

ORDINANCE NO. 1237

**AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING THE ZONING
ORDINANCE TO REPEAL SECTION 17.24.240, PLANNED DEVELOPMENT
PERMITS, AND REPLACE WITH A NEW CHAPTER, CHAPTER 17.66, PLANNED
DEVELOPMENTS**

WHEREAS, the City occasionally initiates an amendment to the Zoning Ordinance for clarity, to improve permit processes, and to meet the needs of the community; and

WHEREAS, the Planning Commission held two noticed Study Sessions on February 9 and March 9, 2023 to discuss planned developments in the City and potential changes to existing planned development regulations; and

WHEREAS, the Planning Commission held a noticed Study Session on May 11, 2023 to review the draft Chapter 17.66, Planned Developments; and

WHEREAS, on May 25, 2023, the Planning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Ordinance during which all interested persons were heard and adopted Planning Commission Resolution No. 2023-17 recommending the City Council amend the Zoning Ordinance to repeal Section 17.24.240, Planned Development Permits, and replace with a new Chapter, Chapter 17.66, Planned Developments; and

WHEREAS, a Staff Report was submitted to the City Council of the City of Hollister recommending approval of the proposed Zoning Ordinance Amendment; and

WHEREAS, the City Council held a noticed public hearing on the proposed Zoning Ordinance Amendment on June 20, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper noticed of said hearing was given as required by law; and

WHEREAS, the City Council did hear and consider all said reports, recommendations, and testimony herein and used its independent judgement to evaluate the proposed amendments; and

WHEREAS, the City desires to repeal Section 17.24.240, Planned Development Permits, and replace with a new Chapter, Chapter 17.66, Planned Developments; and

WHEREAS, the City Council of the City of Hollister hereby makes the following findings related to the Zoning Ordinance Amendments as required by Section 17.02.120.D of the Municipal Code:

1. The proposed amendment is consistent with the General Plan because: the proposed planned development regulations have been prepared to allow for

thoughtful, well planned developments that provide new and different housing types and non-residential developments and meet the intent of Land Use Element (LU) Goal LU1; the proposed regulations will allow planned developments for non-residential uses and therefore may attract new uses and commercial developments to the City in accordance with Goal LU 5 and Policy LU5.4; the new planned development regulations will help facilitate orderly and balanced growth within the City as required by Goal LU6; will allow for phasing within a project area and orderly growth as required by Policy LU6.2 and 6.3; will allow for diverse development including housing types in accordance with Goal LU7; all planned developments will be required to conform to the General Plan Land Use Designation density established for each project site; and does not conflict with the draft policies of the 2040 Hollister General Plan which is currently under review.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare because: the proposed planned development regulations will provide clear language on the review process, submittal requirements, and findings related to planned development approvals; planned developments will require a substantial public benefit in order to allow deviations from the development standards of the Zoning Ordinance; the proposed planned development process will allow for thoughtful well planned developments in the City; by allowing a planned development for residential and non-residential projects within the City, the City will expand the use of this flexible zoning tool which could result in more diverse developments within the City; a rezone for a planned development is a more appropriate way to approve a development in which the otherwise applicable standards of the Zoning Ordinance are waived.
3. The public necessity, general community welfare, and good zoning practice shall be served and furthered; and that the proposed amendments are in general conformance with the principles, policies, and land use designations in the General Plan because: by repealing Section 17.24.240 and replacing with a new Chapter, Chapter 17.66, Planned Developments, the City will provide a clear, easy to use method for determining the requirements to gain approvals of planned developments; requiring a rezone for a planned development is a more appropriate path for approval because the planned development allows for deviations from the requirements of the Zoning Ordinance; and the requirement for a substantial public benefit for a planned development will ensure that planned developments enhance the City and provide a benefit in exchange for a deviation from the development standards in the Zoning Ordinance.

WHEREAS, the City Council of the City of Hollister hereby makes the following finding regarding the California Environmental Quality Act: 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 therefore the proposed amendments are not a project under CEQA and are exempt from further review (CEQA Guidelines Section 15378). Future development of a site will be subject to the requirements of CEQA.

Any future projects for development of a site within the City are required to be reviewed under CEQA.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hollister does hereby ordain as follows:

Section 1: The Hollister Municipal Code is hereby amended to repeal Section 17.24.240, Planned Development Permits and replace with Chapter 17.66, Planned Developments to read as follows:

Chapter 17.66 Planned Developments

17.66.010 - 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.

17.66.020 - 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.

17.66.030 – 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).

17.66.066 – 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.

17.66.050 – 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.

17.66.060 – 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.

17.66.070 – Substantial Public Benefit in Exchange for a Planned Development

Substantial *Public Benefit*. 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.

17.66.080 – Prohibited within a Planned Development

Prohibitions. 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.

17.66.090 - 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:
 - 1. A description of the proposed project, existing and proposed General Plan land use designation(s), and the proposed underlying zoning district(s).
 - 2. Existing use of the project area and site conditions.
 - 3. 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.
 - 4. An overview of the proposed development plan including land use, densities, residential dwelling types, open space, and parking.
 - 5. A description of the project access and circulation.
 - 6. 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.
 - 7. 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.

8. A written statement of proposed uses including permitted, conditionally permitted, prohibited, and Accessory Uses for each land use type.
9. All development regulations that apply within the project, including:
 - a. Density;
 - b. Minimum lot size and dimensions;
 - c. Maximum building coverage including lot coverage and Floor Area Ratio;
 - d. Minimum setbacks;
 - e. Maximum building heights;
 - f. Landscaping;
 - g. On-site parking; and
 - h. 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.

17.66.100 - 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.*

1. *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.
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 17.66.120.
 - 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 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.
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 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 17.66.120 supporting the reason for approving the Planned Development rezone.
3. *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.

17.66.110 – 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

17.66.120 - 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 17.66.070, in exchange for any modifications from standard zoning requested by the Planned Development.

17.66.130 – 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.

17.66.166 – 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.

Section 2: Severability. Should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final court action in a court of

competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or word of this ordinance as hereby adopted shall remain in full force and effect.

Section 3: Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

Section 4: Publication. Within fifteen (15) days after passage the City Clerk shall cause this ordinance to be published on time in the Free Lance, a newspaper of general circulation.

INTRODUCED at a regular City Council meeting held on August 21, 2023 and adopted as an ordinance of the City of Hollister at a regular City Council meeting on September 5, 2023 by the following vote:

AYES: Councilmembers Perez, Resendiz, Morales, Burns, and Mayor Casey

NOES: None

ABSENT: None

ABSTAINED: None

Mia Casey, Mayor

ATTEST:

APPROVED AS TO FORM:

Lozano Smith Attorneys at Law

Jennifer Woodworth, MMC, City Clerk

Mary Lerner, City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1237 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 the 5th day of September 2023, 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 this 5th day of September, 2023.

Jennifer Woodworth, MMC
City Clerk of the City of Hollister