs.** All signs listed as being exempt from the requirements of Chapter 17.20, Signs, under Section 17.20.060 are exempt from the requirements for permits under this Chapter.
- B. **Model Home Complex/Residential Subdivision Sales Signs.** All signs associated with the sale of units within a residential subdivision (condominium, townhouse, or single family dwellings) shall obtain a Major Temporary Use Permit prior to installation of signs. Signs shall be subject to the terms of the Major Temporary Use Permit.
- C. **Off-site Residential Subdivision Sign.** Off-site signage advertising the sale of dwelling units within a residential subdivision require review and approval of a Major Temporary Use Permit prior to the installation of the signage. Signs shall be subject to the terms of the Major Temporary Use Permit.

17.98.090 – Application

- D. **Application.** An application for a Sign Permit shall be filed on the form prescribed by the City and filed with the Planning Division.
- E. **Fee.** The application for a Sign Permit shall be accompanied by the fee listed on the City's Fee Schedule.
- F. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist.

17.98.100 – Review Procedures

- A. **Temporary Sign Permit.**
 - 3. **Review.** The Community Development Director or his or her designee shall review all Temporary Sign Permit applications.
 - 4. **Action.** The Community Development Director shall provide a written decision on the project to the Applicant following project review.
- B. **Downtown A-Frame Sign Permit.**
 - 1. **Review.** The Community Development Director or his or her designee shall review all A-Frame Sign Permit applications.
 - 2. **Action.** The Community Development Director shall provide a written decision on the project to the Applicant following project review.

C. Administrative Sign Permit.

1. **Review.** The Community Development Director or his or her designee shall review all Administrative Sign Permit applications.
2. **Action Letter.** The Community Development Direction will make a written decision on the project following project review.
3. **Effective Date.** The permit shall become effective eleven days after the Community Development Director's decision if no appeals have been filed.

D. Creative Signs and Master Sign Plans.

- D. **Review.** Creative Signs and Master Sign Plans shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
- E. **Notice.** Once the application has been deemed complete, the Community Development Director shall schedule the application for review by the Planning Commission and provide a notice in accordance with Section 17.74.100, Notice of Public Hearing.
- F. **Public Hearing.** The Planning Commission shall review the application in accordance with Section 17.74.120 and provide a decision.

17.98.110 – Findings for a Sign Permit

In approving or denying a Sign Permit, the decision maker shall make the following findings for the permit type:

A. Administrative Sign Permit.

1. The proposed sign is permitted within the zoning district in which the property is located and compiles with all applicable provisions of Chapter 17.20, Signs, the approved Master Sign Plan, and any other applicable standards.
2. The sign is in proper proportion to the structure on site on which it is located and as an identification device does not excessively compete for the public's attention.
3. The sign's materials, color, texture, size, shape, height, and placement are compatible with the design of the structure, property, and neighborhood of which it is a part.
4. The sign's illumination is at the lowest reasonable level as determined by the City Planner while ensuring adequate identification and readability, and is directed solely at the sign or is internal to it.

5. The sign is not detrimental to the public interest, health, safety, or welfare.

B. Creative Signs.

1. The creative sign constitutes a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area.
2. The sign is of a unique design and exhibits a high degree of thoughtfulness, imagination, inventiveness, and spirit.
3. The sign provides strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale and proportion.
4. The sign is not detrimental to the public interest, safety or welfare.

C. Master Sign Plan.

1. The proposed Master Sign Plan is consistent with the requirements for signs in Chapter 17.20.
2. The Master Sign Plan contributes to effective and attractive identification of businesses and services and uses.
3. All of the proposed signage of the complex or building are compatible with the style or character of existing improvements on the site and are well related to each other.

17.98.120 – Revocation

- A. **Revocation.** Failure to comply with the terms of the approved Sign Permit may result in revocation of the Sign Permit in accordance with Section 17.74.160, Permit Revocation.

Exhibit P

17.100 – Temporary Use Permits

17.100.010 – Purpose

The purpose of this Chapter is to establish the rules and procedures for the review of temporary uses. Temporary uses are any activity that is temporary in nature, will not result in significant noise, safety, or health impacts on the surrounding area. Allowed temporary uses are listed below.

17.100.020 – Minor Temporary Use Permit

The following temporary uses require approval of Minor Temporary Use Permit.

- A. **Car Washes.** Car washes (for civic or charitable purposes) located on a commercial or industrial property with stormwater treatment facilities. No more than one event may occur per month per sponsoring organization.
- B. **Minor Events.** An outdoor event related to an existing established business and includes the hosting of a promotional event, party related to the business, special outdoor dining event (located outside of a designated outdoor eating space), or similar events where no more than 50 people are expected to attend.
- C. **Seasonal Sales Lot at Established Business.** A seasonal sales lot (such as Christmas trees or pumpkins) located on the same lot and related to an existing established business. Examples include the sale of Christmas trees at a home improvement store.
- D. **Temporary One-Day Sales.** Temporary one-day sales (such as crafts or flower sales) located on private property and where the event involves the assembly of less than 100 people. These types of sales are limited to no more than ten (10) per calendar year per applicant located on private property.
- E. **Temporary Parking.** The use of a space for temporary parking for an event or other purpose which is located off-site. Temporary parking is limited to a maximum of two (2) days per permit and no more than four (4) permits may be issued in a calendar year.

17.100.030 – Major Temporary Use Permit

The following temporary uses require approval of Major Temporary Use Permit.

- A. **Annual Motorcycle Rally Private Event.** Any outdoor events located outside of the sanctioned rally area.

- B. **Construction Yards.** Construction staging or storage yards located off-site from a construction project with a valid Building Permit. These yards may be used to store materials or equipment and may include a construction trailer. Off-site construction yards must be screened from view. Construction yards located on the same site as the permitted construction project do not require a Temporary Use Permit.
- C. **Major Events.** Major events that are not related to an established business and include arts and crafts fairs, carnivals, circuses, concerts, fairs, festivals, flea markets, farmers markets, outdoor entertainment, sporting events, and rodeos.
- D. **Major Temporary One-Day Event.** An event related to an existing established business which includes use of an outdoor space to host a promotional event, party related to the business, special outdoor dining event (located outside a designated outdoor eating space), conference, meeting, or similar events where 51 or more people are expected to attend over the course of the event.
- E. **Office Trailer.** A trailer used as a temporary workspace for employees during construction of a permanent commercial, office, or industrial building, or during construction of interior improvements. The temporary trailer may only be permitted during the period a building permit is valid and must be removed prior to occupancy.
- F. **Outdoor Fund-Raising Events.** Outdoor events sponsored by a non-profit or other organization.
- G. **Private Outdoor Company Event.** Company sponsored employee events held outdoors on a commercial or industrial site. These events can include tents, attractions, outdoor dining, food trucks, or other amenities.
- H. **Seasonal Sales Lot.** Sales lots which include the sale of Christmas trees or other seasonal items as well as other attractions including rides, games, or other sales. These lots are not related to an established business and may be located on developed or vacant land.
- I. **Two- to Three-Day Sales Event.** A two- to three-day sale of products in the commercial, industrial, and mixed-use zoning districts where the site is developed with commercial or industrial land uses and the sale is related to the business(es) located on site. A maximum of four (4) Temporary Use Permits of this nature are permitted per calendar year per one parcel or shopping center.
- J. **Temporary Live Entertainment.** A temporary request for live entertainment inside or outside of an existing commercial building where live entertainment is not a part of the existing commercial use. Businesses are limited to no more than four (4) temporary use permits per calendar year for temporary live entertainment.

- K. **Temporary Sales Office.** A temporary sales office or model complex with improvements and signage related to the sale of new homes or custom home lots. The temporary sales office shall be removed, and the entire premises shall be restored to conform to the district regulations prior to final occupancy of the last home in the development. The permit shall be valid as long as there is an active building permit on the site.
- L. **Temporary Storage.** Enclosed temporary storage (unrelated to a construction project) on any property within the City. Temporary storage is limited to six (6) months and no more than one (1) permit may be issued during a calendar year. Residential properties are limited to only one (1) temporary storage container.
- M. **All Other Uses.** Any other uses the Community Development Director deems temporary in nature and could be allowed with approval of a Temporary Use Permit.

17.100.050 – Application

- A. **Application.** An application for a Temporary Use Permit shall be filed on the form prescribed by the City and filed with the Planning Division. An application for a Minor Temporary Use Permit shall be filed a minimum of two weeks prior to the commencement of the use. An application for a Major Temporary Use Permit shall be filed at least 45 days prior to the commencement of the use.
- B. **Fee.** The application for a Temporary Use Permit shall be accompanied by the fee listed on the City's Fee Schedule.
- C. **Materials.** The Applicant shall submit the following information:
 - 1. **Site Plan.** Site plan which depicts the location of the use, site circulation, existing buildings, parking, and with any proposed temporary structures such as tents, fencing, bathroom, or other temporary items clearly labeled.
 - 2. **Statement of Operations.** A letter describing the proposed operations, including but not limited to the hours of operation, day(s) that the temporary use will be on the site, number of people staffing the use during operation, anticipated number of people using the facility during operation, information on the size and location of tents, information on any portable bathrooms, cooking facilities, security plan, and other information about the operation of the use that pertains to the impact of the use on the surrounding area.
 - 3. **Additional Materials.** Any materials the Community Development Director deems necessary to complete the review of the proposed temporary use.

17.100.060 – Review Procedures

- G. **Review.** Temporary Use Permit applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
- H. **Action.** A Major or Minor Temporary Use Permit shall be approved, modified, conditioned, or denied by the Community Development Director.
- I. **Notice.** Notice of the Director's action is not required.

17.100.070 – Findings for a Temporary Use Permit

In approving or denying a Temporary Use Permit, the decision maker shall make the following findings:

- A. That the establishment or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
- B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
- C. Approved measures for removal of the use and site restoration will ensure that the temporary use causes no changes to the site that will limit the range of possible future land uses otherwise allowed by this Zoning Ordinance.

Exhibit Q

17.102 – Variances

17.102.010 – Purpose

The purpose of this Chapter is to establish the procedures for approving or denying requests for a Variance in accordance with Government Code Section 65906. The purpose of a Variance is to provide relief from the strict application of a specific standard in Title 17, Zoning, of the Hollister Municipal Code. A variance can only be granted when, because of special circumstances applicable to the property, including size, shape topography or surroundings, the strict application of the required standards of this Zoning Ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity with the same zoning designation.

17.102.020 – Applicability

A Variance may be granted from the requirements of Title 17, Zoning, for the following reasons:

- A. **Dimensional Standards.** Dimensional standards related to required setbacks, distance between structures, lot dimensions, lot coverage, landscaping, paving, fencing, and structure height.
- B. **Parking.** An exception to the required number of parking spaces for the use.
- C. **Non-Residential Parking.** An exception to the off-street parking requirements to allow parking spaces to be located off-site or to allow the payment of in-lieu fees or provision of off-site facilities in accordance with the requirements of Government Code Section 65906.5.
- D. **Signs.** An exception to the sign regulations (excluding prohibited signs) contained in Chapter 17.20, Signs. A Variance request to permit an otherwise prohibited sign shall not be approved.
- E. **Uses.** A Variance shall not be approved for uses or activities which are not listed as a permitted use for the zoning designation of the subject property.

17.102.030 – Application

- A. **Application.** An application for a Variance shall be filed on the form prescribed by the City and filed with the Planning Division.
- B. **Fee.** The application for a Variance shall be accompanied by the fee listed on the City's Fee Schedule.
- C. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist.

17.102.040 – Review Procedures

- A. **Review.** Variance applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
- B. **Notice.** Once the application has been deemed complete, the Community Development Director shall schedule the application for review by the Planning Commission and provide a notice in accordance with Section 17.74.100, Notice of Public Hearing.
- C. **Public Hearing.** The Planning Commission shall review the application in accordance with Section 17.74.120, Public Hearing, and provide a decision. For projects that also require City Council approval, the Planning Commission shall make a recommendation to the City Council who shall act on the application during a public hearing.

17.102.050 – Findings for a Variance

In approving or denying a Variance, the decision maker shall make the following findings:

- A. Due to special circumstances applicable to the property (size, shape, topography, location or surroundings), the strict application of the requirements of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity which are located in the same zoning district as the subject property.
- B. The Variance does not authorize a use or activity which is not listed as a permitted use in the Zoning Ordinance for the zoning district in which the subject property is located.
- C. The granting of the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and does not constitute a grant of special right or privilege to the applicant.
- D. The granting of the Variance will not impact the health and safety of persons residing or working in the surrounding area.
- E. The Variance is consistent with the objectives of the General Plan, Zoning Ordinance, and any applicable specific plan.

17.102.060 – Revocation

- A. **Revocation.** Failure to comply with the terms of the approved Variance may result in revocation of the approved Variance in accordance with Section 17.74.160, Permit Revocation.

Exhibit R

17.104 – Ministerial Review

17.104.010 – Purpose

The purpose of this Chapter is to establish the procedures for approving or denying projects that qualify for ministerial review under state and local regulations in order to facilitate the development of affordable and supportive housing in the City.

17.104.020 – Definitions

- A. **Agricultural Employee Housing.** Private housing that houses five or more employees and where the housing is provided in connection with agricultural work.
- B. **Commercial Corridor.** A commercial corridor, pursuant to AB 2011, is a street or to highway with feet of right-of-way.
- C. **Higher Education Institution.** Independent institution of higher education means those nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in this state and are accredited by an agency recognized by the United States Department of Education. (CA Education Code 66010).
- D. **Low Barrier Navigation Center.** A low barrier navigation center is a temporary shelter focused on helping homeless individuals and families obtain permanent housing.
- E. **Objective Design Standards.** The City's Objective Design Standards adopted by the City Council on XX (Resolution XX) or as amended.
- F. **Religious Institution.** An institution owned, controlled, and operated, and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation or as a corporation sole pursuant to the Corporations Code.
- G. **Supportive Housing.** Housing, with no limit on the duration of the stay, that is occupied by the target population and is linked to on-site or off-site services that assist the supportive housing residents in retaining the housing, improving their health, and maximizing their ability to live and when possible work in the community.
- H. **Target Population.** Persons with low incomes who have one or more disabilities including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act, and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless persons.

- I. Transitional Housing. Dwelling units configured as rental housing for individuals or families experiencing homelessness and linked to supportive services , with stays limited to a maximum of 24 months.

17.104.030 – Eligible Projects

The following projects are eligible for ministerial review if the proposed project is located on land that is zoned for the development type and use proposed:

- A. **Agricultural Employee Housing.** Eligible agricultural housing consistent with Health and Safety Code Sections 17021.5 and 17021.6.
- B. **Emergency Residential Shelter.** A facility providing temporary, short-term housing for individuals and families experiencing homelessness.
- C. **Housing Element Sites.** Vacant housing sites identified on the City’s Housing Element Inventory List and non-vacant housing sites that have been included for two years, with at least 20 percent of the units restricted to low income households in accordance with Government Code Section 65583.2(c).
- D. **Low Barrier Navigation Center.** Low Barrier Navigation Center (AB 101, Government Code Sections 65660, 65664 and 65666).
- E. **Housing on Educational or Religious Land (SB 4).** 100 percent affordable projects on land owned by an independent institution of higher education or by a religious institution (land must have been owned on or before January 1, 2024. Government Code Section 65913.16).
- F. **Residential on Commercial Properties (AB 2011).** Housing projects with 100 percent of the units restricted to low income households and are located on a site where office, retail or parking are permitted uses or a mixed-income housing project in a zone where office, retail or parking are permitted and abuts a commercial corridor. These projects are subject to a prevailing wage requirement (Government Code Section 65400).
- G. **Residential Projects Consistent with ODS.** Residential projects located in the Downtown Mixed-Use Zoning District or multifamily residential projects located where multifamily is a permitted use and which are consistent with all of the requirements of the City’s adopted Objective Design Standards (Government Code Section 65913.4).
- H. **SB 423 (SB 35) Projects.** Qualifying projects (affordable projects with two or more residential dwellings and 2/3 residential in a mixed-use project) under Government Code 65913.4 (formerly known as SB 35).
- I. **Small Lot Subdivisions.** Housing projects with a parcel map or tentative map on land zoned for multi-family uses which will result in 10 or fewer residential units or lots (SB 684/1123).

- J. **Supportive Housing.** Supportive housing for target populations that are 100 percent affordable with at least 25% or 12 units (whichever is greater) of the total units dedicated to supportive housing (AB 2162).
- K. **State or Federal Law Required Projects.** Any other residential projects which are required to be reviewed ministerially pursuant to state or federal law.

17.104.040 – Application

- A. **Preliminary Application.** Where required by state law (Government Code Section 65913.4), a preliminary application (Notice of Intent/SB 330) shall be filed prior to the submittal of a formal application.
- B. **Application.** An application for a project that is to be reviewed ministerially shall be filed on the form prescribed by the City and filed with the Planning Division.
- C. **Fee.** The application for a project subject to ministerial review shall be accompanied by the fee for the project type (i.e. tentative map, Site and Architectural Review), as listed on the City's Fee Schedule.
- D. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist and the appropriate Supplemental Information Form.

17.104.050 – Review Procedures

- A. **Review.** Project applications which are eligible for ministerial review shall be reviewed in accordance with Section 17.74.060, Application Review. Review of the proposed project shall conform to any processing requirements for the application type required by state law.
- B. **CEQA.** No review under the California Environmental Quality Act is required for a ministerial review as they are statutorily exempt (CEQA Guidelines Section 15268).
- C. **Decision.** The Community Development Director will review the project application(s) and determine if the project is eligible for ministerial approval and if the required findings in Section 17.104.060 can be made. If the Community Development Director determines that the project is not eligible for ministerial review or there are deficiencies that cannot be correct, the applicant may elect to submit a revised application for a discretionary review, instead of issuing a project denial.
- D. **Action Letter.** Based on their review of the project application, the Community Development Director will make a written decision on the project and transmit the decision to the applicant within the timeframe required by state law.

- E. **Conditions of Approval.** Standard conditions and conditions required to comply with Title 17, Zoning, or state or federal law may be imposed on the project and included in the Action Letter.

17.104.060 – Findings for Ministerial Review

In approving or denying a ministerial review, the decision maker shall make the following findings:

- A. The proposed project is consistent with the existing General Plan Land Use Designation, zoning designation, and density requirements of the subject property.
- B. The proposed project is eligible for ministerial approval under state or federal housing law.
- C. The proposed project is consistent with the requirements for the project type as outlined in Title 17, Zoning, and state law.
- D. The proposed project is consistent with the requirements of the City's adopted Objective Design Standards.
- E. As proposed or mitigated, the project would not have a specific adverse impact upon the public health or safety of persons living or residing in the area.

Exhibit S

17.110 – Reasonable Accommodation

17.110.010 – Purpose

The purpose of this Chapter is to establish procedures and requirements for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.

It is the goal of the City to provide reasonable accommodations in the application of the Municipal Code to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities, pursuant to the Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

17.110.020 – Applicability

- A. **Applicants.** A request for reasonable accommodation may be made by any individual with a disability, their representative, or a developer or provider of housing for individuals with disabilities, when a requirement of Title 17, Zoning, or other requirement, regulation, policy, or practice acts as a barrier to fair housing opportunities. This chapter is intended to apply to individuals with disabilities as “disability” is defined under federal and state acts.
- B. **Allowed Exceptions/Modifications.** A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures for the siting, development, use of housing or housing-related facilities, and any other land use requirements that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of their choice.
- C. **Length of Time.** A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

17.110.030 – Application

- A. **Application.** An application for a Reasonable Accommodation shall be filed on the form and supplemental information form prescribed by the City and filed with the Planning Division.
- B. **Fee.** The application fee shall be the same fee as an Administrative Permit (Over the Counter).
- C. **Materials.** The Applicant shall submit the information and plans listed on the City’s Reasonable Accommodation Supplemental Information Form.
- D. **Other Required Permits.** No other discretionary permit shall be required for a reasonable accommodation request. If a project for which the reasonable

accommodation is being requested also requires a discretionary approval (such as a Conditional Use Permit, Rezoning, Site and Architectural Review, etc.), the applicant shall submit the request for reasonable accommodation first, prior to proceeding with the other required application types.

17.110.040 – Review Procedures

- A. **Review.** The Community Development Director shall review all Reasonable Accommodation applications in accordance with Section 17.70.060, Application Review and shall provide written notice of a request for additional information or notice of the Director's decision to approve or deny the request within 30 days of the date of application.
- B. **Ministerial Review.** Reasonable accommodation shall be ministerial in compliance with this Chapter without the need for noticing the project or the approval of a variance, conditional use permit, special use permit or other exception process.
- C. **Alternative Reasonable Accommodations.** The Community Development Director may require an alternative reasonable accommodation(s) that provide an equivalent level of benefit to the Applicant in order to approve the request.
- D. **Action.** The Community Development Director shall provide a written decision on the request to the Applicant following project review, if all of the required findings in Section 17.110.050 can be made.

17.110.050 – Required Findings

In approving or denying a Reasonable Accommodation request, the Community Development Director shall make the following findings.

- A. The reasonable accommodation is requested by or on behalf of an individual(s) with a disability in accordance with Section 17.110.020.
- B. The requested accommodation is necessary to provide an individual(s) with a disability an equal opportunity to use and enjoy an existing dwelling unit or to facilitate the development of such a housing unit.
- C. The requested accommodation will not impose an undue financial or administrative burden on the City.
- D. The requested accommodation will not result in a specific, adverse impact to the health or safety of people living or residing in the area.

17.110.060 – Appeal

Within 30 days of the date of the Community Development Director's decision of a Reasonable Accommodation application, an Applicant may appeal an adverse decision in writing in accordance with Chapter 17.78, Appeals.

Exhibit T

17.112 – Nonconforming Uses and Structures

17.112.010 – Purpose

The purpose of this Chapter is to establish regulations related to non-conforming uses and structures, which were legally established at the time of operation or construction under Title 17, but do not conform to the current or amended provisions of Title 17. It is the purpose of this Chapter to permit the continued operation of nonconforming uses and structures, while providing for the gradual elimination of the nonconforming uses and structures.

17.112.020 – Nonconforming Use

A nonconforming use is the use of a structure or land that was lawfully established (permitted) prior to the effective date of this Ordinance, but which does not conform to the current provisions of Title 17, Zoning.

- A. **Continued Use.** Any nonconforming use may be continued indefinitely, provided that the use remains in the same tenant space, there is no increase or enlargement of the area, the number of employees does not increase, there is no increase in the number of people served, and there is no change in the use that would bring it further out of compliance with the requirements of Title 17.
- B. **Maintenance.** Any structure or land in which a nonconforming use is located may be maintained and repaired as necessary to support the use.
- C. **Change of Ownership or Tenancy.** The change of ownership, business operator, or management of a nonconforming use shall not affect its nonconforming status.
- D. **Loss of Structure.** Any nonconforming use which is located within a nonconforming structure that is destroyed or damaged shall be allowed to resume the use upon repair of the structure as long as the repair or reconstruction value is no more than 75 percent of the structure's value, as discussed in Section 17.112.050.

17.112.030 – Loss of Nonconforming Use Status

A nonconforming use shall lose its ability to continue if any of the following apply:

- A. **Discontinuance.** If a nonconforming use has ceased for a period of 90 consecutive days or more, the use shall lose its nonconforming status and all rights to reestablish or continue the nonconforming use shall terminate.
- B. **Change in Use.** Any part of a building, structure or land that is changed from a nonconforming use to a conforming use shall not be used for a nonconforming use in the future.

- C. **Change in Operational Characteristics.** If a nonconforming use is relocated, enlarged or expanded in any way, the use shall lose its nonconforming status and shall be required to conform to the requirements of Title 17 in effect at that time.

17.112.040 – Nonconforming Structures

A nonconforming structure is a structure that was lawfully permitted and constructed prior to the effective date of this Ordinance, but which does not conform to the current provisions of Title 17, Zoning.

- A. **Expansion of Nonconforming Structure.** Nonconforming structures shall not be expanded or otherwise increased in size.
1. **Exception:** Nonconforming residential dwellings within the HO, R-1, R-M, R-H, R-OTM, and R-OTH zoning districts may be enlarged, provided that the number of dwelling units does not increase and that the nonconformity of the structure is not expanded. Additions to residential dwellings with a non-conforming setback may conform to the existing nonconforming setback but may not exceed the existing non-conformity. This exception shall not apply to additions or enlargements of nonconforming accessory structures in these zoning districts.
- B. **Use of Building.** The use of any nonconforming structure shall meet the requirements for uses for the zoning district in which the parcel is located, unless a legal nonconforming use exists within the building.

17.112.050 – Nonconforming Structures Maintenance and Restoration

Replacement and maintenance of a nonconforming structure is permitted subject to the following requirements:

- A. **Maintenance.** Ordinary maintenance and repair of nonconforming structures is permitted.
- B. **Restoration of Multifamily Properties.** Any nonconforming multifamily structure(s) which are damaged or destroyed by any means, may be reconstructed to match the originally approved structure if the replacement of the damaged portion of the structure does not exceed 75 percent of the structure's market value, as determined by the county assessor on the last equalized assessment roll at the time of its destruction or damage. If replacement in kind exceeds 75 percent of the structure's assessed value, the structure may only be replaced in accordance with Government Code Section 65852.25(b).
- C. **Replacement of a Nonconforming Single Family Residence.** Any lawfully constructed single family residence which is damaged or destroyed by any means, may be reconstructed to match the originally approved structure.
- D. **Restoration of All Other Structures.** All other nonconforming structures which are damaged or destroyed by any means, may be replaced in kind if the

replacement of the damaged portion of the structure does not exceed 75 percent of the structure's market value, as determined by the county assessor on the last equalized assessment roll at the time of its destruction or damaged. If replacement in kind exceeds 75 percent, the structure must be replaced with a structure and use that conforms with the provisions of the zoning district in which it is located.

- E. **Reconstruction Time Limits.** Reconstruction of a legal nonconforming structure shall commence within two (2) years after the catastrophe and shall be diligently pursued to completion. If construction does not commence within two (2) years or the building permit expires following the two (2) year period, the structure shall lose its legal nonconforming status and shall not be replaced.
- F. **Seismic Repairs.** Improvements or reconstruction required to reinforce an unreinforced masonry building or seismically unsafe nonconforming structure is permitted without cost limitations.

17.112.060 – Historic Structures

- A. Structures which are located on a property which is listed as a contributing building to the City's Historic District are not subject to the requirements of this Chapter and are considered to be legal structures.
- B. Nonconforming uses located within historic structures, with the exception of single-family residential, shall be treated as a nonconforming use in accordance with this Chapter. Single-family residential uses in a listed, contributing historic structure, are not subject to the requirements of this Chapter and are considered to be legal uses.

17.112.070 – Nonconforming Signs

No sign shall be considered nonconforming for the purposes of this chapter. All signs shall comply with the regulations in Chapter 17.20, Signs. Signs found to be out of compliance with the regulations of Title 17, Zoning, are declared a public nuisance and shall be subject to enforcement in accordance with Chapter 17.118 and Chapter 1.16 of the Hollister Municipal Code.

17.112.080 – Illegal Structures and Uses

Nothing contained in this Ordinance shall be construed or implied so as to allow for the continuation of illegal nonconforming sign, structure, and/or use. Structures and uses which are not lawfully constructed or established shall be removed and/or discontinued immediately pursuant to Chapter 17.118, Enforcement.

Exhibit U

17.118 – Enforcement

17.118.010 – Purpose

The purpose of this Chapter is to establish the procedures for the enforcement of Title 17, Zoning, of the Municipal Code.

17.118.020 – Duty

- A. **Permit Issuance.** All Departments, officials, and public employees of the city who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of Title 17, Zoning, and shall issue no permit or license for uses, buildings, purposes, or occupancy where it would be in conflict with the provisions of Title 17.
- B. **Enforcement.** It shall be the duty of the Police Chief, Fire Chief, Building Official, Public Works Director and/or the Community Development Director to enforce or cause to be enforced the provisions of Title 17 pertaining to the construction, reconstruction, moving, alteration, removal, or addition to any building or structure and the use or occupancy of land or a structure in the City of Hollister.

17.118.030 – Compliance

- A. **Actions Contrary to Title 17.** Any building or structure or use of any property contrary to or in violation of Title 17, Zoning, is unlawful and is deemed a public nuisance. Any use or occupancy of land, building or premises established, conducted, operated or maintained contrary to Title 17, Zoning, is unlawful and is hereby declared to be a public nuisance and may be summarily abated as such.
- B. **Compliance.** Every department, official, and employee of the City authorized to issue permits or licenses affecting the use or occupancy of land or of a building or structure within the City shall comply with the provisions of Title 17.
- C. **No Issuance of Permit.** No permits (of any kind), entitlements, or licenses shall be approved or issued by the City for a property or applicant which is in violation of the City of Hollister Municipal Code (Section 1.16.100).
- D. **Permits Issued in Error.** Any permit, entitlement, or license hereafter issued for a building, use, occupancy, or purpose which is contrary to the provisions of Title 17 shall be null and void and of no effect.

17.118.040 – Penalty and Fine

- A. **Infraction.** Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of Title 17, Zoning, shall be guilty of an infraction, and upon conviction thereof shall be punished as set forth in Government Code Section 36900 and Chapter 1.16, Code Enforcement.

- B. **Separate Offences.** The violating party shall be judged to be guilty of a separate offense for each and every day during any portion of which any violation of Title 17 is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided and as discussed in Chapter 1.16, Code Enforcement.

Exhibit V

16.44.080 – Lot Line Adjustments

- A. **Lot Line Adjustment.** A Lot Line Adjustment is a change(s) in the boundaries between four or fewer adjoining parcels, pursuant to Government Code Section 66412(d).
- B. **Application**
1. **Application.** An application for a lot line adjustment shall be made on the form prescribed by the City and filed with the Engineering Division.
 2. **Fee.** The application for a Lot Line Adjustment shall be accompanied by the fee listed on the City's Fee Schedule.
 3. **Materials.** The Applicant shall submit the information and plans listed on the Engineering Division's Lot Line Adjustment Submittal Checklist.
- C. **Review Procedures**
1. **Reviewing Body.** The City Engineer shall review and approve, conditionally approve, or deny all Lot Line Adjustment applications.
 2. **Findings.** In approving or denying a Lot Line Adjustment, the City Engineer shall make the following findings:
 - a. The proposed Lot Line Adjustment conforms to the General Plan and any applicable specific plans.
 - b. The proposed Lot Line Adjustment complies with the requirements of the Title 17, Zoning, and the Subdivision Map Act.
 3. **Filing.** Within ten (10) days of approval by the City Engineer, the Applicant shall record the Lot Line Adjustment with the San Benito County Recorder. Proof of recording shall then be transmitted to the City Engineer within ten (10) days.