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17.02.010 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 without causing unduly high public or private costs for development or unduly restricting private enterprise, initiative, or innovation in design;

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;

D. Provide open space resources for passive and active recreational activities and protect the public from natural safety hazards;

E. Provide a diversity of areas characterized by differing land use activities, scale and intensity, while maintaining community identity and quality development;

F. Conserve and protect the natural resources of the City;

G. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewage and other public facilities and utilities;

H. Maintain Hollister as a unique, distinctive and secure environment for the City's residents and businesses; and

17.02.020 Definitions

This Section provides definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other Chapters of the City Code, these definitions shall prevail for the purposes of this Zoning Ordinance. If a word is not defined in this Chapter, or other Chapters of the City Code, the most common dictionary definition is presumed to be correct. Words used in the present tense shall include the future; words used in the singular shall include the plural; the word "shall" or "must" is mandatory, and the word "may" is directory.

A. Definitions of Specialized Terms and Phrases

The following definitions are in alphabetical order.

Accessory Retail Uses. The retail sales of various products (including food) in a store or similar facility that is located within an health care, hotel, office, or industrial complex for the purpose of serving employees or customers, and is not visible from public streets. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

Accessory Use or Structure. A use or structure subordinate to the principal use on the same lot as authorized by the specific zoning district and serving a purpose customarily incidental to the principal use, without altering the character of the site or the premises established by the principal use district.

Adult. Person aged 18 or over.

Adult Entertainment Establishment. See Section 17.22.050

Affordable housing. Housing units affordable to families earning at or below 120 percent of the county median income, including very low, low, median and moderate income units. The specific affordability levels shall be established by resolution of the City Council.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Zoning Ordinance.

Agriculture. Farming, dairying, pasturage, apiaries, horticulture, viticulture and animal or poultry husbandry, but not including the commercial feeding of garbage or offal to swine or other animals.

Airport. An area used for aircraft landing, take-off, storage, and maintenance, including appurtenant areas used for airport buildings, aircraft operations and related facilities, including aprons and taxiways, tie-down areas, hangers, control towers, and safety lights, communications equipment, and related structures.

Alley. A public or private roadway that provides vehicle access to the rear or side of lots having other public street frontage and that is not intended for general traffic circulation

Auto, Mobile Home, Vehicle and Parts Sales. Retail establishments selling or renting new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds, which are included under "Retail Stores, General Merchandise"). Also includes stores selling new parts, tires, and accessories. (Does not include tire recapping establishments, which are found under "Repair and Maintenance - Vehicle"). Does not include businesses dealing exclusively in used parts, which are included under "Recycling, Scrap and Dismantling Yards." Includes repair shops only when part of a dealership selling new vehicles on the same site. Does not include "Service Stations," which are separately defined.

Automatic Teller Machine (ATM). A machine used by bank and financial service patrons for conducting automated transactions including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks or in other locations.

Automobile dismantling yard. See "Recycling, Scrap, and Dismantling Yards."

Automobile repair. See "Repair and Maintenance, Vehicle."

Automobile service station. See "Service Station."

Banks and Financial Services. Financial institutions including: banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; mortgage brokers; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. See also, "Automatic Teller Machine," above.

Bars and Drinking Places. A structure or space within a structure where alcoholic beverages are sold for on-site consumption, separate from a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any

food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music or dancing, etc.). May also include beer brewing as part of a "brew pub."

Bed and Breakfast Inn. A commercial facility designed to appear as a single-family dwelling where bedrooms without individual cooking facilities are rented for overnight lodging. This definition does not include "Hotels and Motels," which are defined separately; rooming and boarding houses, which are included under "Multi-Family Housing;" or the rental of an entire residence for 30 days or more.

Building. See "Structure."

Building Material Stores. Primarily indoor retail establishments selling lumber and other large building materials, and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "Retail Stores, General Merchandise"). Includes all stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

Building site. The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory buildings, or by a principal use and use accessory thereto, together with such parking and loading spaces, yards and open spaces as are required by this Chapter, and having its principal frontage on a street, road, or highway not to include an alley.

Business Support Services. Establishments primarily within structures, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

- Blueprinting
- Business equipment repair services (except vehicle repair, see "Repair and Maintenance – Vehicle")
- Commercial art and design (production)
- Heavy equipment repair services where repair occurs on the client site
- Janitorial Services
- Mail advertising services (reproduction and shipping)
- Other "heavy service" business services
- Out door advertising services

- Computer-related services (rental, repair)
- Copying, quick printing, and blueprinting services
- Equipment rental businesses within buildings (rental yards are "Storage Yards and Sales Lots")
- Film processing laboratories
- Photocopying
- Photofinishing
- Protective services (other than office related)
- Soils and materials testing laboratories
- Window cleaning

Caretaker and Employee Housing. A temporary or permanent residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.

Carport. A detached structure enclosed on two or fewer sides without a door used for storage of vehicles used by occupants of the premises.

Cemeteries, Columbariums and Mortuaries. Internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations, and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

Chemical Plants. Manufacturing establishments that produce or use basic chemicals and establishments creating products predominantly by chemical processes. Establishments classified in this major group manufacture three general classes of products: (1) basic chemicals including acids, alkalizes, salts, and organic chemicals; (2) chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and (3) finished chemical products to be used for ultimate consumption including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries, including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above.

Child. Person under the age of 18.

Churches/Places of Worship. Any religious organization facility operated for worship or promotion of religious activities, including churches and religious Sunday-type schools; and accessory uses on the same site, including living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the church itself, excluding other establishments maintained by religious organizations such as full-time educational institutions, hospitals and other potentially related operations (i.e., a recreational camp).

City. The City of Hollister, State of California, referred to in this Zoning Ordinance as "City."

City Council. The City Council of the City of Hollister, State of California, referred to in this Zoning Ordinance as "Council."

Clothing Factory. Manufacturing establishments producing clothing, and fabricating products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("General Merchandise Stores") are instead included under "Personal Services."

Clubs and Lodges. Permanent meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests, excluding commercial recreation and entertainment. This classification includes union halls, social clubs, and youth centers.

Commercial Recreation. Includes, but is not limited to, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, bingo parlors, ice/roller skating rinks, golf courses, miniature golf courses, model courses, shooting galleries, tennis and racquetball courts, amusement centers and arcades, martial arts studios, dance studios, health and fitness clubs, or facilities equipped and used for sports training and conditioning. Excludes adult entertainment facilities.

Commercial zone or zoning district. Any of the zoning districts that permit businesses selling good or providing services.

Commission. See "Planning Commission."

Common Area. An area, or portion thereof, owned in common by all property owners of a subdivision. There may or may not be an open space easement over a common area.

Common interest development. Includes a condominium, community apartment project, planned development or stock cooperative, as provided by Section 1351 of the Civil Code.

Community Apartment. As defined in Section 1351 of the California Civil Code, means an estate in real estate consisting of an undivided interest in land coupled with the right of exclusive occupancy of any apartment located thereon.

Community Apartment Project. As defined in Section 1351 of the California Civil Code and Section 11004 of the California Business and Professions Code, means a development consisting of two or more community apartments.

Community Centers. Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen or outdoor barbecue facilities, that are available for use by various groups for activities including meetings, parties, receptions, dances, etc.

Concrete, Gypsum, and Plaster Production. Manufacturing establishments producing bulk concrete, concrete building block, brick and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products (e.g., plasterboard, etc.). A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

Conditional Use. A land use or activity that is not allowed as a matter of right within a zoning district.

Conditional Use Permit. An approval issued to a landowner allowing a conditional use.

Condominium. As defined in Section 783 of the California Civil Code, means an estate in real property consisting of an undivided interest in common in a portion of real property together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access, and if necessary, support.

Condominium Project. As defined in section 1351 of the California Civil Code, means a development consisting of two or more condominiums.

Construction Contractors Yard. Storage area operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses including offices and repair facilities.

Crop Production. Uses including production of grains, field crops, vegetables, melons, fruits, tree nuts, flower fields and seed production, ornamental crops, tree and sod farms; associated crop preparation services and harvesting activities including but not limited to mechanical soil preparation, irrigation system construction, spraying, crop processing and sales in the field of products grown on the premises.

Cultural Institutions. Organizations or businesses displaying or preserving objects of interest in one or more of the arts or sciences. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

Day Care. Facilities that provide non-medical care and supervision of children or adults for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

- **Child Day Care Facility.** . Commercial or non-profit facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24)-hour basis. Includes day care centers, employer-sponsored child care centers, and family day care homes, as defined by Health and Safety Code §1596.750. These may be operated in conjunction with a school or church facility, or as an independent land use.
- **Family Day Care Home**. A home that regularly provides care, protection and supervision for 14 or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away.

- **Family Child Care Home, Large**. A home that provides family day care for seven to fourteen children, inclusive , including children under the age of ten years who reside at the home, as defined in Health and Safety Code § 1597.465.

- **Family Child Care Home, Small**. A home that provides family day care for eight or fewer children, including children under the age of ten years who reside at the home, as defined in Health and Safety Code § 1597.44.

- **Adult day health care facility.** An organized day program of therapeutic, social and health activities and services provided to elderly persons with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimal capacity for self-care, as defined in Health and Safety Code §.1570.7.

Density. The number of dwellings per net acre of land, unless otherwise stated, for residential uses.

Department. The City of Hollister Development Services Department, referred to in this Zoning Ordinance as "Department."

Detached. Any structure that does not have a wall or roof in common with another structure.

Developer. An owner or subdivider with a proprietary interest in a proposed or constructed project.

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including grading, paving and the erection or alteration of structures, alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Ordinance.

Development agreement. A contract between the City and an applicant for a development project, in compliance with Chapter 17.24.090 of this Zoning Ordinance and Sections 65864 et seq. of the Government Code.

Development standards. The provisions of this Chapter that regulate the site planning and design of a proposed development or new land use, including but not limited to provisions for floor area ratio, height limits, landscaping, minimum lot area and minimum building site area, off-street parking, setbacks, site coverage, signs, and standards for specific land uses.

Director. The Development Services Director of the City of Hollister.

District or Zoning District. A portion of the city within which certain uses of land and buildings are prohibited or permitted according to development standards.

Drive-in and Drive-thru Sales. Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants and drive-through pharmacies.

Drive-in and Drive-thru Services. Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up teller windows in banks but does not include: automatic teller machines (ATMs) or service stations, which are separately defined, or car washes, which are included in the definition of "Repair and Maintenance - Vehicle."

Duplex, Triplex, and Fourplex Units. Multi-family dwellings under single or individual unit ownership containing two, three, or four dwelling units, respectively, in the same structure.

Dwelling, or dwelling unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis, not including a motel, hotel, bed and breakfast or boarding house. Also includes factory-built housing (modular housing) units, constructed in compliance with the Uniform Building Code (UBC).

Dwelling group. A group of two or more detached or semi-detached dwellings occupying a parcel of land in one ownership and having any yard or open space in common, including house courts, but not including motels.

Elderly. A person 55 years of age or older but also includes other adults who are chronically ill or impaired and who would benefit from adult day health care, as defined in Health and Safety Code §1570.7.

Electrical and Electronic Equipment, Instruments Manufacturing. Establishments engaged in manufacturing or assembling machinery, apparatus and supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- appliances including stoves/ovens, refrigerators,
- aviation instruments
- cleaners, sewing machines
- electrical welding apparatus
- electrical transmission and distribution equipment
- electronic components and accessories including semiconductors, integrated circuits, related devices
- electronic instruments, components and equipment including calculators and computers
- freezers, laundry equipment, fans, vacuum
- industrial apparatus and controls
- instruments for measurement, testing, analysis and control, and associated sensors and accessories
- lighting and wiring equipment including lamps and fixtures, wiring devices, vehicle lighting
- miscellaneous electrical machinery, equipment and supplies including batteries, X-ray apparatus and tubes, electro-medical and electrotherapeutic apparatus electrical
- equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- pre-recorded magnetic tape radio and television receiving equipment including television and radio sets,
- phonograph records and surgical, medical and dental instruments, equipment, and supplies
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards

Does not include testing laboratories (***See "research and development" or*** soils and materials testing, etc.), which are defined under "Business Support Services," or research and development facilities independent from manufacturing, which is separately defined.

Equestrian Facilities. Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Facade. That portion of any exterior elevation on the building extending from grade to top of parapet, or eaves, and the entire width of the building elevation.

Family One or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

Farm Equipment and Supplies Sales. Establishments selling or renting agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Fence. A continuous physical barrier comprised of wood, wrought iron, chain link, masonry, concrete, or other similar materials as well as vegetation which provides for separation between adjoining sites or areas within a site.

Floor area, gross. Gross floor area means the total area enclosed within a building, including closets, stairways, and utility and mechanical rooms, measured from the interior face of the walls.

Floor Area Ratio (FAR). The total floor area of all buildings on a lot, divided by the area of that lot. For example, a building with 3,000 square feet of floor area on a 10,000 square foot lot has a FAR of 0.30. See Figure 17.02-1 (Floor Area Ratio).

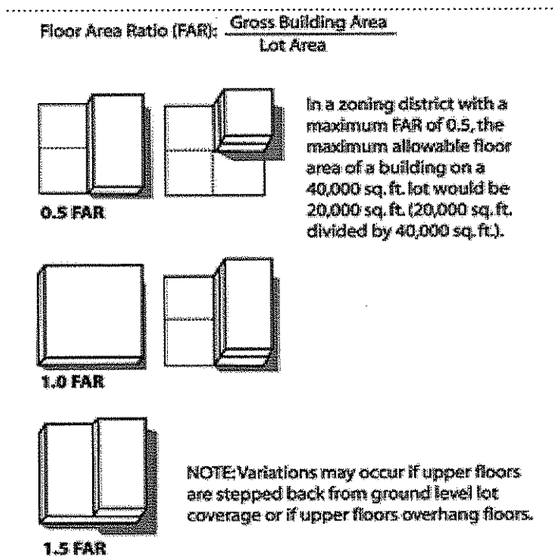

Figure 17.02-1 Floor Area Ratios

Fuel and Ice Dealers. Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk.

Furniture and Fixtures Manufacturing. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Products,"

Furniture, Furnishings and Equipment Stores. Stores primarily selling home furnishings including furniture, floor coverings, draperies, glass and chinaware, stoves, refrigerators, other household electrical and gas appliances including televisions and home sound systems and outdoor furniture including lawn furniture, movable spas and hot tubs. Also includes the retail sale of office furniture and large musical instruments.

Garage. An attached or detached accessory building used for the storage of vehicles or trailers by the occupants of the premises.

General Plan. The City of Hollister General Plan, including all elements thereof and all amendments thereto, as adopted by the Council under the provisions of Sections 65300 et seq. of the Government Code.

Glass Products Factory. Manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations which are included under handicraft industries and small scale manufacturing.

Guesthouse. A detached structure accessory to a dwelling, accommodating sleeping quarters, but without kitchen or cooking facilities.

Handicraft Industries, Small Scale Manufacturing. ***Small scale m***anufacturing establishments not classified in another major manufacturing group, including jewelry, glass, musical instruments, toys, sporting and athletic goods, pens, pencils, and other office and artists materials; button, costume novelties, miscellaneous notions; brooms and brushes and other miscellaneous manufacturing industries.

Health/Fitness Clubs. Fitness centers, gymnasiums, health and athletic clubs including indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges, other indoor sports activities and limited massage therapy that is incidental to the operation.

Height, Building : The vertical distance from the average contact grade level of the building, "grade" as defined herein, to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Home occupation. A business activity conducted entirely within or from an enclosed dwelling unless otherwise permitted in an accessory structure with a conditional use permit.

Hotel or Motel. Guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than 30 days). Hotels provide access from an interior walkway to most guest rooms that do not have kitchen facilities. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities including swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, meeting rooms, etc.

Improvement. Means the construction, alteration and repair of all buildings, structures and facilities permanently affixed to real property and appurtenances thereto.

Indoor Recreation Centers. Primarily indoor establishments providing amusement/ entertainment services, including: arcades containing five or more coin operated amusements or electronic games; bowling alleys; card rooms; dance

halls, clubs and ballrooms; and pool and billiard rooms that are principal uses rather than being subordinate to a bar or restaurant; ice skating and roller skating.

Junkyard. The use of any outdoor space where waste, discarded or salvaged materials are stored or handled; including automobile wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged housing wrecking and structural steel materials and equipment, except when any such use is accessory and incidental to the permitted agricultural use.

Kennels and Animal Board. Facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats for commercial purposes, except for dogs or cats in pet shops or animal hospitals.

Family Day Care Home. See " Day Care –Family Child Care Home, Large"

Laundries and Dry Cleaning Plants. Service establishments primarily engaged in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment, which are classified in "Personal Services."

Lot, or Parcel. An area of real property under single ownership, its principal frontage on a street or right-of-way, and lawfully created and recorded as required by the Subdivision Map Act and City of Hollister ordinances, including this Zoning Ordinance. Types of lots include the following. Figure 17.02-2 (Lot Types).

1. **Corner Lot**. A lot located at the intersection of two or more streets, bounded on two or more sides by street lines.

2. **Double frontage or through Lot**. A lot having a frontage on, and rights of vehicular access to, two parallel or approximately parallel streets. For the purposes of determining vehicular access to parallel streets pursuant to this definition, alleys are not streets.

3. **Flag Lot**. An interior lot having access by a corridor having a street frontage of less than twenty feet in width.

4. **Interior Lot**. A lot abutting only one street.

5. **Key Lot**. The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

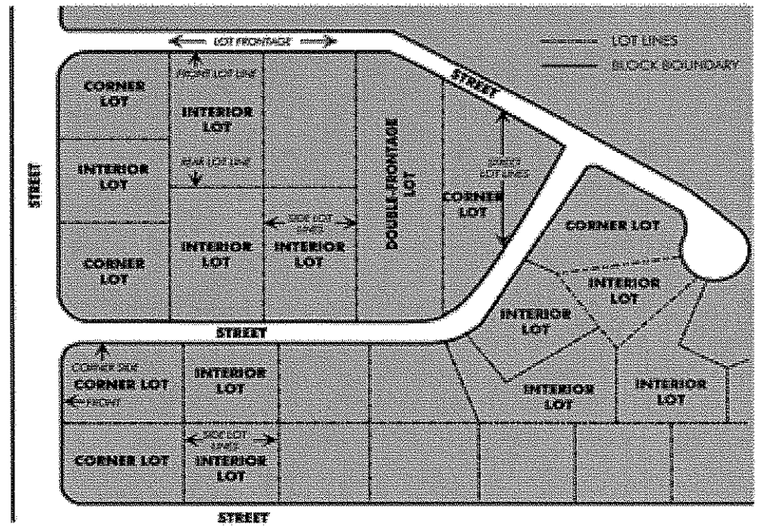

Figure 17.02-2 - Lot Types

Lot width. The width of the lot measured at right angles to its depth at a point midway between the front and rear lot lines. "Average lot width" means the average width of the lot through-out its full depth measured at right angles to the depth.

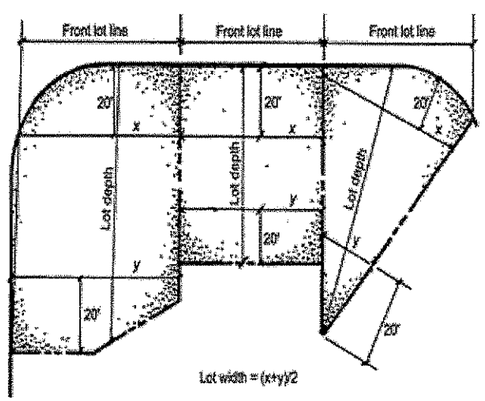

Figure 17.02-3 - Lot Width

Lumber and Wood Products Manufacturing. Processing and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes: all types of milling operations and the turning and shaping of wood products on a manufacturing basis; the assembly of products including trusses and structural beams, wood containers, pallets and skids; and the assembly of factory-built and manufactured housing; and the wholesaling of basic wood products. Craft-type shops are included in "Handicraft Industries and Small-Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, and the sale of construction tools and equipment is included under "Building Material Stores."

Machinery Manufacturing. The manufacturing of machinery and equipment for purposes and products including but not limited to the following:

- bulldozers
- carburetors
- construction
- conveyors
- cranes
- die casting
- dies
- dredging
- engines and turbines
- farm and garden
- food products manufacturing
- gear cutting
- heating, ventilation, air conditioning
- industrial trucks and tractors
- industrial furnaces and ovens
- industrial molds
- laundry and dry cleaning
- materials handling
- mining
- oil field equipment
- paper manufacturing
- passenger and freight elevators
- pistons
- printing
- pumps
- refrigeration equipment
- textile manufacturing
- upholstery

Medical offices. See "Medical Services - Clinics and Laboratories."

Medical Services - Clinics and Laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. These facilities include: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under "Offices"); medical and dental laboratories; out-patient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included.

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a principal use with in-patient beds, including: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended

care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in "Residential Care Homes."

Medical Services - Hospitals. Establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services having an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include accessory retail uses (see the separate definition of "Accessory Retail Uses,") and emergency heliports.

Metal Fabrication, Machine and Welding Shops. The assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

Mixed use development. The development of a site or structure with a combination of residential and commercial uses, as permitted by this Chapter, in a single or physically integrated group of structures.

Mobile Food Vending Facility or Vending Facility. Any vehicle, as that term is defined in the California Vehicle Code, which is equipped or primarily used for retail sales of produce or prepared and pre-packaged or unprepared and unpackaged food or foodstuffs of any kind, on any public street, alley or property or on any privately owned parcel or lot open to the public.

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing which is equipped for human habitation. For purposes of this Chapter , a mobile home on a permanent foundation is considered a structure.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes.

Motel. See "Hotel or motel."

Multi-Family Housing. A type of residential structure with more than one dwelling units in the same building or two or more residential structures on the same lot. A residence with an accessory residential secondary unit authorized by Section 17.22.020 (Accessory Residential Secondary Unit) of this Title shall not be considered multi-family housing.

Natural grade. The contour of the ground surface before any grading (cut or fill).

Nonconforming lot. A lot of record that was legally created prior to the adoption of this Title (Ordinance No. XXX) but does not meet the requirements of this Chapter because the lot is of a size, shape, or configuration no longer allowed in the zoning district in which the site is located , as a result of the adoption of, or amendments to, this Chapter.

Nonconforming structure. A structure that was legally constructed prior to the adoption of this Chapter (Ordinance No. XXX), but does not meet the requirements of this Chapter because the adoption of or amendments to the Chapter made the structure nonconforming in its size, type of construction, location on its site, separation from other structures, number of parking spaces provided, or other features.

Nonconforming use. A use of land or structure that was legally established prior to adoption of this Chapter (Ordinance No. XXX), but does not meet the requirements of this Chapter because the use is no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to, this Chapter.

Nursery. The retail or wholesale handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other gardening item.

Offices. Service establishments including the following:

1. **Business offices.** Establishments providing direct services to consumers, including insurance agencies, real estate offices, post offices (not including bulk mailing distribution centers, which are included under "Vehicle and Freight Terminals"); and

2. **Professional offices.** Professional or government offices including:

- accounting, auditing and bookkeeping services
- advertising agencies
- architectural, engineering and surveying
- attorneys
- counseling services
- court reporting
- data processing and computer services
- detective agencies and similar services
- government offices including agency and
- employment, stenographic, secretarial and word processing services
- insurance
- management, public relations and consulting services
- photography and commercial art studios
- writers and artists offices outside the home

Does not include: medical offices, which are allowed under "Medical Services - Clinics and Laboratories."

Offices, Temporary. A mobile home, recreational vehicle or modular unit used as: a temporary business or construction office during construction of permanent facilities on the same site or as an office on the site of a temporary off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction as ***authorized by Section 17.24.210 (Temporary Use Permits).***

Organizational documents. The declaration of covenants, conditions and restrictions, articles of incorporation, bylaws and any contracts for the maintenance, management or operation of all or any part of a project.

Outdoor Commercial Recreation. Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including: amusement and theme parks; drive-in theaters; golf driving ranges; miniature golf courses (golf courses are included under the definition of "Parks, Playgrounds, Golf Courses); skateboard parks and water slides; go-cart and miniature auto race tracks; recreation equipment rental (e.g. non-highway motor vehicles, roller skates); health and athletic clubs with predominately outdoor facilities; tennis courts, swim and tennis clubs; zoos. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including but not limited to bars and restaurants, fast-food restaurants, video game arcades, etc.

Outdoor Retail Sales and Activities. Permanent outdoor sales and rental establishments including autos, other vehicles and equipment, and other uses where the business is not conducted entirely within a structure. ***Sidewalk cafes within the public right-of-way and sidewalk cafes are subject to the requirements in Section 17.22.200 (Sidewalk Café)..***

Outdoor Retail Sales, Temporary. Temporary outdoor retail operations including: farmer's markets; seasonal sales of Christmas trees, pumpkins or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; and retail sales of various products from individual vehicles in temporary locations outside the public right-of-way. Vendors operating within the public right-of-way and ~~sidewalk cafes~~ are subject to the provisions of section 17.22.150 (Outdoor Merchandise Display and Activity), the City of Hollister Municipal Code and applicable state and federal regulations.

Overlay District. A certain portion of the city wherein regulations relating to specific environmental, physical, or other characteristics (e.g., locational, economic, historical) are imposed in addition to those of the base district covering the land in question.

Paper Products Production. The manufacture of paper and paperboard (both from raw and recycled materials), and their conversion into products including paper bags, boxes, and envelopes. Also includes building paper and building board mills.

Parcel. See "lot."

Parks, Playgrounds, Golf Courses. Public and private parks, play lots, playgrounds and non-professional/noncommercial athletic fields; golf courses (including country clubs, but not driving ranges, which are included under "Outdoor Commercial Recreation"); ~~***on-site public restrooms.***~~

Paving and Roofing Materials Production. The manufacture of various common paving and roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar.

Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Personal Improvement Services. Services or facilities including, but not limited to, music or photography lessons, driving schools (excludes truck driving schools), and diet centers.

Personal Services. Establishments providing non-medically related services, including beauty and barber shops; shoe repair shops; tanning salons; laundromats (self-service laundries); manicurists; dry cleaning pick-up stores and small-scale dry cleaners.. These uses may also include accessory retail sales of products related to the services provided.

Pipelines and Utility Lines. Transportation facilities for the conveyance of: storm water, waste water, water and crude petroleum; refined petroleum products including gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, and surge and storage tanks. Does not include offices or service centers (classified under "Offices"), distribution substations (classified under "Public Utility Facilities"), or power plants (classified under "Electric Generating Plants").

Planned development. As defined by Section 1351(k) of the Civil Code, a development (other than a community apartment project, condominium or stock cooperative) having either or both of the following features: (1) The common area is owned either by an association, or in common by the owners of the separate interests; (2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the

separately owned lot, parcel, or area in compliance with Section 1367 of the Civil Code.

Planning Commission. The Planning Commission of the City of Hollister.

Plastics and Rubber Products Production. The manufacture of rubber products including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and rubber sundries from natural, synthetic or reclaimed rubber. Also includes establishments primarily manufacturing tires (establishments primarily recapping and retreading automobile tires are classified in "Auto, Mobile home, Vehicle and Supplies Sales"). Also includes: establishments engaged in molding primary plastics for the trade, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services.

Primary zoning district. A residential, commercial, ***industrial or special use*** zoning district to which an Overlay Zone may be applied.

Printing and Publishing. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

Public road. A street or highway owned and maintained by the City, or the State.

Public Safety and Utility Facilities.

1. Public safety facilities. Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

2. Public utility facilities. Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching, telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; community wastewater treatment plants, settling ponds and disposal fields; corporation and maintenance yards. These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

Recreational vehicle (RV). A motor home, travel trailer, truck camper, or camping trailer, with or without motor power, originally designed for temporary

human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

2. It contains 400 square feet or less of gross area measured at maximum horizontal projections.

3. It is built on a single chassis.

4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

Recreation facility. An area or space within a project (exclusive of any required setback areas) to be used exclusively for leisure and recreation purposes by occupants of units in a project and their guests. Accessory structures such as swimming pools and recreation buildings shall constitute recreation facilities.
Recycling Facilities.

1. Collection facility. A center for the acceptance by donation, redemption or purchase of recyclable materials from the public, which may include the following:

a. Reverse vending machine(s);

b. Small collection facilities which occupy an area of 350 square feet or less and may include:

(1) A mobile unit;

(2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and

(3) Kiosk-type units which may include permanent structures.

c. Large collection facilities which may occupy an area of more than 350 square feet and my include permanent structures.

2. Processing facility. A structure or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment, or to an end-user's specifications by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which

are included under the land use definition of "Recycling, Scrap and Dismantling Yards:"

a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
b. A heavy processing facility is any processing facility other than a light processing facility.

3. Recycling facility. A center for the collection or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of State law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel.

4. Recycling or recyclable material. Reusable domestic containers or items including but not limited to glass, metals, paper and plastic which are intended for reconstitution, remanufacture or reuse for the purpose of being used in the altered form. Recyclable material does not include refuse or hazardous materials.

5. Reverse vending machine. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by State law. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

6. Bulk reverse vending machine. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and will pay by weight instead of by container.

Repair and Maintenance - Consumer Products. Service establishments where repair of consumer products is the principal business activity, including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; re-upholstery and furniture repair. Does not include

shoe repair (included under "Personal Services"). Does not include businesses serving the repair needs of heavy equipment, which are included under "Business Support Services."

Research and Development. Facilities for research, and the design, development and testing of computer software, and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Also includes chemical and biotechnology research and development. Does not include soils and other materials testing laboratories which are defined under "Business Support Services," or medical laboratories, which are included under "Medical Services - Clinics and Labs."

Residential Accessory Uses and Structures. Includes any use that is customarily part of, and clearly incidental and secondary to a residence and does not change the character of the residential use. These uses include accessory structures (swimming pools, spas and hot tubs, workshops, studios, greenhouses, garages, ~~***guesthouses,***~~ and similar structures).

Residential Care Homes. Facilities providing residential social and personal care for children, the elderly, and adults with some limitations on their ability for self-care, but where medical care is not a major element. Includes: children's homes; halfway houses; orphanages; rehabilitation centers; self-help group homes. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

Restaurant. A retail business selling food and beverages prepared on the site, where customers are able to consume the products on-premise even if products are purchased to be consumed off site.

~~***Restaurant, Fast Food. Restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-premise consumption.***~~

Retail Stores, General Merchandise Sales. Retail trade establishments selling many lines of merchandise. These stores and lines of merchandise include but are not limited to:

- artists' supplies
- auto parts (not repair or machine shops)
- bakeries (retail only)
- bicycles
- books
- hardware
- handcrafted items (stores may include crafting operations subordinate to sales)
- hobby materials
- jewelry
- luggage and leather goods

- cameras and photographic supplies
- clothing and accessories
- department stores
- drug and discount stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales
- only—outdoor sales are "Plant Nurseries")
- general stores
- gifts, novelties and souvenirs
- musical instruments, parts and accessories
- newsstands
- orthopedic supplies
- pet stores
- religious goods
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores

Roadside Stands for Agricultural Products. ***Accessory*** open structures ***not more than 400 square feet, 20 feet deep and 15 feet high*** for the retail sale of agricultural products (except hay, grain and feed sales-included under "Farm Equipment and Supplies"), located on the site or in the area of the property where the products being sold were grown. Does not include field sales or agricultural products, which is included under "Crop Production."

Rooming House and Boarding House. The renting of individual bedrooms within a dwelling to ***one*** ~~***three***~~ or more ***persons*** ~~***people***~~, whether or not meals are provided generally a rooming house provides meals

Schools - College and University. Community colleges, public or private colleges, universities and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees and requiring for admission at least a high school diploma or equivalent general academic training.

Schools - Elementary. Public and private elementary, middle, and junior high schools serving kindergarten through 8th or 9th grade students, including denominational and sectarian. Pre-schools and child day care are included under the definitions of Child Day Care Centers and Family Care Homes.

Schools - Secondary. Public and private high schools serving grades 9 or 10 through 12, including boarding schools and military academies.

Schools - Specialized Education and Training. Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized non-degree granting schools offering subjects including: art, drama, language, music, driver education, ballet and other dance. Also includes seminaries and other facilities exclusively engaged in training for religious ministries; and establishments furnishing educational courses by mail. Facilities, institutions and conference centers are included that offer specialized programs in

personal growth and development (including fitness, environmental awareness, arts, communications, and management, as examples).

Scrap and dismantling yards. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap and the incidental wholesale or retail sales of parts from vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within structures; pawn shops and other secondhand stores; the sale of operative used cars; or terminal waste disposal sites.

Second Hand Stores. Indoor retail establishments that buy and sell used products, including but not limited to books, clothing, furniture and household goods. The sale of cars and other used vehicles is included under "Auto, Mobile Home, Vehicle and Parts Sales."

Secondary Residential Unit. A second permanent dwelling that is accessory to a ***legally constructed*** primary dwelling on the same site ***in a residential zoning district***. A secondary unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Senior Congregate Care Housing. A structure serving as a residence for a group of senior citizens (sixty (60) years of age or more) with central or private kitchen, dining, recreational and other facilities, with separate bedrooms or living quarters. Limited medical care and supervision may also be provided, where the emphasis of the facility remains residential.

Senior housing. Housing that is available only to seniors, in accordance with state and federal housing laws and guidelines.

Service Station. A retail business selling gasoline or other motor vehicle fuels, which may also provide vehicle engine maintenance and repair services incidental to fuel sales. May also include accessory towing and trailer rental services, but not the sale, storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

Setback line. A line established by this Chapter to govern the placement of buildings or structures with respect to lot lines, street or alleys.
~~***Shopping Center. Shopping center" means a development consisting of at least five separate establishments with a minimum area of fifty thousand square feet, a site with a minimum of three hundred feet of frontage and shared common drives and off-street parking***~~.

Shopping center A group of commercial establishments designed, built and managed as a unit. It provides on-site parking in proportion to the size, type and number of stores in the center.

Site. A lot or adjoining lots under single ownership or single control, considered a unit for the purposes of development or other use.

Small Family Day Care Homes. See "Child Day Care Facilities."

Sport Facilities and Outdoor Public Assembly. Indoor and outdoor facilities for spectator-oriented sports, and other outdoor public assembly facilities for outdoor theater and concerts, which include: amphitheaters; stadiums and coliseums; arenas and field houses; race tracks; motorcycle racing and drag strips; and other sports that are considered commercial.

Stock cooperative. A development defined by Section 11003.2 of the Business and Professions Code and Section 1351(m) of the Civil Code, where a corporation is formed to hold title to improved real property and the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property.

Stone and Cut Stone Products Manufacturing. Establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses. Also includes establishments primarily engaged in buying or selling partly finished monuments and tombstones.

Storage, Accessory. The indoor storage of various materials on a site where the principal use is not storage, where the storage supports the activities or conduct of the principal use. Includes the storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use.

Storage, Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

Storage, Personal Storage Facility. A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented or owned as individual storage spaces and characterized by low parking demand.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Street. A public thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined herein.

Structure. Anything constructed or erected, the use of which requires location on or in the ground or attachment to something located on the ground. For the purposes of this Chapter, the term "structure" includes "buildings."

Structural alteration. Any construction, reconstruction, alteration, demolition, removal of, or additions to, the supporting members of a building or structure, including, but not limited to, bearing walls, columns, beams, girders, rafters, or joists.

Structural Clay and Pottery Products Manufacturing. Establishments primarily producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain electrical supplies and parts. Artist/craftsman uses are included in "Handicraft Industries and Small Scale Manufacturing" or "Home Occupations."

Textile and Leather Products Manufacturing. Establishments engaged in performing any of the following operations: Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; manufacturing woven fabric and carpets and rugs from yarn; dying and finishing fiber, yarn, fabric, and knit apparel; coating, waterproofing, or otherwise treating fabric; the integrated manufacture of knit apparel and other finished products from yarn; the manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles; and upholstery manufacturing.

Theaters and Meeting Halls. Indoor facilities for public assembly and group entertainment, other than sporting events, including: public and semi-public auditoriums; exhibition and convention halls; civic theaters, meeting halls and facilities for "live" theater and concerts; motion picture theaters; meeting halls for rent and similar public assembly uses. Outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events are included under the definition of "Sport Facilities and Outdoor Public Assembly."

Transit Stations and Terminals. Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

Trailer and Camp Trailer. Any vehicle constructed in such a manner as to permit temporary occupancy thereof as sleeping quarters (i.e., camp trailer) or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is mounted on wheels and may be used as conveyance on highways and streets, propelled or drawn by other motor power. Camp trailers are considered structures for the purpose of this Chapter when they are parked in a trailer camp or park.

Trailer Camp and Trailer Park. Any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more camp trailers.

Use, Accessory. A use subordinate and incidental to the principal use of the same building site which does not alter the essential characteristics of the use considered as a whole or as related to other uses permitted in the same district.

Use, Principal. Any use which is not specifically defined and listed as an accessory use and which is the primary intended purpose for the building site.

Yard, Front. A yard extending across the front of the lot between the side yard lines and measured from the front line of the lot to the nearest line of the building; provided, however, that if any official plan line has been established for the street upon which the lot fronts, the front yard measurement shall be taken from such official plan line to the nearest line of the building.

Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building.

Yard, Side. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Variance. A permit issued to a landowner to construct a structure or engage in some action not otherwise permitted under the regulations of this Chapter.

Vehicle and Freight Terminals. Transportation establishments furnishing services incidental to transportation including: freight forwarding services; transportation arrangement services; packing, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; and postal service bulk mailing distribution centers. Includes rail, air and motor freight transportation.

Vehicle Repair, Major. A place providing a full range of repair and maintenance services for motor vehicles, including any of the following:
(a) Cylinder head replacement;
(b) Valve grinding or replacement;
(c) Clutch replacement;
(d) Repair, replace transmission, rear end, rear axles, king pins;
(e) Body work;
(f) Engine, motor or transmission removal;
(g) Fuel tank repair;
(h) Radiator or heater core repair or replacement;
(i) Painting;
(j) Repair activities requiring the use of open flame or welding;
(k) Exhaust system repair;
(l) Repair activities requiring entry into the engine block;

(m) Upholstery, or
(n)Any repair activity not listed as minor vehicle repair.

Vehicle Repair, Minor. A place performing the following repair and maintenance services for motor vehicles not exceeding a gross vehicle weight of five tons carrying capacity, including any of the following:
(a) Tune-ups. Major and minor tune-up involving spark plugs, points, condensers, valve adjustments, carburetor overhauls, adjustment of fuel injection systems, fuel pumps, and all necessary filters;
(b) Lubrication. Oil changes and filter replacement, transmission and rear end oil changes;
(c) Cooling System. Replacement of water pumps, heaters, and other hoses; replace thermostats; recharge air conditioners;
(d) Drive Train. Replacement of driveshaft universal bearings, center support bushing, accelerator and brake cables; minor repair of hydraulic systems; replacement of shock absorbers;
(e) Brakes. Remove and replace shoes and brake pads; rebuild master and wheel cylinders and disc caliper; adjustment of brakes; machine work related to turning of drums or discs;
(f) Wheels. Adjustment of steering box; replacement of rubber bushings in suspension; wheel balancing; wheel alignment; replacement of wheel bearings; tire changes and repairs;
(g) Electrical. Battery charging; remove, repair, and replace starters, alternators, generators, and regulators; rewiring of automobile and lights; repair or replacement of gauges; installation of radios;
(h) Smog checks;
(i) Fuel System. Change and repair of fuel lines; replace fuel gauge sending unit; or
(j) Any activity combining minor and major motor vehicle repair shall be defined as "major vehicle repair." Excludes any activity that involves welding or an open flame, a paint booth, or repairs that typically require keeping a car for more than one day.

Vehicle Sales and Services. Sale or rental of automobiles, motorcycles, trucks, and recreational vehicles including display areas, incidental storage, and maintenance.

Vehicle Storage. Lots for the storage and parking of tow-away and towed vehicles, impound yards, and storage lots for vehicles, trucks, buses, and recreational vehicles. Excludes salvage and wrecking operations. Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling, Scrap and Dismantling Yards").

Vehicle Washing. The washing, waxing, detailing, or cleaning of automobiles or vehicles equal to or less than one-half ton including the use of mechanical

automobile washers.

Veterinary Clinics and Animal Hospitals. Office and entirely indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. See also, "Kennels and Animal Boarding."

Warehouse Retail Stores. Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and structures are usually large and industrial in character. Patrons may or may not be required to pay membership fees.

Warehousing. Facilities for the storage of farm products, furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public, which are included under "Storage, Personal Storage Facilities;" or warehouse facilities where the primary purpose of storage is for wholesaling and distribution (which is separately defined). Does not include terminal facilities for handling freight (classified in "Vehicle and Freight Terminals").

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Includes: merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; stores primarily selling electrical, plumbing, heating and air conditioning supplies a marketing of farm products; stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

17.02.030 Districts established and designated.

A. 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 and subsequent sections of the California Government Code; the California Environmental Quality Act, Housing Act, Subdivision Map Act, and the Health and Safety Code.

This Zoning Ordinance is the primary tool used by the City of Hollister to carry out the goals, objectives, and policies of the Hollister General Plan. The Hollister City Council intends that this Zoning Ordinance be consistent with the Hollister General Plan, and that

any land use, subdivision, or development approved in compliance with this Zoning Ordinance will also be consistent with the Hollister General Plan.

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 map and as described in the adopted Hollister General Plan.

Zoning Map Symbol	Zoning District Name	Land Use Plan Map Symbol	General Plan Land Use Designation Implemented by Zoning District
Residential Zones			
RE	Residential Estate	RE	Residential Estate
R1	Low Density Residential	LDR	Low Density Residential
R2	Two-Family Residential	MDR	Medium Density Residential
R3	Medium Density Residential	MDR HDR	Medium Density Residential High Density Residential
R4	High Density Residential	HDR	High Density Residential
OT	Old Town (M)[1] Old Town (H)[2]	MDR HDR	Medium Density Residential High Density Residential
WFR	West Fairview Road	SP	Specific Plan Overlay
Commercial Zones			
C	Commercial	GC	General Commercial
NG	North Gateway	NG	North Gateway Commercial
CO	Office Commercial	CO	General Commercial
Combined Zones			
HO	Home/Office	HO	Home/Office
DMU	Downtown Mixed Use	DMU	Downtown Commercial and Mixed Use
NMU	Neighborhood Mixed Use	NMU	Mixed Use
PD	Planned Development	Multiple	Multiple Categories
WG	West Gateway	WG	West Gateway Mixed Use
Industrial/Manufacturing Zones			
M1	Light Industrial	I	Industrial
IBP	Industrial Business Park	I	Industrial
Special Purpose Zones			
A	Airport	A	Airport
AS	Airport Support	AS	Airport Support
OS	Open Space/Conservation	OS	Open Space
P	Park	P	Open Space

PF/I	Public Facility/Institutional	PF/I	Public
Overlay Zones			
ASZ	Airport Safety Zone	I, NG	Hollister Municipal Airport Community Land Use Plan
FZ	Flood Hazard Zone	OS	Open Space
EZ	Earthquake Hazard Zone		
R1-L/PZ R3-M/PZ R-4-H/PZ	Performance Overlay Zone	LDR MDR HDR	Low Density Residential Medium Density Residential High Density Residential
PD	Planned Development		Multiple categories
SP	Specific Plan	SP	Specific Plan Overlay

17.02.040. 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 shall be allowed by this Chapter of this Zoning Ordinance (Zoning Districts and Allowable Land Uses) within the zoning district that applies to the site in question;

2. The proposed use of land or structure 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; and;

3. Any land use permit or other approval required in this chapter shall be first obtained in compliance with Land Use and Development Permit Procedures in this chapter.

4. Any land use proposal may not be processed or approved where there is an existing violation of Municipal Code (See 1.16.100 Refusal to Issue Licenses or Other Entitlements).

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) above, and when the Development Services Director determines that the site was subdivided in compliance with all applicable requirements of Title16, Subdivisions.

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 Chapter, the subdivision requirements of Chapter 16, and all other applicable requirements of this Zoning Ordinance.

D. Continuation of an existing land use. An existing land use is lawful and not in violation of the Hollister Municipal Code only when operated and maintained in compliance with all applicable provisions of this Zoning Ordinance. 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 shall comply with all provisions of this Zoning Ordinance, specifically including Chapter 17.24.230 Article 2 (Nonconforming Structures, Uses, and Lots).

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 development. For example, this Zoning Ordinance or a future amendment could require more off-street parking spaces for a particular land use than former Zoning Ordinance or Zoning Ordinance provisions. This subsection determines how the requirements of this Zoning Ordinance apply to development projects in progress at the time requirements are changed.

1. Projects with pending applications. All land use permit and subdivision applications that have been determined by the Development Services 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. Applications for extension of time for land use permit or tentative map extensions of time (see Sections 17.24 and Title 16 Subdivisions respectively) shall be consistent with the requirements of this Zoning Ordinance that are in effect when the time extension application is 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 (Chapter 17.24 Article 1 or, where applicable, before the expiration of any approved time extension granted under Section 17.24 Article 2.

3. Approved land uses not yet established. Any approved land use that has not been established as of the effective date of this Zoning Ordinance or any

amendment, may still be established in compliance with its approved permit, as long as establishment occurs before the expiration of the permit (Section 17.24, Article 2, (Time Limits and Extensions) or, where applicable, before the expiration of any approved time extension granted under Sections 17.24 Article 2.

4. 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 16, Subdivisions.

5. 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 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.

17.02.050 Interpretation of provisions

A. Authority. The Community Services Development Director is assigned the responsibility and authority to interpret the provisions/requirements of this Zoning Ordinance.

B. Language:

1. Abbreviated titles and phrases. For the purpose of brevity, the following phrases, personnel and document titles are shortened hereafter in this Zoning Ordinance. The City of Hollister is referred to hereafter as the "City." This Zoning Ordinance is referred to hereafter as "this Zoning Ordinance." The Community Development Services 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 Development Services 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 is 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).

C. Allowable uses of land. If a proposed use of land is not specifically listed in Allowable Land Uses and Permit Requirements for Residential, Commercial, Mixed Use, Industrial, and Special-Purpose Zones, the use shall not be allowed, except as follows:

1. The Director may determine that a proposed use not listed in this Chapter 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; and

c. The proposed use will be consistent with the goals, objectives and policies of the General Plan.

d. A decision of the Director may be appealed to the Planning Commission.

2. 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.

3. The Director may forward questions about equivalent uses directly to the Commission for a determination at a public hearing.

D. 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. Specific plans. When conflicts occur between the requirements of this Zoning Ordinance and Interpretation standards adopted as part of any specific plan, the requirements of the 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.

17.02.060 - Procedures for Interpretations

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

A. **Request for interpretation.** The request shall specifically state the provision(s) in question, and provide any information to assist in the review.

B. 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:

1. 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

2. 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.

C. Appeals and referral. Any interpretations of this Zoning Ordinance by the Director may be appealed to the Commission as provided by 17.24.150 Appeals. The Director may also refer any interpretation to the Commission for a determination.

17.02.070 Provision for continuity of provisions.

The provisions of this Chapter, 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 poir to the effective date of the ordinance codified in this Chapter, is affected by the provisions hereof, but all procedures hereafter taken shall conform to the provisions of this tile.

17.02.080 Zoning map adoption and incorporation by reference

The duly adopted official zoning map for the city, and all amendments thereto, are made a part of this Chapter at the time of their adoption and shall constitute subsections of this section.

The attached map, which is incorporated herein by reference, is adopted as the official zoning map for the City of Hollister.

17.02.090 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:

1. 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;

2. 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;

3. 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;

4. In case of uncertainty, the Director shall determine the precise location of the district boundary.

17.02.100 - Responsibility for Administration

This Zoning Ordinance shall be administered by the Hollister City Council, Planning Commission, Community Development Services Director, and the Hollister Development Services Department, as provided in Chapter 17.24, Article 1.

17.02.110 - Partial Invalidation of Development

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.

17.02.120 Zoning Map and Code Text Amendments

The following provisions allow for the amendment of the Zoning Map, or this Zoning Ordinance whenever required by public necessity and general welfare. Zoning Map amendments have the effect of rezoning property from one zoning district to another. Amendments to this Zoning Ordinance may modify any standards, provisions, requirements, or procedures applicable to the subdivision, development, or use of property within the City.

A. Hearings and Notice

Upon receipt of a complete application to amend the Zoning Map or this Zoning Ordinance, or upon initiation by the Director, Commission, or Council, and following Department review, public hearings shall be set before the Commission and Council. Notice of the hearings shall be given in compliance with Chapter 17.24.120, Article 2 (Public Hearings).

B. Commission Action on Amendments

The Commission 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 subsection D 1 (Findings required for all Zoning Map/Ordinance Amendments).

C. Council Action on Amendments

Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form or disapprove the proposed amendment based upon the findings in Section 17.02.130 (D)(1).

If the Council proposes to adopt any substantial modification to the amendment not previously considered by the Commission during its hearings, the proposed modification shall be first referred back to the Commission for its recommendation.

D. Approval Criteria Zoning Map and Code Text Amendments

1. Findings required for all Zoning Map/Ordinance amendments:

1. The proposed amendment is consistent with the General Plan; and

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare.

3. The public necessity, general community welfare, and good zoning practice shall be served and furthered; and that the proposed amendment is in general conformance with the principles, policies and land use designations set forth in the General Plan and any adopted area or specific plan.

E. Additional finding for Zoning Map amendments: The affected site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses or development.

Chapter 17.04 – Residential Zoning Districts

Sections:

Article I. Residential Zoning Districts

17.04.010 Purpose
17.04.020 Residential Zone Land Uses and Permit Requirements
17.04.030 Residential General Development Standards
17.04.040 Multi-family Zone General Development Standards
17.04.050 Old Town Zoning District Supplemental Design Standards
17.04.060 West Fairview Road Standards

Article II. Density Bonus

17.04.070 Density Bonus

Article I Residential Zoning Districts

17.04.010 - Purpose

This Article provides regulations applicable to development and new land uses in the residential zoning districts established by Section 17.02.030 (Zoning Districts Established). The purposes of the individual residential zoning districts are as follows:

A. **RE (Residential Estate) District**. The Residential Estate (RE) Zoning District provides for residential development at densities up to one dwelling unit per five net acres; it is intended to provide for very low intensity residential development. ~~**where all urban services may not be required. Areas designated RE represent land that is generally beyond the service limits/Sphere of Influence of the City (but within the Planning Area).**~~ The RE District is intended to provide sites for larger, distinctive residences. The RE Zoning District is consistent with the Residential Estate (RE) land use category of the General Plan.

B. **R1 (Low Density Residential) District**. The Low Density Residential (R1) Zoning District includes areas substantially developed with existing single- family residential residences prior to 2005 with densities of ~~***one***~~ ***four*** to six dwelling units per net acres. The R1 Zoning District is consistent with the Low Density Residential (LDR) land use category of the General Plan ***which now allows one to eight units per net acre.***.

C. **R2 (Two Family Residential) District.** The Two Family Residential (R2) Zoning District provides for duplexes or two-family dwellings. Areas designated R2 were substantially developed prior to 2005 with two single-family residential units on a lot or duplexes. The R2 Zoning District is consistent with the Medium Density Residential (MDR) land use category of the General Plan.

D. **R3 (Medium Density Residential) District.** The Medium Density Residential (R3) Zoning District provides for medium and medium- to high- density residential development at densities from eight to sixteen dwelling units per net acres.

Areas designated R3 were substantially developed prior to 2005 and are generally characterized by apartments and other high- density residential development, and planned residential development at a density of sixteen dwelling units per acre. The R3 Zoning District is consistent with the Medium Density Residential (MDR) and High Density Residential (HDR) land use categories of the General Plan.

E. **R4 (High Density Residential) District.** The High Density Residential (R4) Zoning District provides for high- density residential development at densities from twelve to thirty-five dwelling units per net acre. Areas designated R4 were substantially developed prior to 2005 and are generally characterized by apartments and other high- density residential development, and planned residential development at a density of sixteen or more dwelling units per acre. The R4 Zoning District is consistent with the High Density Residential (HDR) land use category of the General Plan.

F. **Residential Performance Overlay Zone District (R-1 L/PZ, R-3 M/PZ and R-4 H/PZ).** This overlay district (see Chapter 17.14 Overlay zoning district) applies to vacant land within the City of Hollister. The intent of the overlay district is to foster development that meets the range of densities for the General Plan land use designation with the option for flexible standards to implement policies and programs in the General Plan that call for the following:

a. A variety of lot sizes and choices for housing types in all zoning districts.
b. New development with interesting street patterns, site planning and neighborhood design.
c. Connections of the new development with the rest of the city for pedestrians and bicyclists.
d. Incorporation of on-site recreation, pedestrian links between adjoining properties, trails or easements in the vicinity of drainages and water courses in new development.
e. Clustered development that meets the average general plan density for the property while avoiding development in areas with environmental constraints such as flood, seismic, and liquefaction problems, or a, special habitat area.
f. Lot design and building orientation to provide solar access.
g. Sensitive integration of the scale and mass of new development preserves the character and scale of existing residential neighborhoods.

Lands with the R-1 L/PZ overlay zone predominantly include vacant land within the City of Hollister in the Low Density Residential (one to eight units per net

acre) land use category of the General Plan. An average development density of one to eight units per net acre is now required in this overlay zone with a targeted density of at least six units per net acre. ***Please refer to Chapter 17.14020 for Performance Overlay densities performance standards and development requirements.***

~~Areas with the R-3-M/PZ overlay zone comprise vacant land within the City of Hollister in the Medium Density Residential plan eight to twelve (8—12 units per net acre) land use category of the General Plan. An average development density of eight to twelve units per net acre is required in this overlay zone.~~

~~Areas included in the R4-H/PZ overlay zone encompass vacant land within the City of Hollister in the High Density Residential (sixteen to thirty-five units per net acre) land use category of the General Plan. An average development density sixteen to thirty-five units per net acre is required in this overlay zone.~~

G. OT (Old Town) District. The Old Town (OT) Zoning District applies to the residential neighborhoods that include the original town of Hollister, as laid out by the San Justo Homestead Association, its early subdivisions, and adjacent older residential areas. Within this district are numerous lots of unusual size and shape, many of which were originally designed to accommodate stables, barns and other outbuildings. In addition, many areas of this district are occupied by a varied mix of residential types and densities. The majority of the housing stock was constructed prior to World War II. ***Some of the homes in this district are listed in the National Monterey Street Historic District.*** South of Fourth Street, the Old Town (OT-M) Zoning District is consistent with the Medium Density Residential land use category of the General Plan with residential development densities from eight to twelve dwelling units per net acre. Areas within the OT-M district could have single-family homes, duplexes, fourplex, cottages and housing on small lots. This district also encompasses the General Plan Old Town Special Planning Area. North of Fourth Street, the Old Town (OT-H) district is consistent with the High Density Residential category of the General Plan with residential development densities from twelve to thirty-five dwelling units per net acre. The Old Town-H district provides for infill development of small lots, apartments and other high density residential development.

The additional purpose of the OT-M district is to provide for the infill of detached single family dwellings on small lots and small scale medium-density dwellings where the minimum density is not less than eight units per net acre and the maximum density is not more than twelve units per net acre without density bonus.

The additional purpose of the OT-H district is to provide for the infill of detached, attached, medium-density and multifamily dwellings where the minimum density is not less than sixteen units per net acre and the maximum density is not more thirty five units per net acre without density bonus.

H. RWF (Residential, West Fairview Road) District. The RWF (West Fairview Road district) establishes zoning regulations for the area defined by the West Fairview Road Specific Plan. The West Fairview Road Specific Plan provides for comprehensive land use, circulation and infrastructure plans, development and design policies, housing strategies and implementation programs for guiding and ensuring the orderly development of the Plan area.

Residential Zone Land Uses and Permit Requirements

The following table identifies the uses of land allowed by this Zoning Ordinance in each residential zone, and the land use permit required to establish each use, in compliance with this Section.

Table 17.04-1
Residential Land Uses and Permit Requirements

Land Use[1]	RE	R1	R2	R3	R4	PZ	OT-M	OT-H	RWF
Residential Uses									
Guest House	NP	NP	NP	NP	NP	NP	NP	NP	NP
Home Occupation	P	P	P	P	P	P	P	P	P
Agricultural Employee Housing 1-4 Employees 4+Eemployees	P CUP	NP	NP	NP	NP	NP	NP	NP	NP
Manufactured Home	P	P	P	P	P	P	~~A~~P	~~A~~P	~~A~~P
Mobile Home	P	P	P	P	P	P	~~A~~P	~~A~~P	~~A~~P
Mobile Home Parks									NP
Duplex	NP	NP	S&A	S&A	S&A	S&A	S&A(2)	S&A(2)	P (1)
Multi-family housing	NP	NP	NP	S&A	S&A	S&A	S&A	S&A	S&A
Condominiums/ Townhouses	NP	NP	NP	S&A	S&A	S&A	CUP	CUP	NP
Residential accessory uses and structures Less than 120 sq. ft. or 8 ft. height	P	P	P	P	P	P	P	P	P
More than 120 Sq. ft. or 8 ft. height	BP	BP	BP	BP	BP	BP	BP	BP	BP
Higher than 15 feet	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

[1] Permit Requirement:
P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the property owner, or lessee to secure nay permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.
AP = Administrative permit required at Development Services Department.
APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.
CUP = Conditional Use Permit required with approval from Planning Commission
mTUP = Minor Temporary Use Permit at Development Service Department.
MTUP = Major Temporary Use Permit with review by Development Review Committee
NP = Not Permitted
S&A = Site and Architectural Review required with approval from Planning Commission

Land Use[2]	RE	R1	R2	R3	R4	PZ	OT-M	OT-H	RWF
Residential Uses									
Residential care homes — 7 or fewer — 8 or more	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP
Supportive Housing Facility — 7 or fewer — 8 or more	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP	P CUP
Second Dwelling Units (3)	P	P	NP	NP	NP	P	*See Note 4*	*See Note 4*	NP
Single Family dwellings	P	P	P	CUP	NP (5)	P	P	~~P~~ CUP *(4)*	P
Small Lot Housing	NP	APR	NP	S&A	S&A	S&A	S&A	S&A	P (1)
Retail Uses									
Bed and Breakfast Inns	NP	NP	NP	NP	NP	CUP	CUP	CUP	NP
Kennels	CUP	NP	NP	NP	NP	NP	NP	NP	NP
Small Neighborhood Market and Convenience	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	NP
Services, Public and Semipublic Uses									
Ambulance Services	NP	NP	NP	NP	NP	NP	NP	NP	NP
Clubs and Lodges	CUP	CUP	NP	NP	NP	CUP	CUP	CUP	NP
Convalescent Hospitals/Nursing Homes	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Cultural Institutions (Library, Museum)	CUP	APR	NP	NP	NP	CUP	CUP	CUP	NP

[2] Permit Requirement:

P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the property owner, or lessee to secure nay permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative permit required at Development Services Department.

APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

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Land Use[3]	RE	R1	R2	R3	R4	PZ	OT-M	OT-H	RWF
Services, Public and Semipublic Uses continued									
Child day care — Small Family — Large Family	 P AP	 P AP	 P AP	 P AP	 P AP	 P AP	 P AP	 P AP	 P AP
Child Day Care Centers (lot size greater than one acre)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Hospitals	CUP	CUP	NP	NP	NP	NP	NP	NP	NP
Libraries, Museums	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Park and Recreation Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Parking Lots and Structures	NP	NP	NP	S&A	S&A	S&A	S&A	S&A	NP
Religious Assembly (6)	P	P	P	P	P	P	P	P	P
Schools—Public/Private	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Schools——-Trade	NP	NP	NP	NP	NP	NP	NP	NP	NP
Telecommunications Facilities:									
Major	NP	NP	NP	NP	NP	NP	NP	NP	NP
Minor	P	P	P						
Public Utility or safety facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Utilities--Minor	P	P	P	P	P	P	P	P	P

[3] Permit Requirement:

P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the property owner, or lessee to secure nay permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative permit required at Development Services Department.

APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

CUP = Conditional Use Permit required with approval from Planning Commission

mTUP = Minor Temporary Use Permit at Development Service Department.

MTUP = Major Temporary Use Permit with review by Development Review Committee

NP = Not Permitted

S&A = Site and Architectural Review required with approval from Planning Commission

NOTES

(1) These types of housing are permitted in the RWF zoning district provided the overall density standards for the Specific Plan are met.

(2) On corner lots, an entrance shall be oriented to each street frontage. On interior lots, the unit shall be designed to maintain a single family residential appearance from the street frontage with access to the second unit, parking and utilities concealed from the street.

(3) Second Dwelling Units are permitted where performance standards in Section 17.22.020 (Accessory Secondary Residential Units) can be met.

(4) ***Permitted where a single family residence was established on a legal lot that is less than 8,000 square feet in size and the accessory second unit complies with the standards in Article 1 of Chapter 17.22.040 (Accessory Secondary Residential Units).***

(5) Existing single family homes that were lawfully constructed and involuntarily damaged or destroyed by fire or other calamity may be rebuilt.

(6) Places of religious worship allowed provided all the following conditions are met:
   a. Yards: Front yard, twenty (20) feet, Side yard, twenty-five (25) feet, Rear yard, twenty (20) feet,
   b. Area: Minimum building site area: 2.5 acres
   c. Front yard and side yards areas shall be improved and landscaping in a manner compatible to the balance of the residential property in the neighborhood.

17.04.030 Residential General Development Standards

New land uses and structures, and alterations to existing uses or structures shall be designed and constructed incompliance with the following requirements in .

Table 17.04-2 (Residential Lot size, Lot area, Density and Opens Space Requirements by District), Table 17-04-3 (Residential Standards for Lot Width, Depth, Coverage and Building Height) Table 17-04-4 (Residential Standards for Yards) and standards in subsection 17.04.060 C. (West Fairview Road Standards) of this Chapter.1

A. **General site planning and development standards for existing developed areas and new residential development**. Infill, new land uses and structures, and alterations to existing land uses and structures, shall be designed and constructed in compliance with the following requirements.

1. **Sense of Place**. New residential development shall reinforce the small town-character of Hollister and reinforce a sense of place with the following strategies.

a. The majority of the architectural entry features shall face the street. Front porches are encouraged to promote natural surveillance.

b. Developments shall incorporate varied lot widths, size and floor plans on a street block.

c. Encourage the Performance Overlay Zoning District as an alternative development pattern to integrate a variety of housing types and densities within a block.

d. Encourage residences with attached porches and garages placed back from the street or accessed from rear alleys to promote visual interest, neighborhood interaction, and facilitate natural surveillance.

Table 17.04-2
Residential Lot size, Lot area, Density and Open Space Requirements by District

Residential District	Minimum Lot Size(5)	Lot Area per Dwelling Unit - Minimum	Residential Density (1)(2)	Useable Open Space
Residential Estate (RE)	Five acres	Five acre	1 housing unit per five net acres	1000 sq. ft. of area at the same grade (excluding retaining walls
Low Density Residential District (R1) (2)	1 - Interior: 5,500 sq. ft. 1 - Corner: 6,5000 sq. ft. c	1 housing unit per 5,400 sq. ft. of site area	One to eight units per acre but minimum of four units per acre preferred.	1000 sq. ft. of area at the same grade (excluding retaining walls
Two Family Residential District (R2) (5)	8,000 sq. ft. per two units		Minimum of eight units/ acre with a maximum of twelve units/ acre	Twenty percent of lot area
Medium Density Residential District (R3) (5)	1 unit – 5,000 sq. ft. *2 units – 8,000 sq. ft.* *3 units – 11,000 sq. ft.* ***Parcels of 11,000 sq. ft. or more shall be developed at a ratio of three dwelling units for the first 110,000 square feet and 3,600 square feet for each additional unit*** ~~4 units – 15,000 sq. ft.~~ ~~5 units – 18,000 sq. ft.~~ ~~6+ units- 3,000 sq. t./unit~~	**Attached:** 3,600 sq. ft. **Detached** 2,500 sq. ft.	Minimum of eight units per acre with a maximum of twelve units per net acre	500 square feet per unit
High Density Residential District (R4) (5)	***2 units - 8,000 sq. ft.*** ***3 units - 9,000 sq. ft.*** ***Parcels of 9,000 sq. ft. or more shall be developed at a ratio of three dwelling units for the first 9,,000 square feet and 1,240 square feet for each additional unit*** ~~*1 unit – 5,000 sq. ft.*~~ 2 units – ~~9,000~~ sq. ft. ***- 8,000 sq. ft.*** 3 units - ~~*12,000 sq. ft.*~~ ~~4 units – 14,000 sq. ft.~~ ~~5 units – 15,000 sq. ft.~~ ~~6+ units- 1,000 sq. ft./unit~~	2,900 sq. ft.	Minimum of twelve units per acre with a maximum of thirty-five units per net acre	500 square feet per unit

Residential District	Minimum Lot Size(5)	Lot Area per Dwelling Unit - Minimum	Residential Density (1)(2)	Useable Open Space
Old Town (Medium Density Residential) (OT-M) (6)	1 unit – 5,000 sq. ft. 2 units – 8,000 sq. ft. Small lot development 3,600 sq. ft. *3 units – 11,000 sq. ft.* ***Parcels of 11,000 sq. ft. or more shall be developed at a ratio of three dwelling units for the first 11,000 square feet and 3,600 square feet for each additional unit***	3,600 sq. ft. per unit (5)	Minimum of eight units per acre with a maximum of twelve units per net acre	500 square feet per unit
Old Town (High Density Residential) OT (H) (6)	5,500 sq. ft. (5)	**1 bedroom/studio** 1,600 sq. ft. **2+Bedrrooms** 12-16 units 2,900 sq. ft. 16-35 units – 2,200 sq. ft.	Minimum of twelve units per acre with a maximum of thirty-five units per net acre	500 square feet per unit
West Fairview Road (RWF)	See Section 17.04-070 C.1	See Section 17.04-070 C.1	See Section 17.04-070 C.1	See Section 17.04-070 C.1

Notes:

(1) Residential density does not include a density bonus

(2) Lots in the Monica Estates subdivision Tract 180 shall be considered conforming for minimum lot size.

(3) Minimum lot size may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and other similar facilities.

(4) Minimum area for lots proposed in new subdivisions, and the minimum area required for an existing lot of record to be eligible for development may be altered with performance agreement provided the average development density before a density bonus complies the applicable General Plan land use designation

(5) Partially developed parcels with potential for infill development may be subdivided without a growth management allocation if the Planning Commission can make the following findings: 1). The minimum lot size of an existing residential use shall be at least 5,000 square feet and the setback requirements for the R1 district can be met; 2) the orientation of the single family home will help support the existing residential character and scale of the area; 3) there is adequate access to the new lot; the standards for the applicable zoning district can be met with the proposed lot design and location of the infill parcel.

(6) An exception to the minimum lot size in the Old Town District may be allowed if the Planning Commission can make the following findings: 1) the subdivision includes at least one or two existing residences that have been included on a list of historic structures approved by the Hollister City Council or include defining characteristics to qualify for a list; 2) the location of the existing residences will comply with side yard setback requirements after the subdivision. 3) a deed restriction is recorded on the property that prohibits the demolition of the historic structure for at least ten years.

Table 17.04-3
Residential Standards for Lot Width, Depth, Coverage and Building Height

Residential District	Lot Width (feet)	Lot Depth	Lot Coverage (Maximum)	Building Height (4)
Residential Estate (RE)	Corner: 60 Interior 50		40%	Residence: 30 feet Accessory: 15 feet (5)
Low Density Residential District (R1) (2)	Corner: 50 Interior 55		40%	Residence:: 30 feet (2) Accessory: 15 feet (5)
Two Family Residential District (R2)	Corner: 60 Interior 50		40%	Dwelling(s): 30 feet (2) Accessory: 15 feet (5)
Medium Density Residential District (R3)	80 feet or 1/3 the lot depth (up to 200 feet maximum) whichever is greater	70 feet	50%	Dwelling(s) 35 feet (2) Accessory: 15 feet (5)
High Density Residential District (R4)	Corner: 65 Interior 60	90 feet	60%	Dwellings: 45 feet (2) Accessory: 15 feet (5)
Old Town (Medium Density Residential) (OT-M)	Single Family Corner: 55 ft Interior 50 ft Small lot Corner: 45 ft Interior 40 ft Duplex (2)		40%	Dwellings: 30 feet (2) One and one-half story (3) Accessory: 15 feet (5)
Old Town (High Density Residential) OT (H)	50 feet	70 feet	50%	Dwelling: 50 (2) One and one-half story (3) Accessory: 15 feet (5)
West Fairview Road (RWF)	See Section 17.04-070 C.1	See Section 17.04-070 C.1	See Section 17.04-070 C.1	See Section 17.04-070 C.1

Notes:
(1) On corner lots, an entrance shall be oriented to each street frontage. On interior lots, the unit shall be designed to maintain a single family residential appearance from the street frontage with access to the second unit, parking and utilities concealed from the street.
(2) Transition in building height and other design elements shall be incorporated into development near existing residential neighborhoods to assure that the new development is not out of scale with the character of the surrounding uses.
(3) The half story shall be directed to the rear of the structure where the predominant development pattern surrounding the lot is single story and shall not overwhelm the historic character of the neighborhood.
(4) See Building Height exceptions in Chapter 17.16.
(5) Planning Commission approval is required for accessory structures higher than fifteen feet.

Table 17.04-4
Residential Standards for Yards

Residential District	Front Yard	Side Yard	Rear Yard
Residential Estate (RE) **Low Density Residential District (R1)** **Two Family Residential District (R2)**	Eighteen18 feet Minimum twenty20 feet to garage	Interior: Six Feet Corner: Ten feet	Twenty percent of lot depth, with a minimum of fifteen feet. For corner lots, the designated rear yard shall be a minimum of fifteen15 feet, with the remaining interior side yard being six6 feet. (1)
Medium Density Residential District (R3)	Fifteen feet, but not less than the height of the adjacent building wall as measured to the top of the wall plate	Fifteen feet, but not less than the height of the adjacent building wall as measured to the top of the wall plate	Twenty feet
High Density Residential District (R4)	***Fifteen feet, but not less than the height of the adjacent building wall as measured to the top of the wall plate***	***Fifteen feet, but not less than the height of the adjacent building wall as measured to the top of the wall plate***	***Ten Feet***
Old Town (Medium Density Residential) (OT-M)	Twenty feet	Interior: Five feet Corner: Ten feet	Ten feet
Old Town (High Density Residential) **OT (H)**	Fifteen feet	Interior: Five feet or one foot per three feet of height whichever is greater Corner:	Ten feet or fifteen feet to the centerline of an alley
West Fairview Road (RWF)	See Section 17.04-070 C.1	See Section 17.04-070 C.1	See Section 17.04-070 C.1

Note:
(1) Minimum of 120 square feet of usable space required in rear yard.

General site planning and development standards for existing developed areas and new residential development. Infill, new land uses and structures, and alterations to existing land uses and structures, shall be designed and constructed in compliance with the following requirements.

1. **Sense of Place:** New residential development shall reinforce the small town-character of Hollister and reinforce a sense of place with the following strategies.

e. The majority of the architectural entry features shall face the street. Front porches are encouraged to promote natural surveillance.

f. Developments shall incorporate varied lot widths, size and floors plans on a street block.

g. Encourage the Performance Overlay Zoning District as an alternative development pattern to integrate a variety of housing types and densities within a block.

h. Encourage residences with attached porches and garages placed back from the street or accessed from rear alleys to promote visual interest, neighborhood interaction, and facilitate natural surveillance.

i. Require variation of design of residences in tract developments to reduce monotony and create variety and interest. A reasonable difference in the massing and composition (not just finish materials) of each adjacent dwelling unit shall be accomplished. One design should not be repeated more frequently than each fourth dwelling unit. Each street block shall also include a variety of model elevations.

j. Neck down or bulbed intersections with decorative paving at crosswalks are encouraged at primary intersections, parks or tot lots.

k. Allow with a conditional use permit the establishment of small scale neighborhood markets to promote a sense of community and a pedestrian friendly walkable community.

l. The height and mass of new structures shall be consistent with those of the adjacent properties in the neighborhood.

2. **Parking/Garages**

a. Garage doors shall be adequately set back to keep the sidewalk clear of vehicles at all times.

b. Front entry garages shall be recessed a minimum of five feet behind the street facade of the principal residential structure except for side-entry garages.

c. Variation of garage placement on a lot shall be incorporated into major subdivision designs. Garages that are located behind the principal residential structure or are rear -entry accessible from alleys are strongly encouraged to reduce the visual prominence of the garage on the streetscape.

i. Tandem garages should be encouraged as an alternative to three- car garages.

ii. Three- car garages shall not be allowed on lots with widths of less than sixty feet ***unless the garage is detached and recessed behind the residence***

iii. A perpendicular deviation of no more that five feet between the driveway lip and the main garage entry shall be required to avoid egress back-up hazards.

3. **Multi-modal access:** Wherever feasible a pedestrian/bicycle/transit connection shall be incorporated into residential development to collector/arterial streets, public facilities, shopping or residential neighborhoods to provide connectivity between neighborhoods, Safe Routes to Schools and a healthy community in ***compliance with Chapter 17.18.030 (General Pedestrian, Bicycle and Parking Regulations***).

   a. A grid or loop street network shall be required instead of cul -de -sacs. Where cul de -d-sac streets are located due to existing development patterns, terrain or traffic safety, the length shall be limited to four hundred feet.
   b. A twenty-20 foot- wide pedestrian/bicycle/transit connection shall be integrated into cul -de -sacs and subdivision designs where loop streets or cul -de -sacs impede direct access to surrounding properties.

4. **Accessible Construction:**

   a. At least ten percent (10%) of the residences in a major subdivision shall include provisions for one accessible entry, bedroom and bathroom.
   b. At least ten percent (10%) of the dwelling units in a multi-family housing development shall incorporate at least one accessible entry, bedroom and bathroom.

5. **Energy Efficiency:**

   a. Solar access to surrounding properties shall be maintained through the siting and, orientation of buildings and two- and or three- story residences.

14.04.040 Multi-family Residential General Development Standards

A. The standards in this section shall apply to all multi-family residential development in this section and the residential development in the Mixed Use Districts in Chapter 17.08.

1. **Private open space**: Each unit shall have at least sixty-four64 square feet of private open space when it is provided by a deck or balcony; or one hundred square feet when provided by a yard at ground level. Porch areas and roof gardens can apply toward these requirements. Private yards at ground level shall have no dimension of less than ten feet. Balconies and bay windows shall not encroach onto the dimensions by more than three feet. Required porches, decks, balconies and rooftop decks/gardens shall have no dimension less than eight feet. To the greatest extent possible, private open space shall be concealed from public view. Where private open space cannot be concealed, side railings of at least three foot six inches or similar screens shall be required to obscure the private area and equipment such as barbeques.
2. **Common open space**: At least one-half of the required open space shall have a minimum centralized contiguous area of four hundred square feet at the ground level that is improved for passive or active open space with a plan for encouraging community interaction that is not screened from public view. An exception would be an enclosed pool or rooftop garden. No dimension shall be less than twenty feet. The minimum number of recreational amenities required in a new multi-unit project shall be provided based on the size of the project. The overall mix of facilities shall provide for a variety of activities, and shall consider the needs of the different age groups anticipated in the project.
3. The common open space shall be accessible to all project residents. Landscaping and walkways between building and parking areas shall not be included as open space. However, one half of a ten-foot public sidewalk included in a Mixed Use project can be credited to the fulfillment of the Open Space requirement provided that the minimum requirement for a centralized contiguous four-hundred400-square-foot area is met. Dual use recreational drainage facilities functional for an annual average of eleven or more months per year may be credited to the open space requirement.
4. **Minor amenities for developments of two to twenty-five units. in a development**: Children's play areas, picnic and barbecue areas, multi-use play areas, a spa or sauna and other such amenities that would be appropriate to serve the residents of the project and foster a development with a sense of place and community.
5. Multi-family developments in mixed- use projects project outside the Downtown Mixed Use district shall have a minimum of fifty square feet of private opens pace for the exclusive use of a single dwelling. It may be provided by a porch, balcony or rooftop.
6. **Major amenities for developments with twenty-five or more units.**: Facilities to provide community gathering areas, including recreation buildings, swimming pools with eating areas, tennis, baseball and, handball courts), child care facilities

and other amenities appropriate to serve the residents as determined by the City to foster a sense of place and community. Two major amenities shall be provided for projects with two hundred or more units.

7. **Maintenance.**: A plan for continuous maintenance and management of the building, paved surfaces, utilities, and open space areas shall be required for each development and recorded prior to final occupancy.
8. **On-site management.**: An on-site resident property manager shall be provided for any multi-family development consisting of sixteen16 or more apartment units.
9. **Consolidation of parcels.**: Prior to the approval for a development of any multi-unit development project that include more than one parcel, the parcels shall be merged, or otherwise consolidated in a consisting with the City of Hollister subdivision ordinance and Subdivision Map Act. The intent of this requirement is to provide a guarantee of common ownership, maintenance and management of multi-unit projects.
10. **Parking.:** Multi-family developments shall be oriented to the street, with covered architectural entry features or front porches that provide direct access to the street. Parking areas should be located to the rear of the dwelling units wherever possible in order to promote neighborhood interaction, provides "eyes on the street," and ensure a more pedestrian-friendly streetscape.

17.04.050 Old Town Zoning District Supplemental Design Standards

A. Architecture and Site Design

The Old Town Zoning District encompasses an area that is characterized primarily by buildings constructed before the founding of Hollister in 1876 to just before World War II. The buildings in the area include a variety of architectural styles and range of sizes. They also reflect an integration of income levels and social classes within the neighborhoods. Some of the homes interspersed in the area were constructed after World War II and have a contemporary style. Although these are established neighborhoods, there remain opportunities for infill development within the Old Town zone district. Infill development must compliment the scale and architecture of the area.

The purpose of these design standards is to promote infill development that reflects the architectural styles and site development patterns that were used prior to World War II. These standards are intended to promote structures with a style and massing that are complimentary and compatible with earlier architectural styles of the area. Structures shall be sited to be compatible with predominate pattern in a block as observed from the street frontage of the block.

1. Single-Family Dwellings: New single-family dwellings in the OT zone district shall be in keeping and compatible with the one of the following representative architectural styles of the area:

American Foursquare, Craftsman, Gothic Revival, Italianate, Mediterranean Revival, Mission Revival, Neo-Classical Revival, Prairie Style, Queen Anne, Shingle Style, Tudor Revival.

Design Standards -

- Raised foundations
- Articulated or modulated fronts with porches or entrance stoops
- Steps leading to a front porch or stoop
- Distinctive front entrances facing the street
- Mixture of siding materials that terminate or transition at appropriate locations.
- Distinctive ornamentation
- Variety of roof forms
- Garages or carports shall be set back behind the front of the house or accessed from an alley

Additions to existing structures shall be designed to integrate with the existing building and incorporate its defining architectural characteristics and details. It is preferred that materials match those used when the building was originally constructed; however, suitable alternatives will be considered on a case by case basis with material, appearance, application, and location all given consideration.

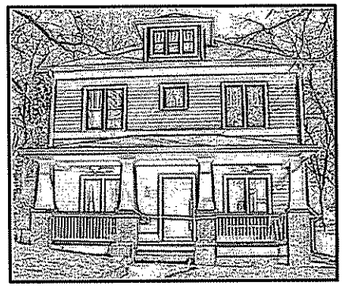
2. Medium Density Dwellings

Medium density residential infill projects shall be designed to integrate with adjoining properties and the neighborhood. Multi-family residential buildings shall incorporate the characteristics of the early architectural styles of the Old Town area. In the Old Town M district (eight to twelve units per net acre), permitted building types include single-family dwellings, cottage homes, small lot developments and duplexes. Additional building types allowed in the Old Town H district (twelve to thirty-five units per net acre) also include multiple dwellings. Townhouse, row house and condominium projects have the potential to conflict with the historic character of the district and are discouraged but may be allowed with approval by the Planning Commission of a Site and Architectural Review if the site organization, architecture and massing of buildings is harmonious with the defining characteristics of the Old Town District and standards and guidelines in this sections.

Design Standards:

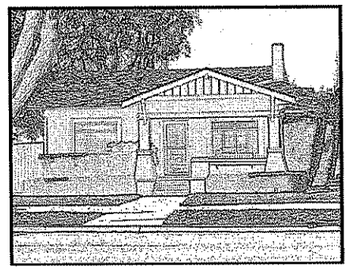
- Front facades shall be similar in scale to single-family residential structures.
- Individual units shall be distinguishable from others in the development.
- Front entrances to units shall be distinguished and include porches or stoops.
- Street- facing facades shall relate to the streetscape by including front entrances, windows and elements that mitigate the mass of a structure. Large walls with no opening or articulation shall not be allowed.

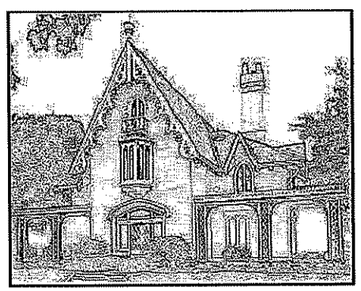
- Parking areas and structures shall not be located at the street side of site.
- Large (in excess of twenty-five feet) unbroken wall planes shall not be permitted.
- Roofs shall incorporate a variety of forms that relate to the building's footprint and entrance locations.
- A variety of materials shall be employed to differentiate units and mitigate massing or unbroken wall segments.
- Utility meters, trash enclosures, and storage areas shall be located at the rear of a building or screened from view.
- Detached units are encouraged to mitigate the massing of a project.
- Courtyard access to allow connections to the street, other units, parking and service areas are encouraged.



American Foursquare- A style popular ca. 1900-1920 distinguished primarily by its boxy design and broad proportions, and often devoid of overt stylistic references.
* two stories in height
* hipped roof
* widely overhanging eaves
* a central dormer
* one-story porch spanning the front facade
* front porch supported by columns w/ filled-in or balustrade railing
* asymmetrical placement of the front door
* trimmed with tiled roofs, cornice-line brackets, or other details drawn from Craftsman, Italian Renaissance, or Mission architecture.

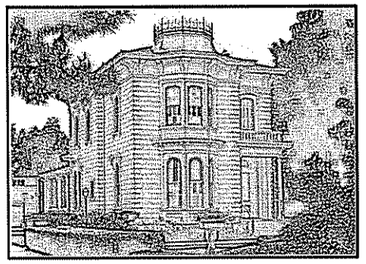
Craftsmen- A popular style in America ca. 1900-1920, which was greatly influenced by the Arts and Crafts movement.
* non-symmetrical façade
* low pitched roof lines
* gabled or hipped roof
* widely overhanging eaves with exposed rafters or decorative brackets
* front porch with tapered square columns supporting the roof
* gabled dormers or shed dormers
* double-hung windows or heavily framed casement windows.





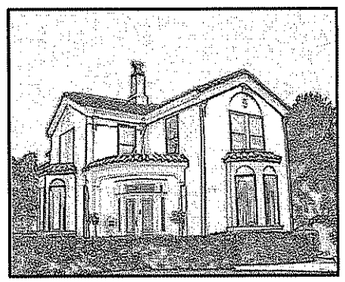
Gothic Revival- A style popular ca. 1850-1880
* pointed arches
* steeply pitched roofs
* steep pointed gables with decorative bargeboards
* octagonal towers, turrets or bays
* verandas or porches
* pointed windows with decorative tracery
* grouped chimneys
* pinnacles
* leaded glass
* quatrefoil and clover-shaped windows

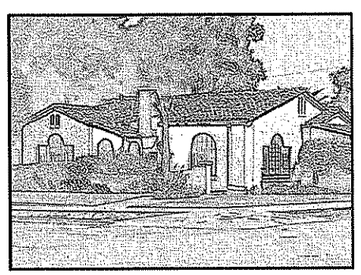
ARCHITECTURAL STYLES FIGURE 17.04-01



Italianate- A style popular ca. 1850-1880
* distinctive wide eaves with numerous brackets
* gently sloping hipped or gabled roofs
* polygonal or square cupola atop the roof
* square with boxy proportions
* windows have hoodmolds or pediments
* bay w/ arched or rounded windows
* balconies with balustrades.

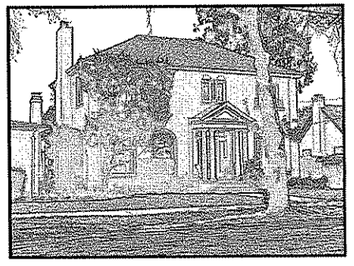
Mediterranean Revival- Eclectic design style that was first introduced in the United States around the turn of the nineteenth century, and came into prominence in the 1920s and 1930s.
* multi-story and based on a rectangular floor plan
* feature massive primary façades
* stuccoed wall surfaces,
* flat or low-pitched terra cotta tile roofs
* arches & arched or rounded windows
* scrolled or tile-capped parapet walls
* articulated door surrounds
* balconies and window grilles made of wrought iron or wood
* ornamentation can range from simple to dramatic





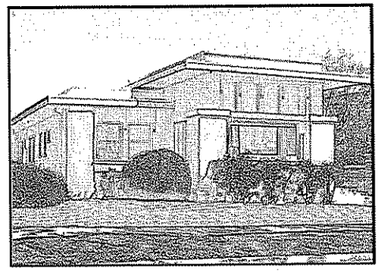
Mission Revival- An architectural movement that began in the late 19th Century and drew inspiration from the early Spanish missions in California
* massive walls with broad, unadorned surfaces and limited fenestration
* widely projecting eaves
* low-pitched clay tile roofs
* long, arcaded corridors
* piered arches
* curved gables
* arched or rounded windows

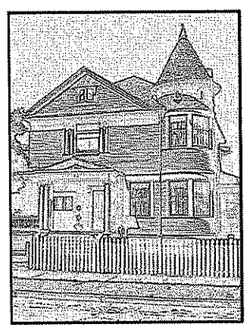
ARCHITECTURAL STYLES FIGURE 17.04-02



Neo-Classical Revival- Popular style from 1895 through the 1930's, with heavy influence from Greek and Roman Temple design.
* centrally located porch, often two-story
* large, prominent colums with decorative caps supporting the porch roof * cornice detailing, including square blocks (modillions) lining the underside of the roof line.

Prairie Style- A style of American domestic architecture that originated about 1900 to 1920.
* two-story height with wings and/or porches of one story
* integrated with its site to provide a low, horizontal appearance
* the central portion of the house usually higher than the adjacent flanking wings
* exterior walls commonly of light-colored stucco, light-colored brick, or concrete block
* a broad, low-pitched roof
* eaves with a considerable overhang
* series of windows below the roof overhang
* double-hung sashes or tall casement windows, often grouped in sets of two or three

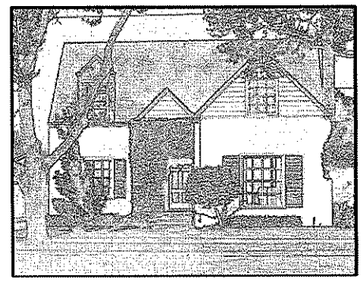


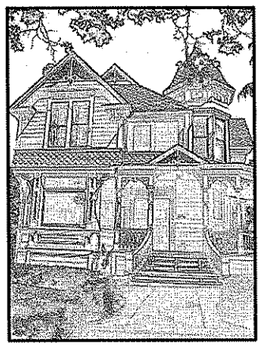


Queen Anne- A style popular ca. 1880-1910 characterized by an irregularity of plan and massing and a variety of surface textures, roofs, and wall projections.
* shingle or clapboard siding sometimes appears above a brick ground story.
* roofs are steeply pitched, usually with a dominant front-facing gable
* cutaway bay windows
* round or polygonal turrets.
* asymmetrical facades w/ wrap-around verandas
*classical architectural details, small scale

ARCHITECTURAL STYLES FIGURE 17.04-03

Tudor Revival-Tudor revival became especially popular with 1920s suburban homes, loosely based on late medieval prototypes
a medieval English building tradition
* stucco or masonry veneered walls
* steeply pitched roof
* cross-gabled plans
* false (ornamental) half-timbering





Victorian- Style based on period in history from 1840 to 1900, during which time industrialization brought innovation in architecture. Queen Anne & Italianate are types of Victorian architecture.
* heavy ornamentation
* brackets, spindles, decorative shingles
* round or polygonal turrets.
* a variety of architectural influences

ARCHITECTURAL STYLES FIGURE 17.04-04

Key design elements that will be considered when reviewing a residential infill development project will include:

1. Does the architecture of the proposal relate to the architectural style of structures on adjoining properties and other structures in the block it is located?
2. Have neighboring structures been sited in a pattern or rhythm and does the proposal follow or compliment that pattern?
3. Is the height of the proposed structure in keeping with established building heights in the area?
4. Is the project a significant change for the neighborhood? Will the change set an example for future projects to follow?

B. Parking structures and access: Wherever possible, access should be directed to an alley. On parcels without alley access, driveways shall be on the side yard the garage recessed behind the main house. Driveways should not exceed sixteen feet in width.

1. **Interior lots.** Garages in multi-family developments shall be accessible from alleys or the interior of the development and shall be oriented way from public streets.
2. **Parking.** Parking shall be directed to rear alleys, the side, and interior or rear yard of lots to maintain the predominant street pattern in the Old Town area. Parking courts shall be screened from view with landscaping or interesting architectural elements that provide visual interest for pedestrians. The use of permeable paving is encouraged.

C. Landscaping and Street Trees

1. **Existing Trees**. Existing trees greater than four inches in diameter at a distance of four feet above grade shall be retained and incorporated into site development.
2. **Front Yard**. All front yards shall be landscaped and include at least one tree.
3. **Street Trees**. Each street frontage of a site shall be planted with one tree from the Old Town street tree list as approved and updated from time to time by the City of Hollister. Location of trees shall be subject to the approval by appropriate city staff, taking that shall take into consideration such things as and utility locations, driveway placement, and other circumstances that may affect improvements in the area as well as the health and condition of the trees and improvements in the area.
4. **Planter Strips**. Planter strips adjacent to the street shall be landscaped. Paving coverage in planter strips shall not exceed 20 percent of the aggregate planter strip area.

17.04.060 – Residential, West Fairview Road (RWF) Standards
Proposed development and new land uses within the RWF (Residential, West Fairview Road) Zoning District shall comply with the requirements of this Section.

A. **Applicability of standards.:** It is the intent of the West Fairview Road Specific Plan to provide for a residential community utilizing a variety of housing types and densities. There are three basic land use densities that are authorized in the Plan area: The large lot single- family area; the basic density area; and the medium density area. As stipulated in Section 6.0 of the Plan, the large lot single- family area is restricted to the development standards outlined in this Section. The medium density area is encouraged to be located adjacent to the proposed recreation/open space system and major roadways, and is the area that is particularly suited for small single- family lots, zero lot line single- family lots, duette lots and senior and multiple family housing. The base density allows for standard single- family lots and may also include any of the housing types identified in (c) through (e) below, as long as the average density does not exceed that authorized for the base density.

B. **Residential densities.** The following areas as shown on Figure 2.1 of the West Fairview Road Specific Plan are restricted to the densities noted in Table 17.04-504

Table 17.04-5
West Fairview Specific Plan Densities

West Fairview Specific Plan Densities	
Suffix to Zoning Map Symbol	**Minimum Lot Area Required**
Large Lot Single Family	2 units per gross acre
Base Density	5.4 units per gross acre
Medium Density	8 units per gross acre
High Density Residential	22 units per gross acre

C. **Development standards.** Proposed development and new land uses within the RWF Zoning District shall comply with the following standards.

1. **Modification of residential development standards**. To allow for land use and design continuity within the Plan area and with adjacent residential areas, the height of the residential units may be restricted to one story through the required design review process, where the adjacent land use is predominantly single story.

2. **Site layout, height limits, and parking.**

Table 17.04-6
West Fairview Road Requirements by Zoning District

	Requirements by Zoning District			
Development Feature	**Large single-family(1)**	**Standards single-family (2)**	**Small single-family (3)**	**Duettes (4)**
Setbacks	Minimum setbacks required. See Section 17.20.120 for setback measurement.			
Front	25 ft.	18 ft., 20 ft. to garage, 20 ft. average	15 ft. to structure, 20 ft. to garage	
Sides	10 ft.	6 ft. (5)	5 ft. (5)	6 ft. (5)
Rear	25 ft.	15 ft., 20 ft. average	15 ft.	
Site Coverage	30% maximum	40% maximum	50% maximum or 25% per unit	
Height Limits	Single Family detached and Duettes 30 ft Multi-family dwellings 40 ft.			
Parking required	2 car garage min.; 3 car garage max.	2 car garage		

Notes:

1. Lots with a minimum of 20,000 sq.ft. See Figure 6.12, West Fairview Road Specific Plan.
2. Lots with a minimum of 6,000 sq.ft. See Figure 6.13, West Fairview Road Specific Plan.
3. Lots with a minimum of 5,000 sq.ft. See Figure 6.14, West Fairview Road Specific Plan.
4. Lots with a minimum of 8,000 sq.ft. See Figure 6.16, West Fairview Road Specific Plan.
5. For corner lots, the side setback with roadway frontage shall be a minimum of fifteen15 ft.
6. Building height may be restricted in compliance with Subsection C.4

3. **Senior and multi-family housing.** Senior or multi-family housing projects shall comply with the regulations in the R3 and R4 Zoning District. Multi-family housing units, with the exception of duette lots, are only authorized on the area designated as Lot 578 on the approved Tentative Map 2005-1.

4. **Intent of development standards.** It is the intent of these regulations to provide for mixed densities of residential units for the full area and for individual projects or phases. For the base density area, a minimum of 65 percent of lots created shall be single-family lots at a minimum of 6,000 square feet. The remaining 35 percent of the lots may include lots between 5,000 square feet and 6,000 square feet, as well as duette lots of 8,000 square feet. No more than half of the lots within the 35 percent smaller lots shall be less than 5,500 square feet. The lots within the 35 percent may include standard detached single- family lots.

D. **Design standards and review requirements**.: The West Fairview Road Specific Plan (Plan) modifies the existing City development review and permitting procedures by providing policies, implementation actions and development standards for projects within the Plan area. These projects will be subject to review and approval by the appropriate City development review body, and must be found consistent with the Plan to obtain approval. For development proposals within the RWF district, the following special design and review standards, in addition to other regulations in this Title, shall be considered when reviewing individual project proposals. The West Fairview Road Specific Plan is consistent with and implements the all of the land use designations of the General Plan.

1. **Architectural Design**. All dwelling units and fences constructed in the RWF district shall be of quality design and shall utilize quality materials, and shall be designed in compliance with the policies and actions set forth in Section 6.0, Community Design, West Fairview Road Specific Plan. Of specific importance are the design features set forth in Policies 6.2.1 through 6.2.4 of the Plan.
2. **Open Space Design.** A linear and neighborhood park system shall be provided within the district area, and shall be designed in compliance with the policies and actions set forth in Section 6.0, Community Design, and West Fairview Road Specific Plan. Street trees shall be planted throughout the district area as set forth by Policy 6.3.1 of the Plan.
3. **Circulation Design**. Roadways and pedestrian paths shall be designed in compliance with the policies and actions set forth in Section 4.0, Circulation, West Fairview Road Specific Plan. Internal circulation shall be organized in a logical pattern to unify and strengthen neighborhood character, as outlined by the actions specified in Policy 6.1.5 of the Plan.
4. **Review Procedures**. All projects proposed for standard single- family lots as defined by Section 6.3 of the West Fairview Road Specific Plan shall be subject to development review by the Department prior to acceptance of building permit applications. Any staff design review action or decision is subject to appeal to the Commission. In addition, where there is a question by staff, the public, or the developer as to whether the housing designs meet the requirements of the Specific Plan, the designs may be referred to the Commission. All other residential development types shall be, for the purposes of this district, considered to be in a "S" Special Zoning Area, and shall be subject to site and architectural review approval by the Commission or its designee, prior to acceptance of building permit applications.

Article II

Density Bonus

17.04.070 Density Bonus

A. Purpose — In accordance with Sections 65915, 65915.5, and 65917 of the California Government Code, the purpose of this Section is to provide density bonuses, incentives, or concessions for the production of housing for very -low, lower, and moderate-income households, senior households, and for the provision of day care centers and donations of land. In enacting this Section, it is also the intent of the City to implement the goals, objectives, and policies of the City's General Plan Housing Element and to establish a City density bonus for the provision of affordable senior housing.

B. Definitions — The following definitions shall apply to this Section:

Affordable ownership cost. 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: a) Thirty percent of 50 percent of area median income for very low income households; b) Thirty percent of 70 percent of area median income for lower-income households; and c) Thirty percent of 120 percent of area median income for moderate-income households. Area median income shall be adjusted for assumed household size based on unit size as follows: one person in a studio dwelling unit; two persons in a one-bedroom dwelling unit; three persons in a two-bedroom dwelling unit; four persons in a three-bedroom dwelling unit; five persons in a four-bedroom dwelling unit; and six persons in a five-bedroom dwelling unit. The City Council, by resolution, shall establish guidelines for determining affordable ownership cost.

Affordable rent. 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: a) Thirty percent of 50 percent of area median income for very low income households; or b) Thirty percent of 60 percent of area median income for lower-income households. Area median income shall be adjusted for assumed household size based on dwelling unit size as follows: one person in a studio dwelling unit; two persons in a one-bedroom dwelling unit; three persons in a two-bedroom dwelling unit; four persons in a three-bedroom dwelling unit; five persons in a four-bedroom dwelling unit; six persons in a five-bedroom dwelling unit. The City Council, by resolution, shall establish guidelines for determining affordable rent.

Area median income. 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.

Concessions: Such regulatory concessions as listed in Subsection D of this section.

Day Care Center: A facility approved and licensed by the State, other than a family day care home, that provides non-medical care on less than a twenty-four-hour basis, including infant centers, preschools, extended day care facilities, adult day care and elderly day care facilities. Day care center does not include residential care facilities, residential service facilities, interim housing, or convalescent hospitals/nursing homes.

Density Bonus Units: Those residential dwelling units approved pursuant to this Section, which exceed the otherwise allowable maximum residential density for the development site. This definition has the same meaning as "Density Bonus Units" defined in Section 65915 of the California Government Code.

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 in accordance with State law and this Section.

Density Bonus Program Guidelines: Guidelines adopted by resolution of the City that outline the criteria and procedures for implementing density bonuses or other regulations.

Development Standard: Development regulations, design standards, and site/construction conditions that apply to a residential development pursuant to any ordinance, General Plan Element, Specific Plan, or other local condition, law, policy, resolution, or regulation. "Site or construction conditions" are standards that specify the physical development of a site and structures on the site in a residential development.

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.

Incentives: Such regulatory incentives as listed in Subsections E, F, G, H, I of this section Lower-Income Households: Households with an annual income that does not exceed the United States Department of Housing and Urban Development's annual determination for lower-income households with incomes of approximately 80 percent of area median income, adjusted for household size.

Maximum Residential Density: The maximum number of residential dwelling units permitted by the Zoning Code on the date the application is deemed complete.

Moderate-Income Households: Households whose income does not exceed 120 percent of area median income, adjusted for household size in accordance with adjustment factors

adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United State Act of 1937.

Non-Restricted Units: All dwelling units within a residential development except the target units, but including those required to be made affordable pursuant to **any adopted** ~~*Chapter 17 Article 3*~~ Inclusionary Housing Requirements of the Hollister Municipal Code.

Qualifying Residents: Persons eligible to reside in senior housing as defined in California Civil Code Section 51.3.

Residential Development: Any project requiring any Specific Plan, Development Agreement, Planned Unit Development Permit, Tentative Map, Minor Subdivision, Conditional Use Permit, Site Plan Review, or Building Permit, for which a development review application has been submitted to the City, and which would create five or more additional dwelling units by construction or alteration of structures, not including conversion of existing dwelling units to condominiums. Developments that would create five to nine additional dwelling units may request a density bonus pursuant to this article but are not subject to the ***any adopted*** City Inclusionary Housing Ordinance~~*., which is applicable only to developments that would create ten or more additional dwelling units in accordance with Section 17-8(o) of the Hollister Municipal Code.*~~

Senior Housing Type 1: A senior citizen housing development of thirty-five dwelling units or more as defined in California Civil Code Section 51.3, or a mobile home park that limits residency based on age requirements for older persons pursuant to California Civil Code Sections 798.76 or 799.5. This definition pertains to the density bonus allowed for senior housing dwelling units allowed in accordance with the State Density Bonus provisions.

Senior Housing Type 2: A residential development of five dwelling units or more designed for residency by qualifying residents in accordance with California Civil Code Section 51.3 and in which a minimum of 50 percent of the dwelling units are provided at an affordable housing cost as required by Subsection C.1.c.of this section This definition applies to the density bonus allowed for senior housing dwelling units in accordance with the City of Hollister Density Bonus provisions.

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 Subsection C of this section.

Very Low Income Households: Households with an annual income, which does not exceed the United States Department of Housing and Urban Development's annual determination for very low income households with incomes of approximately 50 percent of area median income, adjusted for household size.

I. State Density Bonuses, Incentives, and Concessions for Construction of Affordable and Senior Housing

1. Basic Density Bonus in Accordance with State Law (Very Low And Lower-Income Units): A residential development is eligible for a 20 percent density bonus if it includes at least five dwelling units, and the applicant seeks a density bonus and agrees to construct at least one of the following:

    1. Ten percent of the total dwelling units of the residential development as dwelling units affordable to lower-income households; or

    2. Five percent of the total dwelling units of the residential development as dwelling units affordable to very-low income households.

    3. Basic Density Bonus in Accordance with State Law (Senior Housing Type 1): A senior housing Type 1 development is eligible for a 20 percent density bonus if it includes at least thirty-five dwelling units, and the applicant seeks a density bonus. Senior housing Type 1 developments are not required under State law to be affordable to very low, lower, or moderate-income households.

    4. Basic Density Bonus in Accordance with State Law (Moderate-Income Ownership Units): A residential development is eligible for a 5 percent density bonus if it includes at least five dwelling units, all the dwelling units in the development are offered to the public for purchase, and the applicant seeks a density bonus and agrees to construct 10 percent of the total dwelling units as ownership units affordable to moderate-income households.

2. Additional Density Bonus in Accordance with State Law: The density bonus to which the applicant is entitled shall increase if the percentage of affordable housing units exceeds the base percentage established in Subsection C.1 (State Density Bonuses, Incentives, and Concessions for Construction of Affordable and Senior Housing). above, as follows:

    a. Very-low income units: For each 1 percent increase above 5 percent in the percentage of dwelling units affordable to very-low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent.

    b. Lower-income units: For each 1 percent increase above 10 percent in the percentage of dwelling units affordable to lower-income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.

    c. Moderate-income ownership units: For each 1 percent increase above 10 percent of the percentage of ownership units affordable to moderate-income households, the density bonus shall be increased by 1 percent up to a maximum of 35 percent.

d. Senior Housing Type 1: No additional State density bonus is provided for seniors-only dwelling units.

D. Calculation of Density Bonus

1. When calculating the number of permitted density bonus units, any calculations resulting in fractional dwelling units shall be rounded to the next larger whole number.
2. The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional dwelling units shall be rounded to the next larger whole number.
3. The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units pursuant to Subsection C.1 (State Density Bonuses, Incentives, and Concessions for Construction of Affordable and Senior Housing). above. Regardless of the number of target units, no residential development may be entitled to a total density bonus of more than 35 percent except an affordable senior housing project pursuant to Subsection C.1.c. (State Density Bonuses, Incentives, and Concessions for Construction of Affordable and Senior Housing).
4. Each residential development is entitled to only one density bonus, which may be selected by the applicant based on the percentage of either very low income target units, lower-income target units, or moderate-income ownership target units, or the project's status as either a senior housing Type 1 or 2 development. Density bonuses from more than one category may not be combined, except that bonuses for land dedication pursuant to Subsection F.1 (State Density Bonus for Land Donation) may be combined with bonuses granted pursuant to this Subsection, up to a maximum of 35 percent, and an additional square footage bonus for day care centers may be granted as described in Subsection G (State Density Bonus or Incentive or Concession for Day Care Centers).
5. ~~**Consistent with *Section* ——— of the Hollister Municipal Code,**~~ Target units that do not meet the inclusionary requirements of ~~*Article 3 of*~~ *Chapter 17* of the Hollister Municipal Code if any.

E. Incentives or Concessions in Accordance with State Law

A residential development is eligible for incentives and concessions if it includes at least five dwelling units, and the applicant seeks a density bonus and agrees to construct affordable dwelling units as follows:

1. **Very Low Income Units:** A residential development is entitled to one incentive or concessions for a project that includes at least 5 percent of the dwelling units for very low income households; two incentives or concessions for a project that includes at least 10 percent of the dwelling units for very-low income households;

and three incentives or concessions for a project that includes at least 15 percent of the dwelling units for very low income households.

2. **Lower-Income Units:** A residential development is entitled to one incentive or concession if it includes at least 10 percent of the dwelling units for lower-income households; two incentives or concessions if it includes at least 20 percent of the dwelling units for lower-income households; and three incentives or concessions if it includes at least 30 percent of the dwelling units for lower-income households.
3. **Moderate-Income Ownership Units:** A residential development with ownership units affordable to moderate-income households is entitled to one incentive or concession for a project that includes at least 10 percent of the ownership units for moderate-income households; two incentives or concessions for a project that includes at least 20 percent of the ownership units for moderate-income households; and three incentives or concessions for a project that includes at least 30 percent of the ownership units for moderate-income households.

4. The requirements of this Section are minimum requirements and shall not preclude a residential development from providing additional affordable dwelling units or affordable dwelling units with lower rents or sales prices than required by this Section.
5. In accordance with State law, neither the granting of an incentive or concession nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan Amendment, Zoning Code Amendment or Rezone, or other discretionary review application approval.

F. State Density Bonus for Land Donation

1. When an applicant for a residential development seeks a density bonus for the donation and transfer of land for the development of units affordable to very low income households, as provided for in this Section, the residential development shall be eligible for a 15 percent density bonus above the otherwise maximum allowable residential density in accordance with State law. For each 1 percent increase above the minimum 10 percent land donation described in paragraph (2) of this Subsection, the maximum density bonus shall be increased by 1 percent, up to a maximum of 35 percent. This increase shall be in addition to any increase in density allowed by Subsection D (Calculation of Density Bonus), up to a maximum combined density bonus of 35 percent if an applicant seeks both the density bonus authorized by this Section and the density bonus authorized by Subsection D (Calculation of Density Bonus). When calculating the number of permitted density bonus units, any calculations resulting in fractional dwelling units shall be rounded to the next larger whole number. This density bonus applies only when land is donated for the construction of very low income housing.
2. The City may approve the density bonus described in this Section if it makes all of the following findings when approving the residential development:

1. The applicant will donate and transfer 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 regulations of the applicable zoning district of the land to be transferred will permit construction of dwelling units affordable to very low income households in an amount not less than 10 percent of the total number of residential dwelling units in the proposed development, or will permit construction of a greater percentage of dwelling units if proposed by the developer to qualify for a density bonus of more than 15 percent.
3. The transferred land is at least one acre in size or is large enough to permit development of at least forty dwelling units, has the appropriate General Plan land use designation, has the appropriate zoning and development standards to make feasible the development of very low income housing, and at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure.
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 will have all of the applicable development permits and approvals, other than any required building permit approval, necessary for the development of the very low income dwelling units on the transferred land unless the City Council finds that the applicant has provided specific assurances guaranteeing the timely completion of the very-low income units, including satisfactory assurances that construction and permanent financing will be secured for the construction of the dwelling units within a reasonable time.
5. The transferred land and the very low income units constructed on the land will be subject to a recorded Density Bonus Housing Agreement ensuring continued affordability of the dwelling units consistent with Subsection K (Affordability and Occupancy Standards), which restriction shall be filed for recordation by the City Planner with the San Benito County Recorder's Office on the property at the time of dedication.
6. The land will be transferred to the City, Hollister Redevelopment Agency, or to a housing developer approved by the City. The City reserves the right to require the applicant to identify a developer for the very low income units and to require that the land be transferred to that developer.
7. The transferred land is within the site boundaries of the proposed residential development. The transferred land may be located within one-quarter mile of the boundary of the proposed residential 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. Consistent with Subsection F (State Density Bonus for Land Donation) of the Hollister Municipal Code, land dedication qualifying a project for a density bonus does not meet the any future any Inclusionary Housing requirements of the Hollister Municipal Code.

1. **State Density Bonus or Incentive or Concession for Day Care Centers -**

   a. A residential development that includes at least five (5) dwelling units; includes target units as specified in subsection 17.04.E (Incentives, Concessions in Accordance with State Law) of this section; and includes a day care center that will be located on the premises of, as part of, or adjacent to the residential development, is eligible for either of the following, at the option of the City, if requested by the applicant in accordance with State law:
   b. A density bonus in addition to those permitted by Section 17.04 E (Incentives, Concessions in Accordance with State Law) that is equal to the square footage of the gross floor area of the day care center; or
   c. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the day care center.
   d. The City may approve the density bonus or incentive or concession described in this Section if it makes the following finding and requires as a condition of approval that the day care center will remain in operation for a period of time equal to or longer than the period of time during which the target units are required to remain affordable pursuant to Subsection K (Affordability and Occupancy Standards)
   e. Notwithstanding any other requirement of this Section, the City shall not be required to provide a density bonus or incentive or concession for a day care center if it finds, based upon substantial evidence, that the community already has adequate day care center facilities.

H. State Density Bonus for Condominium Conversions

1. An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with State law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total dwelling units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide 15 percent of the total dwelling units in the condominium conversion project as target units affordable to lower-income households. All such target units shall remain affordable for the period specified in Subsection K (Affordability and Occupancy Standards).
2. For purposes of this Subsection, a density bonus means an increase in dwelling units of 25 percent over the number of dwelling units to be provided within the existing structure or structures proposed for conversion.
3. No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this Article or Government Code Section 65915.
4. Also see Chapter 16.17 *Conversion of Multifamily Rental Units* for additional requirements.

I. City Density Bonus for Affordable Senior Housing Type 2

1. A residential development may be considered for a density bonus under this Subsection if:

   a. The applicant seeks a density bonus and the residential development consists entirely of senior housing Type 2;
   b. At least 50 percent of the dwelling units are affordable housing units. For the purposes of this Subsection, "affordable housing units" include dwelling units available at an affordable rent or affordable ownership cost to lower-income and very low income households. A minimum of 60 percent of such affordable housing units shall be available at an affordable rent or affordable ownership cost to very low income senior households, and 40 percent of such affordable housing units shall be available at an affordable rent or affordable ownership cost to lower-income senior households. However, a greater percentage of very low income senior housing units may be provided in lieu of some or all of the lower-income senior housing units on a dwelling unit for dwelling unit basis; and
   c. The density bonus shall be equal to the percentage of affordable housing units in the senior housing Type 2 development.

2. A Conditional Use Permit shall be required for a density bonus granted pursuant to this Subsection. The approval body shall find that the residential development conforms with the property development regulations of the applicable zoning district or has received a Planned Unit Development permit; is compatible with neighboring development; has adequate open space, on-site amenities, and services for the intended residents; is within reasonable walking distance of neighborhood services; and has adequate available infrastructure to accommodate the proposed density.
3. Any density bonus granted under this Section that is greater than the bonus that the project is eligible for under Subsection D (Calculation of Density Bonus) shall be considered an incentive or concession as described in Subsection E (Incentives or Concession in Accordance with State Law). Any affordable housing units that qualify a project for a density bonus under Subsection D (Calculation of Density Bonus) may not also be used to qualify a project for a density bonus under this Subsection.
4. At its discretion, the City Council may grant up to two incentives or concessions for senior housing Type 2 that is eligible for a density bonus under this Subsection.
5. ~~*Consistent with Section ____ of the Hollister Municipal Code*~~, Affordable housing units qualifying a project for a density bonus under this Subsection do not meet ***any future*** Inclusionary Housing requirements of ~~***Article 3 of***~~ *Title 17* of the Hollister Municipal Code.

J. **Summary Tables** – The following tables (**Table 17.04-7**), (**Table 17-04.8**), (**Table 17-04-9**), and (**Table 17-04-10**) summarize the available density bonuses, incentives, and concessions pursuant to State and City Density Bonus Law:

Table 17.04-7
Density Bonus Summary

Target Units or Category	Minimum % Target Units[A]	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% of Target Units Required for Maximum Bonus
Pursuant to State Density Bonus Law: A State density bonus may be selected from only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a day care center.				
Very-low income	5%	20%	2.5%	11%
Lower-income	10%	20%	1.5%	20%
Moderate-income (ownership units only)	10%	5%	1%	40%
Senior housing type 1 (35 dwelling units or more or senior mobilehome park; no affordable units required)	100% senior	20%	--	--
Land donation for very-low income housing	10% of market-rate units	15%	1%	30%
Condominium conversion – moderate-income	33%	25%[B]	--	--
Condominium conversion – lower-income	15%	25%[B]	--	--
Day care center	--	Sq. ft. in day care center [B]	--	--
Pursuant to City Density Bonus				
Senior housing type 2	100% senior; 50% affordable	50%[C]	1%	100% (for maximum 100% bonus)[C]

Notes:
(A) Only the project's base density is considered when determining the percentage of target units. See Subsection D. 2 (Calculation of Density Bonus) and Section 17.04.030 (Residential Development Standards) Table 17.04-2 Note 2
(B) Or an incentive of equal value, at the City's option.
(C) A density bonus may be granted equal to the percentage of affordable senior units (at least 50% and up to a maximum of 100%) subject to the approval of a Conditional Use Permit.

Table 17-04-8
Example of Use of Density Bonuses for a 100 - Dwelling Unit Project

Number (%) of Affordable Units in the Category	Density Bonus Granted (%)	Additional Density Bonus Units Granted	Total Dwelling Units in the Development
VERY LOW INCOME UNITS (OR SALE OR RENT)			
0-4 (less than 5%)	0% (requires minimum 5% very low income)	0	100
5 (5%)	20%	20	120
8 (8%)	27.5% (20% + (3 x 2.5%))	28 (round up)	128
11 (11%)	35% (20% + (6 x 2.5%))	35	135
More than 11%	35% (maximum possible)	35	135
LOWER INCOME UNITS (FOR SALE OR RENT)			
0-9 (less than 10%)	0% (requires minimum 10% lower income)	0	100
10 (10%)	20%	20	120
15 (15%)	27.5% (20% + (5 x 1.5%))	28 (round up)	128
20 (20%)	35% (20% + (10 x 1.5%))	35	135
More than 20%	35% (maximum possible)	35	135
MODERATE INCOME UNITS (FOR SALE)			
0-9 (less than 10%)	0% (requires minimum 10% lower income)	0	100
10 (10%)	5%	5	105
20 (20%)	15% (5% + (10 x 1%))	15	115
40 (40%)	35% (5% + (30 x 1%))	35	135
More than 40%	35% (maximum possible)	35	135

Table 17.04-9
State Density Bonus Incentives and Concessions Summary

Target Units or Category	% of Target Units		
Pursuant to State Density Bonus			
Very-low income	5%	10%	15%
Lower-income	10%	20%	30%
Moderate-income (ownership units only)	10%	20%	30%
Condominium conversion – 33% moderate-income	(D)		
Condominium conversion – 25% lower-income	(D)		
Day care center	(D)		
Maximum Incentive(s)/Concession(s) (A)(B)(C)	**1**	**2**	**3**

Notes:
(A) A concession or incentive may be requested only if an application is also made for a density bonus.
(B) Concessions or incentives may be selected from only one category (very low, lower, or moderate).
(C) No concessions or incentives are available for land donation.
(D) Condominium conversions and day care centers may have one concession or a density bonus at the City's option, but not both.

Table 17-04-10
City Density Bonus Incentives and Concessions Summary

Target Units or Category	Maximum Incentives/Concessions
Senior housing type 2 (at least 50% affordable)	2(A)

Note:
(A) At the discretion of City Council.

7. The City Council, by resolution, shall approve standard documents to ensure the continued affordability of the target units. The documents may include, but are not limited to, Density Bonus Housing Agreements, regulatory agreements, promissory notes, deeds of trust, rights of first refusal, options to purchase, resale provisions, or other documents, which shall be recorded against all target units.
8. All promissory note repayments, shared appreciation payments, or other payments collected under this Section shall be deposited in *any ture* City of Hollister Inclusionary Housing Trust Fund ***or pursuant to an account or mechanism approved by the City Council by resolution d~~established pursuant to Section ____ of the Hollister Municipal Code.~~***
9. Any person who is a member of the City Council or the Planning Commission, and their immediate family members, or any person having any equity interest in the residential development, including but not limited to, a developer, partner, investor, or applicant and their immediate family members, is ineligible to rent, lease, occupy, or purchase a target unit. The City Council, by resolution, may establish guidelines for determination of "immediate family members."

L. Development Standards –

1. 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 Subsection O (Review of Application.
2. Single-family detached target units shall be dispersed throughout the residential development. Townhouse, row house, and multi-family target units shall be located so as not to create a geographic concentration of target units within the residential development.
3. Target units shall have the same proportion of dwelling unit types as the market-rate dwelling units in the residential development.
4. The quality of exterior design and overall quality of construction of the target units shall meet all site, design, and construction standards included in Chapter 04 (Residential Zoning Districts), Chapter 17.08.030, 17.080.050, 17.08.060 and 17.14.020 of the Hollister Municipal Code including, but not limited to, compliance with all design guidelines included in applicable specific plans or otherwise adopted by the City Council.
5. 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.
6. Upon the request of the developer, the City shall not require an off-street vehicular parking standard, inclusive of handicapped and guest parking, of a residential development, meeting the criteria of Subsection C (State Density Bonuses, Incentives, and Concessions for Construction of Affordable and Senior Housing) that exceeds the following:
    a. Zero (0) to one (1) bedroom: one (1) on-site parking space.
    b. Two (2) to three (3) bedrooms: two (2) on-site parking spaces.

c. Four (4) and more bedrooms: two and one-half (2.5) parking spaces.
d. 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. For purposes of this Section, a residential development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

M. Development Incentives or Concessions –

B. One (1) to three (3) incentives or concessions may be requested for eligible residential developments pursuant to Subsection E (Incentives or Concessions in Accordance with State Law).
C. For purposes of this Section, a concession or incentive shall mean any reduction in development standards or any modification of zoning or architectural design requirements necessary pursuant to Government Code Section 65915(d)(3) or 65915(e) to facilitate the construction of residential development at the densities provided for in Section 65915.
D. **Concessions Not Requiring Financial Pro Forma from Applicant**: -The following concessions and incentives shall be available to the applicant without any requirement for the applicant to demonstrate to the City that the requested concession or incentives results in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l)(1):
E. Up to fifteen percent (15%) deviation from the minimum yard requirement, with each deviation counting as one (1) concession;
F. Up to fifteen percent (15%) reduction in the usable open space requirement or maximum lot coverage requirement;
G. Up to fifteen percent (15%) reduction in lot dimensions;
H. Up to fifteen percent (15%) increase in maximum building height;
I. Up to fifteen percent (15%) reduction in minimum distance between buildings;
J. Reduction in required off-street parking as described in Subection L (Developement Standards);
K. Up to fifteen percent (15%) reduction in landscaping area requirements;
L. Waiver of fee established pursuant to Section _____;
M. Approval of mixed use buildings or developments in conjunction with the residential development, if non-residential land uses will reduce the cost of the residential development, and if the City finds that the proposed non-residential uses are compatible with the residential development and with existing or planned development in the area where the proposed residential development will be located;
N. Deferral until occupancy of development impact fees (including, but not limited to, park fees, fire fees, sanitary sewer trunk line fees, storm drain trunk line fees, street tree fees, library fees, or traffic impact fees); and
O. Density bonus for Senior Housing Type 2 pursuant to Subsection I (City Density Bonus for Affordable Senior Housing Type 2 that is in excess of the density

bonus that the project is entitled to under Subsection E (Incentives or Concessions in Accordance with State Law.

P. Concessions Requiring Financial Pro Forma from Applicant: – When requested by the applicant, the following concessions and incentives shall require the applicant to demonstrate to the City Council that the requested concessions or incentives result in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l)(1):

Q. A reduction of development regulations standards or a modification of Zoning Code requirements that exceed or are in addition to those permitted in Subsection E (Incentives or Concessions in Accordance with State Law.

R. Reduced parking space dimensions, driveway width, parking aisle width, garage and carport dimension, location of parking spaces within required yards, or reduced bicycle parking requirements;

S. Reductions in architectural design standards;

T. Other regulatory incentives or concessions that are not listed in this Section that result in identifiable, financially sufficient, and actual cost reductions; and

U. A density bonus exceeding that required by Government Code Section 65915 where the applicant agrees to construct more affordable units than would qualify the residential project for the maximum 35thirty-five percent (35%) density bonus.

V. Applicants may seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential development meeting the criteria of Subsection D (Calculation of Density Bonus) at the densities or with the incentives or concessions permitted by this Section. The applicant shall show that the waiver or modification is necessary to make the dwelling units economically feasible based upon appropriate financial analysis and documentation as specified in Section _____.

W. Nothing in this Section requires the City to grant direct financial incentives for the residential development including, but not limited to, the provision of publicly owned land or waiver of fees or dedication requirements.

N. Application Requirements – Applications for a Density Bonus shall include:

1. A Density Bonus Housing Plan, showing any density bonus, incentive, concession, waiver, modification, or revised parking standard requested pursuant to this Section, shall be submitted as part of the first approval of any residential development. The Density Bonus Housing Plan shall specify, at the same level of detail as the application for the residential development: the number, dwelling unit type, level of affordability, tenure, number of bedrooms and baths, approximate location, size, and design, construction and completion schedule of all target units, number and location of all density bonus units, phasing of target units in relation to non-restricted units, and marketing plan. The Density Bonus Housing Plan shall also specify the methods to be used to verify tenant and buyer incomes and to maintain the affordability of the target units. For residential projects with thirty-five (35) dwelling units or more, the Density Bonus Housing Plan shall specify a financing mechanism for the on-going administration and monitoring of the target units.

2. A description of any requested incentives, concessions, waivers, or modifications of development standards, or modified parking standards.
3. For all incentives and concessions except those listed in Section _____, the application shall provide a pro forma to the City demonstrating that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma data submitted in support of a request for a concession or incentive including, but not limited to, the cost to the City of hiring a consultant to review the pro form, shall be borne by the applicant. The pro-forma shall be reviewed by a third party as selected by the City and paid for by the applicant unless the City Planner waives the requirement for such a review.
4. For waivers or modifications of development standards, the application shall provide a pro forma to the City demonstrating that the waiver or modification is necessary to make the dwelling units economically feasible based upon appropriate financial analysis and documentation. The application shall also demonstrate to the City that the development standards will have the effect of precluding the construction of a housing development at the densities or with the incentives or concessions permitted by this Section. The cost of reviewing any required pro forma submitted in support of a request for a waiver or modification including, but not limited to, the cost to the City of hiring a consultant to review the pro forma, shall be borne by the applicant.
5. If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Subsection F. 2 (State Density Bonus with Land Donation) can be made.
6. If a density bonus or concession is requested for a day care center, the application shall show the location and square footage of the day care center and provide evidence that the findings included in Subsection G. 2 (State Density Bonus or Incentive or Concession for Day Care Centers) can be made.
7. If a mixed- use building or development is proposed, the application shall provide evidence that the finding included in Section _____ can be made.

O. Review of Application –

1. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this Section shall be considered by and acted upon by the approval body with authority to approve the residential development. The Density Bonus Plan may be approved, approved with conditions, or denied pursuant to the findings required by this Section. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed to the Planning Commission and from the Planning Commission to the City Council in accordance with the requirements of Chapter 17.24.140 (Appeals). In accordance with State law, neither the granting of an incentive, concession, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan Amendment, Zoning Code Amendment or Rezone, Variance, or other Discretionary Review Application approval.

2. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:
    a. The application is eligible for a density bonus and any concessions, incentives, waivers, modifications, or reduced parking standards requested; conforms to all standards for affordability included in this Section, and includes a financing mechanism for all implementation and monitoring costs.
    b. Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation as described in Section _____.
    c. If the density bonus is based all or in part on donation of land, the approval body has made the findings included in Subsection F. 2 (State Density Bonus with Land Donation).
    d. If the density bonus, incentive, or concession is based all or in part on the inclusion of a day care center, the approval body has made the finding included in Section Subsection G. 2 (State Density Bonus or Incentive or Concession for Day Care Centers).
    e. If the incentive or concession includes mixed use buildings or developments, the approval body has made the finding included in Section _____.
    f. If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the dwelling units economically feasible by providing appropriate financial analysis and documentation as described in Section _____, and the development standards will have the effect of precluding the construction of a housing development at the densities or with the incentives or concession permitted by this Section.
3. If the required findings can be made, and a request for an incentive or concession is otherwise consistent with this Section, the approval body may deny an incentive or concession only if it makes a written finding, based upon substantial evidence, of either of the following:
4. The incentive or concession is not required to provide for affordable rents or affordable ownership costs; or
5. The incentive or concession would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower, very low and moderate-income households. For the purpose of this Subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was deemed complete.
6. If the required findings can be made, and a request for a waiver or modification is otherwise consistent with this Section, the approval body may deny the requested waiver or modification only if it makes a written finding, based upon substantial evidence, of either of the following:

7. The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to lower, very low, and moderate-income households. For the purpose of this Subsections, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or
8. The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources.
9. If a density bonus or concession is based on the provision of day care centers, and if the required findings can be made, the approval body may deny the bonus or concession only if it finds, based on substantial evidence, that the City already has adequate day care centers.
10. A request for a minor modification of an approved Density Bonus Housing Plan may be granted by the City Manager or designee if the modification is substantially in compliance with the original Density Bonus Housing Plan and conditions of approval. Other modifications to the Density Bonus Housing Plan shall be processed in the same manner as the original plan.

P. Density Bonus Housing Agreement –

1. Following the first approval of a residential development, the City shall prepare a Density Bonus Housing Agreement providing for implementation of the Density Bonus Housing Plan and conditions of approval and consistent with the provisions of this Section and any density bonus program guidelines adopted by City Council resolution.
2. Prior to the approval of any Final or Parcel Map or issuance of any building permit for a residential development subject to this Section, the Density Bonus Housing Agreement shall be executed by the City and the applicant, and the Density Bonus Housing Agreement shall be recorded against the entire residential development property to ensure that the Agreement will be enforceable upon any successor in interest. The Density Bonus Housing Agreement shall run with the land, and bind future owners and successors in interest as required to ensure compliance with the provisions of this Section.

Chapter 17.06 – Home Office Zoning District

Sections

17.06.010 Purpose and Intent
17.06.020 Home Office Zone Land Uses and Permit Requirements
17.06.030 Home Office General Development Standards

17.06.010 Purpose and Intent

This zoning designation is a combining district that allows for a mix of commercial and residential uses in an established residential area near Downtown Hollister. Portions of the Home Office district are within the Monterey Street National Historic district. These regulations are intended to preserve the residential and historic character of the area while providing opportunities for limited small -scale compatible office uses, arts and crafts and beauty salon businesses that generate low pedestrian and traffic volumes.

A. **HO (Home/Office) District.** The Home Office (HO) Zoning District is primarily a medium density residential zoning district that provides the option for small scale professional office uses, artist/craft studios, beauty salon and specialty cottage businesses in the same area around the central core of the community. Residential densities may range from detached single-family housing, to lower density multi-family housing. It is the intent of this district to preserve the essential historic characteristics of the General Plan 'Old Town Residential Area' of Hollister while providing a transitional zone between the downtown commercial uses and older residential uses. The HO Zoning District is consistent with the Home Office (HO) land use category of the General Plan. The residential development density is eight to twelve12 units per net acre.

17.06.020 Home Office Zone Land Uses and Permit Requirements

A. The following uses are permitted in the HO Zone District:
   a. Single-family dwelling;
   b. Secondary housing units in conjunction with single-family dwellings ***on lots less than 8,000 square feet where standards in Section 17.22.040 can be met.***
   c. Duplex, attached and detached;
   d. Multi-family dwelling;
   e. Home occupation as regulated by section 17.22.140 (Home Occupation)
   f. Nonconforming accessory structures, such as barns, garage or carriage houses, sheds, and workshops included in the Monterey Street Historic District or a list of historic structures or properties approved by the Hollister City Council;
   g. Existing professional offices legally in existence at the time of the adoption of this section shall be considered to be conforming business uses. For purposes of establishing uses legally in existence, evidence of a business license issued prior to the effective date of this ordinance shall be accepted.

B. The following uses are permitted subject to obtaining administrative use permit approval:
   a. Beauty Salon, with a maximum of two chairs and two off-street parking spaces per chair;
   b. Family Home Care Facility with seven to fourteen children;
   c. Residential Care Facility with seven to fourteen or more residents;
   d. The following types of home occupation with a professional office with no more than two persons working at the site: accountants, advertisers, appraisers, architects, attorneys, building designers, collection agencies, detective agencies, geologist, insurance adjusters, interior decorator services (no display rooms, retail sales, and no warehousing of materials), insurance offices, land surveyors, private detectives, professional engineers, psychologists, real estate offices, secretary services and telephone answering services. The home occupation shall be required off-street parking, at least one entry to the residence and one bathroom that complies with the requirements of the Americans with Disabilities Act.

C. The following uses are permitted subject obtaining a use permit:
   a. Nursery or day care center for fifteen or more children;
   b. Residential or community care facility for fifteen or more residents;
   c. Conversion of a home limited to one (1) Professional Office use such as but not limited to: accountant, advertiser, appraiser, architect, attorney, building designer, collection agencies, geologist, insurance adjuster, interior decorator services (no display rooms, retail sales, and no warehousing of materials), insurance office, land surveyor, private detective, professional engineer, real estate office, secretary service and telephone answering service subject to provide four off-street parking spaces;
   d. Conversion of a home to multi-tenant professional offices subject to providing all off-street parking on site based on a standard of one off-street parking space per 250 square feet of floor area;
   e. Conversion of a home to a medical office for use such as dentists, chiropractors, chiropodists, opticians, optometrists, osteopaths, physical therapists, psychologists and podiatrists, subject to providing meeting off-street parking requirements;
   f. Conversion of a home or an accessory building for specialty manufacturing and assembly, such as those for arts, crafts and woodworking, subject to being conducted within an enclosed building with provision of two off-street parking spaces per site plus one for each employee. Discernable noise from the property line shall be similar in intensity and duration to residential uses;
   g. Conversion of the first floor of a home to a commercial office and retention of a residence on the second floor with a requirement of at least one off-street parking space for the residence at least one off street parking space per 250 square feet of floor area on the first floor. The commercial office shall comply with requirements of the Americans with Disabilities Act;
   h. Conversion of a home and accessory buildings to an artist studio;
   i. Institutional uses, such as churches and schools.

17.06.030 – Home Office General Development Standards
New land uses and structures, and alterations to existing uses or structures shall be designed and constructed in compliance with the following requirements.

A. **Home Office Zoning District Development Standards for Residential land uses**:.: The Old Town (M) development standards shall be applied to residential land uses in the Home Office Zoning District.

B. **Home Office Zoning District Development Standards for Business land uses:** The business shall comply with the building setback, height, lot coverage, and yard requirements of the Old Town (M) Zoning District.

1. **Design Guidelines:** Structures converted to a business shall be residential in character. Additions or alterations to existing structures must be in keeping and compatible with the structure's architecture. Exterior alterations or façade improvements required for the conversion to an office use such shall be directed wherever possible behind or to the side of structures with the use of screening where necessary. New structures shall be harmonious with the architectural styles of the area that is represented by existing buildings that were constructed prior to 1945. These architectural styles include Craftsman, Gothic Revival, Mediterranean Revival, Mission Revival, Prairie Style, Spanish Revival, Queen Anne, and Tudor Style, among the other early architectural styles of the area.

   The establishment of United Parcel Service (UPS), Fed Ex or similar drop off-facilities is prohibited.

2. **Landscaping and Street Trees:** Street Tree – Each street frontage of a site shall be planted with one tree from the Old Town street tree list as approved and updated from time to time by the City of Hollister. Location of trees shall be subject to the approval by appropriate city staff that shall take into consideration such things as utility locations, driveway placement, and other circumstances that may affect the health and condition of trees and improvements in the area. Front yard landscaping shall be drought-resistant and pedestrian in scale.

3. **Parking:**

   a. Beauty Salon – Two parking spaces per chair.
   b. One professional Office – Four off-street parking spaces on site
   c. Specialty Manufacturing and Assembly – Two spaces per site, plus one space for each person working at the site.
   d. Multi-tenant Professional Office – One parking space per each 250 square feet of floor area to be provided on site including accessory buildings proposed for professional office use.

e. Medical offices –
   1. For offices less than 20,000 square feet of gross floor area, a total of three spaces per doctor or one space for each one hundred fifty square feet of gross floor area, whichever is greater
   2. For offices with 20,000 or more square feet of gross floor area shall include three spaces for each doctor or one space for each 225 square feet of gross floor area, whichever is greater.

f. Mixed Use building – One parking space per residential unit on the second floor plus one parking space per two hundred fifty square feet of gross floor area on the first floor.

An exception to the requirement for on-site off-street parking may be allowed if the property is included in a parking assessment district or a permanent easement for the required off-street parking is recorded within one hundred fifty feet of walking distance to the property at a location approved by the Engineering Department.

Off-street parking for a business may not be located within the required front yard, except that an existing driveway and garage accessed from a driveway leading from a public street may be used for the owner or staff of an approved business. Parking at the rear of a site with alley access is encouraged and will be looked to as the primary location of parking spaces for commercial establishments. Businesses with off-street parking from the alley shall be required to improve the alley frontage to city standards and contribute to maintenance of the alley.

4. **Signage:** Each business shall be permitted one primary sign per site. Such primary signs shall have no more than eight square feet of sign area, as measured to the furthest outside points of the sign. Sign styles are limited to non-illuminated blade, or door signs and shall be constructed principally of natural materials such as wood and stone, except in of the 500 and 600 blocks of Monterey Street, where a freestanding sign will be allowed. Signs with internal illumination (e.g. flashing, neon, can) as well as window, tree signs and banners shall be prohibited.

   Each business may be permitted a secondary sign if access is approved as part of a home office from an alley.

I. **Open Space.** At least 40 percent of the lot area of a commercial office project shall be open space, not covered by a building, parking spaces or driveways. Existing residential structures converting to a commercial office that do not comply with this requirement shall not be allowed an addition unless specifically required by the California Building Code in order to meet health and safety standards.

Chapter 17.08 - Commercial Zone Land Uses and Permit Requirements

Sections

17.08.010	**Purpose**
17.08.020	**Commercial Land Use and Permit Requirements**
17.08.030	**Commercial and Mixed Use Zone General Development Standards**
17.08.040	**Mixed Use Supplemental Standards**
17.08.050	**North Gateway Supplemental Standards**
17.08.060	**West Gateway Supplemental Standards**

17.08.010- Purpose

This Section provides regulations applicable to development and new land uses in the commercial zoning and mixed use districts established by Section 17.02.030 (Zoning Districts Established). The purposes of the commercial zoning districts are as follows:

A. **CO (Commercial Office) District**. The Commercial Office (CO) zoning district is intended for commercial areas characterized by administrative, executive, medical, dental, and business offices, and similar uses. The CO zoning district is consistent with the General Commercial land use category of the General Plan.

B. **GC (General Commercial) District**. The General Commercial (GC) zoning district provides for neighborhood-serving mixed-use districts by offering products and services that vary from those found elsewhere. General Commercial areas should support Downtown Hollister and larger chain stores, grocery stores, or other automobile-oriented retailers are appropriate development types in General Commercial zoning district. The GC zoning district is consistent with the General Commercial (GC) land use category of the General Plan.

C. **NG (North Gateway) District.** The North Gateway (NG) zoning district is intended to encourage large-scale retail commercial uses, office park, and service-oriented businesses along the north entrance to Hollister along the Highway 25 and San Felipe Road corridors. The district also includes existing auto dealerships and opportunity for future dealerships along the San Felipe Road corridor south of Wright Road. The North Gateway district provides an opportunity for the assembly of larger parcels for the development of larger retail commercial and/or office park uses on an entry boulevard to the City that is not available in most other commercial zoning districts in Hollister. The NG zoning district is consistent with the North Gateway Commercial (NG) land use category of the General Plan and is part of the North Gateway Special Planning Area.

Mixed Use Districts

D. **DMU (Downtown Mixed Use) District.** The Downtown Mixed Use (DMU) zoning district provides for a vertical or horizontal combination of commercial and residential uses around the central core of the community. The designation is intended to encourage ground floor, pedestrian friendly, retail sales and service uses with upper floors of office and residential uses. The DMU District should be a unique destination with restaurants, theaters, boutique retail, neighborhood convenience stores, restaurants, regionally-oriented specialty stores, medical and dental offices, and residential densities of 25 to 40 units per net acre.. Drive-through windows and outdoor car, truck and auto sales and auto repair are prohibited. The DMU zoning

district is consistent with the Downtown Commercial and Mixed Use (D-MU) land use category of the General Plan.

E. **NMU (Neighborhood Mixed Use) District**. The Neighborhood Mixed Use (NMU) zoning district provides for pedestrian-oriented commercial uses of low intensity and of a neighborhood character which serves the convenience retail and service needs of nearby residents and high-density residential at densities of 25 to 35 units per net acre. The neighborhood shopping centers accommodated by this zoning district typically have anchor market and drug stores, with supporting neighborhood-related convenience businesses. The NMU zoning district is consistent with the Mixed Use Commercial and Residential (MU) land use category of the General Plan.

F. **WG (West Gateway) District**. The West Gateway (WG) mixed-use zoning district provides for a series of parcels with neighborhood commercial and multi-family residential uses as a retail-oriented entry boulevard at the west entrance to the City of Hollister near the San Benito River. The designation is intended to provide convenience services to regional traffic on Highway 156, encourage community shopping, retail and offices with medium to high density residential uses at a density of 20 to 35 units per net acre outside of downtown Hollister. The WG zoning district is consistent with the West Gateway Mixed Use (WG) land use category and the West Gateway Special Planning Area of the General Plan.

17.08.020 - Commercial and Mixed Use Zone Land Uses and Permit Requirements

The following tables identify the uses of land allowed by this Zoning Ordinance in each commercial and mixed use zone, and the land use permit required to establish each use, in compliance with 17.04.030 (Allowable Land Uses and Permit Requirements).

Site and Architectural Review shall be required for construction of new buildings, and master sign programs in the Commercial and Mixed Use Zoning Districts unless a Master Architectural, Landscaping, Lighting and Sign program has been approved by the Planning Commission for the property within the last three years and the Development Services Director determines that the submittal substantially conforms with the approved program. Site and Architectural Review shall also be required for façade improvements to the roof lines or the location of doors or window of existing buildings that face streets or public use areas. Administrative Site and Architectural Review is required for some uses that involve outdoor sales activities such as auto sales and nursery products or minor alterations to the exterior of a building.

A. Administrative or Administrative Review shall be required for the following:

1. **Administrative permit review.** Uses that involve outdoor sales activities such as auto sales and nursery products or changes to the façade of a building that faces a public street or road.
2. **Façade improvement/alteration.** For the addition or removal of up to two doors or windows where the Director determines that the alteration is harmonious with the defining architectural characteristics of the building in relation to materials, scale, size and color and that the building will comply with applicable codes for health and safety, fire, ingress and egress and standards for commercial development. The City Planner may require the addition of an awning or similar feature to comply with the intent of the Commercial and Mixed Use General Development Standards.

Table 17.08-1
Commercial and Mixed Use Zone Uses and Permit Requirements

Land Use[1]	CO	C	NG	Additional Use Regulations	DC	NMU	WG	Additional Use Regulations
Commercial Uses								
Adult Entertainment Facilities	NP	NP	NP		NP	NP	NP	
Ambulance Services	CUP	CUP	CUP		NP	NP	NP	
Animal Sales and Services: —Animal Boarding —Animal Grooming —Animal Hospitals —Animal Retail Sales	 NP NP CUP NP	 APR ~~APR~~ ***p*** CUP P	 CUP ~~APR~~ ***p*** CUP P	(1) for APR	 NP NP CUP NP	 CUP P CUP P	 CUP P CUP P	
Antique and Collectible Shops	NP	P	P		P	P	P	
Artists' Studios	APR	P	P		P	P	P	
Automated Teller Machines (ATMs)	AP	AP	AP	See section 17.22.	AP	AP	AP	See section 17.22.
Bakeries: —Retail —Wholesale —Wholesale accessory to bakery	 NP NP NP	 ~~APR~~ ***P*** CUP P	 P CUP P		 P NP NP	 ~~APR~~ ***P*** NP NP	 P NP CUP	
Bars and Night clubs	NP	CUP	CUP	(2)	APR	CUP	CUP	(2)
Bed and Breakfast Inns	CUP	CUP	CUP	(2) See 17.22.070	CUP	CUP	CUP	(2) See 17.22.070
Broker (auto, mortgage, stock)	P	P	P	Enclosed Building	P	P	P	Enclosed Building
Building Materials and Services — With incidental retail ready mix —Commercial building	 NP NP	 NP P	 P P	(4)	 NP P	 NP P	 NP P	(4) Not allowed in a mixed use building
Business Support Services	CUP	P	P		P	P	P	

[1] Permit Requirement

P = Permitted use in zoning district. Prior to establish the use, it is the responsibility of the property owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative Permit required. Permit issued at Development Services Department.

APR = Administrative Permit Review required. Review by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

CUP Conditional Use Permit required with approval from Planning Commission.

mTUP = Minor Temporary Use Permit is approved at Development Services Department

MTUP = Major Temporary Use Permit approved by Development Review Committee

NP = Use is not Permitted.

S&A = Site and Architectural Review required with approval from Planning Commission.

Land Use[2]	CO	C	NG	Additional Use Regulations	DMU	NMU	WG	Additional Use Regulations
Commercial Uses continued								
Catering Services	NP	P	P		P	P	P	
Commercial Filming	P	P	P		P	P	P	
Commercial Recreation & Entertainment (2) —Building less than 25,000 sq. ft. —Building greater than 25,000 sq. ft. or outdoor use	P(5) CUP	P(5) CUP	P(5) CUP	(2)	P(5) CUP	P(5) CUP	P(5) CUP	(2)
Convenience Stores: —With Gas Pumps	NP NP	P CUP	P CUP	(2)	NP NP	P CUP	P CUP	(2)
Entertainment, Live (Excluding Adult Entertainment)	NP	CUP	CUP	(2)	P	CUP	CUP	(2)
Equipment Sales, Services, and Rentals within an enclosed structure	NP	P	P	(3)	NP	NP	CUP	(3)
Farm Equipment sales and supplies in an enclosed commercial building.	NP	P	P		NP	P	P	Not allowed in a mixed use building.
Financial Services	P	P	P		P	P	P	
Food and Beverage Sales	NP	P	P	(2)	P	P	P	(2)
Fortunetelling	P	P	NP		NP	NP	NP	
Fuel and Ice Dealers	NP	CUP	CUP		NP	CUP	CUP	
Funeral Services	CUP	CUP	CUP		CUP	CUP	CUP	
Health and Fitness clubs	P	P	P		P	P	P	
Hotels and Motels: —Extended Stay	NP NP	P P	P P		CUP CUP	CUP CUP	CUP CUP	
Laboratories	APR	APR	APR	(5)	NP	NP	NP	
Laundries: — Limited —Unlimited	APR CUP	APR CUP	APR CUP	(1)	APR NP	APR NP	APR NP	(1)

[2] Permit Requirement

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Land Use[3]	CO	C	NG	Additional Use Regulations	DC	NMU	WG	Additional Use Regulations
Commercial Uses continued								
Live-work Units — One to two — Two o r more	NP	NP	NP		P ***CUP***	P ***CUP***	NP ***CUP***	
Maintenance and Repair Services incidental and accessory to retail sales in an ***enclosed*** commercial building: —Major —Minor	NP NP	NP P	NP P	(6)	NP ~~APR~~ ***P***	NP ~~APR~~ ***P***	NP ~~APR~~ ***P***	Not allowed in a mixed use building (6)
Medical Services (12) —Clinics/ Laboratories — Extended Care	APR NP	APR CUP	APR CUP	(5)	APR CUP	APR CUP	APR CUP	(5)
Nurseries Indoors Outdoors	NP NP	P APR	P APR	(4)	P CUP	P APR	P APR	Not allowed in a mixed use building (4)
Offices: —Business and Professional —Large Scale office parks	P NP	P NP	P P		P NP	P NP	P NP	
Pawn Shops	NP	CUP	NP	(8)	NP	CUP	NP	(9)(10)
Personal Improvement Services	P	P	P		P	P	P	
Personal Services	P	P	P		P	P	P	
Printing and Publishing —Limited: —Unlimited	APR(1) NP	P CUP	P CUP		P NP	P NP	P CUP	
Recreational Vehicle Parks	NP	NP	CUP	(11)	NP	NP	NP	
Recycling Facilities ReverseVending Small Large	P NP NP	P NP NP	P NP NP	See 17.22.180 standards	P NP NP	P NP NP	P NP NP	See 17.22.180 standards

[3] Permit Requirement

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Land Use[4]	CO	C	NG	Additional Use Regulations	DC	NMU	WG	Additional Use Regulations
Commercial Uses continued								
Research and Development Services	NP	NP	CUP		NP	NP	CUP	
Restaurants: —Restaurant (sit down) —Drive-through or Drive-in	CUP NP	P APR	P APR	(2) See 17.22.080	P NP	APR APR	APR APR	(2) See 17.22.080
Retail Sales	NP(12)	P	P		P	P	P	Flammable or hazardous materials mot allowed in a mixed use building
Secondhand or Consignment Stores	NP	***P*** ~~***APR***~~	NP	(10)	P	P	P	(9)(10)
Service Stations	NP	S&A	S&A	(2) See 17.22.210	NP	S&A	S&A	(2) See 17.22.210
Shopping Centers	NP	S&A	S&A		NP	S&A	S&A	
Tattoo or Body Piercing Parlors	P	P	NP		P	P	P	(9)
Vehicle Related Sales and Services								
Vehicle- Sales and Ancillary Services —Indoors —Outdoors	NP NP	P NP	P APR	(6)(12)	P NP	P NP	P NP	
Vehicle Repair Facilities: —Major —Minor	NP NP	NP APR	S&A APR	(13) (12) (5)	NP NP	NP APR	CUP APR	(14) (12)(5)
Vehicle Storage	NP	NP	NP		NP	NP	NP	
Vehicle Washing	NP	APR	APR	(5)(15)	NP	NP	S&A	(5)(15)
Warehousing / Storage: —Limited for retail sales —Wholesale and Distribution	NP NP	CUP NP	CUP CUP	(16) (16)	CUP NP	CUP NP	CUP NP	(16)

[4] Permit Requirement

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Land Use[5]	CO	C	NG	Additional Use Regulations	DC	NMU	WG	Additional Use Regulations
Public and Semipublic Uses								
Clubs and Lodges	CUP	CUP	CUP	(2)	CUP	CUP	CUP	(2)
Convalescent Hospitals/Nursing Homes	CUP	CUP	NP		CUP	CUP	CUP	
Cultural Institutions (Libraries and Museums)	CUP	CUP	CUP		APR	APR	APR	(5)
Day Care Centers	CUP	CUP	CUP		CUP	CUP	CUP	
Government Offices	P	P	P		P	P	P	
Hospital	NP	CUP	CUP		NP	CUP	CUP	
Park and Recreation Facilities	CUP	CUP	CUP		CUP	CUP	CUP	
Parking Lots and Structures	S&A	S&A	S&A		S&A	S&A	S&A	
Public Safety Facilities	S&A	S&A	S&A		APR	APR	APR	
Public Utility Service Yards	NP	NP	NP		NP	NP	NP	
Religious Assembly	P *	P*	CUP	* See 17.22.190 for standards	NP	CUP	CUP	
Schools—Public/Private	CUP	CUP	CUP		CUP	CUP	CUP	
Schools—Trade (Except schools for truck and heavy equipment, automobile and mechanical equipment repair are not allowed)	CUP	CUP	CUP		CUP	CUP	CUP	
Telecommunications — Major — Minor	NP P	CUP P	CUP P	(17)	NP P	NP P	NP P	
Utilities—Major	NP	NP	NP	(18)	NP	NP	NP	(18)
Residential Uses								
New Single Family Residential	NP (19)	N (19)P	NP (19)	Replacement permitted see (19)	NP NP (21)	NP CUP (19)	NP CUP (19)	Replacement permitted see (19)

[5] Permit Requirement

P = Permitted use in zoning district. Prior to establish the use, it is the responsibility of the property owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

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S&A = Site and Architectural Review required with approval from Planning Commission.

Land Use[6]	CO	C	NG	Additional Use Regulations	DC	NMU	WG	Additional Use Regulations
Residential Use continued								
Caretaker and Employee Housing	CUP	CUP	CUP		CUP	CUP	CUP	
Existing Commercial Building —First Floor — Second Floor Reuse for residential	NP NP	NP NP	NP NP		NP S&A	NP S&A	APR S&A	distance
New Mixed-Use Building	NP	NP	NP		S&A	S&A	S&A	
Multi-family					P	P	P	
Day Care Homes, Family—Large	P	NP	NP		APR	APR	APR	
Temporary Residential Shelter —Small Temporary Residential Shelter —Large Temporary Residential Shelter	NP NP	CUP CUP	P(19) P(19)		NP NP	CUP CUP	CUP CUP	
Industrial Uses								
Industrial uses listed in Chapter 17.10	NP	NP	NP		NP	NP	NP	
Accessory Uses and Structures								
Utilities—Minor	P	P	P		P	P	P	
Temporary Uses	TUP	TUP	TUP	See 17.24.190	TUP	TUP	TUP	See 17.24.190

Additional Use Regulations:

1) ***Administrative Permit Review shall be required to ensure compliance with standards in Section 17.24.190 B. 2 (Site and Architectural Review Project Review)***

2) See section 17.0000 Alcohol License Review

3) Vehicles rented for hauling shall be stored within an enclosed building in all but the Commercial Office (CO) district or off-site in the M-1 Zoning District.

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[6] Permit Requirement

P =	Permitted use in zoning district. Prior to establish the use, it is the responsibility of the property owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.
AP =	Administrative Permit required. Permit issued at Development Services Department.
APR =	Administrative Permit Review required. Review by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.
CUP	Conditional Use Permit required with approval from Planning Commission.
mTUP =	Minor Temporary Use Permit is approved at Development Services Department
MTUP =	Major Temporary Use Permit approved by Development Review Committee
NP =	Use is not Permitted.
S&A =	Site and Architectural Review required with approval from Planning Commission.

4) An Administrative Permit Review is required for establishment of outdoor storage to assure compliance with standards for screening in Subsections 17.08.030 J and N of this section and Chapter 17.22 170 (Outdoor Merchandise and Display Activities)

5) Use is allowed with an Administrative Permit Review or if required a Site and Architectural Review to assure compliance with Chapter 17.18 (Pedestrian, Bicycle, Parking and Loading Standards)

6) Maintenance and repair service shall be accessory to retail sales and located within a portion of the building screened from public view and the sales floor and display areas. Welding is prohibited in the Mixed Use Zone.

7) Exempt if property is within a City approved parking Assessment District in compliance with Chapter 17.18.090.A.4 (General Parking Reduction)

8) There shall be a minimum distance of 750 feet between pawn shops.

9) There shall a maximum of one per street frontage on a block.

10) No firearm or weapon sales shall be allowed.

11) Recreational Vehicle parks shall be sited at least 500 feet from State Highway 25 or San Felipe Road and shall provide an attractive landscape screen from the gateway corridor.

12) Minor retail sales that directly relate to the principal use are permitted as an accessory use in the CO district. Retail sales shall not occupy more than 10 percent of the total gross floor area of the structure(s) on a site and shall be incidental to the principal use except for professional pharmacies that are part of a medical office complex.

13) Minor auto services uses such as an oil change/smog facility, tire shop and repairs that would be accessory to a fuel service station or dealership will be allowed.

14) Limited auto-related uses that would normally be permitted in an Industrial Zoning District may be allowed in the North Gateway district with an Administrative Conditional Use Permit subject to the following requirements:

   a) The automobile repair or alteration of the body or exterior of an automobile use(s) shall be located on an interior lot that does not have frontage on Highway 25 or San Felipe Road or behind buildings that front San Felipe Road.

   b) The operation shall be contained within an enclosed building. Roll-up doors shall be oriented away from public streets and screened from public use area on adjoining properties.

   c) Storage of automobiles for repair or service shall be within an enclosed building or concealed by an attractive masonry garden wall or similar vegetative screen. The use of a cyclone fence with wood slats or barbed wire shall be prohibited.

   d) Visible off-street parking shall be limited to a 20-minute loading zone for customer pick-up/drop off and employee parking.

   e) The facility shall not share a boundary with property located in a residential zoning district or a hotel/motel.

   f) The cumulative area of the auto-related uses shall not constitute more than 20 percent of the uses on an interior street or lot 10 percent of the uses in the North Gateway zoning district.

15) Auto repair, tune-up, body shop, tire store: One auto service facility that would serve the West Gateway District and surrounding residential land uses will be allowed within the WG with a conditional use permit with the following standards. The combined auto repair/maintenance use(s) shall be confined to an area not larger than two acres.

   a) In order to establish an attractive entrance to Hollister and avoid an industrial appearance, all vehicles shall be contained within an enclosed building or concealed by an attractive garden wall or similar vegetative screen with the exception of a 20 minute loading zone for customer pick-up/drop and employee parking.

b) The facility shall not share a boundary with property located in the R1, R-2, R-3 or R4.

15) A Conditional Use Permit is required for any vehicle washing, drying or vacuuming done by mechanical means within 250 feet of a residential zoning district or the property line of a building with a mix of commercial and residential uses. An acoustic study may be required by the City Planner.

16) The following additional regulations shall apply to all limited warehousing uses:

a) All storage shall be kept within an enclosed building, except propane or gasoline powered engines or storage tanks or any boats or vehicles incorporating such components shall be stored only in designated screened areas.

b) Offices, animal-related uses and animal storage, manufacturing, assembly of goods, and retail or wholesale distribution of any item stored within the facility shall be prohibited at the limited warehouse facility.

c) The repair, construction, or reconstruction of any boat, engine, motor vehicle, furniture, appliance, machinery and the storage of any propane or gasoline storage tank is prohibited within any structure used for limited warehousing or on the premises of such limited warehousing, unless otherwise provided for in this Zoning Code.

17) Major facilities shall be located a minimum of 500 feet from a Residential Zoning District or school. Stealth telecommunication facilities are required with a CUP on properties located in the North Gateway Zoning District. Telecommunication facilities shall be aesthetically and architecturally compatible with adjacent structures and features in terms of shape, materials and colors and the city planner may require stealth telecommunication facilities in the GC zoning district to assure compatibility with surrounding land uses. Facilities shall comply with requirements in Chapter 17.22 Article 3, Telecommunications of this Title.

18) Municipal wells, drainage, and flood control facilities may be considered subject to an Administrative Permit for compliance with standards ***in Section 17.24.190 B. (Site and Architectural Review) of this Title.***

19) A single family residences lawfully established prior to the effective date of this Ordinance may be reconstructed if the building is involuntarily damaged or partially damaged by a fire or other calamity. **The building shall be constructed consistent with the standards in the Old Town zoning district.**

20) Small Temporary Residential Shelters (STRS) or Large Temporary Residential Shelter (LTRS) is permitted in the NG Zoning District provided that if it is located at least 1,000 feet from another LTRS or LTRS, 500 feet from a public park, a public or private K-12 school or an R1, R2 or OT Zoning District and within 1000 feet of a bus route. The STRS and LTRS shall comply with standards in Section 17.22.140 (Homeless Shelters or Transitional Housing) of this Title. A Conditional Use Permit is required for a STRS that does not comply with the location and development standards or in the NG Zoning District.

21) An exception may be allowed for lots located in the Fault Hazard Overlay zone and it is not feasible for the property owner to conduct a surface fault investigation for a commercial or multi-family use due to the size of the property and surrounding land uses.

(8) Up to 20 percent of the required landscaping can be credited from outdoor seating areas and shaded dedicated pedestrian walks through parking areas.

a) In order to ensure light and air for residential units in mixed-use buildings, the following minimum setbacks apply for any interior or rear yard. In any case in which the interior yard is also adjacent to a residential district boundary, the greater or the following setbacks, or those required by sections shall apply. 1) Five feet for any wall with windows; 2) Ten feet for any wall with bedrooms or kitchen windows. Structures and buildings with ground floor residential uses shall have a front and corner side yards of at least five feet, but no greater than ten feet. Stairs, landings, patios, unenclosed porches and architectural entry features, landscaping and similar features may occupy such yards.

b) Buildings shall be designed with forms stepping down to the north and south.

c) The Planning Commission may approve a maximum building height of 60 feet if the additional height is required for a roof garden, plaza, restaurant or mechanical equipment concealed by an attractive architectural element.

17.08 Commercial and Mixed Use Zone General Development Standards

The following development standards are intended to retain Hollister's small-town character, and foster attractive pedestrian-friendly commercial uses and natural surveillance. Key design elements that will be considered when reviewing a commercial development project will include:

1. Does the architecture of the proposal relate to the architectural style of structures and scale of adjoining properties and other structures in the block it is located?
2. Has the development been designed to avoid large unarticulated shapes in favor of design in favor of four-sided architecture with variation of the building façade with color, facades, rooflines and building heights to create interesting differentiated building forms and shapes?
3. Has the site been organized to provide inviting attractive, pedestrian-friendly access between structures, parking areas and along street frontages and other properties?
4. Has the building and site been designed to consider air circulation, natural lighting, solar orientation, sharing of interior and exterior spaces and energy efficiency?
5. Has parking been attractively landscaped and placed behind buildings rather than in front of buildings to retain the small town character of the area and improved pedestrian access?
6. Does the proposed development provide for shaded seating and bicycle racks?
7. Does the development relate to the character of the surrounding neighborhood including but not limited to the street, the massing of structures (including height and lot sizes), bulk and scale?

A. Air emissions. Restaurant and drive-through businesses shall be situated to avoid odor emissions to existing and undeveloped residential properties.

B. Architecture. A diversity of harmonious but not necessarily uniform architectural styles is encouraged in small- and large-scale developments. Building additions, alterations and accessory structures shall be architecturally compatible with the primary structure.

1. Large unarticulated shapes in building design such as blank walls shall be avoided.
2. Four-sided architecture shall be used to provide an attractive façade on all building frontages that face a public entrance to a building, public use area, street or residences.
3. Signs shall be integrated with the design and shall not overwhelm, be out of

proportion with, or dominate the project in compliance with section Chapter 17.20.signs.

C. **Connections between properties**. Orient structures, access and parking areas in a manner that will safely connect pedestrians and vehicles to adjoining properties, buildings and uses. Require where practical the removal of existing barriers to pedestrian or vehicle access between lands uses for infill/reuse of buildings and properties.

D. **Drainage**. Site improvements shall be designed to comply with city standards to substantially detain storm water runoff on the subject property to pre-development levels with a combination of methods including but not limited to vegetative swales in the landscape areas, directing drainage from roof gutters to landscape area and permeable paving in interior pedestrian areas or courtyards. Dual use of collection facilities for public gathering areas is encouraged.

E. **Fencing/walls**. Both sides of perimeter walls or fences shall be architecturally treated and compatible with the predominant architectural style of the site. In addition, anti-graffiti mechanisms such as landscaping or graffiti coating will be required on all new perimeter walls and fences.

F. **Height**. Irrespective of the requirements in this section (Commercial Zone and Mixed Use General Development Standards), the Commission may limit the height and mass of new structures to be consistent with those of adjacent properties and assure solar access in the neighborhood.

G. **Landscaping and open design elements:**

1. Open space areas shall be clustered into larger, landscaped areas rather than equally distributing them into areas of low impact such as at building peripheries, behind structures, or in other areas of little impact to the public view. Landscaping for commercial uses shall be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.
2. Landscaping shall be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose and maintain accessibility of pedestrian facilities.
3. Landscaping around the base of structures is recommended to soften the edge between the parking lot and the structure. This shall be accented at entrances to provide focus.
4. Medium-to-large size trees shall be used and in scale with the commercial areas and serve as sidewalk canopies, screening and parking area shade and relief to provide 50 percent shade canopy in five years.
5. Trees shall be located throughout the parking lot and not simply at the ends of parking aisles to provide shade and visual relief (i.e., a ratio of one tree per four parking stalls, one tree for per ten spaces in projecting islands and 40 percent of shade coverage at tree maturity or within five years, whichever comes first) landscaping shall be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of concrete curbs.
6. Vines and climbing plants integrated upon buildings, trellises, covered walkways and walls are strongly encouraged.

7. Use of potted plants in clay or decorative concrete containers, especially for enhancement of sidewalk shops, plazas, and courtyards, and to soften the hardscape is encouraged.
8. At maturity, trees shall be able to be trimmed ten feet above ground and shrubs shall be maintained at a height of approximately three feet when visibility is required.
9. **Commercial office projects: Required open space.** At least 40 percent of the lot area of a commercial office project shall be open space, not covered by a building, parking spaces or driveways. In existing residential structures converting to a commercial office that do not comply with this requirement, no addition to the structure will be allowed unless specifically required by the Uniform Building Code in order to meet health and safety standards.

An exception for landscaping may be waived in Downtown Mixed Use District where the building has a common boundary with a City sidewalk or alley on the street side of the building.

H. Lighting: The design of light fixtures and their structural support shall be architecturally compatible with the principal structure(s) on the site and be pedestrian-oriented and scaled. The following additional standards shall apply to on-site lighting, including lighting of signs, structures, landscaping, plazas, parking, and service areas.

1. Light fixtures installed for all outdoor lighting shall be shielded to confine light spread within the site boundaries and reduce "sky glow" impacts and arranged to prevent horizontal glare or direct illumination on adjoining property or streets. Fixtures shall be consistent with the design and types recommended by the International Dark Sky Association.
2. Install low- or high-pressure sodium or alternative lights recommended by the International Dark Sky Association or a similar organization in all commercial and mixed-use areas. Prohibit mercury vapor utility yard lights or other light fixtures with high-intensity discharge lamps or bulbs, which are not designed to limit or control light direction or which do not shield the light source from view of neighboring residential properties, shall be permitted.
3. Allow an exception to the prohibition of mercury vapor lights for outdoor display of products such as automobiles where clarity of color is important.

I. Lighting Applications:

1. **Architectural enhancement.** Accent lighting of architectural features is encouraged to highlight building massing and rhythm and enhance the pedestrian environment. Accent lighting shall not be a source of glare, reflected glare, or excessive light, especially when viewed from dwellings, streets, walkways, or open spaces. Neon lighting does not qualify as accent lighting.
2. **Building entries.** Building entries with high activity levels shall be illuminated. Appropriate treatments include: bathing entry surfaces with light, allowing the building interior light glow through glazing, or using decorative lighting fixtures to announce entries.
3. **Service areas.** Building-mounted down light fixtures, in combination with pole fixtures, are preferred for the illumination of building service areas. Such fixtures do not cause glare or light leakage beyond the service areas.
4. **Plazas, walkways, and paths.** Plazas, walkways, and other pedestrian paths shall be lit by pole or lighting bollard type fixtures that are of a human scale, typically

not to exceed sixteen feet or four feet in height, respectively.

5. Allow an exception to the prohibition of mercury vapor lights for outdoor display of products such as automobiles, where clarity of color is important.

J. Limited Outdoor sales or display of merchandise, materials, equipment or conduct of business. All retail businesses allowed within the Commercial and Mixed Use districts by this section (Commercial Zones and Permit Requirements) shall be operated entirely within an enclosed building with the following exceptions:

1. Auto service stations with accessory automobile repair or car washing. Outdoor operations shall be limited to pumping motor vehicle fluids, checking and supplementing various fluids, mechanical inspection and adjustments.
2. Automobile, boats, recreational vehicles, motorcycles and construction vehicles offered for sale or rent only.
3. Automatic teller machines (ATMs).
4. Farmer's markets, street fairs and swap meets that do not otherwise qualify as a temporary use.
5. Merchandise displayed within a completely roofed alcove, kiosk, or entryway and inside the line of the building face, which does not impact pedestrian circulation, parking, or landscaped areas.
6. Nurseries, provided that non-plant materials are screened from an abutting public street.
7. Permitted fruit and vegetable stands.
8. Sidewalk café, restaurants and drinking establishments with approved outdoor eating areas.
9. Reverse vending machines and small collection facilities.
10. Temporary use permit authorized pursuant to section 17.24 Article 2 Temporary Uses.

A solid fence or wall shall be required for all uses requiring a screen. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall. The city planner may require additional screening in highly visible areas and may impose reasonable restrictions on the type of storage or display, or the location of outdoor storage and display areas to avoid adverse visual effects.

K. Loading Facilities. Loading facilities and related service areas must be located away from and screened from view of streets, parks, plazas, and landscaped walkways, and shall generally be located within the interior of the development, whenever feasible.

L. Natural Surveillance. Whenever feasible, design and placement of buildings and other physical features are encouraged to maximize visibility and facilitate natural surveillance from public rights-of-way and other public areas. This includes building orientation, placement of windows, doors, and balconies, building and site entrances and exits, placement of parking, lighting, and refuse containers, placement and type of landscape materials, plazas, and other open space areas, location of walkways, types of walls and fences (including the use of picket, wrought iron, and similar materials to promote visibility when appropriate), and other physical obstructions in a manner that discourages the potential for criminal activity. Graffiti coating shall be required on buildings to discourage graffiti.

M. Parking lots:

1. Parking areas should be oriented behind buildings in the Mixed Use Districts and are encouraged to be located behind buildings in other commercial districts.
2. Separate vehicular and pedestrian circulation systems shall be a high priority for parking lot design. Pedestrian linkages between uses in commercial developments and to public sidewalks shall be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.
3. Parking aisles shall be separated from vehicle circulation routes whenever possible.
4. Common driveways that provide vehicular access to more than one site are encouraged.
5. Parking areas shall be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut structures shall be avoided whenever possible.
6. Where parking areas are connected, interior circulation shall allow for a similar direction of travel, and parking bays in all areas to reduce conflict at points of connection.
7. Whenever feasible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not feasible, design the front site entry with appropriately patterned concrete or pavers to differentiate it from the sidewalks.
8. Parking access points shall be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points shall be limited to the minimum amount necessary to provide adequate circulation.
9. Differential paving shall be required within parking areas ~~*where practical*~~ for pedestrian crossings through vehicle traffic areas.

N. Screening:

1. Screening for outdoor storage (including cart storage) shall be determined by the height of the material or equipment being screened. When allowed, exterior storage shall be confined to portions of the site least visible to public view. Where screening is required, a combination of elements shall be used, including solid masonry walls, berms, and landscaping. Chain link fencing with or without slatting shall not be permitted.
2. Any outdoor equipment, whether on the roof or side of a structure, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable.
3. When permitted, roll-up doors, vehicle bays, drive-through aisles, car wash entrances/exits, wash stalls, and similar features shall be screened from view of adjacent streets by building orientation or the provision of landscaping, berms, trellises, or low walls that are consistent with the architecture and exterior materials of the building.

O. Shared parking/Dual-use. The use of recorded reciprocal parking agreements is encouraged to reduce overall paving requirements if compatible hours of operation or types of use can be proven. Dual use of underutilized seasonal parking areas in commercial centers for plazas, courtyards, outdoor eating shall be considered during design review.

P. **Solid Waste.** Solid waste and recycling receptacles shall be sited where associated odors and noise will not adversely affect residential use. Receptacles must be screened from residential dwelling units.

Q. **Utility/Roof-mounted equipment.** Roof-mounted equipment including antennas, satellite dishes, air conditioners and similar equipment shall be screened from public view by well designed roof parapets or screened walls to conceal the mechanical equipment. To the extent practical, utilities such as reduced pressure pipes and meters shall be concealed with landscaping and site design.

17.17.08.040 – NG North Gateway District Supplemental Standards

The northern portion of the North Gateway district includes large unincorporated and incorporated parcels with potential for large-scale commercial retail, office parks, tourist, auto sales and regional commercial uses. Most parcels with frontage on Highway 25 will require access from interior streets and may benefit from off-site signs to direct motorists in the Gateway corridor to commercial uses. A coordinated approach to infrastructure, circulation, bicycle/pedestrian facilities, signage, infrastructure, streetscape, architecture and landscaping will be a priority in order to foster a vibrant mix of larger retail uses and office parks. Piecemeal development north of Gateway Drive is undesirable and should be discouraged.

Supplemental key design element that will be considered when reviewing a North Gateway Commercial development project shall include the following:

A. **Street network/Infrastructure Plan.** Master planning for multiple properties is a priority to establish coordinated, well-planned commercial centers. Proposals for development of individual undeveloped parcels will be required to prepare infrastructure plans. The plans shall be approved by the Development Review Committee prior to consideration of a Site and Architectural Review for a new development.

B. **Master Architectural, landscaping, lighting and sign programs**. The development of master architectural landscaping, lighting and sign programs will be a priority for large parcels in order to streamline subsequent approval processes and to establish an attractive entry to Hollister.

C. **Landscaping and building design:**

1. Development shall establish an attractive entry to Hollister with a high standard of Architectural Design for a distance of 300 feet from State Highway 25 or San Felipe Road or properties that would be visible from the gateway roads corridors.
2. Incorporation of public art, plazas into office parks and large retail centers is encouraged in order to establish an attractive entry to the North Gateway of Hollister.
3. Submittal of a street network and bikeway plan with prezoning or Site and Architectural Review application is required to facilitate coordinated safe multi-modal access and associated funding for transportation improvements to properties that may be confined by Highway 25, the Southern Pacific Railroad tracks and San Felipe Road.
4. A twenty-foot-wide landscape corridor with a double row of trees on the Highway 25 gateway entry to Hollister between Flynn Road and San Felipe Road with

fifteen-gallon black walnut trees or California pepper, mixed with smaller flowering fruit trees such as ornamental pears, cherry and crabapple, for every twenty lineal feet of property line in order to create an entry statement that reflects the agricultural heritage of orchard crops that were prevalent in Hollister.

5. A ten-foot-wide landscape strip along the San Felipe Road, Flynn Road and internal North Gateway street corridors with a minimum of one 15-gallon tree planted for every 20 lineal feet of property. The requirement for a landscape strip may be substituted with Planning Commission approval if commercial development orients the buildings toward the street and incorporates pedestrian oriented frontage improvements such as a plaza, paseo, public art, decorative landscaping and screens off-street parking areas from Highway 25, San Felipe Road and local streets.
6. Landscape design elements to screen all parking and loading areas where elevation of Highway 25 or San Felipe Road is above the project area.
7. Screen the view of all outdoor storage areas from view within three hundred feet of Highway 25 between Flynn Road and San Felipe Road. Class II Bicycle lanes shall be required on the frontage of all interior roads in the North Gateway district. A Class I Bicycle lane shall be required on the west side of San Felipe Road and on city arterials.
8. Design to remedy the impacts and use and parking of shopping carts with parking lot design for large retail uses.

17.08.050 Mixed Use Zoning District Supplemental Standards

A. The mixed use zoning districts allows for a combination of commercial and residential uses within a property, area or building. The residential portion of the development shall comply with the R4 development regulations except as modified by this division. Table 17.08-3 identifies development regulations for mixed-use buildings. A Site and Architectural Review shall be required for the conversion of all or a portion of a building from a single use to a mixed use or vice-versa. ***Conversion of a single family residential lot to a commercial use shall be subject to the standards in Chapter 17.06 (Home office)***

B. Site Planning. The location of structures and other site improvements shall create a pedestrian-oriented environment with safe, pleasant, convenient, and accessible pedestrian routes to public sidewalks, transit facilities, and adjacent uses. Site planning shall incorporate the following:

1. Structures shall be sited along street frontages of sites with parking in the rear or in limited circumstances to the side. Placing parking areas behind rather than in front of buildings helps preserve an attractive streetscape and improves pedestrian access to surrounding activities and uses. It also provides an urban border for the street.
2. Placement of structures, entrances, and open space areas, such as plazas and courtyards, shall be oriented to provide direct access to public sidewalks, and provide mid-block corridors and streets to the maximum extent possible to facilitate pedestrian access and movement between adjacent uses.
3. Buildings shall be arranged to create a sense of unity and overall harmony with adjacent structures. A visual link between separate structures can be established through the use of an arcade system, trellis, or similar feature.
4. Buildings shall be sited in a manner that maximizes visibility of plazas, courtyards, streets, and alleys to provide opportunities for people engaged in their normal behavior to observe the spaces around them.

5. The location of outdoor spaces shall have clear, recognizable shapes that reflect careful planning and are not simply left over areas between structures. Such spaces shall provide pedestrian-oriented amenities such as shaded areas, art, benches, fountains, landscaping, etc.

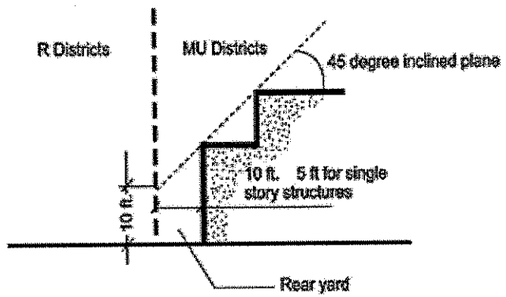
C. Mixed Use Building: Ground floor uses along a street frontage shall be limited to commercial uses. Residences, storage and parking should be oriented at the rear or interior building frontages. Residences should be allowed above the first floor or to the rear or side of the commercial use on the ground floor.

1. The main building entrance or entrances shall be oriented to the street or plazas, as applicable, to maximize natural surveillance and provide "eyes on the street." The main entries to buildings shall be clearly demarcated, visible and accessible from the street or pedestrian walkways. Main entries shall be recessed or framed by a sheltering element such as an awning, arcade, porch, or portico. Such entrances shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot, or loading area to gain access to the entrance from the street. Secondary building entries may be from parking areas.
2. All residential dwellings fronting on streets shall have a main entrance opening onto the front or corner side facade of the dwelling at the ground floor level. Such an entrance shall open directly to the outside. The entrance may be above grade level through a porch, stoop, portico, or similar architectural feature. Ground floor single-family attached dwellings fronting on a street shall have separate entries directly from the sidewalk or a pedestrian walkway. Upper story and ground floor residential dwelling units in a multifamily or mixed-use building fronting on streets may share one or more entries accessible directly from the street.
3. Multifamily residential buildings with facades over one hundred fifty feet in length facing a street frontage shall provide a minimum of two or more pedestrian building entrances on that frontage.
4. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the façade.
5. Structures and buildings with ground floor residential uses shall have a front and corner side yards of at least five feet, but no greater than ten feet. Stairs, landings, patios, unenclosed porches and architectural entry features, landscaping and similar features may occupy such yards.

D. Mass and Scale and Facade:

1. The mass and scale of a new development shall be compatible with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character or obstructs solar access.
2. Floors above the first floor shall be stepped back a minimum of five feet and an additional five feet for floors above the second floor but not more than 15 feet, particularly in the West Gateway district. However, the step-back requirement may be waived if the project includes window treatments, entry placement, facade relief and other architectural treatments to provide visual interest and pedestrian-sensitive design at the street level and to maintain a human scale in the streetscape and avoiding a monolithic street façade.
3. At residential edges, buildings shall maintain low profiles to provide a transition between urban and residential areas. Taller elements of the

building shall increasingly step back from adjacent single-family residential zones and include features to provide solar access. Structures shall not intercept a forty-five-degree inclined plane inward from a height of ten feet above existing grade at a residential district boundary line. Single story structures and ground level parking may encroach a maximum of five feet into required side and rear yards.



4. Building scale shall be reduced through the proper use of window patterns, structural bays, roof overhangs, awnings, moldings, fixtures, and other details that promote a human scale.

5. Building design shall avoid large monotonous facades, long straight-line building fronts, plain box shapes, and barren exterior treatment. All building facades visible from streets or public areas such as plazas shall be highly articulated, and incorporate the chosen design theme in a consistent manner.

E. Open Space:

1. Functional use of open space should be developed in favor of placement of landscaping in unusable areas or passive landscape area.
2. The design of the common usable open space shall complement the street pedestrian realm with plazas, pocket parks, public gathering spaces, street furniture, multi-purpose drainage facilities and landscaping.
3. Nonresidential and mixed-use projects are encouraged to incorporate plazas and courtyards, which are oriented to the public realm/sidewalks, into their design. Buildings can be clustered to create usable pedestrian areas.
4. The design shall provide visual and physical cues that demark the public space from the private space.
5. To integrate new buildings within the surrounding area, such buildings are encouraged to provide passageways that allow for light and air to adjacent buildings.
6. In mixed-use residential and residential projects, common usable open space shall be provided in large, meaningful areas that are visible from the residential dwellings they serve.
7. Common open space areas shall be convenient to the majority of dwellings and shall contain amenities appropriate to the project's size.
8. In mixed use and residential projects, private usable open space shall be contiguous to the dwelling unit it serves and be screened from public view for privacy. All balconies and patios that front a public street shall be designed to screen items being stored on the balcony or patio.

9. Rooftop open space may be used as common usable open space or private usable open space, when directly accessible to the dwelling unit(s) it serves.

F. Pedestrian Orientation:

1. Primary building entrances should be located on public street frontages.
2. Windows on public street frontages should be at a height that enables pedestrians to easily view retail products and services within the building.
3. Darkly tinted and mirrored windows that obstruct two-way visibility are prohibited on the ground floor facing streets and pedestrian corridors.
4. Pedestrian linkages between buildings and uses shall include features such as walkways, corner entrances, paseos, outdoor patios, water features, benches and tangible public art in mixed-use developments.
5. The preferred sidewalk width is ten feet.

G. Privacy for Residences in the Mixed Use Development:

1. Windows should be oriented away from loading, service, recycling and solid waste disposal areas.
2. Views from public right-of-way or other businesses or residences into primary living areas should be avoided by: 1) locating residences on the upper floor(s); 2) orienting windows away from other adjacent windows; 3) using translucent, louvered or offset windows; 4) incorporating privacy screening with landscaping, fencing or in combination with garden walls for outside private open space areas.
3. To the extent residential windows face the windows of an adjacent dwelling unit, the windows shall be offset or incorporate other features to provide privacy.

H. Treatment Adjacent to Residential Districts:

4. To provide privacy for adjacent dwelling units, windows on the second and higher floors of buildings, which directly face or abut residential zones, should be designed either as translucent, louvered, offset from existing residential windows, or utilizing another solution to achieve privacy for the adjacent dwelling units.
5. Parking areas shall be located and designed to be convenient in order to minimize parking problems in residential neighborhoods.
6. Building facades and garages that face existing dwelling units shall be designed to be compatible with the setbacks and scale of the existing development.

I. Yards/Setbacks:

1. Buildings with ground floor residential uses shall have a maximum front yard and corner side yard of ten feet to accommodate stairs, landings, porches, covered architectural entry features, and similar building features.
2. When provided, the front or corner side yard shall include landscaping or a hard-surface expansion of the sidewalk. Walkway connections to building entrances shall include special paving treatment or materials. The use of awnings, canopies, and arcades shall be incorporated as appropriate to provide visual interest, shade, and protection of pedestrians from the elements.
3. All other buildings shall generally have no required yard and be located directly behind the sidewalk to facilitate pedestrian access to the public realm. Portions of the front or corner-side street facades may be set back to allow for pedestrian-oriented outdoor areas and amenities only, such as plazas and courtyards, outdoor

patio dining areas, public art, fountains, entry forecourts, landscaping, or other amenities appropriate to an urban setting. When provided, such yards shall generally be no more than ten feet, except where ground floor building space is occupied by retail or other pedestrian-oriented uses with entrances opening directly to a plaza or courtyard. In such cases, the city planner may allow the maximum front or corner-side yard to be extended.

17.08.060 West Gateway Mixed Use Supplemental Standards

A. Site Development and Orientation of Land Use

1. Coordinate with property owners to use of flexible parking standards in establishing public plazas and outdoor gathering areas.
2. Multi-family residential buildings or mixed-use buildings are encouraged near existing residential properties.

B. Plaza/outdoor gathering areas. The Planning Commission shall have the authority to authorize a reduction in total landscape requirements, and increase the Floor Area Ratio to 0.2 for projects in the WG that provide plazas or outdoor gathering areas.

C. Multi-family residential buildings or mixed-use buildings are encouraged near existing residential properties and commercial building shall be oriented toward public streets.

D. Parking. The establishment of a parking assessment district(s) is strongly encouraged for the undeveloped areas in the West Gateway.

The Planning Commission shall have the authority to authorize a reduction in the total off-street parking requirements for all uses in a mixed-use development provided that all off-site parking requirements for the residential land uses have been met and 50 percent of the off-street parking requirements for the commercial buildings have been satisfied. The reduction shall be approved by the Planning Commission and shall include measures to assure long-term funding to reduce off-street parking demand such as: 1) recordation of reciprocal parking agreements for the entire development area; 2) a plan to denote parking areas reserved for residents; 3) a Travel Demand Program that will include measures to reduce parking demand such as traffic calming, additional bicycle parking facilities, two-wheel vehicle parking, rental housing for employees in the West Gateway, a Zip Car, and improved transit or vanpool access.

Chapter 17.10 - Industrial/Manufacturing Zones

Sections

17.10.010	**Purpose**
17.10.020	**Industrial/Manufacturing Zone Land Uses and Permit Requirements**
10.10.030	**Industrial Zone General Development Standards**
10.10.040	**Industrial Zoning District Performance Standards**

17.10.010- Purpose

This Chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by Section 17.04.010 (Zoning Districts Established). The purposes of the individual industrial/manufacturing zoning districts are as follows:

A. **M-1 (Light Industrial) District**. The Light Industrial (M-1) Zoning District provides for low-intensity research and development, warehousing, and manufacturing activities, including production, processing, assembly, packaging, or treatment of products from previously processed material or finished products from previously prepared materials. Outdoor activities are limited to accessory storage and loading areas. Heavy industrial uses may be allowed in the M-1 Zoning District with a conditional use permit. The M-1 Zoning District is consistent with the Industrial (I) land use category of the General Plan.

B. **IBP (Industrial Business Park) District**. The Industrial Business Park (IBP) Zoning District provides for manufacturing, light industrial and office uses generally characterized by well-designed, master-planned developments with high standards of architecture, landscaping and an option for outdoor fitness for employees. Appropriate uses will generally have limited needs for outdoor storage and other outdoor activities. The IBP Zoning District is consistent with the Industrial (I) land use category of the General Plan.

17.10.020 - Industrial/Manufacturing Zone Land Uses and Permit Requirements

The following table identifies the uses of land allowed by this Zoning Ordinance in each industrial zone, and the land use permit required to establish each use, in compliance with 1this section. Commercial uses allowed in the General Commercial and North Gateway Zoning Districts may be allowed with a Conditional Use Permit in the industrial zoning districts.

Site and Architectural Review shall be required for construction of new buildings, and master sign programs in the Industrial Zoning Districts unless a Master Architectural, Landscaping, Lighting and Sign program has been approved by the Planning Commission for the property within the last three years and the Development Services Director determines that the submittal substantially conforms to the approved program. Site and Architectural Review shall also be required for major façade improvements to

portions of existing buildings that face streets or public use areas including alteration of roof lines or the location of doors or windows. Administrative Permit Review is requires for uses that involve outdoor sales activities such as auto sales and nursery products or changes to the façade of a building that does face a public street or road. For the addition or removal of up to two doors or windows where the Director determines that the alteration is harmonious with the defining architectural characteristics of the building in relation to materials, scale, size and color and that the building will comply with applicable codes for health and safety, fire, ingress and egress and standards for commercial development. The City Planner may require the addition of an awning or similar feature to comply with the intent of the Industrial Zone Districts.

Table 17.10-1
Industrial Zone Districts Land Use and Permit Requirements

LAND USE	M-1-S	IBP
MANUFACTURING, PROCESSING & SERVICE USES		
Auto and equipment repair	P	P
Beverage production	P	P
Body shop, detailing	APR	CUP
Clothing products	P	P
Concrete, gypsum and plaster products	CUP	NP
Construction contractors storage yards	APR	NP
Chemical products, fertilizer	CUP	NP
Electrical and electronic equipment, instruments manufacturing	P	P
Food products	P	P
Food processing	CUP	CUP
Furniture and fixtures manufacturing	P	P
Glass products	P	P
Kennels and animal boarding	P	APR
Handicraft industries, small-scale manufacturing	P	P
Laundries and dry cleaning plants	P	P
Lumber and wood products manufacturing	APR	NP
Machinery Manufacturing	P	P
Metal products fabrication, machine and welding shops	P	P
Manufacturing	P	P
Parking for trucks, busses, service vehicles	APR	NP
Paper products	P	NP
Paving Materials	CUP	NP
Pharmaceuticals	P	P
Plastics and rubber products	P	NP
Printing and publishing	P	P

LAND USE	M-1-S	IBP
Public utility or safety facilities	CUP	CUP
Recycling - composting	CUP	CUP
Recycling – • small collection facility, reverse vending machines • large collection facility, scrap and dismantling yards	 APR CUP	 APR NP
Repair and maintenance – consumer products	P	P
Research and Development	P	P
Service stations	CUP	CUP
Stone and cut stone products	CUP	NP
Structural clay and pottery products	P	NP
Storage, outdoor	APR(1)	APR(1)
Storage, personal storage facilities	APR (1)	APR (1)
Vehicle Repair Facilities Minor Major	 APR APR	 APR APR
Truck, service truck and vehicle storage or parking	AS&A	CUP
Warehousing, wholesaling and distribution	P	CUP
Wholesaling and distribution	P	P
Veterinary clinic and animal hospital	P	P
AGRICULTURAL, RESOURCE & OPEN SPACE USES		
Crop Production	P	P
COMMERCIAL USES & SERVICES		
Ancillary Office supplies or copying occupying ten percent of the first floor area of the industrial building or complex or a maximum of 3,000 square feet.	AS&A	AS&A
Automatic teller machines (ATMs)	AP	AP
Adult entertainment establishments	P	P
Convenience Store Convenience Store (Max. 2,500 square feet)	S&A	S&A
Courier and small package delivery service		
Small Café or Deli (ten percent of the first floor area of the industrial building or complex or a maximum of 3,000 square feet.)	AS&A	AS&A
Professional Offices	CUP	CUP
Commercial uses allowed in the C2 General Commercial zoning district (see Section xxx)	CUP	CUP
RECREATION, *ASSEMBLY* & EDUCATIONAL USES		
Auditorium	**NP**	**CUP**
Child care center 1-14 children	AS&A	AS&A
Child care center 15 or more children	CUP (2)	CUP (2)
Health/fitness clubs	CUP	CUP
Library or Museum	CUP	CUP

RECREATION, *ASSEMBLY* & EDUCATIONAL USES CONTINUED		
Parks, playgrounds, golf courses	CUP	CUP
Religious Worship	**NP**	**CUP**
Schools – Specialized related education and training	**NP ~~CUP~~**	CUP
Sports facilities and outdoor public assembly	CUP	CUP
Trails, bike paths	CUP	CUP
Theatres, assembly and meeting halls	NP	***CUP ~~NP~~***
RESIDENTIAL		
Caretaker and Employee Housing	ACUP	ACUP
TRANSPORTATION & COMMUNICATIONS		
Antennas, communication facilities	CUP (3)	CUP (3)
Pipelines and utility lines	P	P
Transit stations and terminals	CUP	CUP

Notes:

1. Site and Architectural Review required to ensure screening from all public view areas.
2. Child care centers with 15 or more children are not permitted in the Airport Safety Overlay zones – Runway Protection, Inner Safety, Outer Safety and Traffic Pattern Zone.
3. In order to avoid interference with aircraft, antennas for telecommunications facilities shall be prohibited within the Hollister Municipal Airport Influence Area on the most currently adopted Hollister Municipal Airport Comprehensive Land Use Plan.

Permit Requirement by Zone

P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the building owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative Permit required. Permit is issued at Development Services Department

APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

mTUP= Minor Temporary Use Permit

MTUP= Major Temporary Use Permit

CUP = Conditional Use Permit.

S&A = Site and Architectural Review required with approval from Planning Commission

NP = Not Permitted

17.10.030 - Industrial Zone General Development Standards

New land uses and structures, and alterations to existing uses or structures shall be designed and constructed in compliance with the following requirements.

Table 17.10-2
Requirement for Industrial Zoning Districts

Development Regulation	M1	IBP
Lot Size—Minimum (1) (2)	20,000 sq. ft. for planned developments, none required others.	20,000 sq. ft. for planned developments, none required others.
Lot Width--Minimum	75 ft.	75 ft.
Lot Depth--Minimum	100 ft.	100 ft.
Lot Frontage--Minimum	50 ft.	50 ft.
Yards—Minimum		
Front (3)	10 ft.	0 ft.
Side		
Interior (3)	0 ft.	0 ft.
Corner (3	10 ft.	0 ft.
Rear (3)	10 ft.	0 ft.
Height—Maximum (4)	75 ft.	75 ft.
FAR—Maximum (5)	1	1
Residential Density	1 caretaker per site with a CUP	1 caretaker per site with a CUP
Landscaping--Minimum (Percent of Lot Area)		
Parcels less than 15,000 square feet	10%	10%
Parcels 15,000 square feet or more	15%	15%

Notes

(1) Minimum area for lots proposed in new subdivisions, and the minimum area required for an existing lot of record to be eligible for development. See Section 17.22.050 for exceptions to the minimum building site area requirements. A condominium lot may be smaller than the minimum, provided that the common ownership parcel of the condominium complies with the minimum area requirement.

(2) See Section 17.22.070 for the measurement of structure heights, and exceptions to height limits.

(3) No front, side, or rear setbacks are required, except that where the site is adjacent to a Residential Zoning District, adequate spacing between the buildings and the adjacent area shall be maintained, as determined by the Commission, and as required by the Uniform Building Code and fire codes. See Section 17.20.120 for the measurement of, and exceptions to these setbacks.
(4) The height may be reduced to comply with FARR requirements for properties in the Airport Safety Overlay zone.
(5) The FAR may be reduced for lands in the Airport Safety Overlay zone.

17.10.040 - Industrial Zoning District Performance Standards

All land uses proposed in industrial zoning districts shall be operated and maintained so as to not be injurious to public health, safety or welfare, and in compliance with the following standards. Large portions of the Industrial Districts are located within the Airport Safety Overlay Zone for the Hollister Municipal Airport. Supplemental standards in section 17.14.020 related to air emissions, ground vibration, noise, land use, lot coverage and lot density apply to some land in the industrial districts.

A. **Air emissions.** No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere, except as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site, in compliance with the requirements of the Monterey Bay Area Unified Air Pollution Control District.

B. **Ancillary Café/Deli/office supply**: In order to encourage a reduction of vehicle trips, a small scale deli or café, office supplies/equipment sales that are minor and clearly an ancillary part of the larger primary use may be approved with an administrative permit with the following standards.

1. The cumulative area of the retail/commercial use shall not exceed more that ten percent of the first floor area of the industrial building or complex or a maximum of 3,000 square feet.
2. The location of the use complies with all provisions of applicable fire, building, health and safety codes.
3. The hours of operation shall be similar to the hours of operation of the industrial building in which the use is located.
4. The use is not immediately adjacent to loading docks, outside storage and equipment area or other activity areas with high noise levels, odors or other conditions undesirable for commercial uses.
5. Commercial uses permitted under this section are allowed a freestanding sign with an area not to exceed ten (10) square feet.
6. The use is not on a parcel or adjacent to a parcel where extremely hazardous materials are stored.

C. Building Design General Requirements.

1. New construction should include windows, articulated entries, trellises or other features where building walls are visible from streets. Unpainted (gray galvanized) metal surfaces shall not be used on primary structures that are visible from a street, motel/hotel or residential zoning district. Industrial facilities with a utilitarian building design shall be screened with landscaping.

2. Modular buildings are prohibited unless approved as a temporary building for construction or with a conditional use permit for a temporary use not to exceed six months.

D. Child Care Center for 1 to 14 children. An administrative Site and Architectural Review shall be required for a child care center for employee's children. The center shall be accessory to the primary business operation. The facility shall be required to secure a Child Care License pursuant to Title 22 Child Care Licensing Requirements and comply with the following supplemental standards:

1. The outdoor activity space required by Title 22 shall meet the following standards:
2. Ambient noise level for adjoining permanent or seasonal land uses is 60 CNEL or less
3. Located over one-quarter of a mile from land uses that generate particulate dust such as sandblasting.
4. The center shall be located over ¼ mile from businesses that may manufacture explosives or handle extremely hazard substances or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code.
5. Fire walls shall be installed if necessary to separate the child care center from the use of the adjoining walls of the building. The type of fire wall shall be based on the occupancy type of the industrial business and requirements of the most recent Fire and Building Codes.
6. An administrative Site & Architectural Review shall be required for any change of the primary business operation or if tenant improvements change the occupancy type of the business use in the building where the Child Care Center is located.
7. The hours of operation shall be similar to the hours of operation of the industrial building in which the use is located.
8. Entrances and exits to the child care center are isolated from loading docks, driveways and storage areas.

E. **Drainage**. Site improvements shall be designed to substantially detain storm water runoff on the subject property to pre-development levels with a combination of methods including but not limited to vegetative swales in the landscape areas, directing drainage from roof gutters to landscape are and permeable paving in interior pedestrian areas. Drainage improvements shall also incorporate facilities to pre-treat storm water runoff including oil/grease separators.

F. **Energy Conservation.** Buildings shall be oriented and designed to conserve energy with provisions for passive solar, solar panels on roofs or in the parking lot. Industrial developments shall be designed to incorporate measures to encourage reduced vehicle trips.

1. **Employee Eating Areas.** The integration of shaded outdoor eating areas into the landscape or development plan shall be encouraged for new development on an existing lot with 20 or fewer employees and required for new development with an estimated 21 or more employees.
2. **Passive and active recreation**: New industrial subdivisions shall include provision for passive and active recreation including Class II bicycle paths with the road improvements, integration of shade trees along sidewalk frontages and dual use of storm water collection facilities and recreation areas where practical.

G. **Ground vibration.** No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.

H. **Indoor or screened operations.** All activities other than employee amenities, incidental loading and unloading, pedestrian and vehicular circulation, and incidental handling of materials shall be conducted entirely within structures or within outdoor areas entirely screened by structures, or walls and landscaping, from the view of public roads and adjoining properties. Storage shall not be placed within the required yard or parking areas. Administrative Site and Architectural Review is required for land uses that include outdoor storage to assure that the outdoor storage is screened from public view.

I. **Landscaping:**

1. A minimum of 35 feet (or other area required by Site & Architectural Review) of landscaping shall be provided from the back of curb to structures or parking areas, including sidewalks, appropriate landscaping, lawns, shrubs, street trees and clusters of trees, coordinated to create a continuous design along the street frontages. A maximum of 25% of the required front yard may be lawn area.
2. All parking areas shall be screened to a minimum height of 36 inches from the top of curb by landscaping, mounding, decorative fences or walls or appropriate combination of each.

3. Within parking areas, trees not less than five feet in height shall be planted in landscaped strips or tree wells, at a minimum spacing of one for every three parking spaces fronting the landscape strip, with landscaped islands at a minimum rate of one island for every 10 spaces.
4. Where practical, landscape plans shall integrate on-site recreation with landscaping and storm water detention. The use of reciprocal parking agreements and shared landscaping between contiguous parcels is encouraged where it will provide opportunities for shared recreation facilities and reduced paving.
5. Landscaping shall be designed to create and enhance the visual quality and natural settings for development within the IBP Zoning District. Landscaping shall be used to screen and soften parking areas as provided above, and other broad expanses of paving; provide a setting for structures; and to buffer and merge the various uses proposed on a site.
6. All landscape plans shall comply with the requirements in Chapter 17.XX for Land and Design Standards of this code.

J. **Noise control.** The volume of sound generated by or resulting from any land use (except motor vehicle operations), measured during calm air conditions, shall comply with the not exceed 65 dBA at the property line of the noise source.

K. **Roof-mounted equipment.** Roof mounted equipment including antennas, satellite dishes, air conditioners and similar equipment shall be screened from public view by well designed roof parapets or screened walls to conceal the mechanical equipment.

L. **Truck Loading Facilities**. Truck loading/unloading shall take place on the parcel where the primary business is located and shall not interfere with on-street traffic, parking or sidewalks. Truck turning templates should be used to design truck loading and access to loading facilities.

Truck loading facilities on a parcel contiguous to lands in a residential zoning district shall be designed to minimize noise to residential land uses. For undeveloped properties, the building shall be designed to orient truck loading facilities away from residential uses and minimize noise. Landscaping shall be required for all truck loading facilities near residential areas to provide additional noise attenuation.

Chapter 17.12 Special Purpose Zones

Section

17.12.010 Purpose

Article I
Special-Purpose Zone Land Uses and Permit Requirements for Airport and Airport Support

17.12.020 Land Uses and Permit Requirements for the Airport District
17.12.030 Land Use and Permit Requirements for the Airport Support District
17.12.040 Airport and Airport Support General Development Standards

Article II
Special-Purpose Zone Land Uses and Permit Requirements for Open Space, Parks and Public Facilities/Institutional Zoning Districts Airport Support

17.12.050 Special Purpose Land use and Permit Requirements for Open Space, Park and Public Facility
17.12.060 Open Space, Park and Public Facilities/Institution General Development Standards.

17.12.010– Purpose
This Chapter regulates development and new land uses in the special purpose zoning districts established by Section 17.02.040 (Zoning Districts Established). The purpose of the Special Purpose Zoning Districts are as follows:

A. **AP (Airport).** The Airport Zoning District is intended for lands owned by the City of Hollister and located within the Hollister Municipal Airport. The Airport Zoning District is consistent with the Airport land use designation of the General Plan.

B. **AS (Airport Support).** The Airport Support district is intended for areas adjacent to and with direct access to the Hollister Municipal Airport, where the most appropriate private commercial, industrial and recreational land uses are those that provide support to the airport and are compatible with both airport operations and adjacent uses. This district is characterized by well-designed, master-planned developments with high standards of architecture, landscaping and options for outdoor fitness for employees. The Airport Support zoning is consistent with Airport Support General Plan land use designation.

C. **OC (Open Space/Conservation) District.** The Open Space/Conservation (OC) Zoning District is applied primarily to undeveloped areas for the preservation of natural resources, with some opportunities for passive outdoor recreation uses such as trails, trail heads, interpretive centers and outdoor education in conjunction with areas of managed resources or areas that have or will be subject to reclamation. The OC Zoning District is consistent with the Open Space (OS) land use designation of the General Plan.

D. **P (Parks) District.** The Parks (P) Zoning District is applied to lands used for public and private outdoor recreation purposes including athletic fields, play grounds, trails, and limited cultural uses such as amphitheaters, public art, and museums associated with a public park. The P Zoning District is consistent with the Open Space (OS) land use designation of the General Plan.

E. **PF (Public Facility/Institutional) District.** The Public Facility/Institutional (PF) Zoning District is applied to sites for institutional, academic, community service and government uses. The PF Zoning District is consistent with the Public (P) land use designation of the General Plan.

Article I
Special-Purpose Zone Land Uses and Permit Requirements for Airport and Airport Support

17.12.020 Land Uses and Permit Requirements for the Airport District

Site and Architectural Review shall be required for construction of new buildings in the AP Zoning District unless a Master Architectural, Landscaping, Lighting and Sign program has been approved by the Planning Commission for the property within the last three years and the Development Services Director determines that the plans substantially conform to the approved program. Site and Architectural Review shall also be required for façade improvements including alteration of rooflines or the location of doors or windows. to the portions of a building that face streets or public use areas.

The following table identifies the uses of land allowed by this Zoning Ordinance in the Airport Zoning district.

Table 17.10-1
Airport Zone Districts Land Use and Permit Requirements

LAND USE - AIRPORT	Permit Requirements
AGRICULTURAL, RESOURCE & OPEN SPACE USES	
Crop Production	P
Floriculture	P
AVIATION RELATED USES	
Aircraft chartering and leasing	P
Air cargo facilities	P
Aircraft electronics sales and services	S&A
Air freight terminal	CUP
Aircraft parking, tie-down and aircraft hangars and shelters	P
Aircraft parts rebuilding	P
Aviation related, flying or navigational schools	APR
Aircraft sales, manufacture, service and related administrative offices	P
Airport administration and maintenance buildings and facilities	P
Auto rentals	CUP
Aviation equipment and accessories sales or repair.	P
Aviation storage	P
Commercial and Industrial uses incidental and in support of to Hollister Municipal Airport subject to the requirements of the applicable General Commercial or Light Industrial Zoning District.	CUP
Executive/General aviation terminal facilities with related offices and food services uses.	CUP
Federal aviation administration flight service facilities	P
Fixed base operations.	CUP
Fly-in offices	APR
Fuel or lubricant sales and facilities.	P
AVIATION RELATED USES CONTINUED	
Hang gliding	NP
Intermodal facilities	P
Museums and other cultural displays relation to aviation.	APR
Municipal emergency response facilities	P
Passenger terminals with accessory uses	P
Private parking	CUP
Public parking facilities	P
Public gatherings in conjunction with an Airport related activity sponsored or approved by the Hollister Municipal Airport	APR
Runways, taxiways, aprons, and related lighting and air support apparatus	P

COMMERCIAL USES & SERVICES	
Ancillary Office supplies or copying occupying ten percent of the first floor area of the industrial building or complex or a maximum of 3,000 square feet.	APR
Automatic teller machines (ATMs)	AP
Convenience Store Convenience Store (Max. 2,500 square feet)	S&A
Courier and small package delivery service	P
Small Café or Deli	APR
RESIDENTIAL USES	
Caretaker and Employee Housing	CUP

Permit Requirement by Zone

P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the building owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative Permit required. Permit is issued at Development Services Department

APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

mTUP= Minor Temporary Use Permit

MTUP= Major Temporary Use Permit

CUP = Conditional Use Permit.

S&A = Site and Architectural Review required with approval from Planning Commission

NP = Not Permitted

17.12.030 Land Use and Permit Requirements for the Airport Support (AS) Zoning District. Site and Architectural Review shall be required for construction of new buildings in the AS Zoning District unless a Master Architectural, Landscaping, Lighting and Sign program has been approved by the Planning Commission for the property within the last three years. Site and Architectural Review shall also be required for façade improvements to Site and Architectural Review shall also be required for façade improvements including alteration of roof lines or the location of doors or windows.to the portions of a building that face streets or public use areas.

The following table identifies the uses of land allowed by this Zoning Ordinance in the Airport Support Zoning district.

Table 17.12-2
Airport Support Districts Land Use and Permit Requirements

LAND USE - Airport Support	Permit Requirement
AGRICULTURAL, RESOURCE & OPEN SPACE USES	
Crop Production	P
MANUFACTURING & PROCESSING USES	
Industrial uses permitted in the IBP Zoning District and subject to the requirements of the Industrial Business Park Zoning District	P
Aircraft manufacturing	P
Aircraft parts manufacturing	P
Freight terminal	CUP
Public aircraft sales and promotion	CUP (1)
Aeronautical related services to the general public	CUP (1)
Aircraft maintenance	CUP (1)
Aircraft parts rebuilding	CUP (1)
Aircraft electronic sales and service	CUP (1)
Aircraft pilot or navigation schools	CUP (1)
Retail sales of aircraft fuel and lubricant sales	NP
Aircraft agricultural services	NP
Aircraft parking incidental to business use	P (2)
Aircraft parking, hangers solely for storage	NP
Wholesale aircraft and parts distribution	P
RECREATION, EDUCATIONAL & INSTITUTIONAL USES	
Health/fitness clubs	CUP
Hospital	NP
Special aviation related Libraries and museums	CUP
Parks, playgrounds, golf courses	CUP
Schools – Specialized aviation related education and training	CUP
Schools – Other	NP
Trails, bike paths	CUP
Automatic teller machines (ATMs)	AP
RETAIL TRADE	
Auto rentals	P
Bars and drinking places	CUP
Convenience Store (Max. 2,500 square feet)	APR
Deli or Café, Outdoor seating, sidewalk cafe	APR
Hotels and Motels	CUP
Offices, Business and Professional	P
Restaurants, serving alcohol	CUP
Sales yards	APR

LAND USE - Airport Support continued	Permit Requirement
SERVICES	
Automatic teller machines (ATMs)	AP
Cemeteries, columbarium, mortuaries	NP
Child day care centers	NP
City government offices and facilities	P
Kennels and animal boarding	CUP
Public utility and safety facilities	CUP
Storage, outdoor	NP
PROHIBITED LAND USES Antennas, communication facilities	NP

Permit Requirement by Zone

P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the building owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative Permit required. Permit is issued at Development Services Department

APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

mTUP= Minor Temporary Use Permit

MTUP= Major Temporary Use Permit

CUP = Conditional Use Permit.

S&A = Site and Architectural Review required with approval from Planning Commission

NP = Not Permitted

Notes:

(1) A conditional use permit for the aviation related land use near the Hollister Municipal Airport shall be allowed only if the following findings can be made:

A. Public improvements or funds will not be required for the successful operation of the business or use.
B. There is not sufficient land available within the Hollister Municipal Airport Layout Plan area to support the proposed land use within the foreseeable future.
C. The proposed land use will not directly compete with existing services or planned services/uses in the Hollister Municipal Airport Layout Plan and applicable master plans for the Hollister Municipal Airport.
D. The proposed land use will contribute to the economic vitality of the Hollister Municipal Airport
E. The proposed land use will not jeopardize grant assurances for the City of Hollister with the Federal Aviation Administration.

(2) An airport access permit is required to access the Hollister Municipal Airport pursuant to section 8.28 of the Municipal Code.

17.12.040 – Airport and Airport Support Zone General Development Standards

The general development standards for the Industrial Zoning Districts shall apply to the Airport and Airport Support Zoning Districts with the following additional standards to assure land use compatibility with the Hollister Municipal Airport.

A. **Air emissions.** No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere that would disturb aircraft, and the operation of motor vehicles on the site, or would violate the requirements of the Monterey Bay Area Unified Air Pollution Control District.

B. **Electronic Interference.** No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station.

C. **Glare.** No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Hollister Municipal Airport.

D. **Ground vibration.** No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.

E. **Height.** All application submittals for new construction shall include the FAR Part 77 elevation for the subject property based on the FAR Part 77 Surfaces established in the most recently adopted Comprehensive Land Use Plan for the Hollister Municipal Airport, the elevation of the ground and the building height of the proposed structure. Structures that exceed the FAR elevation shall be prohibited.

F. **Lighting.** There shall be no illumination that produces a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify Airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify Airport lights.

G. **Noise:** Office buildings, motels, hotels and schools shall be designed to include noise attenuation measures to maintain an interior noise level not to exceed 55 dB CNEL.

H. **Traffic Pattern Zone Lot Coverage:** No more than 50 percent of the gross area or 65% of the net area of a lot, whichever is greater, shall be covered by

structures.

I. **Traffic Pattern Zone Maximum Population Density of non-residential uses:** Land uses that would have a maximum population density of 150 people per acre shall be prohibited. The methodology for calculating population density in Appendix C of the 2002 California Airport Land Use Planning Handbook or subsequent amendments shall be used to calculate population density. The City Planner shall determine the most appropriate methodology on a case by case basis. The most current edition of the California Building Code shall be used to determine the occupancy for a structure.

Article 2
Special-Purpose Zone Land Uses and Permit Requirements for Open Space, Parks and Public Facilities/Institutional Zoning Districts Airport Support

17.12.050 Special Purpose Land use and Permit Requirements for Open Space, Park and Public Facility

Open Space, Park and Public Facilities/Institutional. Site and Architectural Review shall be required for construction of new buildings in the OP, P and PF Zoning Districts unless a Master Architectural, Landscaping, Lighting and Sign program has been approved by the Planning Commission for the property within the last three years and the Development Services Director determines that the submittal substantially conforms with the approved program. Site and Architectural Review shall also be required for façade improvements to Site and Architectural Review shall also be required for façade improvements including alteration of roof lines or the location of doors or windows. to the portions of a building that face streets or public use areas.

The following table identifies the uses of land allowed by this Zoning Ordinance in the Open Space, Park and Public Facility Zoning districts.

Table 17.12-3
Open Space, Park and Public Facilities/Institutional Zone Districts Land Use and Permit Requirements

LAND USE	OS	P	PF
AGRICULTURAL, RESOURCE & OPEN SPACE USES			
Crop Production	P	P	P
MANUFACTURING & PROCESSING USES			
Recycling – reverse vending machine	NP	P	P
Recycling – small collection facility	NP	NP	CUP
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Churches places of worship with schools	NP	NP	CUP
Community centers	CUP	CUP	P
Health/fitness clubs	NP	NP	CUP
Libraries and museums (public/non-profit)	NP	CUP	CUP
Membership organization facilities	NP	NP	CUP
Parks, playgrounds, golf courses	CUP	P	P
Schools – college and university, secondary, elementary	NP	NP	P
Schools – specialized education and training	CUP	CUP	P
Sports facilities and outdoor public assembly	CUP	CUP	P
Studios for dance, art, music, photography, etc.	NP	CUP	CUP
Trails, bike paths	P	P	P
Theatres and meeting halls	NP	CUP	CUP
RESIDENTIAL			
Agricultural employee housing – 4 or fewer employees	CUP	CUP	CUP
Agricultural employee housing – 4 or more employees	CUP	CUP	CUP
Caretaker housing	CUP	CUP	CUP
Organizational houses	NP	NP	CUP
RETAIL TRADE			
Certified Farmer's Market	MUP	MUP	MUP
SERVICES			
Automatic teller machines (ATMs)	NP	P	P
Cemeteries, columbarium, mortuaries	NP	CUP	CU
Child day care centers	NP	CUP	CUP
City government offices and facilities	NP	P	P
Corporation Yard	NP	NP	CUP
Kennels and animal boarding	CUP	NP	NP
Medical services – Hospitals	NP	NP	P
Public utility and safety facilities	CUP	CUP	CUP

Storage, accessory Storage, outdoor Warehousing	P CUP NP	P NP NP	P NP P
TRANSPORTATION & COMMUNICATIONS Antennas, communication facilities Airports Pipelines and utility lines Transit stations and terminals	 NP NP P NP	 NP(1 - exception) NP P CUP	 CUUP (2) P CUP

KEY TO PERMIT REQUIREMENTS	**SYMBOL**
Administrative Site & Architectural Review Required	APR
Conditional use – Conditional Use Permit Required	CUP
Permitted use	P
Use Not Allowed	NP
Temporary use – Temporary Use Permit Required	TUP

Notes:

1. A communication facility may be permitted with a conditional use permit in a Public Facility Zoning District where it is located not less than 500 feet from a public school or a residential zoning district or general plan land use designation.
2. ***The existing telecommunication monopoles authorized by a Conditional Use Permit prior to the enactment of Ordinance shall be considered conforming land uses. Stealth design and co-location shall be required for any replacement poles.***

Permit Requirement by Zone

P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the building owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative Permit required. Permit is issued at Development Services Department

APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.

mTUP= Minor Temporary Use Permit

MTUP= Major Temporary Use Permit

CUP = Conditional Use Permit.

S&A = Site and Architectural Review required with approval from Planning Commission

NP = Not Permitted

17.12.060 Open Space, Park and Public Facilities/Institution General Development Standards.

New lands uses and structures, and alterations to existing uses or structures shall be designed and constructed incompliance with the following requirements.

Table 17.12-4
Requirements by Zoning District

Development Feature	OS	P	PF
Minimum Lot Area and Minimum Building Site Area (1)	None required		
Residential Density	1 caretaker/employee dwelling unit per facility		
Setback Requirements	Buildings in the OS, OP Zoning District shall comply with the setback requirements of the most restrictive contiguous zoning district. Except that buildings higher than 35 feet in the PF Zoning District that are contiguous to a residential zoning district shall be required to provide an additional setback of at least 20 feet for buildings over 35 feet to assure solar access and land use compatibility.		
Front	None required.	The same as that required by the most restrictive contiguous zoning district.	None required, except where part of the site street frontage is within an R zoning district, the R zoning district setback shall be required and setbacks as required by the Uniform Building Code and Fire Codes
Floor Area Ratio (FAR)	N.A.	N.A.	2.0
Site Coverage	N.A.	N.A.	No limitation
Height Limits	35 ft. maximum (2)		74 ft. maximum
Landscaping	N.A.		10% - Parcels less than 15,000 square feet 15% - Parcels 15,000 square feet or more
Parking	As required by Chapter 17.18		

Notes:

(1) See Section 17.16.060 for the measurement of structure heights, and exceptions to height limits.

Chapter 17.14 Overlay Zoning Districts

Sections

17.14.010 Residential Performance Overlay Zoning District
17.14.020 Airport Safety Overlay
17.14.030 Earthquake Hazard Overlay Zone
17.14.040 Flood Hazard Overlay Zone

17.14.020 Residential Performance Overlay Zoning District

A. Residential Performance Overlay Zone District (R-1 L/PZ, R-3 M/PZ and R-4 H/PZ): This overlay district applies to vacant land within the City of Hollister. The intent of the overlay district is to foster development that meets the range of densities for the General Plan land use designation with the option for flexible standards to implement policies and programs in the General Plan that call for the following:

a. A variety of lot sizes and choices for housing types in all residential zoning districts.
b. New development with interesting street patterns, site planning and neighborhood design.
c. Connections among new neighborhoods with the rest of the City for pedestrians and bicyclists.
d. Incorporation of on-site recreation, pedestrian links between adjoining properties, trails or easements in the vicinity of drainages and water courses in new development.
e. Clustered development that meets the average general plan density for the property while avoiding development in areas with environmental constraints (e.g. flood, seismic, liquefaction, and habitat).
f. Lot design and building orientation to provide solar access.
g. Ensure that the scale and mass of new development preserves the character and scale of existing residential neighborhoods.

Lands within the R-1 L/PZ overlay zone predominantly include vacant land within the City of Hollister in the Low Density Residential (one to eight units per net acre) land use category of the General Plan. An average development density of one to eight units per net acre is required in this overlay zone with a targeted minimum density of at least six units per net acre.

Areas with the R-3 M/PZ overlay zone comprise vacant land within the City of Hollister in the Medium Density Residential (8-12 units per net acre) land use category of the General Plan. An average development density of 8-12 units per net acre is required in this overlay zone.

Areas included in the R4-H/PZ overlay zone encompass vacant land within the City of Hollister in the High Density Residential (16-35 units per net acre) land use

category of the General Plan. An average development density of 16 to 12 units per net acre is required in this overlay zone.

B. Performance Overlay Zoning District Development Requirements

1. **Lot Size Variation**:

Lot size may vary from the base zoning district with a Performance Agreement as follows:

a. Lots may be reduced below the minimum of the based zone to not less than 2,500 square feet for lots created where the base General Plan designation is Low Density Residential or Medium Density Residential.
b. The lot size may be reduced to less than 2,500 square feet and the building height may be increased to 75 feet where General Plan designation is High Density Residential.

2. **Performance Agreement**: A performance agreement shall be required for any subdivision or residential development with a variation in lot sizes allowed by this section. The approved performance agreement shall be recorded on each lot as a deed restriction. At a minimum, the recorded performance agreement shall include the following:
   a. Standards for each lot within the subdivision, including but not limited to lot coverage, yards (front, side and rear) for dwelling units and accessory buildings, landscaping and storage.
   b. A plan for the shared maintenance of useable open space subject to review and approval of the City of Hollister;
   c. A plan for the shared maintenance of private roads, sidewalks, other subdivision improvements subject to the review and approval of the City of Hollister;
   d. Standards for conversion of accessory buildings or non-habitable portions of buildings (e.g. garages) for human habitation.
   e. The approved Performance Agreement for the construction of dwelling units shall be in conformance with the requirements of Subsection 17.12.C (Findings).

3. **Housing Types:** The range of housing types and densities allowed in the R1, R2, R3 and R4 Zoning Districts shall be allowed subject to the approved Performance Agreement. These housing types include single family homes, small lot homes, and zero lot line homes, manufactured homes on a permanent foundation, duplexes, triplexes, four lexes, multi-family homes, condominiums and row houses.

4. **Future Subdivision:** Since the purpose of the district is to allow flexibility in development design while maintaining the density of the base zoning district, a lot once subdivided and recorded under ht provisions of the approved Performance Agreement shall not be further divided or significantly reduced in area unless the lot was created as a "remainder lot" under the provisions of the California Subdivision Map Act.

5. **Minimum lot sizes near subdivision boundary.** Lots located contiguous to an existing residential development shall be similar in size to the adjoining residential zoning district unless it can be found that one of the following conditions exists:
   a. That the project boundary is contiguous to a street;
   b. That the lot is contiguous to properties within a zoning district and general plan designation with a higher or lower development density and the lot sizes would not have been similar;
   c. The project boundary will abut open space or a non-residential land use;
   d. Transitional setbacks and landscaping is incorporated into the project design to assure that the new development is of a scale and character that will preserve and enhance the character of the existing residential neighborhood.

   Setbacks, lot coverage: The setbacks and lot coverage requirements established in the R1, R2, R3, R4 and OT Zoning Districts shall be applied to the housing type approved the Performance Agreement. Where there is a mix of housing types, the more restrictive setback shall apply.

C. Finding for approval of a Performance Agreement:
The variation of lot sizes and clustered development in the approved performance agreement will fulfill General Plan goals:

1. The development avoids encroachment on watercourses and drainage areas;
2. The development design and improvements provide pedestrian and bicycle connectivity between developments to assure safe routes to schools and reduced vehicle trips;
3. The development is designed to provide a diversity of housing types and sizes;
4. The development includes the provision of usable open space with a mechanism for maintenance of the open space areas
5. The development is designed to preserve and enhance the character of the surrounding residential neighborhoods;
6. The development design will contribute to stable and attractive neighborhoods.
7. The average development density is not less than the average and not more than the maximum development density for the applicable general plan land use designation.
8. Where the base general plan designation is Medium Density Residential at least 20 percent of the housing stock shall be multi-family rental housing. Where the base general plan designation is High Density Residential, at least 30 percent of the housing stock shall be multi-family rental housing.

17.14.020 Airport Overlay Zoning District

A. Purpose

This Chapter provides overlay zone regulations that supplement regulations in the base zoning district applicable to development and new land uses in the airport overlay zoning district established by Section 17.02.030 (Zoning Districts Established). The purposes of the airport overlay zoning districts area as follows:

Airport Safety Overlay District. The Airport Safety Overlay District (ASZ) provides regulations in the vicinity of the Hollister Municipal Airport for protecting people and property on the ground, minimizing injury to aircraft occupants and preventing creation of hazards to aircraft using the airport.

B. Airport Safety Overlay Zone Supplemental Land Uses and Permit Requirements to the base zoning district for a property.

Table 17-14-1
Airport Overlay Land Use and Permit Requirements that are Supplemental to the Base Zoning District

Land Use(1)	Runway Protection Zone 1 (2)	Inner Approach/ Departure Zone 1 (3)	Inner Turning Zone 3 (3)	Outer Approach Departure Zone 4 (4)	Side line Zone 5 (4)	Traffic Pattern Zone 6 (5)
Public - Semipublic Uses						
Assembly (6)						
Auditorium	NP	NP	CUP	CUP	CUP	NP
Meeting Hall	NP	NP	CUP	CUP	CUP	CUP
Religious Assembly	NP	NP	CUP	CUP	CUP	CUP
Stadium	NP	NP	CUP	CUP	CUP	NP
Theater	NP	NP	CUP	CUP	CUP	CUP
Day Care (6)						
Small day care	NP	NP	NP	NP	CUP	P
Large day care	NP	NP	NP	NP	CUP	APR
Schools with the exception of aviation related schools	NP	NP	NP	NP	NP	CUP avoid
Hospital, Nursing Home	NP	NP	NP	NP	NP	NP

Land Use(1)	Runway Protection Zone 1 (2)	Inner Approach/ Departure Zone 1 (3)	Inner Turning Zone 3 (3)	Outer Approach Departure Zone 4 (4)	Side line Zone 5 (4)	Traffic Pattern Zone 6 (5)
Residential Land Uses						
Residential	NP	NP	NP	NP	NP	P
Caretaker	NP	CUP	CUP	P	P	P
Commercial Uses						
Auto Parking	APR	APR	APR	APR	APR	P
Office Building						
One story	NP	P	P	P	P	P
Two story	NP	NP	P	CUP	P	P
Three story	NP	NP	APR	CUP	APR	APR
Restaurant						
Deli	NP	APR	APR	APR	APR	P
Restaurant	NP	APR	APR	APR	APR	P
Drive-through	NP	NP	CUP	CUP	CUP	P
Shopping Center	NP	NP	CUP	CUP	APR	APR
Other Commercial Uses	NP	P(3)	P(4)	P(4)	P(5)	P(5)
Industrial Uses						
Agriculture	P	P	P	P	P	P
Auto Parking	APR	APR	APR	APR	APR	APR
Other Industrial Uses with structures	NP	P(2)	P(3)	P(3)	P(4)	P(5)
Fuel Storage	NP	NP	NP	CUP	CUP	CUP
Hazardous Uses	NP	NP	NP	CUP	CUP	CUP
No structure	CUP	AP	AP	AP	AP	AP
Silos	NP	NP	NP	NP	NP	NP
Telecommunication towers	NP	NP	NP	NP	NP	CUP

Permit Requirement by Zone

P = Permitted use in zoning district. Prior to establishing the use, it is the responsibility of the building owner, or lessee to secure any permits or complete tenant improvements to assure that the use complies with applicable federal, state and local requirements.

AP = Administrative Permit required. Permit is issued at Development Services Department
APR = Administrative Permit Review required. Reviewed by Development Review Committee for compliance with standards for use and decision to approve or deny by Development Services Department without a public hearing.
CUP = Conditional Use Permit.
NP = Not Permitted

Notes

1. *The permit requirements in this table are supplemental to the requirements in the base zoning district. All land uses listed and not specifically listed on this table must comply with requirements of the base zoning district and supplemental standards for building height, population density and land use in this chapter.*
2. *Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 0 persons per acre but an exception may be granted for agricultural activities, roads and automobile parking*
3. *Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 25 to 40 persons per acre.*
4. *Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 60 to 80 persons per acre.*
5. *Maximum number of persons per acre to be allowed from a single land use or combination of land uses on a property shall be 150 persons per acre.*
6. *Where population is concentrated on a portion of a property or an assembly use is proposed, the population density shall not exceed the threshold for the maximum number of persons per single acre in this table.*

C. Airport Overlay Zone General Development Standards

A. ***Supplemental Application Form**: A supplemental application on a form prepared by the City of Hollister shall be submitted with any application for a discretionary permit, building permit n or change of use on property located in the Airport Safety Overlay Zone. The Director shall have the authority to waive the requirement where it can be determined with certainty that there is no question that the alterations to the property conflict with the standards listed below (e.g. wall sign, low intensity use). The supplemental application form shall be used to verify that the proposed building permit or change of use on the property complies the following standards to protect persons, property and aircraft in the Airport Safety Overlay Zone:*

1. Application submittal requirements:

a. *Type of land use*
b. *List the type of airport safety zone(s) that overlies the property (Zone 1 -- Runway Protection, Zone -2 Inner Approach/Departure, Zone 3 - Inner Turning Zone, Zone 4 - Outer Approach/Departure, Zone 5 – Sideline, Zone 6 - Traffic Pattern) from the City of Hollister Geographic*

Information System Airport Overlay Zone Map. If multiple airport safety zones overlay the property, the safety zones shall be plotted to scale on the site plan.

c. *The maximum number of persons per acre that could result from the activity proposed on calculated on a form prepared by the City of Hollister. The City of Hollister will prepare forms that use the most current edition of the Caltrans, California Airport Land Use Planning Handbook. A supplemental calculation of the density per proposed density per acre shall be required for assembly uses or where population is concentrated on a portion of property or as determined by the Director.*

d. *Building Height: All applications for new construction or that will increase the height of a structure shall include the FAR Part 77 elevation for the subject property based on the FAR Part 77 Surfaces established in the most recently adopted Comprehensive Land Use Plan for the Hollister Municipal Airport, the elevation of the ground and the building height of the proposed structure.*

B. Standards for the Airport Overlay Safety Zone

1. ***Air emissions.*** *No approved land use shall generate or cause any visible dust, gasses, heat, odor, or smoke to be emitted into the atmosphere that would disturb aircraft, and the operation of motor vehicles on the site, or would violate the requirements of the Monterey Bay Area Unified Air Pollution Control District.*

2. ***Electronic Interference.*** *No structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between the aircraft and a ground station.*

3. ***Glare.*** *No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Hollister Municipal Airport.*

4. ***Ground vibration.*** *No approved land use shall generate ground vibration perceptible without instruments at any point along or outside of the property line of the use, except for motor vehicle operations.*

5. ***Height.*** *Structures that exceed the FAR elevation shall be prohibited.*

6. ***Lighting.*** *There shall be no illumination that produces a flashing or blinking effect that would interfere with aircraft or a pilot's ability to identify Airport lights, nor any lighting projecting upward that would interfere with aircraft or a pilot's ability to identify Airport lights.*

7. ***Maximum Density per gross acre or single acre:*** *A discretional permit or building permit shall not be issued for new construction or alterations to a building or a land use established in an airport safety overlay zone where the*

population density exceeds that maximum allowed in Table 17.14-1.

8. ***Noise**: Office buildings, motels, hotels and schools shall be designed to include noise attenuation measures to maintain an interior noise level not to exceed 55 dB CNEL.*

C. Findings for Conditional Use Permits in the Airport Overlay safety zone

1. *The development proposal incorporates risk reduction factors to minimize harm to occupants of a building from an aircraft such as:*
    a. *Concrete walls*
    b. *Limited numbers and size of windows*
    c. *Upgraded roof strength*
    d. *No skylights*
    e. *Enhanced fire sprinkler system*
    f. *Single story height or increased number of emergency exits*
2. *The population per acre or concentration of people on the property does not exceed the thresholds for population density in Table 17.14-1.*
3. *The development has been designed to orient buildings and open areas in relation to surrounding land uses to provide a continuous open area.*

17.14.040– Earthquake Hazard Overlay Zone

A. Purpose and Intent

The Earthquake Hazard Overlay District (EZ) applies to or portions of properties that have been included on the Earthquake fault zones maps delineated by the State Geologist pursuant to §2621 of the Public Resources Code the Alquist-Priolo Earthquake Fault Zone Act. The purpose of the overlay zone is to protect people and property from hazards associated with surface fault rupture along the traces of active and potentially active main branch and East Branch of the Calaveras Fault.

B. Property Development Standards

These standards supplement regulations in the base zoning district for the property.

1. ***Surface Fault Hazard Investigation:*** *A surface fault hazard investigation shall be required on the portion of property within the fault hazard zone that meets the definition of a project in §2621.6(a) of the Alquist-Priolo Earthquake Fault Zone Act.*
   a. *If a surface fault hazard investigation has been previously conducted on the property, evidence shall be submitted that there is not potential for surface fault rupture where structures for human occupancy are proposed based on evidence from a surface fault hazard investigation completed in compliance with the Alquist-Priolo Earthquake Fault Zone Act and filed with the State Geologist.*

b. *Surface fault investigation requirements:*
   i. *Prior to the initiation of a surface fault hazard investigation, a trenching plan prepared by a geologist registered in the State of California shall be reviewed and approved by a city appointed geologist that is registered in the State of California.*
   ii. *Prior to initiation of a surface fault hazard investigation, fees shall be deposited by the property owner or their agent with the City of Hollister to cover the cost for review of the scope of work, examination of the trenches, review of the written findings from the surface fault investigation and any associated meetings.*
   iii. *The surface fault investigation and review shall be completed in compliance with the California Geological Survey Special Publication 42.*
   iv. *The approved surface fault investigation report shall be filed with the State Geologist.*
   v. *If a non-buildable area is established by a surface fault investigation, a deed restriction shall be recorded by the property owner or their agent with a map that clearly illustrates the location of the non-buildable area(s) established by the approved surface fault hazard investigation.*

17.14.050 – Flood Hazard Overlay Zone

A. Purpose and Application

The purpose of the Flood Plain Overlay Zone is applied to lands within the Federal Emergency Management 100-year flood plain, and areas included on the Department of Water Resources Flood Awareness Maps and other flood prone area identified by the City of Hollister. Residential land uses shall be restrictive in the Flood Hazard overlay zone in order to prevent property damage, to safeguard the health, safety and general welfare of the people in areas subject to flooding and inundation, to control filing, grading and development that may alter drainage patterns and/or increase food damage and to prevent the cumulative effect of development in flood-prone areas.

B. Property Development Standards

1. *Development on lands in the Industrial zoning districts located within the FEMA 100 year flood plan shall comply with the City of Hollister flood plain ordinance.*
2. *New residential development on properties located within the FEMA 100 year flood plain shall be designed to avoid FEMA 100-year flood zones. New residential lots shall have an area of at least 6,000 square feet entirely outside of flood hazard area. A non-developable easement shall be recorded on the portion of any lot in the FEMA 100-year flood plain.*
3. *As a condition of prezoning and annexation, a comprehensive plan for flood control improvements to avoid damage to persons and property with an approved mechanism for funding shall be required prior to approval of any new residential development on lands included on the Department of Water Resources Flood Awareness Maps.*

CHAPTER 17.16 Performance Standards

Sections:

17.16.010 Access
17.16.020 Accessory Residential Uses and Structures
17.16.030 Archaeological and Historic Resources
17.16.040 Dust and Dirt
17.16.050 Fencing, Screening and Walls
17.16.060 Height Measurement and Height Limit Exceptions
17.16.080 Landscaping Design and Standards
17.16.090 Outdoor Lighting
17.16.0100 Noise

1716.010 - Access

Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement or recorded reciprocal (mutual) access agreement, consistent with state law, as determined appropriate by the Director. Driveways shall be developed in compliance with the standards in Section 17.24.080. Efforts shall be made to keep driveway length to a minimum.

17.16.020 - Accessory Residential Uses and Structures

Accessory buildings and structures are permitted or conditionally permitted in any residential district, as specified by the regulations set forth in this section. Accessory buildings may be constructed either at the same time as the main structure or subsequent to the main structure. When an accessory building is attached to the main building, it shall be considered a part of the main building and all requirements of this chapter applicable to the main building shall be complied with as for a single structure. Accessory buildings and structures include, but are not limited to detached garages, greenhouses, swimming pools, workshops, and patio covers.

A. **General Requirements**. All accessory buildings or structures are subject to the following standards, except where other requirements are established by other provisions of the section or chapter.

   1. **Lot Coverage.** A single accessory building or structure shall not occupy more than thirty (30) percent of the required rear yard area, nor shall all such buildings or structures collectively occupy more than forty (40) percent of the required rear yard area. The required rear yard area is defined as that area of the property between the rear property line and the required rear yard setback line

for the main building. The total coverage for all buildings, including the main or principal building and all accessory buildings or structures, shall not exceed fifty (50) percent of the lot. An uncovered patio, deck, in-ground pool or spa, water-shedding patio cover (no more than two sides enclosed), or barbecue area shall be excluded from lot coverage calculations.

2. **Setbacks and Height Limitations:**

   a. Accessory buildings or structures of one hundred twenty (120) square foot or less of area and not exceeding eight (8) feet in height must be set back from the rear or side property line a minimum of one (1) foot six (6) inches.
   b. Accessory buildings or structures greater than one hundred twenty (120) square feet of area or greater than eight (8) in height, but not exceeding fifteen (15) feet in height, must be setback from the rear and side property lines a minimum of three feet as measured from the wall or eave of the accessory structure, whichever is closer to the property line.
   c. Accessory buildings or structures exceeding fifteen (15) feet in height are subject to Conditional Use Permit approval by the Planning Commission. The Commission may conditionally approve or deny a use permit for an accessory building or structure if it finds that said building or structure may have a demonstrated reduction of privacy on adjoining properties, a negative aesthetic effect on adjoining properties, a reduction in air flow onto adjoining properties, or the shading of an adjoining property that may reduce vegetative use or solar access of said property.
   d. All accessory buildings or structures shall be a minimum of ten (10) feet from the main building and five (5) feet from any other accessory buildings or structures on the same property.

3. Building Locations:
   a. No accessory building or structure shall project beyond the inner line of the required or existing front yard on an adjoining parcel, where the rear lot line adjoins the front yard of the adjoining parcel.
   b. An accessory building or structure shall not occupy the required front yard
   c. An accessory building or structure shall not occupy the required street side yard on a corner lot.

B. Standards for specific accessory uses and structures. The following requirements apply to the specific types of accessory structures listed, in addition to the requirements of Subsection A., as applicable.

1. **Breezeways**. A breezeway may be permitted to provide shelter between an accessory building and a main building. A breezeway is a covered passageway which does not exceed ten feet in width and which has a least one side open, exclusive of necessary supporting columns.

2. **Garages**. A garage for a single-family dwelling in the residential and mixed use zoning districts shall comply with the following requirements. A garage for a multi-family project shall comply with the ***site development standards for the applicable zoning district and general development requirements of Chapter 17.18.030 A*** ~~***requirements of Section 17.18.***~~

   a. Limitation on number. Except in the RE and R1 zoning districts, a single parcel shall have only one attached or detached garage or for second units where standards for setbacks and lot coverage can be met.

   b. Setback requirements.

      (1) Front setback. Garages shall comply with the garage front setback requirements of the applicable zoning district.

      (2) Side setbacks. A garage shall be set back a minimum of five feet from side property lines, except that the Planning Commission may authorize a zero side setback abutting a property line where the adjacent property owner has granted a maintenance easement, provided that the garage is located at least eight feet from the opposite side property line, and the maintenance easement is first reviewed and approved by the City.

      (3) Rear setback. An attached garage shall comply with the rear setback requirements of the applicable zoning district. A detached garage shall be set back a minimum of five feet from the rear property line where vehicles access the garage from the front of the lot, and shall be located a minimum of 25 feet from the opposite side of the alley where accessed from an alley.

   d. Facade width. The facade of any garage facing a street shall not exceed a width of 25 feet.

3. **Remodel of accessory and non-habitable building areas to habitable area(s):** The remodel of the non-habitable portion of a building such as a carport or garage to a habitable area is permitted in a residential zoning district, as specified by the regulations set forth in this section.

   a. Any portion of the structure remodeled to habitable space shall comply with side, front and rear yard setbacks for the main house.
   b. The portion of the building altered to a living area shall comply with California Building Code requirements for a residential occupancy.
   c. The addition of a second kitchen is prohibited.
   d. The use of the remodeled area as a second unit is prohibited unless a permit for an accessory second unit is secured incompliance with the requirements for Secondary Residential Units in this section.

e. The use of a remodeled accessory structure for a business is prohibited unless a Conditional Use Permit for a Home Occupation is approved by the Planning Commission.
f. A building permit and approved Final Occupancy inspection is required prior to occupancy of the converted area as a habitable space.
g. The fire requirements for the entire house or building shall be included in the remodel.

4. Additional Requirements for a garage remodel: The following supplemental requirements apply to the remodel of a garage or carport to habitable space.

a. Two off-street parking spaces shall be maintained on site.
b. If the two off-street parking spaces are in a different location other than the existing driveway, the existing driveway and drive approach shall be replaced with landscaping and a standard curb.
c. If the two off-street parking spaces are in front of the former garage, but the driveway length exceeds twenty (20) feet, the space between the end of the 20 foot driveway and the wall of the house shall be landscaped the width is 18 inches or more.
d. The entire garage or carport shall be remodeled to habitable space.
e. The enclosure for a carport that faces the street or the roll-up garage door shall be replaced with a façade that is consistent with the front elevations, building materials and colors of the residence. The addition of a window, porch or other visual elements shall be required to avoid blank walls and to promote natural surveillance.
f. The conversion of a garage attached to a residence shall be designed and continuously maintained as part of the circulation of the residence.

5. Swimming Pools:

a. An in-ground permanent swimming pool may be located in the rear or side yard, with a minimum of a five (5) foot setback between the pool and the rear and side property lines and a five (5) foot setback between the pool and the main building.

b. The coverage limitations as set forth by section A. (1) do not apply to swimming pools.

c. An in-ground swimming pool shall be secured by fencing or building walls with a minimum height of five feet. Any gates in the fencing must be provided with self closing and self latching mechanisms. Fences shall comply with fence provisions in Section 17.20.060. and State Law

6. An above-ground swimming pool in excess of 50 gallons shall be secured by fencing or building walls with a minimum height of five feet. Any gates in the fencing must be provided with self closing and self latching mechanisms. Fences shall comply with fence provisions in Section 17.20.060. and State Law.

~~7. The swimming pool in the front or side yard subject to administrative site and architectural review.~~

8. Pool equipment shall comply with requirements in this section of screening.

6. **Patio covers.** Patio covers are permitted as accessory structures. Patio covers are attached to the main residential building with no more than two sides enclosed including the main building itself. All attached patio covers require a building permit regardless of size.

C. **Exception to Setbacks and Lot Coverage in the Home Office and Old Town *and single family homes constructed prior to 2008 in the Downtown Commercial Mixed Use* zoning districts.** The following exceptions to the regulations set forth in this section apply to residential properties with alley access located in the Home Office, ***Old Town and single family residences in the Downtown Commercial Mixed Use*** zoning districts.

1. An accessory building must be setback a minimum of four feet from side property line, or may be located on one side property line as long as with the opposite property line having a minimum setback of eight feet. Those properties that have a minimum of four feet of side yard setback between the main building and the side property lines, an accessory structure may be constructed in the rear yard adjoining the alley from side yard property line to side property line, subject to Site and Architectural review by the Planning Commission.

2. Accessory buildings adjoining an alley shall be set back pursuant to the requirements set forth by ~~section xx of this chapter.~~below:

   a. In determining the depth of the rear yard of any building, but not for any dwelling group, where such rear yard opens into an alley, one-half the width of such alley but not exceeding ten feet may be considered as a portion of such rear yard; provided however, that this provision shall not be so applied as to reduce the depth of any residential year yard to less than fifteen (15) feet to the property line provided, further, that in no case shall the door of any building or improvement, except a fence, which door opens into an alley, be erected, constructed or established closer to the center of such alley than a distance of fifteen (15) feet.

4. Accessory garages that are constructed in the required rear yard need not comply with the coverage limitations as set forth by subsection A. (1) of this section in those cases where there is an equivalent open area between the required rear yard area and the main dwelling.

17.16.030 - Archaeological and Historic Resources

In the event that archaeological or historic resources are discovered during any construction, construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist or historian for historic resources, subject to the approval of the Director, and disposition of artifacts may occur in compliance with applicable State and Federal laws.

17.16.040 - Dust and Dirt

All land use activities (i.e., construction, grading, gardening and operation) shall be conducted so as to create as little dust or dirt emission beyond any boundary line of the parcel as possible. To ensure that this occurs, appropriate grading procedures shall include, but are not limited to, the following:

A. Erosion and Control Plan per city Engineering Standards;

B. Disturb as little native vegetation that has been determined to be significant to prevent erosion;

C. Water graded areas as often as necessary or hydro seed and install a temporary irrigation system, subject to the approval of the Director;

D. Revegetate graded areas as soon as possible to minimize dust and erosion

17.16.050 - Fencing, Screening, and Walls

A. Purpose. The purpose of this Section is to protect economic and aesthetic values, and ensure safe travel and vision clearance by regulating the development of fences, walls, and screening.

B. Applicability. The requirements of this Section apply to all fences and walls unless otherwise stated. Fences exceeding the general height limit or setback requirements in the applicable zoning districts will require a land use permit

1. **Fences or wall in flood hazard area.** A fence or wall in an area subject to flooding identified on a Federal Flood Insurance Rate Map (FIRM) on file in the Department shall require a Building Permit, and shall comply with all requirements of the City Engineer in addition to the requirements of this Section.
2. **Retaining walls**. Retaining walls greater than two feet in height shall be subject to administrative engineering approval.
3. **Exemptions**. These regulations do not apply to fences or walls required by regulations of a State or Federal agency, or by the City for reasons of public safety.

C. Fence Height limits. Each fence, wall, and hedge shall comply with the height limits shown in Table 17.16.1 and Figure 17.16-1. A fence or wall with a height greater than six feet ***outside of a Residential zoning district*** shall require an Administrative Permit ~~Design Review~~ in compliance with standards in the applicable zoning district and this subsection. ~~Section x, except for open and wire fencing in the Commercial and Industrial, zoning districts~~.

Figure 17.16.1
Fence heights

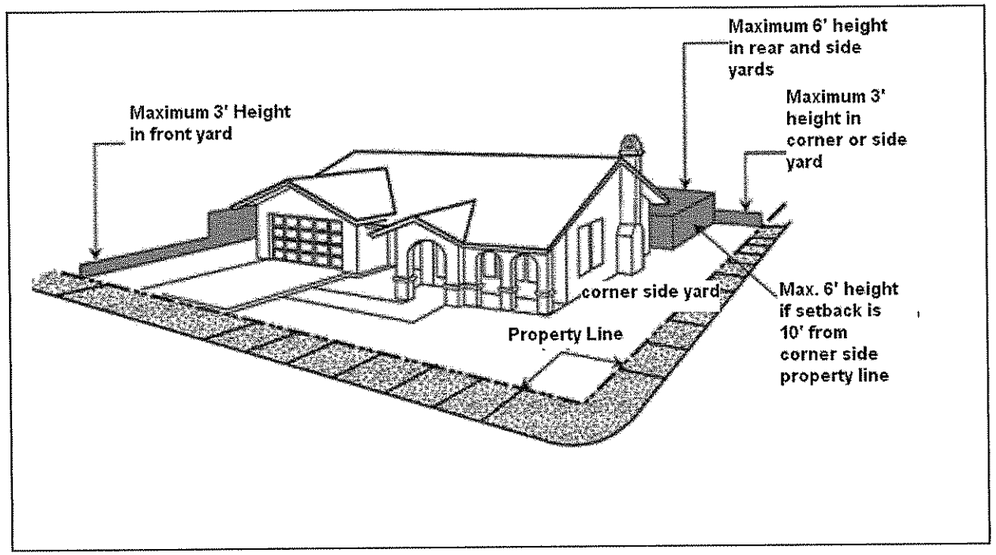


Table 17.16.-1 Maximum height of fences and walls

Location	Maximum Height (1)
Within front yard setback	Three feet or four feet with administrative approval from the City Planner
Within side and rear yard setbacks	Six feet with an additional two feet lattice as the fence appears from a parcel or right-of-way abutting the site. Any solid fence over six feet. is not permitted.
Within street side setback/Corner lot	Three feet to six feet with an administrative approval from the City Engineer

D. Measurement of fence and wall height.

1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.
2. The height of fencing atop a wall shall be measured from the base of the wall.
3. Where the ground elevation within six feet of the base of a fence differs from one side of the fence to the other (as when a fence is placed on top of a slope or on a retaining wall), the height shall be measured from the side with the lowest grade.

E. Specific fencing and wall requirements.

1. **Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Subsection F (Screening).
2. **Swimming pools, spas, and similar features**. Swimming pools/spas and other similar water features shall be fenced in compliance with Building Code requirements, regardless of the other requirements of this Section.
3. **Outdoor equipment, storage, and work areas.** Screening of non-residential outdoor uses and equipment adjacent to a residential use shall be provided in compliance with Subsection 17.F (Screening).
4. **Temporary fencing during construction**. Temporary fencing may be necessary to protect archaeological or historic resources, trees, or other similar sensitive features during site preparation and construction.
5. **Temporary security fencing**. Temporary Security Fencing (including chain link) with a maximum height of 6 ft may be erected around the property lines of vacant property. The vacant property shall be maintained in a weed and litter free condition.
6. **Retaining Walls**. All retaining walls shall be a minimum of two feet from the back of any sidewalk. Embankments to be retained that are over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches, and each bench is a minimum width of 36 inches. Wood retaining walls are prohibited
7. **Prohibited materials**. Sheet or corrugated iron, steel, aluminum, bamboo, or asbestos are prohibited, with the exception of ornamental fences approved by the Director. Barbed wire, razor wire, or electrified or similar type fences are prohibited.

F – Screening. Standards for the screening and separation of adjoining residential and nonresidential land uses, equipment and outdoor storage areas, and surface parking areas are as follows:

1. **Screening between different land uses**. A commercial or industrial land use proposed on a site adjacent to a residential zoning district shall provide screening at the parcel boundary as follows. Other nonresidential uses adjacent to a residential use may also be required by the Planning Commission to comply with these requirements.

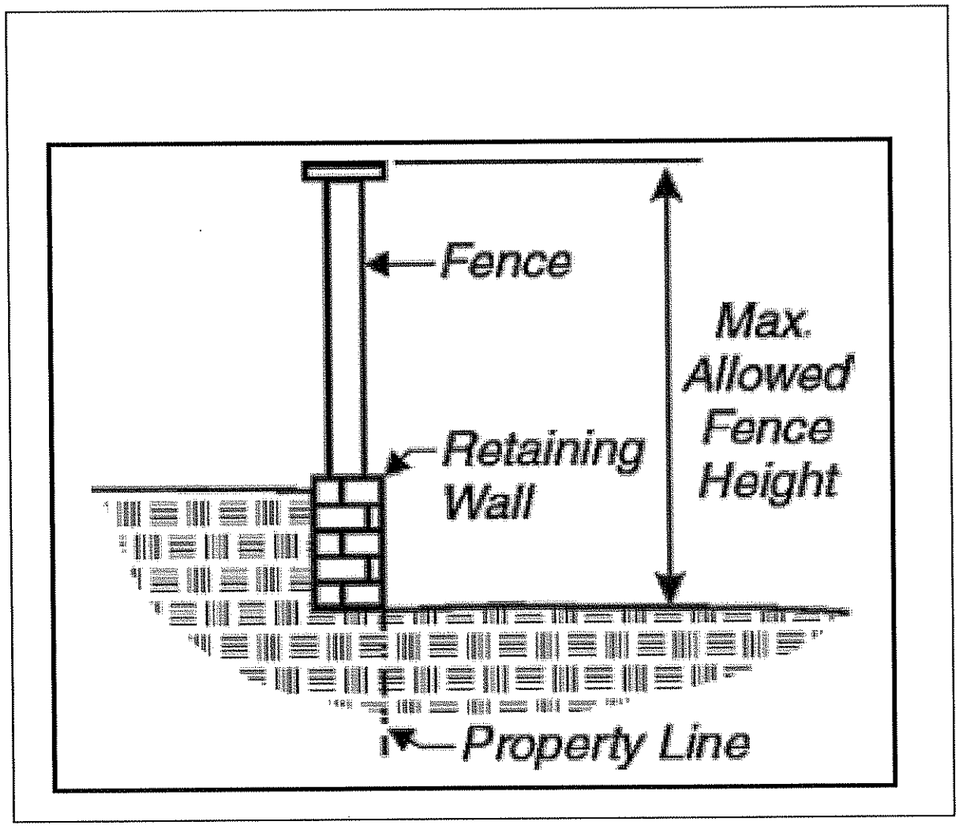
   a. The screen shall consist of plant materials or a solid, decorative wall of masonry, as approved by Planning Commission, or similar durable material, eight feet in height. The property owner shall be responsible for the long term maintenance of the landscape screening. Openings or pedestrian connections may be required at the discretion of the Planning Commission.
   b. The decorative wall shall be architecturally treated on both sides, subject to the approval of the Planning Commission.
   c. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall~~., except that 10 feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Section 23.36.050 (Parking Lot Landscaping).~~
   ~~d. The Planning Commission may waive or approve a substitute for the requirements of this Subsection F.1 if the Planning Commission first determines that:~~

~~(1) The relationship of the proposed uses make the required screening unnecessary;~~

~~(3) Physical constraints on the site make the required screening infeasible and the intent can be reasonably met by means of alternative screening methods; or~~

~~(4) Physical features of the site or adjoining parcels (e.g. topography, vegetation, etc.) make the required screening unnecessary.~~

Figure 17.16.2
Fences and Retaining Walls



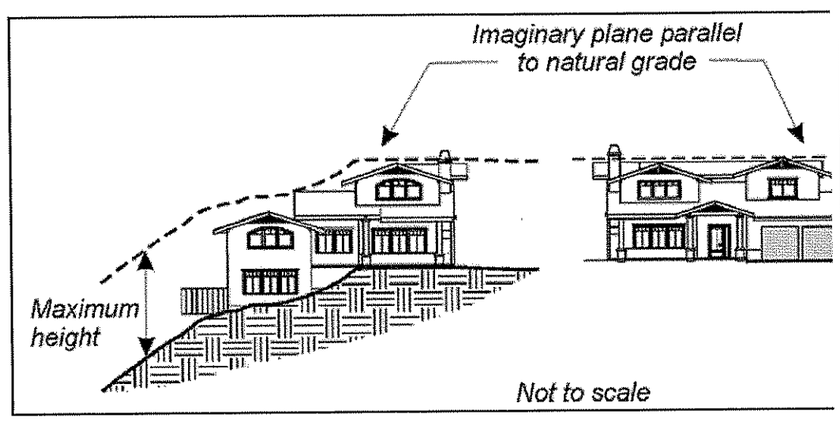
17.16.060 - Height Measurement and Height Limit Exceptions

All structures shall meet the following standards relating to height, except for fences, which shall instead comply with Section 17.20.050 (Fencing and Screening).

A. **Maximum Height.** The height of structures shall not exceed the height limit established by the applicable zoning district in this Chapter, except as otherwise provided by this Section. Maximum height shall be measured as the vertical distance from finished grade to an imaginary plane located the allowed number of feet above and parallel to the finished grade.

B. **Height Measurement.** The maximum allowable height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane located at the allowed number of feet above and parallel to the grade (See Figure 17.16-3) The location of the natural grade shall be determined by the director, and shall not be artificially raised to gain additional building height.

Figure 17.16-3, HEIGHT MEASUREMENT



C. **Detached accessory structures.** Accessory buildings or structures exceeding fifteen feet on a residential lot are subject to a conditional use permit approval by the planning commission.

D. **Fences.** Height limits for fences are established by this section (Fencing and Screening).

E **Exceptions to height limits**. The following structures and structural features may exceed the height limits of this Zoning Ordinance as noted:

1. **Elevator penthouses and lofts**. Elevator penthouses, monitor and scenery lofts, and water tanks may exceed the height limits of this Zoning Ordinance, provided no side wall of these structures exceeds 50 percent of length of the nearest street property line of the site. The total floor area of all structures extending above the height limit on any site in compliance with this section, shall not exceed 25 percent of the lot area. These structures shall be set back at least 25 feet from all property lines other than those adjacent to streets.
2. **Public assembly**. Public assembly rooms in churches, schools and other allowed public and semi-public structures may exceed the height limit, provided that they are located on the first floor of the structure and that for each one foot by which the height of the structure exceeds the maximum height allowed in the zoning district, the side and rear setbacks shall be increased by an additional foot over the side and rear setbacks required for the highest structure allowed in the zoning district.
3. **Public structures.** In any zoning district where the maximum height is less than 75 feet, public and semi-public structures, public utility structures, churches, hospitals, schools, and other institutions allowed in the zoning district may be erected to a height not exceeding 75 feet; provided, that the required front, side and rear yards shall be increased by one foot for each one foot by which the structure exceeds the height limit established by the zoning district.
4. **Spires, towers, water tanks, etc**. Belfries, chimneys, cupolas, domes, flag poles, gables, monuments, penthouses, scenery lofts, spires, towers (e.g., hose, radio, utility, water, etc.), water tanks, similar structures and necessary mechanical appurtenances may be authorized by the Planning Commission to exceed the height limit established for the applicable zoning district.

17.16.080 – Landscaping Design and Standards

A. Purpose

This Chapter implements the requirements of Government Code Sections 65591 et seq., by providing landscaping regulations that conserve water. These regulations are also intended to visually enhance the appearance of developments, reduce heat and glare, control soil erosion, screen incompatible land uses, preserve the integrity of neighborhoods, and improve pedestrian and vehicular traffic and safety and contribute to the image and appeal of the community.

B - Application

A preliminary landscaping plan shall be submitted as part of an application for new development or major redevelopment, except for individually owned properties in the RE and R1 zoning districts. After approval of the development project application such as a Site and Architectural Review, Conditional Use Permit or subdivision, a comprehensive landscaping plan shall be prepared and submitted as part of the improvements plans for the development.

C - Landscaping Plan Requirements

1. **Plan content.** Consistent with the requirements of Government Code Sections 65591 et seq., a comprehensive landscaping and irrigation plan shall be fully-dimensioned, and shall include, but not be limited to, the following elements for all landscaping materials:

   - Plant list (common and Latin names and number of plants of each species)
   - Size and quantity of each
   - Location
   - Irrigation Plan
   - Hardscape (walkways, patios, etc.)
   - Water Elements
   - Existing vegetation/plants to be saved
   - North Arrow and title block
   - Footprint of all buildings and structures
   - Drainage Plan
   - Existing and proposed grades at one inch contours
   - Scale that allows for maximum clarity as required by the Director
   - Proposed monument sign locations
   - Dimensions of all easements, pedestrian walkways, courtyards, berms, bike-racks, street furniture, and other recreation facilities
   - Detail of all fencing, walls, and trash enclosures
   - Existing vegetation to remain or be removed
   - Planting details
   - Site distance triangle at all driveways and intersections
   - Location of Light Standards
   - Location of Parking spaces
   - Location of Public Right-of-Ways
   - Any other information deemed

2. **Plan preparation.** Landscaping plans shall be prepared by a landscape architect registered to practice in the State, unless waived by the Director.

D - General Landscaping Standards

All landscaping required by this Chapter, and all landscaping shown on preliminary and comprehensive landscaping and irrigation plans shall comply with the following requirements:

1. All setback areas, parkways, and non-work/storage areas that are visible from a public street or from a parking lot available to the public shall be landscaped. Areas proposed for development in another phase shall be temporarily treated to control dust and soil erosion if the phase will not begin construction within six months of completion of the previous phase
2. Trees shall be planted throughout the project in areas of public view, predominantly adjacent to and along structures and street frontages at a rate of at least one tree for each 30 linear feet of structure wall or street frontage;

3. Landscape areas shall be a minimum of six feet to eight feet wide (excluding curbs). Narrower landscape areas may be permitted, but shall not be counted toward meeting minimum coverage requirements;
4. Trees and shrubs shall be planted that are low maintenance, drought resistant, and so that at maturity they do not interfere with utility service lines, street lighting, traffic safety sight areas, pedestrian right-of-ways, on-site signs, and basic property rights of adjacent property owners, particularly the right of solar access;
5. Trees planted near public bicycle trails, curbs and sidewalks shall be listed on the City of Hollister approved street tree planting list and shall be planted according to city standards.
6. Landscape areas shall have plant material selected and plant methods used that are suitable for the soil and climatic conditions of the site. All plant material shall be maintained and replaced as needed.
7. Parkway strips shall include design provisions to ensure blending and smooth transitions between different types and patterns of landscaping, or public and private property, utilizing street trees and complementary landscaping;
8. All development sites shall provide landscaping within the front yard setback;
9. Plant materials sizes shall comply with the following minimum mix and coverage capability:

Required Plant Materials Characteristics		
Deciduous Trees	Shrubs	Groundcover
50%, 24-inch box; 50%, 15 gallon; Evergreen, x ft high	60%, 5 gallon; and 40%, 1 gallon	100% coverage within 1 year

10. Mature specimen trees in 36-inch and 48-inch boxes with a minimum four inch trunk diameter shall be provided within the project;
11. Concrete mow strips (x ft wide) are required to separate all turf areas from other landscaped areas;
12. Appropriate shrubbery and creeping vines are required along sound walls and fences adjoining public rights-of-way to reduce visual impact and discourage graffiti;
13. When inorganic groundcover is used, it shall be in combination with live plants and shall be limited to an accent feature. Artificial plant material is prohibited;
14. All single family, multi-family, commercial, and industrial/manufacturing landscaping shall have automatic irrigation systems;
15. Non-irrigated hydromulch seeds are acceptable for natural or undisturbed slopes. Hydromulch seeds should be applied following the first measurable rainfall in the fall of the year or a temporary irrigation method shall be provided to ensure germination and minimum growth. If the natural rainfall fails to provide adequate moisture for germination, supplemental irrigation, and replanting may be required;
16. An organic mulch at least two inches deep is an acceptable alternative to groundcover between shrubs and on non-slope areas. Whenever feasible, the origin of this mulch material shall be recycled yard trimmings and other organic wastes of local origin; All mulch must be contained in such a way as storm water will not move the mulch.

17. All new and infill single-family residential developments shall be provided with a combination of trees, shrubs, groundcover, and automatic irrigation systems in the front yard and that portion of the side yards visible from public rights-of-way;
18. Where possible, comprehensive landscaping plans should complement existing landscaping on neighboring properties to further promote compatibility;
19. Above ground utility boxes may be placed within required landscaped areas, and utility facilities shall be screened from public view; and
20. Drainage easements and drainage ponds are required to be landscaped as approved by the City Engineer. A maximum slope of 4:1 within the drainage areas is required, or as approved by the City Engineer.
21. Minimum requirements may be modified based upon the proposed use, design of adjacent use, and overall scale and impact of the project.
22. Landscaped buffers shall be provided between incongruous land uses; eliminating intrusions into residential areas from nonresidential areas.
23. Where possible, preserve existing significant trees and tree grouping, and replace trees removed due to site development.
24. Where possible, plant drought-resistant native landscaping and including dual water lines for residential projects (one for clear water and one for recirculation of gray-water).
25. Landscaping shall be designed to detain storm water runoff with rain gardens, landscape swales and other strategies and capture sediments. Paving materials are encouraged to be permeable.

E - Street Trees

On all new construction along street frontages within areas designated by the General Plan as special planning areas, the planting of parkway/street trees, of a variety from the City's Master Tree List is required. Street trees shall be installed in compliance with the following standards:

1. Minimum spacing requirements:

    a. Spacing between trees (minimum of 20 feet) will be determined by the Director during project review; and
    b. acing between trees and various street and utility fixtures shall be as follows:
    c. 35 feet from street intersections;
    d. 15 feet from street light and utility poles; and
    e. 10 feet from driveways, sewers, and waterlines, fire hydrants.
    f. Street tree species shall be selected in compliance with the following standards/criteria:

2. New street tree plantings in older areas of the City shall reflect, to the extent feasible, the existing species along the street, and every effort shall be made to

match or effectively blend with existing plant materials;

3. Street trees for a particular street shall generally require a uniform tree variety within a specified area in order to ensure ease of maintenance and maintain general aesthetic appearance;
4. Trees that typically grow taller than 20 feet in height and that do not lend themselves to top trimming shall not be permitted under utility wires;
5. Root barriers shall be provided for trees in landscape planters less than 10 feet in width or located five feet or closer to a permanent structure, and no trees are permitted having roots that pull up sidewalks or wrap around underground utilities; and
6. Trees shall be standard single trunk, not multi-trunked, except for a limited number of specimen trees. .

   a. A minimum size of 36-inch box with a minimum three inch trunk diameter shall be required for each street tree. Each tree shall be 8 to 12 feet tall with a minimum four foot wide head at the time of planting;
   b. Safety requirements. Landscape materials shall be located so that at maturity they do not:
   ⇒ Interfere with safe sight distances for vehicular, bicycle, or pedestrian traffic;
   ⇒ Conflict with overhead utility lines, overhead lights, or walkway lights; or
   ⇒ Block or encroach into pedestrian or bicycle ways.
   c. Where parkways exist between the sidewalk and curb, street trees shall use tree wells with root barriers to mitigate against uprooting of sidewalks and curbs;
   d. Where the parkway is located behind the sidewalk, street trees shall be planted a minimum distance of 5 feet behind the sidewalk measured from the outer edge of the sidewalk to mitigate sidewalk and curb damage;
   e. All trees shall be free of insects, disease, mechanical injuries and other objectionable features at the time of planting;
   f. Any person/firm contracting to plant street trees shall post a performance bond guaranteeing the faithful performance of all irrigation and tree maintenance for a one-year period. The bond shall be an amount equal to the cost of the planting, irrigation, and maintenance as determined by the City Engineer; and
   g. No street tree shall be removed without the approval of the City Public Works Department.

F - Maintenance of Landscaping

1. On-going maintenance of approved/installed landscaping is required and shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.
2. Prior to the approval of a Certificate of Occupancy for new development with a comprehensive landscaping plan, the project proponent shall file, with the City, a maintenance agreement and easement subject to the approval of the City

Attorney. The agreement and easement shall ensure that if the landowner, or subsequent owner(s), fails to maintain the required/installed site improvements, the City may file an appropriate lien(s) against the property in order to accomplish the required maintenance.

17.16.090 - Outdoor Lighting

A. Purpose. The purposes of the outdoor illumination standards are to:

1. Provide adequate lighting for safety and security;
2. Reduce light pollution, light trespass, glare, sky glow impacts, and offensive light sources;
3. Prevent inappropriate, poorly designed or installed outdoor lighting;
4. Encourage quality lighting design, light fixture shielding, uniform light intensities, maximum lighting levels within and on property lines, and lighting controls;
5. Promote efficient and cost effective lighting and to conserve energy; and

B. Applicability. Outdoor lighting on public, quasi-public and private property shall comply with the following requirements.

1. An outdoor lighting feature shall be limited to a maximum height of 14 contiguous to residential neighborhoods and 24 feet or the height of the nearest building whichever is less in other areas.
2. Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency) fixtures/lamps Alternatives are permitted provided they meet the requirements for an exception as detailed in IESNA (Illuminating Engineers Society of North America and the International Dark Sky Association) recommendations Use of mercury vapor lighting shall be limited to outdoor display of commercial products such as the portion of a car lot with display of automobiles for sale where color recognition is important.

3. Exemptions. The standards of this section shall not apply to the following types of exterior lighting:

a. Ornamental Lighting. Ornamental landscape lighting where the maximum wattage of any single light fixture does not exceed the equivalent of fifteen watts incandescent or one hundred lumens and is not used from 10:00 p.m. to dusk.
b. Strings of Light. Strings of light on residential properties shall be exempt from the requirements of this chapter.
c. Aviation Lighting. Lighting used exclusively for aviation purposes. All heliport lighting shall be turned off when the heliport is not in use.
d. Right-of- Way Lighting. Public lighting located within 15 feet from a property line within or next to a residential zoning district or within ten feet of a public right-of-way shall be: aimed away from the property line or right-of-

way, classified as IESNA Type III or Type IV; and shielded on the side facing the residential property or public right-of-way.

e. There are special circumstances or conditions applying to the land, buildings, or outdoor light fixtures for which the exception is sought, which circumstances or conditions are unique to such land, buildings or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the subdivision: The exception shall be subject to Administrative Site and Architectural Review.

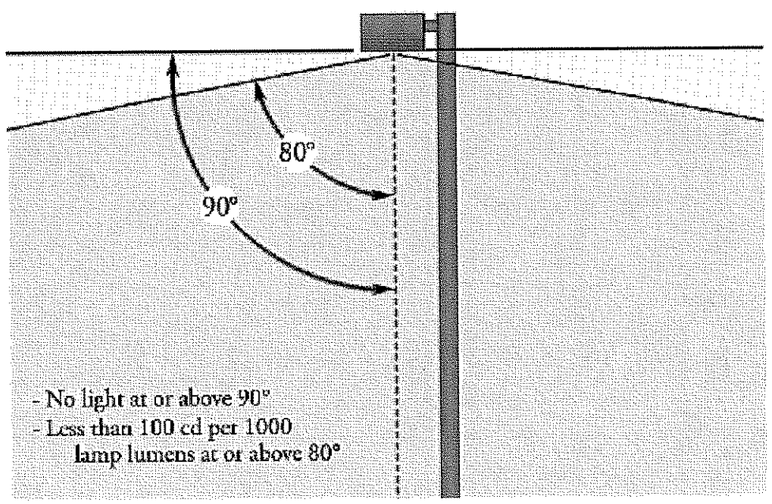
C. Outdoor Lighting Design Standards

1. Lighting shall be shielded with full cut-off or recessed to reduce light bleed to adjoining properties, public rights-of-way and the night sky as shown on Figure 17.16-4 by

a. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and
b. Confining glare and reflections within the boundaries of the property.
c. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way.

Figure 17.16-4

Full cutoff fixture



2. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.

3. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.

4. Pan channel signs (letters only) shall not exceed maximum luminance ratings (unit of brightness). Enforcement will occur on a complaint basis for LED or luminance greater than 1000 candela per meter squared or 1000 flits. All lighting of signage shall comply with the adopted Sign Regulations.

5. Replacement of Fixtures shall be a conforming light fixture and fully shielded and mounted to downward away from adjoining properties.

6. Small Decorative lights on Strings. Small low wattage or low voltage decorative lights on a string may be used subject to the Development Services Director approval or as part of the lighting plan for a Site and Architectural Review to create ambiance and pleasing pedestrian spaces in an energy efficient manner. Such lighting shall be limited to pedestrian areas including plazas, patios, landscape features and primary entries into buildings. No such illumination is allowed in any required landscaped setback adjacent to a street; or
7. For lighting displays from the second Thursday in November through the last Thursday in January.

8. Canopy lighting. Lighting fixtures mounted on canopies shall be installed such that the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy and parallel to the ground. A full cut off light fixture may project below the underside of a canopy. All light emitted by an under canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. No lighting except that permitted by the sign ordinance shall be permitted on the top or sides of a canopy (see Figure 17.16-06).

D. Hours of Operation

1. Standards for the operation of light fixtures. All light fixtures shall operate in accordance with the requirements of this section.

1. When Lights are to be Turned Off. Lights shall be controlled by automatic timers and turned off by 10:00 PM or within one hour of the close of the facility. After 10:00 p.m., controls such as motion sensors are required during post-curfew hours. Motion sensors or timers may also be used to activate additional lighting during emergency situations.

a. Parking Lot Light Fixtures: All parking lot light fixtures, except the minimum necessary for security, shall be extinguished by 10:00 p.m. or within one hour after the close of the facility, and remain extinguished until dawn or one hour prior to the commencement of business, whichever is earlier.

b. Non-Essential Lighting. All non-essential lighting shall be turned off after the close of

business. Non-essential lighting includes but is not limited to lighting of landscaping, architectural features, tennis courts, ball fields, etc.

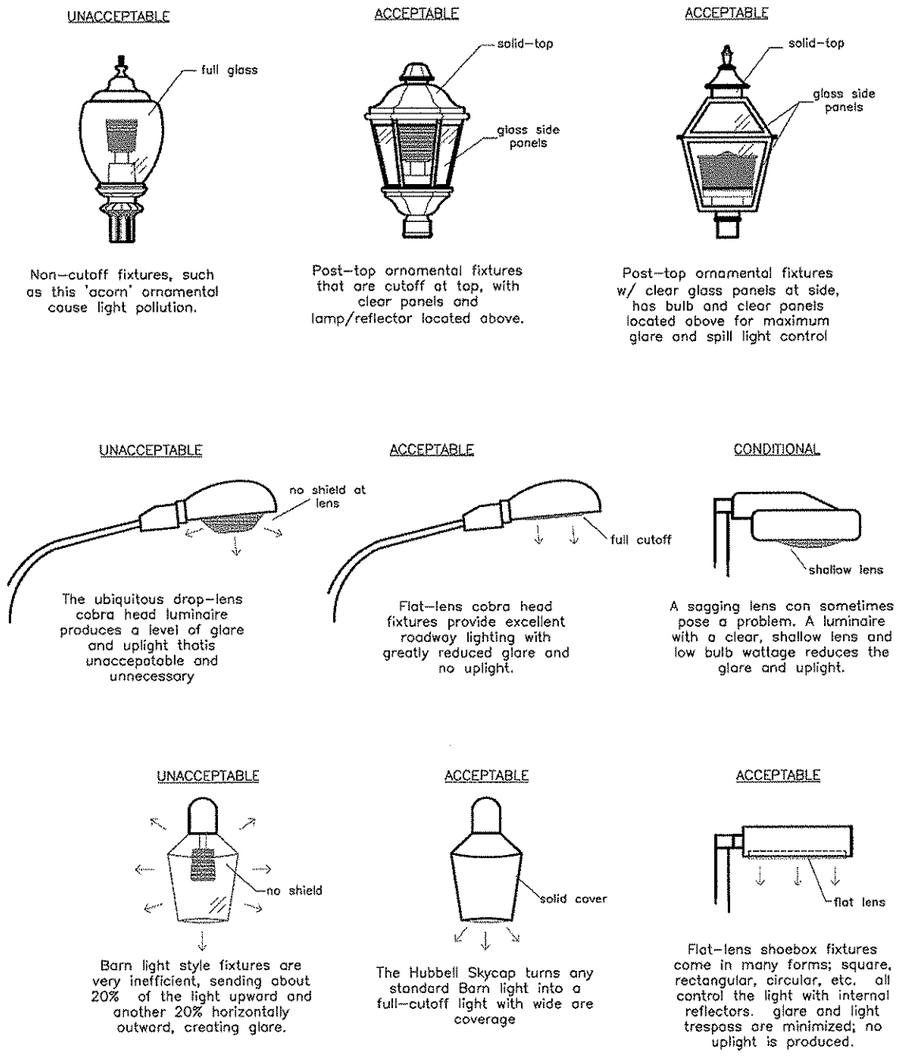
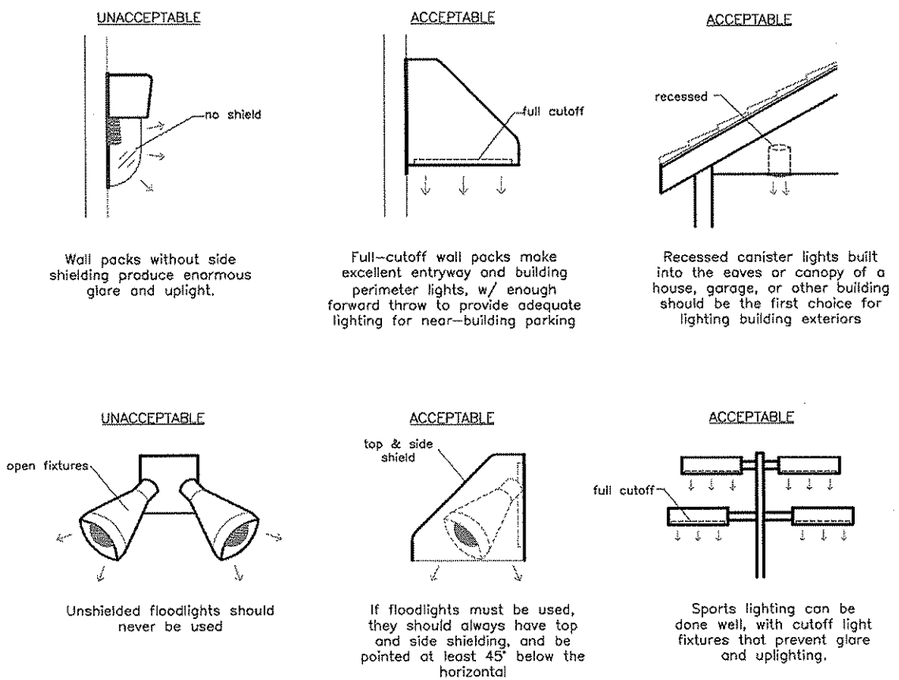
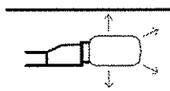
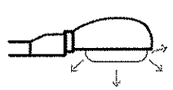


FIGURE 17.16-01 LIGHTING FIXTURES

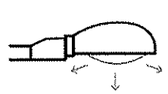




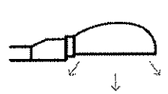
Non-cutoff optics, allow light to be emitted in all directions. Many decorative fixtures are non-cutoff types. Non-cutoff optics are the least efficient way to put light on the ground. They create a large amount of light pollution and glare. Thes lights are not generally used as prinicpal light sources on thoroughfares, as the glare has the tendency to blind drivers.



Semi-cutoff optics, allow most of the light to be emitted below 90 degres, but some light (up to 5 %) to be emitted abov 90 degrees. These types of optics are commonly used in cobra-head style streetlighting. They are quite effective at diffusing the light over a large, directed area on the ground. These lights still contribute some direct uplight, although no as much as non-cutoff lights. significant glare from these fixtures, is eliminated by placing them on taller poles.



Cutoff optics have more controlled lighting than semi-cutoff. Less than 2.5 % of the light is allowed to escape the fixture above 90 degrees. Cutoff optics are now common in parking lot applications where greater pole spacing is desired. They offer a wider spread of light than a full-cutoff, yet they generally cannot be spaced as far apart as semi-cutoff fixtures. These lights allow a small amount of direct uplight to escape above the fixture.



Full-cutoff optics put light on the ground below the fixture only. Full-cutoff optics do not emit light above 90 degrees. These optics direct light to the ground in a defined, tight pattern. Typically to achieve a uniform lighting job, one would have to use more full-cutoff luminaires or increase the mounting height of those luminaires to achieve the same result as compared with semi-cutoff or cutoff fixtures.

FIGURE 17.16-02 LIGHTING FIXTURES

17.16.100 - Noise

1. *Construction, landscape maintenance, grounds maintenance: Construction activities on and contiguous to residential properties shall be limited to the hours of 7:00a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday.*

2. *Landscaping and grounds maintenance: Landscaping and grounds maintenance activities with noise generating equipment such as gas lawn mowers, leaf blowers, chippers and similar equipment shall be limited within and near residential properties to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 8:0 0a.m. to 6:00 p.m. on Saturday.*

17.16.110 - Setback Measurements and Permitted Projections

A. **Purpose**. This Section establishes standards for the use of and the minimum size of yards. The purpose of these standards is to provide for open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

B. **Setback requirements**. All structures shall conform with the setback requirements established for each zoning district in this Chapter, except as otherwise provided by this Section. In no case shall any portion of any structure, including eaves or roof overhangs, extend beyond a property line or into an access vehicular easement or street right-of-way. Each required yard shall be open and unobstructed from the ground upward, except as provided in this Section.

C. **Exemptions from setback requirements.** The minimum setback requirements of this Zoning Ordinance apply to all uses except the following:

1. A building feature that projects into a required setback allowed by Subsection x.

2. A fence or wall eight feet or less in height above the grade of the site, when located outside of a front or street side setback;

3. Decks, earthworks, steps, terraces, and other site design elements that are placed directly upon grade and do not exceed a height of 18 inches above the surrounding grade at any point;

4. A retaining wall less than 36 inches in height above finished grade. A higher wall may be allowed within a required setback with design review.

D. Measurement of setbacks. Setbacks shall be measured as follows.

1. **Front yard setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest point of the wall of the structure. The front property line is the most narrow dimension of a lot adjacent to a street.

   a. **Flag lots**. The measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel; establishing a building line parallel to the lot line nearest to the public street or right-of-way.

   b. **Corner lots.** The measurement shall be taken from the nearest point of the structure to the nearest point of the most narrow street frontage property line. If the property lines on both street frontages are of the same length, the property line to be used for front yard setback measurement shall be determined by the entry to the structure.

   c. **Double-frontage lots**. Proposed development on a double-frontage lot shall comply with the front yard setback requirements of the applicable zoning district on both street frontages.

2. **Side yard setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure establishing a setback line parallel to the side property line, which extends between the front and rear yards.

3. **Street side yard setbacks.** The side yard on the street side of a corner lot shall be measured from the nearest point of the side property line adjoining the street.

4. **Rear yard setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure establishing a setback line parallel to the rear property line, except as follows: The rear yard on the street side of a double frontage lot shall be measured from the nearest point of the rear property line adjoining the street; provided, however, that if an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of the easement or right-of-way line.

   a. **Cul-de-sac and irregular lots.** At the Director's discretion, as long as health and safety requirements are not jeopardized, where the side lot lines converge to a point, a line five feet long within the parcel, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear yard. In these circumstances, the Director can establish rear setback of 10 feet.

   b. **Rear yard adjacent to an alley.** The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line. This provision shall not reduce the depth of any residential rear yard to less than 15 feet to the property line, provided, that in no case shall the door of any structure, except a fence, which

door opens into an alley, be established closer than 15 feet to the center of the alley.

E. **Permitted projections into setbacks.** The following architectural features may extend beyond the wall of the structure and into the front, side and rear yard setbacks, as follows:

1. **Chimneys**. A chimney may extend 30 inches into a required setback, but shall be no closer than four feet to a property line;

2. **Cornices, eaves and roof overhangs.** Cantilevered architectural features including balconies, bay windows, canopies, cornices, eaves and solar equipment, which do not increase the floor area within the structure, may extend up to three feet into a required yard; (This does not apply to accessory structures within 5' of a property line)

3. **Decks**. An attached deck or uncovered landing place, not exceeding 30 inches in height above the surrounding natural/finish grade, may extend into required setbacks as follows:

   a. **Front yard**. An uncovered deck may extend up to six feet into a required front yard setback;

   b. **Side yard**. An uncovered deck may extend up to three feet into a required side yard setback, but shall be no closer than four feet to a side property line; and

   c. **Rear yard.** An uncovered deck may extend up to five feet into a required rear yard setback.

4. **Fire escapes.** No fire escape shall project into a required yard more than four feet, six inches.

5. **Porches**. A covered, unenclosed porch, located at the same level as the entrance floor of the structure may extend into required yards as follows:

   a. **Front yard**. A porch may extend up to six feet into a required front yard setback except in front of garages.

   b. **Side yard.** A porch may extend up to three feet into a required side yard setback, but no closer than five feet to a side property line.

6. **Stairways**. Stairways and landings that are not roofed or enclosed above or below the steps, or does not extend above a ground floor entrance, except for the railing, may extend into required setbacks as follows:

   a. **Side yard.** A stairway may extend up to three feet into a required side yard setback, but no closer than four feet to a side property line; and

   b. **Rear yard**. A stairway may extend up to six feet into a required rear yard.

7. **Water-shedding patio covers.**

a. All water shall be contained on the property.

F. Setback requirements for specific structures:

1. **Detached accessory structures.** See Section 17.22.040 (Residential Accessory Uses and Structures).

2. **Fences.** See Subsection 17.16.050 (Fencing and Screening).

17.16.120 - Solar Energy Development Standards

Passive heating and cooling opportunities shall be incorporated in all developments in the following manner:

A. Orientation of structures. All future structures shall be oriented to maximize solar access opportunities;

B. Lot design. Lot sizes/configurations shall be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 degrees of due south, while permitting the structures to receive cooling benefits from prevailing breezes and existing and proposed shading.

C. Collector installation. Solar collectors shall be located/installed in the following manner:

1. Roof-mounted solar collectors shall be placed in the least conspicuous location without reducing the operating efficiency of the collectors;

2. Wall-mounted and ground-mounted collectors shall be screened from public view, to the maximum extent feasible;

3. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof;

4. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic whenever possible or screened from public view, to the maximum extent feasible; and

5. Encourage for new construction the use of exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials and other dominate colors of the structure.

17.16.130 - Solid Waste/Recyclable Materials Storage

This Section provides standards for the construction and operation of solid waste and recyclable material storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911, as may be amended from time to time).

A. **Residential structures.** Multi-family residential developments, with five or more dwelling units, shall provide solid waste and recyclable material storage areas as follows:

1. **Individual unit storage requirements.** Each dwelling unit shall include an area with a minimum of six cubic feet designed for the internal storage of solid waste and recyclable material. A minimum of three cubic feet shall be provided for the storage of solid waste and a minimum of three cubic feet shall be provided for the storage of recyclable material; and

2. **Common storage requirements.** The following are minimum requirements for common solid waste and recyclable material storage areas for multi-family developments, which may be located indoors or outdoors as long as they are readily accessible to all residents. These requirements apply to each individual structure. All required areas are measured in square feet.

Number of Dwellings	Minimum Storage Areas Required (sq. ft.)		
	Solid Waste	Recycling	Total Area
2-6	12	12	24
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	322	322	672
176-200	384	384	768
201+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

B. **Non-residential structures and uses.** Non-residential structures and uses within all zoning districts shall provide solid waste and recyclable material storage areas. The following are minimum storage area requirements. These requirements apply to each individual structure. All required areas are measured in square feet.

Building Floor Area (sq. ft.)	Minimum Storage Areas Required (sq. ft.)		
	Solid Waste	Recycling	Total Area
0-5,000	12	12	24
5,001-10,000	24	24	48
10,001-25,000	48	48	96
25,001-50,000	96	96	192
50,001-75,000	144	144	288
75,001-100,000	192	192	384
100,001+	Every additional 25 dwellings shall require an additional 100 sq. ft. for solid waste and 100 sq. ft. for recyclables.		

C. **Location requirements**. Solid waste and recyclable materials storage areas shall be located as follows:

1. Solid waste and recyclable material storage shall be adjacent/combined with one another. They may only be located inside a specially-designated structure, on the outside of a structure in an approved fence/wall enclosure, a designated interior court or yard area with appropriate access, or in rear yards and interior side yards. Exterior storage area(s) shall not be located in any required front yard, street side yard, any required parking, landscaped or open space areas or any area(s) required by the Municipal Code to be maintained as unencumbered;
2. The storage area(s) shall be accessible to residents and employees. Storage areas within multi-family residential developments shall be located within 250 feet of an access doorway to the dwellings which they are intended to serve;
3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector. In all cases where a site is served by an alley, all exterior storage area(s) shall be directly accessible to the alley; and
4. Solid waste receptacles for single-family homes shall be stored within the enclosed garage or behind a fence, if such structure exists.

D. **Design and construction.** The design and construction of the storage area(s) shall:

1. Be compatible with the surrounding structures and land uses;
2. Be properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal of materials;
3. Provide a concrete pad within the fenced or walled area(s) and a concrete apron which facilitates the handling of the individual bins or containers;
4. Protect the areas and the individual bins or containers provided within from adverse environmental conditions which might render the collected materials unmarketable; and
5. The storage area(s) shall be appropriately located and screened from view on at least three sides. The design shall be architecturally compatible with the surrounding structures and subject to the approval of the Director.
6. Trash enclosures shall be designed to meet City of Hollister waste disposal provider standards. The trash enclosure must be constructed out of cinderblock

concrete or stucco material and be easily accessible.

~~**17.16.180 - Under grounding of Utilities 17.20.150**~~

~~Utilities shall be placed underground in new developments as a condition of land use permit approval.~~

17.16.140 - Infill Development

The following standards apply to "infill development." That is, multi-family structures or individual houses that entirely replace existing units or are constructed on vacant parcels between existing units. The standards are intended to provide for infill projects of high architectural quality that are compatible with existing development. They are also intended to promote the conservation and reuse of existing older houses, and to preserve the historical character of the City's older neighborhoods. Preservation and rehabilitation efforts in the older neighborhoods shall protect the architectural features of a home that identify its individual style and contribute to the character of the area.

A. General principles. Infill residential development shall:

1. Be compatible in scale, siting, detailing, and overall character with adjacent buildings and those in the immediate neighborhood. This is crucial when a new or remodeled house is proposed to be larger than others in the neighborhood. When new homes are developed adjacent to older ones, the height and bulk of the new construction can have a negative impact on adjacent, smaller scale buildings.

2. Continue existing neighborhood patterns. For example, patterns such as front porches and entries facing the street, finished floor height, and garages located at the rear of lots.

B. Building design. An infill residential structure ahall incorporate the traditional architectural characteristics of existing houses in the neighborhood, including window and door spacing, exterior materials, roof style and pitch, ornamentation and other details.

C. Visual impacts from building height. The height of infill projects shall be consistent with of surrounding residential structures. Where greater height is desired, an infill structure should set back upper floors from the edge of the first story to reduce impacts on adjacent smaller homes, and to protect solar access.

D. Outdoor living areas. The use of balconies, verandas, porches, and courtyards within the building form of infill structures is strongly encouraged.

E. Exterior finish materials. The thoughtful selection of building materials can enhance desired neighborhood qualities such as compatibility, continuity, and harmony. The design of infill residential structures shall incorporate an appropriate mixture of the predominant materials found in the neighborhood.

F. Exterior colors. Color schemes for infill residential structures must consider the colors of existing houses in the neighborhood, to maintain compatibility.

17.16.150 - Storm Water Management

All land use activities (i.e., residential, commercial, industrial, recreation, public/quasi-public, construction, grading, landscaping and paving) shall be designed to detain storm water runoff on the property to pre-development levels and to reduce pollutants from storm water runoff entering the city storm drain system. To ensure that this occurs, appropriate storm water management procedures shall include, but are not limited to, the following:

Drainage:

1. Drainage from roof gutters from residential, commercial, industrial, public and other buildings including accessory structures shall be directed to rain gardens, landscape areas, vegetative swales, or retention or detention ponds approved by the City Engineering Department.
2. The use of multi-use storm water management facilities including: recreation areas, and permeable paving in interior pedestrian areas, patios or plazas is encouraged.
3. Projects unable to meet the pre-drainage standards shall be required to pay fees for city-wide storm water pollution control and management.

A. Administrative Drainage Permit: Any person engaged in activities which alter the volume, rate or direction of storm water runoff from grading, paving or the addition or alteration of aggregate parking/staging areas shall obtain an administrative drainage permit from the City of Hollister Engineering Department. The permit shall be reviewed for compliance with the Storm Water Management provisions in this section of the ordinance and other storm water management requirements adopted by the City of Hollister.

B. Storm Water Quality:
Any person engaged in activities which may result in pollutants entering the city storm drain system shall undertake all practicable measures to reduce such pollutants, including, but not limited to grease and sediment collections facilities and shall be responsible for maintaining the facilities.

1. Standard for parking lots and similar structures. Persons owning or operating a parking lot, gas station pavement, contractor's equipment yard or similar structures having impermeable surfaces, shall clean such structures as frequently and thoroughly as practicable. Sweepings shall be collected in a manner that does not result in discharge of pollutants to the city storm drain system or surface water.

2. Compliance with best management practices. Where best management practices guidelines or requirements have been adopted by any federal, State of California, regional, or the City of Hollister, for any activity, operation, or facility which may cause or contribute to storm water pollution or contamination, illicit discharges, or discharge of non-storm water to the storm water system, every person undertaking

such activity or operation, or owning or operating such facility, shall comply with such guidelines or requirements as may be prescribed by the city manager.

3. Any site development construction covering one acre or more, the applicant(s) shall submit a Notice of Intent to comply with the State Resources Control Board Water Quality Order 99-08 –DWQ and subsequent amendments, a site map, a fee payable to the State Water Resources Control Board and a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must contain at a minimum all items listed in Section A of the General Permit including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g. vegetated swales, riparian buffers, etc.) best management practices (BMPs) that will be implemented to prevent pollutants from discharging with storm water into waters of the United States.

4. *Notification of intent and compliance with general permits.* Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general storm water permit addressing such discharges as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the San Francisco Bay Regional Water Quality Control Board, shall provide notice of intent, comply with, and undertake all activities required by any general storm water permit applicable to such discharges. Each discharger identified in an individual NPDES permit relating to storm water discharges shall comply with and undertake all activities required by such permit.

5. Littering: No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the city, so that the same might be or become a pollutant, except in refuse containers or in lawfully established waste disposal facilities. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the city of Hollister in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable.

Chapter 17.18
Pedestrian, Bicycle, Parking and Loading Standards

Sections

17.18.010 - Purpose

The purpose of pedestrian, bicycle and off-street parking and loading standards is to:

A. Provide safe pedestrian connections between sidewalks, parking lots and buildings.

B. Provide sufficient pedestrian, bicycle and parking facilities to meet the needs generated by the proposed use;

B. Provide accessible, attractive, secure, properly lighted, and well-maintained and screened pedestrian, bicycle and off-street parking and loading facilities;

C. Reduce traffic congestion and hazards;

D. Encourage the use of alternative modes of transportation by providing for safe, adequate pedestrian corridors and convenient bicycle and carpool parking;

E. Protect neighborhoods from the effects of vehicular noise and traffic;

F. Ensure access and maneuverability for emergency vehicles; and

G. Provide loading and delivery services in proportion to the needs generated by the proposed use.

17.18.020 - Applicability

Every permanent use (including a change of use), and every structure shall have permanently maintained pedestrian, bicycle, transit off-street parking facilities in compliance with the provisions of this Chapter.

17.18.030 - General Pedestrian, Bicycle and Parking Regulations

A. Circulation Plan. A circulation plan for vehicular and pedestrian access and parking facilities shall be required for new development, a building addition(s) or a change of use that the Engineering Department determines substantially increases the off-street parking requirements. The plan shall include the following:

1. Parking facilities as required in this chapter.
2. A shaded (deciduous trees are acceptable) pedestrian path with an American with Disabilities Act (ADA) accessible paving surface that contrasts with and can be clearly distinguished from paved areas for vehicles. Paint shall not be allowed to provide contrast. The pedestrian paths shall be separated from internal roads and parking aisles with landscaping, building orientation or other strategies.
3. Pedestrian paths shall be designed to provide a continuous series of connections between sidewalks, buildings and adjoining properties. The plans shall show a minimum of one pedestrian path per street frontage and one path for every three parking aisles. Crossings through internal roads shall have contrasting paving (paint shall not be used for contrast).

4. The circulation plan shall incorporate any approved Bicycle and Pedestrian Master Plan or guidelines adopted to implement the City of Hollister General Plan policies and programs for multi-modal access.

5. All paved surfaces shall provide a continuous, smooth, vibration-free surface that complies with ADA requirements and ensures safe access for bicycles.

6. On site signs shall have a minimum clearance of seven feet between the sign and the ground.

7. All on-site grates and similar storm water facilities shall be suitable for crossing on a bicycle.

8. Transit facilities based on consultation with the San Benito County Local Transportation Authority.

9. Outdoor seating shall be integrated into the plan with a variety of strategies including raised planters and/or fountains with seating and benches that are designed to deter the use of skateboards.

17.18.040 Commercial vehicle parking - Residential areas. No commercial vehicle exceeding eight feet in height or 20 feet in combined total length, or tow truck or tow equipment, shall park between the hours of 6:00 P.M. and 6:00 A.M. on private property or public rights-of-way within residential zoning districts. This prohibition shall not apply to construction sites during the construction process or to vehicles in the process of making delivery or pickup.

17.18.050 Accessible Clearance. An ADA accessible path of travel of at least five feet shall be maintained at all times around display areas, transit shelters, bicycle racks, ATM, building entrances and temporary facilities (e.g. mail deposit, A-frame sign on private property).

17.18.060 - Number of Parking Spaces Required

Each land use shall provide the minimum number of off-street parking spaces required by this Section, except where a greater number of spaces is required through land use permit approval.

A. **Expansion of structure, change in use**. When a structure is enlarged or increased in capacity or intensity, or when a change in use is required by this Title to provide more off-street parking, additional pedestrian facilities and parking spaces for automobiles and bicycles shall be provided in compliance with the provisions of this Section.

B. **Mixed uses/multiple tenants.** A site or facility proposed for multiple tenants or uses (e.g., a hotel with meeting halls, a building with ground-floor shops and second-floor offices, etc.) shall provide the aggregate number of parking spaces required by this section, Number of Parking Spaces Required for each separate use; except where shared parking is allowed in compliance with Section 17.18.090(B) (Reduction of Off-Street Parking Requirements - Shared Parking Reduction). - Shared Parking Reduction). The parking requirements for any one use may not be used to satisfy the requirements for another use in the same structure or on the same parcel.

C. **Single-family homes.** Two off street parking spaces shall be provided and maintained for each dwelling in any single-family residential zoning district.

D. **Parking required by Development Agreements and Specific Plans.** Parking requirements established by Development Agreements or Specific Plans supersede the provisions of Section 17.24.040 (Number of Parking Spaces Required).

E. **Uses not listed.** Land uses not specifically listed by the following subsection (F), shall provide parking as required by the Director. In determining appropriate off-street parking requirements, the Director shall use the requirements of subsection (G) as a general guide in determining the minimum number of off-street parking spaces necessary to avoid undue interference with public use of streets.

F. **Computation of spaces required.** Where the number of required parking spaces results in a fraction of 0.50 or higher, the requirements shall be rounded up to the next whole number of spaces.

G. **Bicycle and Vehicle Parking requirements by land use**. The following minimum number of parking spaces shall be provided for each use (additional spaces may be required through Conditional Use Permit or Planned Development Permit conditions of approval, where applicable):

Land Use Type: Industry, Manufacturing & Processing	Vehicle Spaces Required	Bicycle Spaces Required
Commercial outdoor recreation	Twenty per acre of site	Two per acre but not less than six. More spaces may be required based on the use as determined by the City Engineer
Indoor recreation/fitness centers		
Arcades	One space for each two hundred and fifty sq. ft. of gross floor area.	Ten percent of vehicle spaces.
Bowling alleys	Ten spaces per lane plus adequate space for other uses.	
Dance halls	One space for each fifty sq. ft. of dance floor area or two spaces for each five seats.	None.
Health/fitness clubs	One space for each two hundred fifty sq. ft. of gross floor area.	Ten percent of vehicle spaces.
Pool and billiard rooms	Two spaces per table.	Five percent of vehicle spaces.
Libraries, museums, post office	One space for each 375 sq. ft. of gross floor area plus one space per official vehicle.	Ten percent of vehicle spaces
Membership organizations	One space for every 3.5 fixed seats.	Five percent of vehicle spaces.
Outdoor commercial recreation	Determined by Conditional Use Permit/Planned Development Permit.	
Schools		
Elementary/Junior High	Two spaces for each classroom.	Two spaces per classroom
High School	Seven spaces for each classroom.	Two spaces per classroom
College	One space for every two full time students.	Five percent of vehicle spaces but distributed between buildings
Trade schools	One space for every 1.5 students.	Five percent of vehicle spaces.
Studios for dance, art, etc.	One space for each two students	One space for every 10 students
Tennis/racquetball courts	Three spaces per court, plus	Ten percent of vehicle

Land Use Type: Industry, Manufacturing & Processing	Vehicle Spaces Required	Bicycle Spaces Required
	as required for incidental uses.	spaces.
Theaters and meeting halls	One space for each 4 fixed seats or one space for each 7 feet of benches.	Ten percent of vehicle spaces.
Mobile homes (in M.H. parks)	One covered space (may be in tandem).	None
Multi-family housing	Two spaces per unit; 0.50 space per unit for guest parking.	Ten percent of vehicle spaces.
Secondary residential units	One enclosed space per bedroom or studio unit, with a maximum of two enclosed spaces.	None
Senior housing projects	One covered space per unit; 0.50 spaces per unit for guest parking.	Five percent of vehicle spaces.
Single-family housing	Two spaces	None
Single-room occupancies	One space per dwelling unit; plus one for every non-resident employee. Reduction of up to 0.50 of required spaces may be granted through the Conditional Use Permit process.	None
Auto, mobile home, vehicle and parts sale	One space for each four hundred fifty sq. ft. of gross floor area for showroom and office, plus one space for each two thousand sq. ft. of outdoor display area, plus one space for each five hundred sq. ft. of gross floor area for vehicle repair, plus one space for each three hundred sq. ft. of gross floor area for the parts department.	None
Banks and financial services,	One space for each one hundred sq. ft. of gross floor area, plus two spaces per ATM and one space for	Five percent of vehicle spaces

Land Use Type: Industry, Manufacturing & Processing	Vehicle Spaces Required	Bicycle Spaces Required
	each company vehicle.	
Furniture, furnishings, and home equipment stores	One space for each five hundred sq. ft. of gross floor area and One space for each company vehicle.	Five percent of vehicle spaces
Plant nurseries	One space for each three hundred sq. ft. of indoor display area, plus one space for each one thousand sq. ft. of outdoor display area.	None
Restaurants, cafes, bars, other eating/drinking places		
Take-out only	One space for each one hundred eighty sq. ft. of gross floor area	One
Fast food (counter service)	Five spaces, plus one space for every three seats in dining area or one space for each one hundred sq. ft. of gross floor area, whichever is greater.	Five percent of vehicle spaces.
Table service	One space for each 2.5 seats or one space for each one hundred sq. ft. of gross floor area, whichever is greater.	Five percent of vehicle spaces.
Retail stores		
General merchandise	One space for each two hundred fifty sq. ft. of gross floor area and one space for each company vehicle	Five percent of vehicle spaces with a minimum of two per building
Warehouse retail	One space for each two hundred sq. ft. of gross floor area and one space for each company vehicle.	Minimum of two
Shopping centers	Four spaces for each one thousand sq. ft. of gross floor area.	Minimum of two per building or Five percent of vehicle spaces in a commercial center with parking distributed through the center.
Depots: air, bus, freight, or	Determined by Conditional	Determined by

Land Use Type: Industry, Manufacturing & Processing	Vehicle Spaces Required	Bicycle Spaces Required
rail	Use Permit/Planned Development Permit.	Conditional Use Permit/Planned Development Permit.
Hotels and motels	One space for each guest room, and employee, and adequate spaces to accommodate other activities.	None
Kennels and animal boarding	One space for each employee, plus one space for each five hundred sq. ft. of gross floor area.	None
Medical services		
Clinics, medical/dental offices, labs Under 20,000 sq. ft.	Three spaces for each doctor or one space for each one hundred fifty sq. ft. of gross floor area, whichever is greater.	Five percent of vehicle spaces
Clinics, medical/dental offices, labs 20,000+ sq. ft.	Three spaces for each doctor or one space for each two hundred twenty five sq. ft. of gross floor area, whichever is greater.	Five percent of vehicle spaces
Extended care	One space for each three beds.	
Hospitals	Two spaces for each patient bed.	
Offices, administrative,	One space for each two hundred fifty sq. ft. of gross floor area.	Five percent of vehicle spaces.
Personal services		
Barber/beauty shops	Two spaces for each service chair.	Five percent of vehicle spaces
Laundromats	One space for every three washing machines.	None
Repair and maintenance - vehicle		
Customer-waiting service	Four spaces per service bay plus adequate queuing lanes.	None
Repair garage	Five spaces, plus one space for each two hundred sq. ft.	None

Land Use Type: Industry, Manufacturing & Processing	Vehicle Spaces Required	Bicycle Spaces Required
	of gross floor area plus adequate queuing lanes.	
Self-service vehicle washing	2.5 spaces per washing stall, for queuing and drying.	None
Full-service vehicle washing	Twelve spaces, plus adequate queuing and drying area	None
Service stations	One space for each one hundred eighty sq. ft. of gross floor area; plus three spaces for each service bay.	None
Storage, personal storage facilities	One space for each 10,000 sq. ft. of gross floor area plus two spaces for any resident manager.	None
Veterinary clinics and hospitals	One space per two hundred sq. ft. of gross floor area.	None
Warehousing	One space for each one thousand sq. ft. of gross floor area plus one space for each company vehicle.	None

17.18.070 Bicycle Parking Design Standards

A. For the purpose of this Section, bicycle parking facilities shall refer to bicycle racks, lockers and like facilities, unless otherwise specified.

A. All bicycle parking provided shall be on concrete or like surface.
B. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
C. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components.
D. Bicycle parking facilities within auto parking areas shall be separated by a physical barrier to protect bicycles from damage by automobiles and other moving vehicles. Such mentioned barriers may be in the form of curbs, wheel stops, poles or other similar features.
E. At a minimum, bicycle parking spaces shall be at least two (2) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.
F. Bicycle parking facilities, particularly bicycle parking racks, are subject to the following criteria:
   a. Located a minimum of two feet away from a parallel wall.

b. Located thirty inches from a perpendicular wall, as measured from the edge of the facility closest to the wall and in the direction bicycles are to be parked.
c. Provide a minimum five foot wide aisle or space behind all required bicycle parking to allow room for bicycle maneuvering.

G. If bicycle parking racks are to be utilized to provide the required minimum off-street bicycle parking, racks shall be designed to support the bicycle by its frame and allow the use of either a cable lock or a U-shaped lock.

17.18.080 Location of Bicycle Racks

Bicycle parking facilities shall be located in a convenient, highly visible and well-lighted area to minimize theft and vandalism, generally within fifty feet of a building entrance and within view of pedestrian traffic.

17.18.90 - Reduction of Off-Street Parking Requirements

A. **General parking reduction.** The Director may grant a reduction in off-street parking requirements in compliance with Section ~~***17.72.040 (Minor Conditional Use Permits***~~). The applicant shall provide evidence to demonstrate, to the satisfaction of the Director, that any requested reduction is necessary for the efficient operation of the subject use and will not result in a parking deficiency though the submittal of a parking study which demonstrates need and industry standards.

Additionally, the Director may grant a reduction in off-street parking requirements, ~~***in compliance with Section 17.72.040 (Minor Conditional Use Permits)***~~, for development projects:

1. That are located in close proximity to a public transit stop, where possible;

2. Where the applicant agrees to provide housing for low- and very low-income persons in compliance with Chapter 17.04 Article II (Residential Density Bonuses);

3. Where the Council has adopted a resolution establishing the value of an off-street parking space, based on the value of land and construction costs of a top grade parking lot. This in lieu parking fee alternative shall only be available in the following manner:

   a. The Council shall first authorize the issuance of an "In lieu certificate", with each certificate representing the cost of one off-street parking space;

   b. The Council shall set up a special fund for revenues from the certificates, with the revenues to be used to establish public off-street parking facilities; in the vicinity of the project requesting the certificate;

   c. The applicant may then agree to purchase one certificate for each off-street parking space requested to be waived from the requirements of this Chapter.

The certificate shall be purchased in conjunction with the issuance of the Building Permit for the subject development. The certificates may be paid in installments not to exceed five years, providing an agreement, approved by the City Attorney, is signed by the applicant.

2. The off-street parking requirements for property located within the Local Improvement District 75-1 Downtown Parking Assessment District, o other City-approved parking assessment districts, may be met by the inclusion of the property in said Parking District if the property is used for permitted commercial or permitted mixed use purposes. For uses other than permitted commercial or permitted mixed use, off-street parking requirements for properties within the Parking District will be calculated by subtracting the number of parking spaces attributed to the property in the resolution establishing the Parking District from the number of parking spaces required by Chapter 17.18 of this Title for the property

B. Shared parking reduction. Non-residential parking facilities may be shared if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or week days only, or where patrons are likely to visit more than one business establishment on a single trip.) The applicant shall provide documentation (i.e., shared parking use analysis) to the satisfaction of the Director, substantiating the reasons for the requested shared parking reduction. Shared parking may be approved only if:

1. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses;

2. Satisfactory evidence, as deemed by the Director, has been submitted by the parties and affected parties and operating affected parties the shared parking facility. The evidence shall describe the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and

3. Additional documents, covenants, deed restrictions, or other agreements, as may be deemed necessary by the Director, are executed to ensure that the required parking spaces provided are maintained and used as approved for the life of the non-residential development.

17.18.100 - Disabled Parking Requirements

Parking areas shall include parking spaces accessible to the disabled in the following manner:

A. **Number of spaces, design standards.** Disabled parking requirements are established by the State and are contained in the California Code of Regulations, Title 24, Part 2, Chapter 2-71, Section 2-7102, and in the California Vehicle Code, Section 22511.8. State law may be amended from time to time, so reference should be made directly to the California Code of regulations for standards on the required number, dimensions, and location of handicapped parking spaces, signs, and related facilities. The Department will provide information on current requirements and space design upon request;

B. **Reservation of spaces required.** All disabled accessible spaces required by this Section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use;

C. **Upgrading and maintenance of markings required.** If amendments to State Law change State standards for the marking, striping, and signing of disabled parking spaces, all disabled spaces within the City shall be upgraded in compliance with the new State standards. This upgrading shall be completed by affected property owners within 60 days of their being notified in writing by the City of the new State standards; and

D. **Fulfilling of requirements**. Disabled parking spaces required by this Section shall count toward fulfilling off-street parking requirements.

17.18.110 - Design and Development Standards for Off-Street Parking

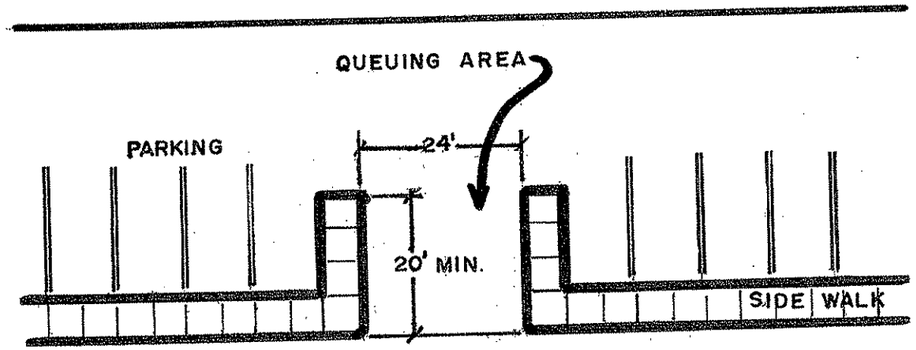
Off-street parking areas shall be provided on the subject site, outside of any public right-of-way, in the following manner:

A. Access:

1. Parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. Single-family homes and duplexes are exempt from this requirement and the Director may approve exceptions for other residential projects;

2. A commercial or industrial use that is designed to provide 20 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a stacking area for vehicles entering and exiting the parking area. See Figure 17.18-1.

3. A minimum unobstructed clearance height of seven feet six inches shall be maintained above all areas accessible to vehicles



B. Adjacent site access. Applicants for non-residential developments shall be encouraged to provide cross-access to adjacent non-residential properties for convenience, safety and efficient circulation of motor vehicles. A Mutual Access Agreement shall be executed where cross-access is provided.

C. Street-fronting parking lots. A commercial, office shall and industrial use should minimize street-fronting parking lots, and where possible locate the parking areas behind buildings.

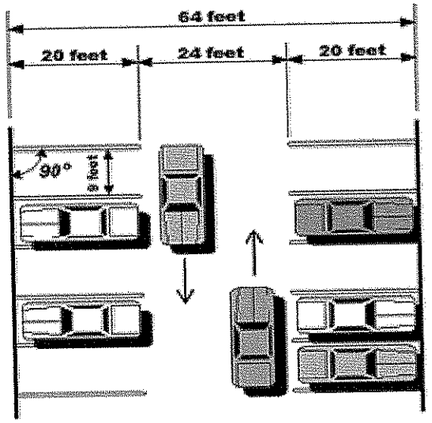
D. Parking within required setbacks. No parking space or aisle providing access to individual parking spaces shall occupy a required front setback, or a street side setback of a corner lot. No residential parking space shall occupy a required side or rear setback, except within an enclosed garage that complies with the garage setback requirements of Section 17.30.170.x (Need to add Garages to Residential Accessory Structures).

E. Parking within the DMU district. Parking areas Downtown, in the DMU district, shall be clustered in structures, behind buildings, and on streets.

F. Parking within the HO district. Parking lots in front of offices shall be prohibited. Parking shall be accommodated on-site behind or to the side of structures.

G. Parking lot and space dimensions:

1. **General requirements.** Minimum parking dimensions shall be as indicated in the following table and as illustrated by Figure 17.18-2.



2.

Minimum Parking Stall Dimensions	
Length	Width
Standard: (Forty percent compact allowed) Eighteen feet for all land uses, two feet of which can overhang into landscape area	Nine feet
Compact: (Forty percent compact allowed) Eight and one half feet, two feet of which can overhang into landscape area	Sixteen feet

One-Way Traffic and Single-Loaded Aisles (for uncovered parking only)			
Parking angle	Stall depth	Aisle width (travel lane)	Total bay depth
30	17 feet	14 feet	31 feet
45	19 feet	14.5 feet	33.5 feet
60	20 feet	17 feet	37 feet
90	18 feet	24 feet	42 feet
One-Way Traffic and Double-Loaded Aisles (uncovered parking only)			
Parking angle	Stall depth	Aisle width (travel lane)	Total bay depth
30	18 feet	14 feet	50 feet
45	19 feet	14.5 feet	52.5 feet
60	22 feet	18 feet	62 feet
90	20 feet	24 feet	64 feet
Two-Way Traffic and Double-Loaded Aisles (uncovered parking only)			
Parking angle	Stall depth	Aisle width (travel lane)	Total bay depth
30	18 feet	24 feet	60 feet
45	19 feet	24 feet	62 feet
60	20 feet	24 feet	64 feet
90	20 feet	24 feet	64 feet

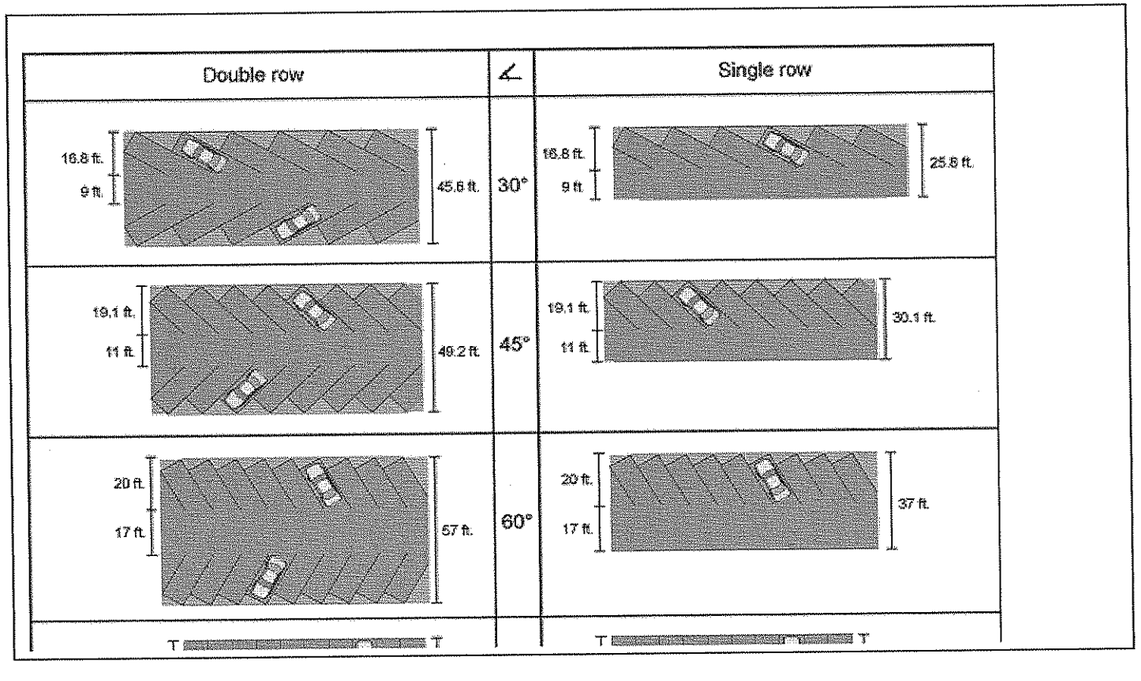


Figure 17.18-3
PARKING DESIGNS

2. **Dimensions for private garages**. A minimum unobstructed inside dimension of 10 feet by 20 feet shall be maintained, for a private one-car garage. A minimum unobstructed inside dimension of 20 feet by 20 feet shall be maintained for a private two-car garage. A minimum inside dimension of 30 feet by 20 feet shall be maintained, for a private three-car garage;

3. **Parallel parking spaces.** Parallel parking spaces shall have a minimum width of nine feet and a minimum length of 24 feet; and

H. Drainage. All required off-street parking/loading areas shall be designed and constructed:

1. So that surface water will not drain over any sidewalk (drainage from a site to a street across a driveway may be approved), or adjacent parcels, unless otherwise approved by the City Engineer;

2. In compliance with the Water Resources Performance Standards and Stormwater Management and Flooding Performance Standards; and

3. In compliance with the City's Best Management Practices, adopted in compliance with the requirements of the National Pollution Discharge Elimination System (NPDES).

I. **Landscaping**. Required parking area landscaping shall be provided as follows unless otherwise specified in this Chapter:

1. **Area of landscaping required.** A minimum of ten percent of the total off-street parking area shall be landscaped to provide a minimum forty percent shade coverage at tree maturity or five years whichever occurs first. The parking area shall be computed by adding all areas used for access drives, aisles, stalls, and maneuvering within that portion of the site that is devoted to parking and circulation.

2. **General landscaping standards.** Landscaping shall be installed and maintained in compliance with Chapter 17.16

3. **Perimeter landscaping:**

   a. Adjacent to streets. Parking areas with more than 10 spaces adjacent to a public right-of-way, shall be designed to provide a landscaped planting strip between the right-of way and parking, equal in depth to the setback required by the zoning district or 10 feet, whichever is less. Any planting, sign, or other structure within sight distance triangle of a driveway shall not exceed 36 inches in height.

   b. Adjacent to residential use. Parking areas for non-residential uses adjacent to residential uses shall be designed to provide a landscaped planting strip a minimum of 10 feet in width between the parking area and the property line bordering the residential use. A screening wall shall also be provided in compliance with Subsection (J) of this Section.

4. **Interior landscaping:**

   a. Planting island between parking aisles. Parking areas with multiple parking aisles shall be designed to provide a continuous planter island between each aisle. The planter island shall be six feet wide, with six-foot by 18-foot projecting landscaped islands every 10 parking spaces. Adequate pedestrian paths shall be provided throughout the landscaped areas where deemed necessary. At least one 24-inch box shade tree for every three spaces shall be included in the development of the overall landscaping program; appropriate clustering of trees may be approved by the Director. The landscaping program (including tree species selected) shall be designed to provide shading for 50 percent of the parking lot area within a 15 year period.

b. **Areas not used for parking.** Areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks, shall be landscaped and permanently maintained, in compliance with an approved site plan.

c. **Bumper overhang areas.** To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt, allowing a bumper overhang while maintaining the required parking dimensions.

5. **Curbing, irrigation.** All areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide, and provided with an approved automatic irrigation system.

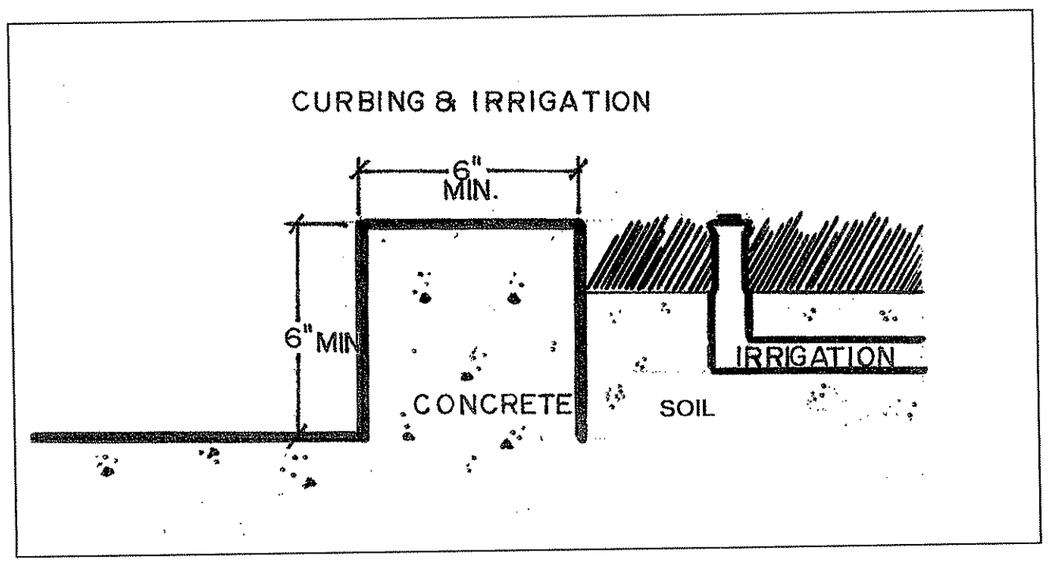


Figure 17.18-4
CURBING AND IRRIGATION

J. **Lighting.** Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the on-site structure(s). Any illumination, including security lighting, shall be directed downward, away from adjoining

properties and public rights-of-way in compliance with Section 17.16. of this Chapter.

K. **On-site location required**. All parking spaces shall be located on the same parcel as the primary structure or use, unless approved otherwise by the Director. The Director may approve a portion or all of the required off-street spaces to be located on an adjacent parcel. This approval shall be based on accessibility to the primary structure or use, and the use and development of the neighboring parcel. The applicant shall provide evidence, to the satisfaction of the Director, that a suitable long-term lease or other binding agreement can be executed and recorded which would guarantee that the parcel containing the primary structure or use has an irrevocable right to utilize the adjacent parcel for parking.

L. **Maintenance.** All required parking facilities shall be permanently maintained by the property owner/tenant, free of litter and debris, potholes, obstructions, and stored material.

M. **Residential guest parking.** Required guest parking in residential zoning districts shall be so designated and restricted, with appropriate signs/pavement markings, for the exclusive use of the guests and located within 150 degrees of the unit intended to serve.

J. **Screening**. Multi-family, commercial, industrial/manufacturing, and public parking areas abutting residentially zoned parcels shall have a wood or decorative masonry wall, not less than six-foot high, to properly screen the parking area(s), subject to approval by the Director. The Director may waive or modify this requirement to protect the views of adjacent residences. All wall treatments shall occur on both sides.

K. **Site coverage.** The requirements for open space and off-street parking on any parcel shall not exceed 75 percent of the gross area of the parcel. Any portion of a structure designed to be used for vehicle parking, when no more than 25 percent of the spaces are to be used for public parking, shall not be counted in calculating the maximum allowable gross floor area contained in Chapters 17.

L. **Striping and marking.** Parking stalls shall be identified by four-inch wide stripes of paint, or other durable striping material approved by the Public Works Director/City Engineer on the parking lot surface. All parking stalls shall be clearly outlined with double stripes except parallel spaces which may be marked with single lines.

M. **Surfacing**. All off-street parking lots shall be surfaced with four inches of Portland Cement Concrete, or two inches of asphaltic concrete, or oil surfacing, placed on four inches of a suitable base and built to a thickness which meets City street standards, subject to the approval of the Director/City Engineer.

N. **Tandem and valet parking**. Tandem parking shall not be permitted to satisfy off-street parking requirements, except within mobile home parks, in the mixed use districts or where authorized by Conditional Use Permit approval. Valet parking shall not be permitted to reduce off-street parking requirements, except where authorized by Conditional Use Permit approval.

O. **Wheel stops/curbing**. Continuous concrete curbing at least six inches high and six inches wide shall be provided for all parking spaces located adjacent to walls, fences, property lines and structures. All parking lots shall have curbing around all parking areas and aisle planters in compliance with Subsection (E) above. Wheel stops shall not be used in lieu of curbing.

17.18.120 - Driveways and Site Access

Driveways providing ingress and egress to off-street parking spaces shall be designed, constructed, and maintained as follows:

A. **Number of access points.** One driveway access point for each ownership shall be permitted unless a development or circulation plan is provided to the City Engineer indicating that more than one access is required to handle traffic volumes or specific designs, (e.g., residential circular driveways). Access points across from one another shall be aligned. Additional access shall not be permitted if it is determined to be detrimental to traffic flow and safety of adjacent public streets. Whenever a property has access to more than one road, access shall be generally limited to the lowest volume road where the impact of a new access will be minimized. All access from private property to a public street shall require an Encroachment Permit in compliance with Chapter 12.16 of the Municipal Code.

B. **Location of access:**

1. **Distance from street intersections.** No portion of a driveway access shall be permitted within curb returns. The edge of the access shall not be less than 10 feet from the end of curb return for single-family residential developments. For all other developments, this distance shall not be less than 150 feet. Where the parcel size does not permit the access to be located 150 feet from the end of curb return, the access shall be located the maximum distance possible from the end of the curb return, subject to the approval of the Director. This distance does not include the three-foot transition or wing sections on each side of the driveway.

2. **Driveway spacing.** Two or more driveway access points on a public street shall be separated as follows:

   a. Single-family residential development. Where two or more accesses serve adjacent single-family residential parcels, the minimum distance between the nearest points of the two accesses shall be at least 20 feet, unless a

shared, single driveway access is approved by the Director. The 20-foot separation does not include the three-foot transition or wing sections on each side of the driveway.

b. Multi-family and non-residential development. Where two or more accesses serve the same or adjacent non-single-family residential development, the minimum distance between the centerline of accesses shall be preferably at least 200 feet on streets with design speeds below 30 mph and 300 feet on streets with design speeds above 30 mph.

c. Corner and double frontage parcels. For corner and double frontage residential parcels, one access on each frontage may be permitted if it is determined by the City Engineer that two driveways are needed to provide safe access for traffic entering and leaving the parcel because of site distance and geometric design considerations.

3. **Driveway alignments** - Commercial development. Where commercial parcels are not large enough to allow accesses on opposite sides of the street to be aligned, the center of driveways not in alignment shall normally be offset a minimum of 150 feet on all collector roads, and 300 feet on all major and arterial roads. Greater distances may be required if needed for left-turn storage lanes.

C. Driveway width and length:

1. **Residential zoning districts**. Driveways in the Residential zoning districts shall have a minimum width of 12 feet, with direct access to a garage. Maximum width shall be 20 feet for a double or 30 feet for a three car garage. The minimum length of a single-family driveway shall be 20 feet measured from the property line to the front of the garage, in order to permit a vehicle to park in the driveway without blocking the sidewalk. Where access to a garage, carport, or open parking space is perpendicular (90 degrees) to the driveway, a minimum 24-foot deep unobstructed back-out area shall be provided;

2. **Commercial zoning districts**. Driveways shall be a minimum width of 25 feet and a maximum of 35 feet with adequate truck turning radius. Curb return radius shall be a minimum of 20 feet where curb returns are deemed necessary by the City Engineer.

3. **Industrial/Manufacturing zoning districts**. Accesses serving industrial uses shall be a minimum of 35 feet in width and a maximum of 40 feet, with adequate truck turning radius, and with minimum curb return radius of 25 feet, or as otherwise specified by the City Engineer. Site distance triangles shall be indicated on all site plans to ensure unobstructed vision clearance.

D. **Clearance from appurtenances**. The nearest edge of any driveway curb cut shall be at least three feet from the nearest property line (except where the Planning Commission has approved a shared driveway between two parcels), the centerline of a fire hydrant, utility pole, drop inlet, or appurtenances, traffic signal installations, or light standards. The nearest edge of any driveway shall also be at least five feet from the nearest projection of this type of installation. Street trees shall be a minimum of 10 feet from the driveway access.

E. **Sight distance at driveways**. At least 350 feet of clear sight distance shall be provided for all access onto local streets; 400 for collector streets; 500 feet for arterial streets, as approved by the City Engineer.

F. **Signs.** All exists from parking lots shall be clearly posted with "STOP" signs.

G. **Temporary access.** Temporary access may be granted to underdeveloped property prior to approval of all development permits required by this Zoning Ordinance, or completion of development, if access is needed for construction. Temporary accesses are subject to removal, relocation, or redesign after all permits are approved.

17.18.130 - Off-Street Loading Space Requirements

A. **Number of loading spaces required.** Unless modified by the Director in compliance with Section 17.72.040 (Minor Conditional Use Permits/Conditional Use Permits), off-street freight and equipment loading spaces shall be provided for all non-residential uses, except hotels and motels. The following minimum number of loading spaces shall be provided for each use:

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Commercial, industrial/manufacturing, institutional, and service uses	Less than 4,000 sq. ft.	1
	4,001 to 25,000 sq. ft.	2
	25,001+ sq. ft.	2, plus additional as required by Director
Office uses	Less than 25,000 sq. ft.	1
	25,001+ sq. ft.	1, plus additional as required by Director

Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use, in compliance with Section 17.24.040 (Number of Parking Spaces Required).

B. **Development standards for off-street loading**. Off-street loading areas shall be provided in the following manner:

1. **Dimensions**. Required freight and equipment loading spaces shall be not less than 15 feet in width, 25 feet in length, with 14 feet of vertical clearance;

2. **Lighting**. Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the structure(s). Any illumination, including security lighting, shall be directed away from adjoining parcels and public rights-of-way;

3. **Loading doors and gates**. Loading bays and roll-up doors shall be located on the rear of the structure only. Bays and doors may be located on the side of a structure, away from a street frontage, where it can be demonstrated that the bays, doors, and related trucks will be adequately screened from public view from any street or public right-of-way;

4. **Loading ramps**. All plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead and adjoining wall clearances;

5. **Location**. Freight and equipment loading spaces shall be located and designed as follows:

   a. Next to, or as close as possible to, the main structure, and limited to the rear 2/3 of the parcel;
   b. Situated to ensure that the loading facility shall not be visible from any major public rights-of-way;
   c. Situated to ensure that all loading and unloading takes place on-site, and in no case within adjacent public rights-of-way, or other traffic areas on-site;
   d. Situated to ensure that all vehicular maneuvers occur on-site; and
   e. Situated to avoid adverse noise impacts upon neighboring residential properties, in compliance with City noise regulations.

6. **Screening**. All loading areas abutting residentially zoned parcels shall have a six-foot high solid, architecturally treated decorative masonry wall, approved by the Director, to properly screen the loading area(s). All wall treatments shall occur on both sides; and

7. **Striping**. Loading areas shall be striped indicating the loading spaces and identifying the spaces for "loading only." The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times.

Chapter 17.20 — Signs

Sections:

17.20.010	**Purpose**
17.20.020	**Definitions**
17.20.030	**Applicability**
17.20.040	**General Provisions**
17.20.050	**Exempt Signs**
17.20.060	**Prohibited Signs**
17.20.070	**Prohibited Locations**
17.20.080	**Signs on Agricultural Lands**
17.20.090	**Public Facility/Institutional and Open Space Regulations**
17.20.100	**Signs in Residential Districts**
17.20.110	**General Design Principles**
17.20.120	**Regulations and Design Standards**
17.20.130	**Sign Design Standards**

17.20.010 — Purpose

The purpose of this chapter is to establish uniform sign regulations that are intended to:

a. Implement the City's community design and safety standards as set forth in the General Plan;
b. Maintain and enhance the city's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination and maintenance of signs;
c. Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs which facilitate the safe and smooth flow of traffic (i.e. traffic directional signs) without an excess of signage which may distract motorists, overload their capacity to quickly receive information, visually obstruct traffic signs or otherwise create congestion and safety hazards;
d. Eliminate the traffic hazards to pedestrians and motorists posed by off-site signs bearing commercial messages;
e. Generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public;
f. Allow the communication of information for commercial and noncommercial purposes without regulating the content of noncommercial messages;
g. Allow the expression of political, religious and other noncommercial speech at all times and allow for an increase in the quantity of such speech in the period preceding elections;
h. Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational, and other non-communicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in traffic and pedestrian safety and community aesthetics;
i. Minimize the possible adverse effects of signs on nearby public and private property;

(j) Serve the city's interests in maintaining and enhancing its visual appeal for tourists and other visitors, by preventing the degradation of visual quality which can result from excess signage;
(k) Defend the peace and tranquility of residential zones and neighborhoods by prohibiting commercial signs on private residences, while allowing residents the opportunity, within reasonable limits, to express political, religious and other noncommercial messages from their homes; and
(l) Enable the fair, consistent and efficient enforcement of the sign regulations of the City.

17.20.020 — Definitions

Except where the context otherwise requires, the definitions set forth herein shall govern the construction of the provisions of this Chapter.

A-frame Sign — see Sandwich Board Sign

Abandoned Sign means a sign located on a parcel of land or on a structure either of which is vacant or unused for a period of ninety days or more, or a sign pertaining to a past occupant or establishment different from the present occupant or establishment on the premises.

Aggregate sign area means the total area of sign for all signs located on or in one parcel, one commercial center, or one building.

Alteration of a sign means any change in the supporting structure or in the sign other than a change in the message.

Animated Sign means any sign which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting.

Area of sign means the face of a sign as measured in accordance with section **17.20.120** *Sign Standards.*

Art means any work or visual creation including but not limited to a sculpture, monument, mural, fresco, relief, painting, drawing, decoration, inscription, statue, fountain, banner, mosaic, works of calligraphy, photography or graphic art, crafts (including crafts in ceramic, clay, textile, fiber, wood, metal, plastic, glass and like materials), or mixed media (including a collage, assemblage, or any combination of the above-referenced art media), that is installed on private property and visible to the public right of way, that does not identify or advertise a product, service, or business. Art does not demonstrate any relationship to the business. Art normally does not include landscaping, paving, or architectural ornamentation. Art shall not contain obscene subject matter as defined in Penal Code section 311.

Awning means a roof-like structure, attached to and supported entirely by the exterior wall of a building, often made of canvas or similar material that serves as a shelter over a storefront, window, door, or deck.

Awning Sign means a sign printed or painted on or attached flat or otherwise incorporated onto the valence of an awning.

Banner means a visual display device, with or without copy, usually rectangular in shape, made of flexible material, usually cloth, paper, or plastic.

Base of Sign means the material used exclusively for the structural support of a sign.

Billboard means any permanent sign structure used for the display of messages promoting or advertising a business, individual, product, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than on the property on which the sign is located.

Building Sign means a sign mounted, painted, or otherwise attached to a building such as wall signs, projecting/blade signs, hanging signs, awning and canopy signs, multi-story tenant identification signs, marquee signs, and window signs but excluding freestanding signs.

Cabinet Sign — See Can-type Sign.

Canopy means a permanent projecting roof-like structure other than an awning with or without ground supports extending from part or all of a building face that serves as a shelter over a storefront, window, door, or deck.

Canopy Sign means a sign painted or printed on or attached flat or otherwise incorporated onto a canopy but does not include hanging signs that are suspended from or below a canopy.

Can-type Sign means a sign affixed to or an integral part of a cabinet which is designed as a single unit.

Channel Letters means individual letters or figures, illuminated or non-illuminated, affixed to a building or freestanding sign structure.

City means the City of Hollister, California.

Civic Sign means any sign that identifies or states the location of, describes the services available or performed upon, describes the function of, describes the activities conducted upon, or states the conditions or use of, premises or facilities used, maintained, or owned by any governmental entity.

Commercial Signage or **Commercial Message** means any sign or sign copy with wording, logo, color or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity, or which proposes a transaction, in or relates primarily to commercial interests.

Construction Sign means a temporary sign identifying the persons, firms, or businesses directly connected with a construction, remodeling, or development project.

Directional Sign means a sign that provides information or direction to the viewer and contains no advertising message excluding menu and pre-menu boards.

Director means the Development Services Director of the City or his or her designee.

Erection of a Sign means the construction, placement, relocation, enlargement, alteration, posting, or display of a sign.

Face Change means a change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device.

Fascia means a flat, usually horizontal, ~~***member***~~ ***part*** of a building having the form of a flat band or broad fillet used as a molding covering the joint between the top of a wall and the projecting eaves.

Fin Sign means a two-sided projecting sign intended to be viewed from the side.

Flag means a banner that is the emblem of a governmental entity.

Flashing Sign means an illuminated sign containing an intermittent or sequential flashing light source or any other such means to attract attention.

Flat-mounted Sign means an attached sign mounted flush against or parallel to the surface of a building façade, typically consisting of signage on a background board, signage enclosed within a cabinet or box, or individual letters. Symbols, displays, devices, or graphics painted directly onto a building surface are also included. Plaques are flat-mounted signs which are typically one-piece construction made out of material such as bronze, terra cotta, or stone.

Freestanding Sign means a sign not attached to a building but permanently erected upon or standing in the ground and usually supported from the ground by one or more poles, columns, uprights, braces, or cement anchors, including pole signs and monument signs but not portable signs.

Front Wall means that wall of a structure which contains the entrance or entrances to the premises. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. Front wall includes not only the wall itself but all doors, windows, and other openings and projections.

Gateway Sign means a freestanding sign placed by a federal, state, or local government adjacent to a regional highway to advertise off-site goods, businesses, or services.

Grade means the top of the curb closest to a sign or, if there is no curb, the centerline of the street closest to the sign.

Ground Sign — See Freestanding Sign.

Hanging Sign means a sign that is suspended from or below a canopy or marquee.

Identification Sign means a sign whose function is to provide information so viewers may identify the premises and the occupants or tenants thereof.

Illegal Sign means any sign not in strict conformity with this Chapter and not a legal nonconforming sign.

Illuminated Sign means a sign that uses an artificial light source to enhance or increase visibility.

Indirect Illumination means a light cast on the surface of a sign from an exterior source.

Internal Lighting means the illumination of a sign by a light source that is fully incorporated into the sign itself.

Light Source means a device when activated electronically or otherwise emits light, including but not limited to, incandescent filament bulb, electric discharge bulb, neon tube, and fluorescent tube.

Logo means a trademark, copyright, brand name, or symbol of an organization or business designed for ready recognition by the public.

Marquee — See Canopy.

Marquee Sign means a changeable copy sign located on or affixed to a canopy for a theater or cinema.

Master Sign Plan or Program means a sign plan that identifies the placement, construction, size, materials, colors, method of lighting, and other related requirements for those signs that are subject to the plan.

Mechanical Movement Sign means a sign having parts which physically move, rather than merely appear to move as found in an animated sign, but shall not include wind-activated movement such as occurs with flags or banners.

Menu Board Sign means a changeable copy sign displayed in conjunction with a drive-through or drive-in business, which advertises the goods, products, or services offered for sale, and which is provided as a convenience for on-site customers using the drive-through or the drive-in.

Message Surface means the surface on a sign from which the message of the sign is visually communicated.

Monument Sign means a freestanding sign not erected on one or more poles or similar supports but erected to rest on the ground or to rest on a monument base designed as an architectural unit with the sign.

Multi-faced Sign means a sign with three or more sign faces.

Mural means art that is a noncommercial painted or mosaic tile-style exhibit which covers all or a major portion of one wall or one building façade and which contains no commercial message.

Noncommercial Message Sign means any sign which is intended to convey a noncommercial message including by way of example and not limitation, commentary on social, political, educational, scientific, artistic, philosophical, or charitable subjects, including signs regarding fundraising or membership drive activities for noncommercial or nonprofit concerns.

Nonconforming Sign means a sign that was legal when built but which does not conform to current requirements.

Occupancy Frontage means the lineal length of a building wall, excluding building eaves, awnings/canopies, or roof overhangs, that faces a public or private street or an alley. For buildings that do not face a public or private street or an alley or which have multiple non-residential tenant occupancies, such as shop buildings, that exterior portion of the building wall that faces a pedestrian plaza, walkway, drive aisle, or parking area and which provides the primary public pedestrian entrance to the tenant shall be considered the occupancy frontage.

Off-Site Sign means any sign that advertises goods, products, services, or facilities not sold, produced, manufactured, or furnished on the premises on which the sign is located. These signs are also known as outdoor advertising, off-site subdivision

directional, or advertising signs, off-site open house signs, and billboards. Off-site signs does not include signage permitted by a Master Sign Program for a commercial or industrial center as defined by Chapter 17 of this Code.

On-Site Sign means any sign that advertises goods, products, services, or facilities sold, produced, manufactured, or furnished on the premises on which the sign is located.

Open House Sign means a sign that identifies a building which is available to be inspected by the public for sale or lease at the time that the sign is displayed.

Pedestrian Sign means a sign hanging on a building that is not larger than three square feet and is visible to pedestrian circulation on adjacent sidewalks.

Pennant — See Banner

Planning Commission means the Planning Commission of the City of Hollister.

Plaque Sign means a sign attached to a building that designates the name or address of a business or the words *entrance* or *exit*.

Pole Sign - See Freestanding Sign.

Portable Sign means any movable sign not permanently attached to the ground or a building, including

(i) a sign which is worn by or attached to a human or an animal and
(ii) (ii) sandwich board signs.

Projecting/Blade Sign means a sign that is attached to and projects from the structure or building face and is not parallel to the structure to which it is attached. Projecting signs usually have two message surfaces and include fin signs and vertical projecting signs.

Public Property means any property owned or controlled by a public entity including but not limited to:

A. Recreational areas such as public parks, playgrounds, and gardens;
B. Public buildings such as libraries, fire stations, auditoriums, theaters, and City Hall; and
C. Public rights of way and structures on public rights of way, including but not limited to lampposts, utility poles, utility wires, street signs, traffic signs, benches, hydrants, fountains, trees, bushes, public bridges, sidewalks, park strips, and curbstones.

Public Right of Way means a public street, alley, or other public outdoor area such as a plaza or a park.

Public Service Information Sign means any sign placed by a federal, state, or local government or governmental agency intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, or traffic control.

Reader Board Sign means a sign that is designed so that message elements on sign copy may be readily changed through the use of individual letters or characters, separate panels, or electrical messages.

Real Estate Sign means any temporary sign relating to the sale, exchange, lease, or rental of land or buildings.

Reconstruction of a Sign means the rebuilding or making over of the sign or supporting structure from the remaining parts.

Relocation of a Sign means the movement of the sign to a new or changed location and includes without limitation any movement of the sign to a new location on the same structure, on the same parcel, or elsewhere. Any movement of a sign, no matter how slight, constitutes relocation.

Roof Sign means a sign which projects above the cornice or parapet of a building, or is located above the lowest point of a sloped roof, or is attached to a structure located on a roof.

Rotating Sign means a sign or portion thereof that physically revolves around an axis.

Safety Codes means those building and safety codes and regulations which are adopted by the City and are intended to protect the public health and safety, including but not limited to, building, electrical, plumbing, grading, demolition, and drainage, to name a few.

Sandwich Board Sign means an outdoor double-sided temporary sign type, generally in the shape of an isosceles triangle, with the angle at the apex being less than sixty degrees.

Shop Building means a building, typically located in a shopping center, that has two or more separate and clearly distinct tenant spaces or occupancies that share common parking, landscaping, and other exterior amenities. A defining characteristic of this type of building is that each space or occupancy has its own public entrance that opens directly to the outside of the building rather than into an interior common area or hall but excludes buildings with multiple tenants in the same space or suite, enclosed shopping malls, and indoor swap meets.

Sign or Signage means a visual communications device, including any structure, display, device, balloon, or graphic, used to convey a message to its viewers,

including every advertising message, announcement, declaration, insignia, color, surface, or space erected or maintained in view of the observer for identification, advertisement, or promotion of the interests of any person, entity, product, or service. A sign does not include a mural.

Sign Copy means any words, letters, numbers, figures, designs, graphics, colors (including background colors), or other symbolic representation incorporated into a sign for the purpose of attracting attention.

Sign Face means the portion of a sign that is used for displaying sign copy, together with any frame, color, panel, ornamental molding, or condition which forms an integral part of the sign copy and which is used to differentiate the sign copy from any wall or background against which it may be placed. Those portions of the supports, uprights, or base of a sign that do not function as a sign shall not be considered as part of a sign face.

Street Frontage means the property line of a parcel abutting the public right of way to which that parcel has a legal right of access.

Subdivision Directional Sign means a temporary sign providing direction to a land development project that is located within the city limits of Hollister.

Supporting Structure means the supports, uprights, braces, or framework on which any freestanding sign is mounted and any guys or anchors used to attach the sign.

Temporary Sign means a sign that is erected for a limited time period.

Unimproved Parcel means

(i) a parcel without any permanent structures or other permanent improvements or

(ii) a portion of a parcel which is at least one acre in size without any permanent structures or other permanent improvements.

Vertical Banner means a banner hung or projecting from a banner pole in the public right of way designated for such use by the City.

Vertical Projecting Sign means a projecting sign located vertically along several floors on the façade of a building and which may be comprised of one continuous vertical sign or several signs that are aligned vertically, but not including vertical projections of marquees.

Wall Sign means any sign posted, painted, or suspended from or otherwise affixed to the wall or fascia of any building or structure in an essentially flat position, or with the exposed face of the sign in a plan approximately parallel to the plane of such a wall.

Window Sign means a sign applied directly onto a window or internal to a window within twelve inches of the window and visible from the public right of way, including the application of words and logos onto window glass, the use of hanging signs and paper signs, and displays of merchandise in windows.

FIGURE 17.20-1: SIGN TYPES

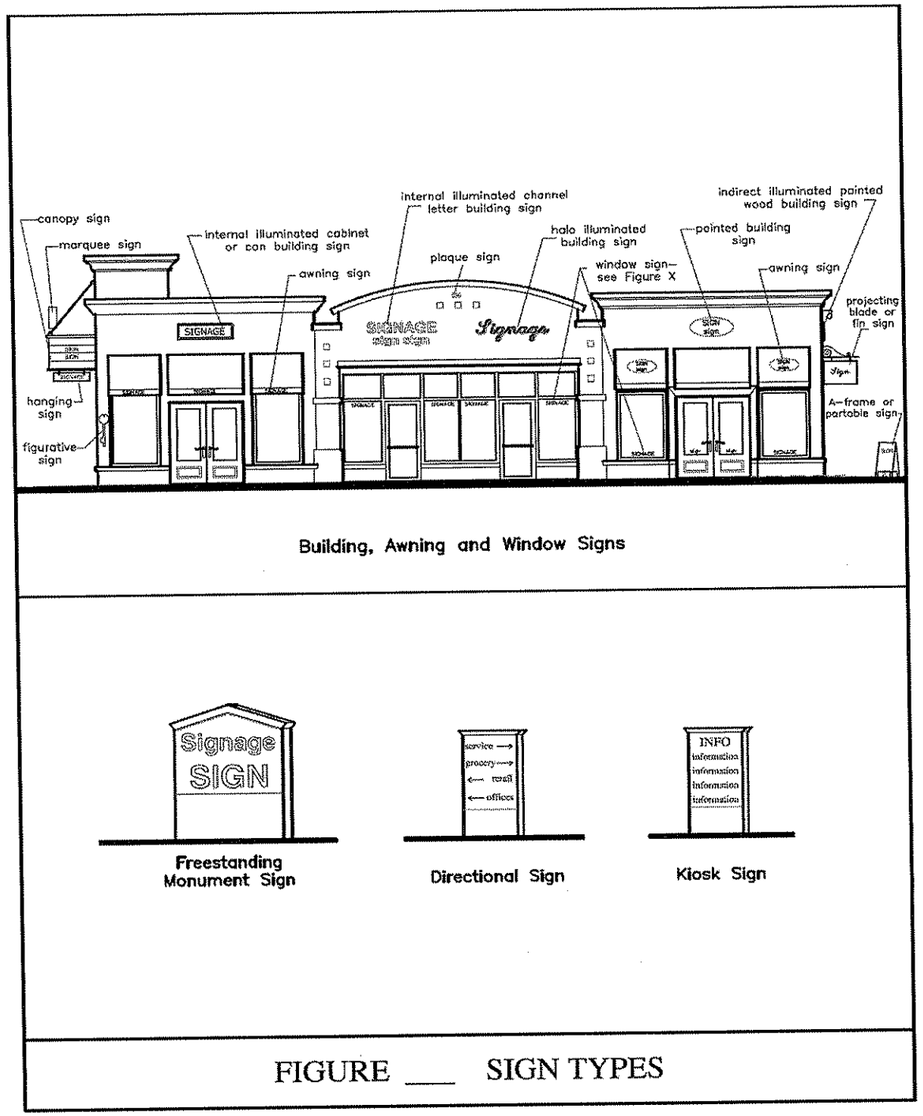


FIGURE ___ SIGN TYPES

17.20.030 — Applicability

Signs shall only be erected or maintained in any zoning district in compliance with this Chapter. The sign regulations outlined in this Chapter are intended to be maximum standards. The sign design standards are intended to ensure the architectural and visual compatibility of signs. Therefore, the review and approval of sign permits, including any Master Sign Plan, shall comply with the sign regulations and design standards of this Chapter.

17.20.040 — General Provisions

A. **Owner's Consent Required.** The consent of the property owner is required before any sign may be displayed on any real or personal property within the city. In the case of public property, the owner's consent shall be pursuant to a policy adopted by the City Council.

B. **Substitution of Noncommercial Message.** Subject to the owner's consent, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under this Chapter.

C. **Substitution of Commercial Message.** No additional sign permit shall be required for a permitted sign for any of the following:

1. Replacement of sign copy on a commercial sign due to age, wear, or other aesthetic or safety reasons;

2. Replacing the sign copy panel of an existing can-type sign with sign copy panel of the same size which requires no other modifications in the location, height, or size of the sign cabinet or support structure;

3. Structural, attachment, or electrical modifications of a sign. This substitution provision does not allow the free substitution of a commercial message in a place where only a noncommercial message is allowed.

D. **Legal Nature of Sign Rights and Duties.** All rights, duties, and responsibilities related to permanent signs attach to, and run with, the land on which the sign is mounted, affixed, or displayed. The City may demand compliance with this Chapter and with the terms of any sign permit from the permit holder, the owner of the sign, the property owner, or the person mounting the sign.

E. **Transfer of Signage Rights.** Rights and duties relating to permanent signs may not be transferred between different parcels of real property except as part of a Master Sign Plan approved for a shopping center or multi-parcel development. All duly issues and valid sign permits for permanent signs affixed to land shall automatically transfer with the right to possession of the real property on which the sign is located.

F. Sign Permits and Master Sign Plan Required.

1. **Sign Permit.** No sign, unless otherwise exempt by this Chapter, shall be erected, constructed, displayed, or structurally altered unless a sign permit, or other applicable permit as required by this Chapter, is approved by the City in accordance with the following:

   a. Application Filing: Sign permit applications, including temporary permits, shall be filed on the forms provided by Development Services Department and shall include all information described in the City's sign permit application instructions and other applicable application requirements as required by this Chapter, and the required filing fee.
   b. Review and Decision: A sign permit shall be approved or disapproved by the City Planner in compliance with this section.

   The following additional conditions for review may apply:
   c. The sign permit or temporary sign permit shall contain any conditions on which approval was granted.
   d. The City Planner may require submittal of a Master Sign Plan in accordance with subsection 3 below prior to approval of a sign permit.
   e. The City Planning Commission may allow exceptions to these sign regulations as part of a Master Sign Plan, or where such exceptions would allow signs that would be better integrated with the architecture or historic character of the existing or proposed building, the project site, or the surrounding neighborhood.
   f. For non-exempt, temporary signs complying with the sign area and sign standards of this chapters, the City Planner may issue a temporary sign permit for up to thirty days, if it is found that the temporary sign is necessary to establish or maintain identity until a permanent sign can be erected. The City Planner may approve a temporary sign necessary to avoid a dangerous condition, and may approve temporary signs pertaining to a use permitted by a Temporary Use of Land Permit.

2. No permit for any sign shall be issued by any department, official, or public employee of the City without meeting the requirements of this Chapter, and any permit issued that does not comply with the requirements of this Chapter shall be null and void. It shall be the duty of the City Planner to enforce the provisions of this Chapter pertaining to the use of any property for a sign.

3. **Master Sign Plan.** A Master Sign Plan shall be required for any site having two or more nonresidential tenants and shall be submitted and approved by the City Planning Commission prior to the issuance of any sign permit. Applications for a Master Sign Plan shall be submitted to the Development Services Department and shall include the following:
   a. A site plan drawn to scale, delineating the site proposed to be included within the signing program, the lineal street frontage of the site, the lineal occupancy frontage of all buildings, and the locations of all existing and proposed signs;

b. Drawings indicating the exterior surface details (elevations) of all buildings on the site on which wall signs, directory signs, or projecting signs are proposed, including any existing signs to be retained;
c. Drawings indicating typical sign design, height, colors, faces, and methods of construction, including method of attachment for wall signs, for all proposed signs;
d. A statement of the reasons for any requested modifications to the regulations or standards of this section;
e. A summary indicating the maximum total sign area allowed for the site, the sign area of all existing signs and the allocation of the sign area by sign type, such as freestanding, wall, multi-tenant, directional, and location in the development; and
f. The plan shall have provisions for sign maintenance and removal, replacement of non-conforming signs and other items as determined by City Development Services Department.
g. A Master Sign Plan may include deviations from the standards of this section, provided that the total sign area shall not exceed the area otherwise permitted for on site sign regulations for both building and freestanding signs. In approving a Master Sign Plan, the Planning Commission shall determine that such Master Sign Plan:

    (1) Would be consistent with the style and character of existing signs on the site;
    (2) Would be compatible with the character of signs on adjacent properties;
    (3) Would not detract or adversely impact the use and enjoyment of adjacent properties;
    (4) Would not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.

h. The Planning Commission may require any reasonable conditions necessary to carry out the intent of the Master Sign Plan requirements.
i. An alternate means of compliance with this section may be approved by the City Planning Commission.
j. Master Sign Plans may be part of a Site Plan Review, a Conditional Use Permit, or a Planned Use Development. If such other application requires the approval of the Planning Commission or the City Council, that approval authority may approve the Master Sign Plan.

4. **Appeal.** The applicant may appeal a decision of the City Planner to the Planning Commission and a decision of the Planning Commission to the City Council in accordance with the requirements for Appeals contained in this Chapter.
5. **Findings for Approval.** A sign permit, temporary sign permit, or Master Sign Plan application may be approved, in whole or in part, with or without conditions, only if the following findings are met:

a. The proposed sign is permitted within the zoning district and complies with all applicable provisions of this chapter, and any other applicable standards;
b. 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;
c. 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;
d. 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;
e. The sign is not detrimental to the public interest, health, safety, or welfare;
f. The sign is in compliance with this chapter's Sign Standards.

17.20.050 — Exempt Signs

A. A sign permit shall not be required for exempt signs. Such signs shall be exempt from the regulations and design standards of this chapter except for those regulations related to prohibited sign locations herein. Exempt signs include:

1. Traffic, danger, emergency, or other signs required under the police power of the city or federal, state, or other local government, and any sign or notice, authorized or permitted, expressly or impliedly, by any governmental agency on any street, alley, other public way, or public property.
2. Official notices of any court, public body, utility, or public or quasi-public agent or officer or any person giving legal notice as required by law.
3. Any signage required by State or Federal law or local ordinance to be affixed to a vehicle.
4. Street address numbers.
5. Monumental citations, commemorative tablets, and the like made an integral part of the structure, and not exceeding twenty square feet in sign area.
6. Temporary on-site barricades and other signs within commercial and industrial districts that inform the public of potential hazards resulting from the construction or remodeling activities occurring on the same site as the temporary barricades are located. These signs must be removed at the time of the completion of the construction or remodeling activities.
7. One temporary construction sign with a maximum sign area of sixty-four square feet per street frontage and not exceeding a maximum of eight feet in height located on a construction site during the course of construction and which is removed prior to final occupancy of the building.
8. One temporary on-site real estate sign per street frontage that advertises the sale, lease, or rental of a structure or land, consistent with subsection 3.If freestanding, the sign shall not exceed six feet in height. The sign shall be removed within fifteen days following the sale, lease, or rental of the property.
9. One temporary on-site open house sign, not exceeding six square feet in area. If freestanding, the sign shall not exceed four feet in height. An open house sign

may be erected only on the day on which the property is available for public showing. Portable signs are permitted for use as open house signs.

10. Eight temporary off-site directional open house signs per residential parcel in a residential or mixed-use zoning district being offered for sale which shall meet the following standards:

a. The sign(s) shall be no larger than four square feet of sign area per sign side with no more than two sides per sign.
b. The sign (s) shall be no more than three feet high measured from the grade of the sidewalk or adjacent ground level; and shall have a maximum length of any part of the sign of three feet.
c. Such sign(s) may be located on private property or in the public right of way as specified herein.
d. Such off-site real estate signs may be erected only on the days on which the property is available for public showing.
e. The sign(s) shall not be located on the street or on street medians.
f. The sign(s) shall not be illuminated.
g. The sign(s) shall not be located on private property without the oral or written consent of the owner or other person entitled to possession of said property
h. The sign(s) shall maintain at least thirty-six inches of clear and continuous width along a sidewalk or pathway plus any other area needed for disabled accessibility, and shall not restrict in any way the safe vision of any vehicular or pedestrian traffic or obstruct any directional or safety sign or other sign permitted by the City.
i. A sign(s) in the public right of way shall be removed by sunset.

11. On-site parking and other directional signs, not exceeding one double-faced sign per entrance and not exceeding six square feet in total sign area and four feet in height or ten square feet if more than one hundred feet from a public way. If the sign is not readable from a public or private street, there shall be no limitation on the number of directional signs within a site. Directional signage may not include advertising material.

12. One on-site official state inspection sign constructed of a permanent material for each type of inspection service offered on-site, located flat against the wall of a building and not exceeding four square feet in area.

13. Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including telephone booths, vending machines, automated teller machines, and gasoline pumps.

14. Credit card, trading stamp, or trade association signs not exceeding one-half square foot each.

15. Flags of any governmental entity.

16. Signs located within the interior of buildings and structures, including enclosed malls, that are not visible from the outside of said building or structure.

17. Window signs not exceeding 25 percent of the visible area of a window in the General Commercial, Downtown Commercial Mixed Use, Gateway

Commercial, or Industrial district and commercial buildings or the commercial portion of a building in the West Gateway and Mixed Use Zoning District.

18. Holiday lights and displays not advertising a product or sale on-site, erected no sooner than forty-five days before the holiday and removed within fourteen days following the holiday.

a. Non-helium filled balloons of a non-advertising nature and not exceeding two feet in any dimension, used for decorative purposes for not more than twenty days during a calendar year to celebrate a special event.

b. Plaque signs not exceeding one square foot in area.

c. Temporary noncommercial message signs, not exceeding thirty-two square feet may be placed in any zoning district on private property. Such signs shall be removed within ten days of an election except that signs posted in connection with a primary election may be maintained until ten days following the final election. In the event of cancellation or postponement of an election, such signs shall be removed within ten days following the official action declaring the election canceled or postponed.

d. Murals containing no commercial message.

e. One portable on-site sandwich board sign per business, located on the private property of the business being advertised. All sandwich board signs shall be made of durable, weather and rust resistant materials, sufficiently weighted to resist being blown over by the wind, and shall have a finished and professional appearance. Stapled or taped copy shall not be permitted. Sign copy shall be limited to the name or type of business or any special promotions relating to that business. The sign shall be have a height of no less than three feet and no more than three and one-half feet and a maximum width of three feet. Signs placed on private property shall maintain an open, unobstructed pedestrian path to building entrances and exits and on walkways consistent with the accessibility standards required by the Americans with Disabilities Act.

f. Temporary signs and banners for noncommercial promotion of civic, charitable, religious, educational, or service organizations are permitted in any zoning district when the signs are erected no earlier than thirty days prior to the event and removed within ten days after completion of the event. Such signs shall not exceed four square feet in any Residential district. Temporary banners in other zoning district shall not exceed the sign area of the permanent sign area and shall not block signs identifying adjoining establishments. Such signs promoting the same event shall be located no closer than twenty-five feet from each other.

g. Two on-site, freestanding or wall menu/pre-menu board signs not exceeding a maximum of fifty square feet in total sign area and a maximum of eight feet in height for commercial drive-through or drive-in uses.

h. Poster frames of theaters, not over forty square feet in area, when affixed to the building and not projecting over any sidewalk more than twelve inches.

i. Miscellaneous permanent information signs that indicate address, hours and days of operation, whether a business is open or closed, emergency contact information when located in non-residential zones, with an aggregate sign

area not to exceed three square feet at each public entrance and a maximum of ten square feet for all such signs.

j. Menu holder display case attached to the exterior of a wall of a restaurant. The size of the lettering shall not exceed one-half inches in height and the menu holder shall be limited to the size of two pages of the menu used by the restaurant. The menu holder shall not be used for additional business identification signage.

17.20.060 Prohibited Signs

A. The following signs are prohibited:

1. Canvas signs, excluding awning signs, banners, pennants, flags, streamers, balloons, or other temporary or wind signs except as otherwise provided in sections entitled Exempt Signs, On-Site Sign Regulations, and Off-Site Sign Regulations of this chapter.
2. Mobile, A-frame and portable signs except as permitted on private property (see Exempt Signs).
3. Roof or canopy signs extending above a building roof, except that with approval of a Master Sign Plan, a wall sign may be architecturally integrated into a sloping roof fascia or mansard roof.
4. Signs that resemble any official marker erected by the city, state, or any governmental agency, or that by reason of position, shape, color, or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to pedestrian or vehicular traffic.
5. Signs which produce odor, sound, smoke, fire, or other such emissions.
6. Animated signs, flashing signs, moving signs, or rotating signs except as otherwise allowed in this chapter.
7. Window signs that exceed twenty-five percent of the visible window glass panel area of a window in the Airport, Airport Support, General Commercial, Commercial Office, Downtown Commercial Mixed Use, Gateway Commercial, or Industrial district and commercial buildings or commercial portion of a building in the West Gateway and Mixed Use zoning districts. Window signs are prohibited in the Residential and Home Office zoning districts.
8. Off-site advertising signs except as provided for in the section entitled Master Sign Program.
9. Signs advertising commercial uses, child care homes, day care homes, residential care facilities, and similar uses on sites where the principal use is a residential dwelling unit unless otherwise allowed in this Title or in accordance with State law.
10. Signs affixed to trees, shrubs, utility poles, traffic control devices, and the like.
11. Signs on any floor above the first floor unless approved by the Planning Commission or pursuant to adopted Sign Standards.
12. Abandoned signs.
13. Multi-faced signs of more than two surface areas of signage.
14. Billboards.

15. Neon signs in the Residential, Home Office and Downtown Commercial Mixed Use zoning districts.

17.20.070 Prohibited Locations

A. At Street intersections, no sign shall create a visual obstruction within a vertical space between three feet above the adjacent curb and a maximum height of ten feet above the adjacent curb, which area lies between the intersecting street right-of-way lines, twenty-five feet from the point of their intersection, or the intersection of the prolongation of such right-of-way lines.

B. No sign shall be affixed to any vehicle or trailer on a public right-of-way or public or private property unless the vehicle or trailer is currently and regularly being used in its normal business capacity and is not for the sole purpose of attracting business.

C. The City Engineer may require additional offset or setback than identified in this section to clear site visibility when a site visibility analysis indicates the need for such additional clearance to promote public safety.

17.20.080 — Signs on Agricultural Lands ~~Agricultural Districts~~
Only signs which ***~~are exempted in Section 37.24 or which~~*** meet the following standards will be permitted in any agricultural zoning district.

A. Signs may be permitted to advertise the sale of only those farm products which are grown on the site ***when the product(s) is sold***, and such signs may not exceed a total of thirty- two square feet of sign area, which may include only one freestanding sign.

17.20.090 — Public Facility/Institutional and Open Space Regulations

A. Public and quasi-public uses located contiguous to a residential zoning district shall be subject to the sign standards of the Commercial Office (CO) zoning district except that a church would be allowed a freestanding sign with a Master Sign Plan approval with a maximum height of fifteen feet and a size of fifty square feet.

B. Public and quasi-public uses located contiguous to any nonresidential zoning district shall be subject to the regulations of the most restrictive zoning district contiguous to the use in the Public Facility/Intuitional or Open Space district.

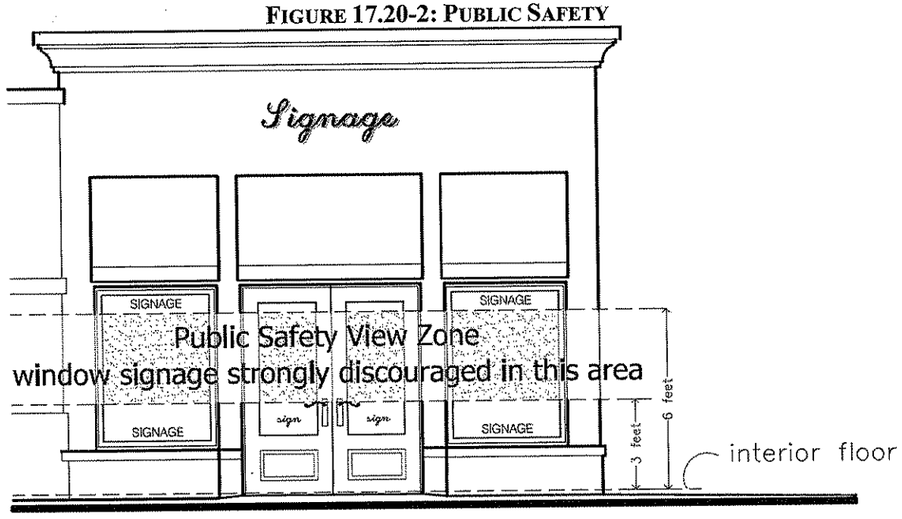
TABLE 17.20-1: BUILDING SIGN REQUIREMENTS BY ZONING DISTRICT

Permitted Building Sign Types	Awning, Blade, Canopy, Hanging, Pedestrian, Projecting Wall, Window
Number of signs attached to a Building	**Home Office:** 1 primary entrance and one for permitted alley access **Commercial Office**: Maximum 2 including free standing signs **Other Districts**: Maximum of 2 per business with a maximum of one projecting sign per business
Aggregate square footage of signs on a building by district for all building signs	**Home Office:** 4 sq. ft. primary entrance and 4. sq. ft. permitted alley access **Commercial Office:** 6 sq. ft. on a parcel less than 0.5 acre and 1.0 sq. ft. per lineal street frontage with a maximum of 20 sq. ft. **Commercial Districts**: 2 sq. ft. per lineal foot of building frontage facing a public street or maximum of 300 sq. ft. **Mixed Use, Industrial, Airport Support and Airport Districts:** 1 sq. ft. per lineal foot of building frontage facing a public street or maximum of 200 sq. ft. **Multi-family Residential:** 20 square feet
General Requirements for all signs attached to and/or painted on a building:	**Location**: Parallel to front entry wall, side or alley wall. **Brackets, Mounting and Design:** Shall be architecturally compatible with the building. A sign attached to a building shall not extend above the building roofline or parapet line. **Clearance for projecting signs, awning/canopy signs or illuminated wall signs:** Minimum 8 feet of unobstructed space from pavement surface to bottom of projecting sign. Minimum 14 feet clearance over an alley. Encroachment permit required for public alley. **Building Permit:** Required for any sign signs attached to buildings with the exception of identification plates and window signs. **Encroachment Permit:** Required for any sign projecting over a public right-of-way. **Neon Signs:** Prohibited in the Residential, Home Office and Downtown Commercial Mixed Use Zoning Districts.

TABLE 17.20-1 CONTINUED - BUILDING SIGN REQUIREMENTS BY DISTRICT

Types of Permitted Signs Attached to a Building	Maximum Size (square feet)	Height
Awning/Canopy (non-illuminated) Home Office Commercial Office. Commercial & Mixed Use North Gateway Industrial/Airport/Airport Support	 -- 20 100 200 20	15 feet
Blade/Projecting (*) Other Districts North Gateway * Non-illuminated in Mixed Use, Home Office, Residential districts.	 6 8	20 feet above grade
Hanging (non-illuminated) Home Office, Commercial Office, Residential, Mixed Use Districts Other Districts	 2 6	
Pedestrian (non-illuminated) All Districts	3	10 feet
Wall Signs Commercial Office GG, NMU, DMU NG, WG M1, I, A, AS	 20 Must comply with total sign area and number of permitted signs as specified above	 6 feet 20 feet 30 feet
Window All districts	May not exceed more than 25% of the window area and/or sign area as specified above	See Figure 17.20-2

FIGURE 17.20-2: PUBLIC SAFETY



Public Safety View Zone

FIGURE 17.20-02 PUBLIC SAFETY

TABLE 17.20-2 FREE STANDING SIGN REQUIREMENTS BY ZONING DISTRICT

Permitted Freestanding Sign Type		Monument (1)	
Zoning District	Maximum Number	Size by district (Square feet)	Height (Feet) (2)
Home Office (HO) (5)	Not permitted except on the 500 and 600 blocks of Monterey Street ***see17.20.100.A.5***	***32 square feet***	N/A
Commercial Office (CO) (5) </= 0.5 acre > 0.50 acre	1 sign per parcel	6 sq. ft./site 2.5 sq. ft./ tenant with a maximum of 20 sq. ft.	8
Commercial or Mixed Use district on sites up to 50 feet wide (5)	1 sign	40 (all other districts) 50 (North Gateway	12
Smaller commercial center with up to 100,000 sq. feet of gross floor or 10 acres (5)	1 sign; or 2 signs at centers with multiple street frontage or more than 250 feet of lineal street frontage	50 (all other districts) 100 (North Gateway) 32 (districts)	15 8
Mid size commercial center over 100,000 sq. ft. of gross floor area or 10-20 acres (5)	1 center identification and/or anchor tenant sign, and; 1 sign/street frontage and/or 1 sign per 300 feet of lineal street frontage with a Master Sign Program	32 Mixed Use districts 80 General Commercial 200 North Gateway 32 (all districts)	15 20 20 8
Large commercial enter 20+ acres (5)	1 center identification and/or anchor tenant sign, and 1 sign/street frontage and/or 1 sign/ 300 feet of lineal street frontage with a Master Sign Program	32 Mixed Use districts 80 General Commercial 200 North Gateway 32 (all districts)	25 (3) 10

TABLE 17-20.2 CONTINUED: FREE STANDING SIGN REQUIREMENTS BY ZONING DISTRICT

Permitted Freestanding Sign Type (5)		Monument (1)	
Zoning District(4)	Maximum Number	Size by district (Square feet)(3)	Height (Feet) (2)
Industrial (I) (5), Industrial Business Park (IBP) (5) Airport Support (AS) (5) Airport (A) (5)	One monument sign per site; or, Two monument signs per site not exceeding 32 square feet with frontage on two public streets	50 square feet 32 square feet	10 8
Public Facilities/ Institutional (PF/I) (5) Open Space (5)	One monument sign per public entrance	Sign must meet size requirement of the most restrictive adjoining zoning district except that next to a residential district the maximum size shall be 20 feet and the sign shall be non-illuminated.	8
Multi-family Housing (5) 5- 30 units 30+ units	One non- illuminated sign One non-illuminated sign	6 square feet 18 square feet	4 6

(1) Low scale monument type signs are required except that another type sign may be utilized in new development when the Planning Commission finds that as part of a Master Sign Plan that existing site factors (such as site orientation or location, building architecture, building and driveway locations, existing vegetation, surrounding development or other factors) warrant the use of the other sign type for visibility and/or aesthetic considerations.
(2) An exception to the height requirement may be allowed up to a maximum height of 45 feet where findings can be made that there is an obstruction to the visibility of the property due to grade, sound wall or similar barrier to visibility for motorists and pedestrians
(3) The General Commercial sign standards may be applied with the approval of a Master Sign Plan if a commercial use is approved in the Airport Support zoning district or a conditional use permit is approved for a commercial use in the an industrial zoning district. The sign(s) that exceed the standards in the industrial zoning district shall become nonconforming when the conditional uses cease and removed within 90 days.
(4) An exception to the height and size requirement may be allowed for a Gateway sign or a Creative sign with Planning Commission approval of a Master Sign Program. See Creative sign requirements.
(5) The use of neon signs shall be prohibited in the Residential, Home Office and Downtown Commercial Mixed Use zoning districts.

TABLE 17.20-3 - SIGN REQUIREMENTS KIOSK AND A-FRAME SIGNS

Number Permitted	**Kiosk Sign:** 1 per site **A-Frame sign:** 1 per business		
Types of Permitted Signs Attached to a Building	**Maximum Size (square feet)**	**Height**	**Additional Requirements** No building permit required
Kiosk	Subject to Site & Architectural Review if over 20 square feet	8 feet	**Location:** On private property **Setbacks**: Five feet from driveways, walkways or other buildings or structures and sufficient separation between and building and sidewalk to maintain accessible access to all building entrances. **Permits:** Building Permit required and Administrative Permit to determine location is pedestrian oriented, does not impede natural surveillance and is consistent with the scale, design and building materials with the primary buildings at the site.
Sandwich Board	12	3.5 feet	**Location:** One per business on private property of the business being advertised. The portable sign shall be placed in a location to maintain an open, unobstructed pedestrian path to entrances and exits to a business and walkways consistent with the accessibility standards required by the Americans with Disability Act.

17.20.100 — Signs in Residential Districts

A. All signs within residential districts shall be complimentary to the building design, as determined by and subject to the approval of the Zoning Administrator. Only signs which are exempted in Section 37.24 or which meet the following standards will be permitted in any residential zoning district:

1. One freestanding house number-apartment building identification sign or one wall sign, located flat against a wall and not projecting above the cornice or roof line of a structure located on the premises, shall be permitted for each multi-family complex or mobile home park containing between five and thirty units. Such signing, if freestanding, shall not exceed six square feet in area, shall not be illuminated nor rotating, shall not exceed four feet in height, and shall be set back at least ten feet from the front property line. Such signing, if located flat against a wall, shall not exceed twelve square feet in area, and shall not be illuminated.
2. One freestanding house number-apartment building identification sign or one wall sign, located flat against a wall and not projecting above the cornice or roof line of a structure located on the premises, shall be permitted for each street frontage of each multi-family complex or mobile home park containing thirty or more units. Such signing, if freestanding, shall not exceed eighteen square feet in area, shall not illuminated nor rotating, shall not exceed six feet in height, and shall be set back at least ten feet from the front property line. Such signing, if located flat against a wall, shall not exceed twenty-four square feet in area, and shall not be illuminated.
3. Residential subdivision signs, advertising a tract having five or more units for sale, may locate one freestanding or wall on-site sign, up to thirty-two square feet in area plus locate up to three off-site directional signs, located on private property within Hollister, up to thirty-two square feet each. Such signs shall be non-illuminated, with a maximum height of eight feet. Such signs shall be removed immediately after completion of sales or after one year, whichever occurs first, unless granted an extension by the Planning Director.
4. Bed and breakfast establishments shall be allowed one sign, as described in Section 17.22.070 (Bed and Breakfast). Such signs shall match the architectural features of the structure. The words "hotel" or "motel" shall not be allowed ***and comply with requirements of the applicable zoning district.***
5. Churches and commercial uses allowed in residential districts according to Chapter 17.04 and 17.06 shall be allowed non-illuminated signs not to exceed thirty-two square feet of sign area. Churches will be allowed an additional thirty-two square feet for "bulletin" board signage.

17.20.110 — General Design Principals

A. Sign design and sign types shall be designed in a manner that will complement a building's character and use.

B. Signs should be proportionate to the size and setback of the building(s) and size of the site. The size of signs should also be compatible with other signs and land uses in the surrounding area.

C. Signs in mixed-use districts and within commercial retail centers should be oriented in scale and location to pedestrians on sidewalks. Examples of preferred sign types include projecting blade signs, character, pedestrian signs, awning and canopy signs, and window signs.

D. Graphic, symbols and logos that communicate the nature of the business should be used to add interest and character to signs and place.

E. Colors should complement the architectural features of the building façade.

F. All electrical transformer boxes, conduits and raceways should be concealed from the public view.

G. Signs in the North Gateway, West Gateway and Downtown Commercial and Mixed Use Districts shall comply with adopted strategic plans and/or design guidelines for signs.

17.20.120 — Regulations and Design Standards

A. Mixed use zones. In any zone where both residential and non-residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or use shall be determined as follows: Residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and non-residential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

B. Property owner's consent. No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

D. Billboard policy. The City completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the City, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Chapter.

The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by Business and Professions Code section 5412.

D. Lighting. Escape of light to the atmosphere from illuminated signs shall be minimized. The use of upward directed sign lighting is prohibited. External illumination for signs shall be fully shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plan as determined by photometric test or certified by the manufacturer.

Outdoor internally illuminated signs shall be constructed either with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white or yellow) back ground and lighter letters and symbols. Signs should be turned off at 11:00 p.m. or when the business closes, whichever is later.

E. Measurement of sign area and height. For the purposes of determining compliance with this division, the area and height of signs shall be measured as provided below.

1. **Sign Area**. The area of a sign shall be computed as follows:

a. **Wall, Awning, Marquee, Canopy, and Window Signs**. Sign area shall be computed by measuring the square or rectangle that will encompass the extreme limits of the writing, graphic representation, emblem or other display, together with any material or color forming an integral part of the background of the message or display or otherwise used to differentiate the sign from the backdrop or structure against which it is placed including any supporting framework. When signs are composed of individual elements, the area of all sign elements, which together convey a single complete message, shall be considered a single sign. When a sign face has an irregular shape or form, measure the area by encircling the face in a rectangle from which the area of the sign face can be calculated. (see **Figure 17.20-3**)

b. **Freestanding Signs.** Sign area shall be computed by measuring the entire area contained within the frame or cabinet but excluding the monument base if it contains no advertising and is clearly distinguishable from the sign copy area through the use of different texture, color, and design. (see **Figure 17.20-3**).

c. **Pole Signs.** Sign area shall be computed as the entire area of the surface(s) upon which the sign message is placed including the supporting column(s) if decorated or displayed with advertising.

d. **Two-sided Signs.** The sign area for a two-sided sign shall be computed by calculating the area on one sign face.

e. **Flags, Banners, Pennants, etc.** Sign area shall be computed as the surface area of both sides of the flag or pennant. For banners, the side(s) containing sign copy shall be counted as sign area.

2. **Sign Height**. Sign height shall be measured as the greatest vertical distance from the finished grade adjacent to the sign footing or wall or below a suspended sign, to the top of the sign, including the support structure and any design elements (see **Figure 17.20-4**).

17.20.130 — Sign Design Standards

A. Purpose. The following design standards are intended to assist the designer in understanding the City's requirements for sign design. These standards complement the sign regulations contained in this Chapter by providing good examples of potential design solutions and by providing design interpretations of various regulations. The design standards are general and may be interpreted with some flexibility in their application to specific projects. The standards will be used with other regulations to ensure the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

B. General Design Principles.

1. Sign colors, design and materials shall be compatible with and complement the architectural theme or design of the principal building(s) at the site.

2. The use of graphics consistent with the nature of the product to be advertised is encouraged, i.e. hammer symbol for a hardware store, mortar and pestle for a drug store.

3. Signs should be placed to indicate the location of access to a business. Signs shall be placed at or near the entrance to a building or site to indicate the most direct access to the business.

4. Signs with strange shapes should be avoided. Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.

5. Signs should be made smaller if they are oriented to pedestrians. The pedestrian-oriented sign is usually read from a distance of fifteen feet to twenty feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign needs to be.

6. Where there is more than one sign, all signs shall be complementary to each other in the following ways:

a. Type of construction materials (sign copy, supports, etc.);
b. Letter size and style of copy;
c. Method used for supporting or attaching sign (wall or ground base);
d. Configuration and shape of sign area and related components; and
e. Height, location and spacing of signs on a building or site shall be generally consistent.

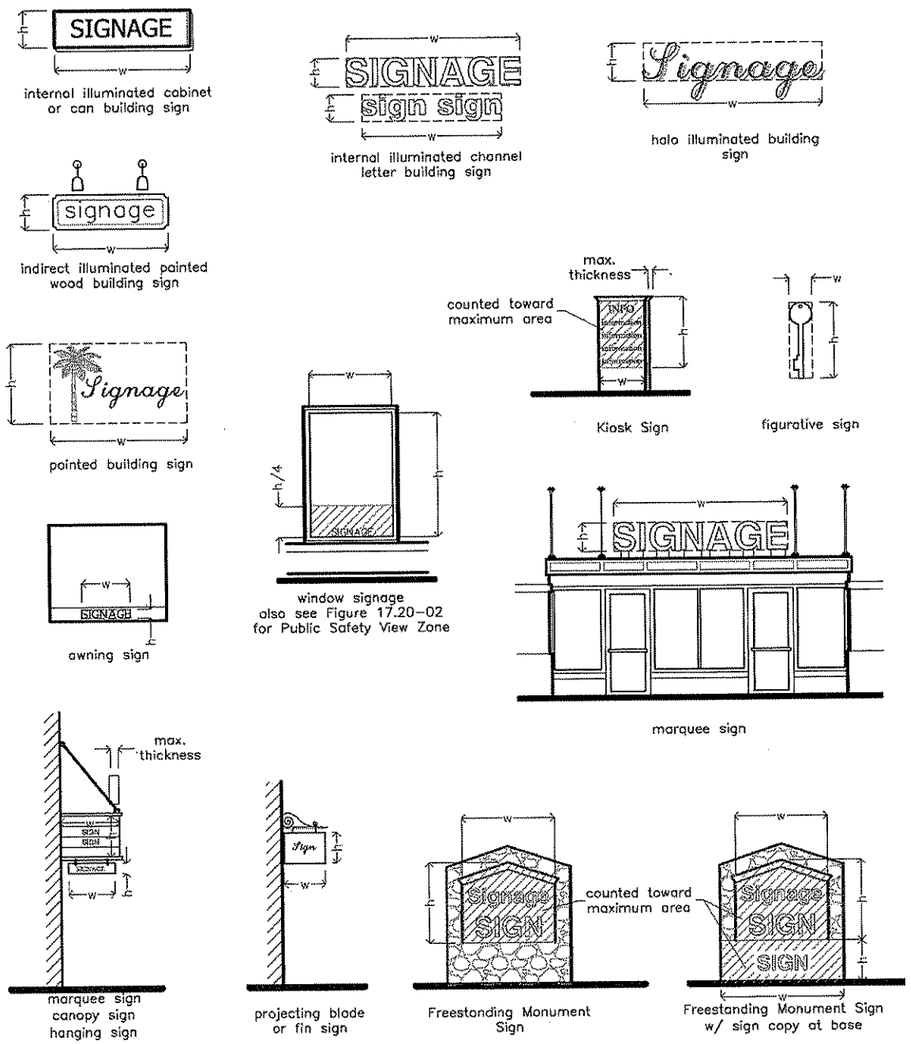


FIGURE 17.20-03
HOW TO MEASURE A SIGN AREA

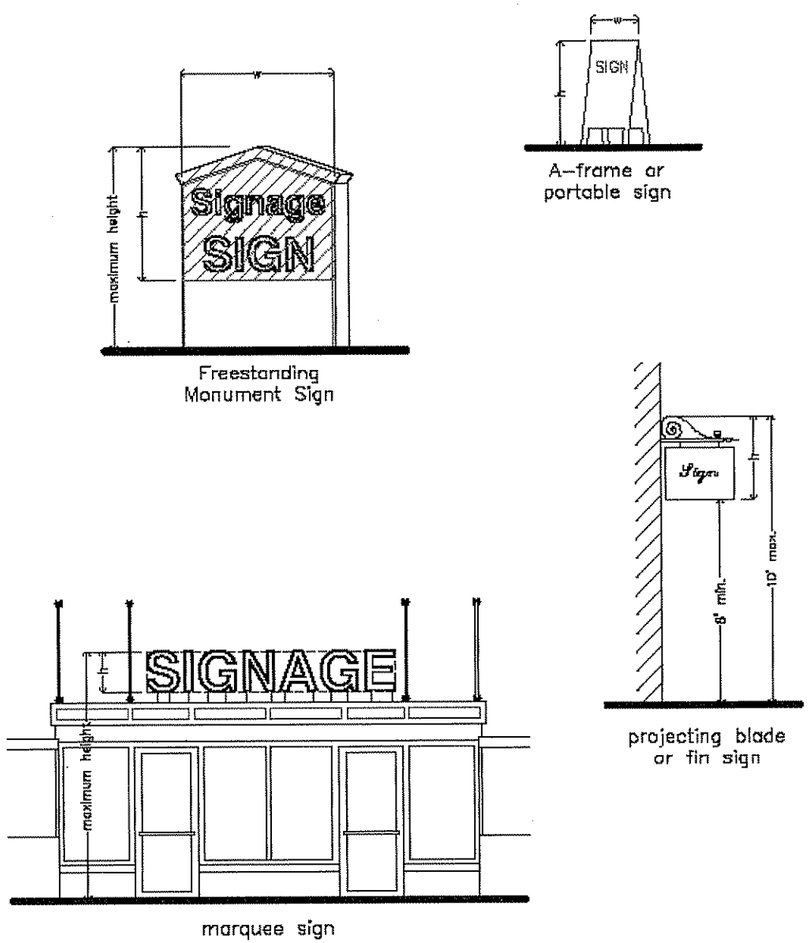


FIGURE 17.20-04
HOW TO MEASURE A SIGN HEIGHT

C. Regulations for Building Signs.

1. **General Regulations**:

   a. Building signs shall not project above an apparent eave or parapet, including the eave of a mansard roof, except that with approval of a Master Sign Plan, a building sign may be located on an architectural building feature such as a clock tower or similar feature if the City Planner determines the location and design of such signs to be compatible with and complementary to the architectural design of the building.
   b. Building signs for tenants located within shop buildings shall be placed on that portion of the building where the establishment being advertised is located and which provides the primary pedestrian (public) access to the establishment unless otherwise authorized by a Master Sign Plan.
   c. Building signs shall only be located on the occupancy frontages of a building otherwise authorized by a Master Sign Plan.
   d. A building permit is required for all building sign types with the exception of non-illuminated window signs.
   e. An encroachment permit is required for any building sign that projects into a public right-of-way such as a projecting, hanging, blade, pedestrian, figurative, marquee, canopy or awning sign.
   f. Neon signs are prohibited in the Residential, Home Office and Downtown Commercial Mixed Use districts.

2. **Wall Signs Regulations**:

   a. Wall signs shall not project more than twelve inches from the face of the building on which such signs are placed, except that wall signs, any portion of which is less than eight feet above grade, shall not project more than six inches from the face of the building.
   b. Wall signs shall not occupy more than 75 percent of the height or length of a building fascia.
   c. Channel lettering shall be required for wall signs unless an exception is approved as part of a master sign program.

D. Wall Signs – Standards.

1. Wall signs shall be compatible with the predominant visual architectural elements of the building façade.

2. Wall signs should be placed to establish façade rhythm, scale and proportion where such elements are weak. In many existing buildings that have a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion.

3. Wall sign raceways shall be painted to match the exterior color of the building where the sign is located.

4. Wall signs shall be sized appropriately and in proportion to the scale of the building or fascia.

5. Direct and indirect lighting methods are allowed provided that they are not harsh or unnecessarily bright and are not directed upward without shield.

6. The use of individually cut or channel letter signs are required signs in new development unless an exception is approved with a master sign program.

E. Projecting/Blade/Pedestrian/Hanging Sign Regulations:

1. The maximum size of projecting/blade signs shall be two square feet per sign face in the HO, CO and Residential districts, eight square feet per sign face in the Public Facility/Institutional, Airport, Open Space, industrial and Airport Support districts and sixteen square feet in the commercial districts.

2. The maximum size of a pedestrian sign shall be three square feet. The signs shall be placed to be visible to pedestrian circulation on adjacent walkways.

3. In the Mixed Use Zoning Districts, a pedestrian sign may be permitted for each business as follows:
   a. Consisting of only a symbol relating to the activity on the premises.
   b. Projecting no more than three feet beyond the building façade if a building faces a public street.
   c. Not internally illuminated.

4. The maximum size of a hanging sign shall be two square feet per sign face in an HO, CO, R, NMV, WG, or DCMU district and six square feet per sign face in all other zoning districts. A hanging sign shall be perpendicular to the building.
   a. A minimum distance of fifteen feet shall be provided between hanging signs.
   b. A hanging sign shall only be used at ground-floor locations except for upper floor businesses with covered porches, covered entries or covered balconies.
   c. A hanging sign shall not be internally illuminated.

5. No portion of a projecting/blade/pedestrian/hanging sign shall be less than eight feet above the surface (fourteen feet above a roadway surface) over which it projects or project more than five feet into a public right-of-way. No projecting/blade sign shall project closer than two feet to a curb. An encroachment permit is required for any projecting/blade sign (or a portion thereof) located within the public right-of-way (see **Figure 17.20-5**).

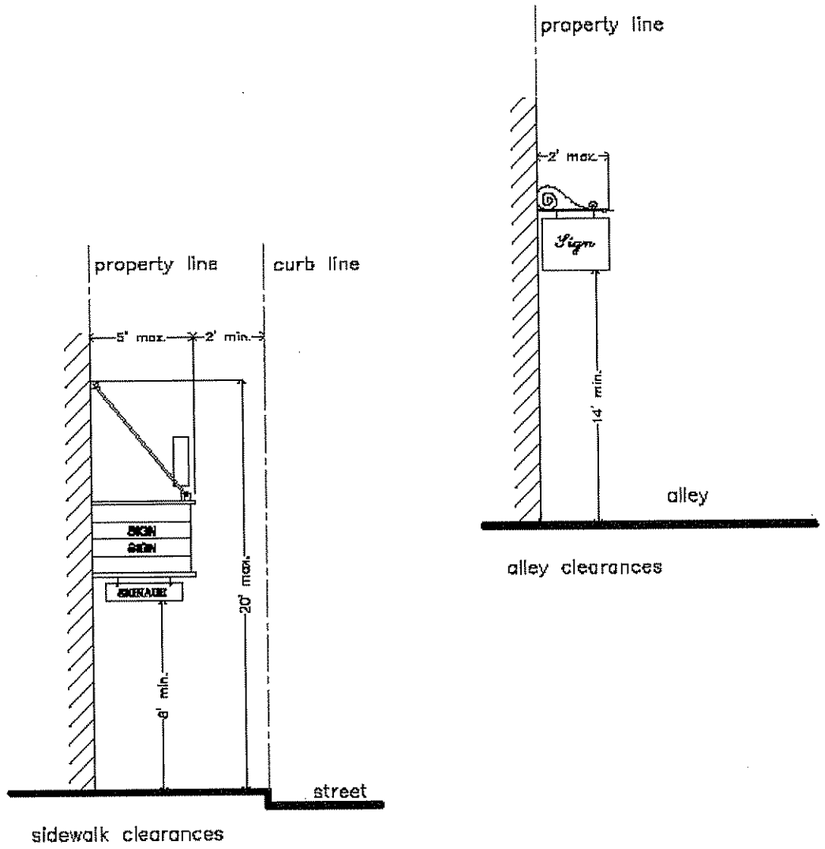


FIGURE 17.20-05
PROJECTING SIGN & AWNING CLEARANCE

6. No projecting/blade/pedestrian /hanging sign shall project into an alley or truck service driveway more than two feet.

7. Projecting/blade/pedestrian/ hanging sign shall be set back at least five feet from an interior property line.

8. No portion of a projecting/blade/pedestrian hanging sign shall project above an apparent eave or parapet, including the eave of a simulated mansard roof.

9. No portion of a projecting/blade/pedestrian hanging sign shall exceed twenty feet in height measured from finished grade.

10. A fabric banner of two dimensions that is suspended perpendicular to a wall from a pole may be displayed in lieu of a projecting/blade sign, provided that a banner shall not be less than six square feet or more than forty square feet in size.

F. Awning and Canopy Sign - Regulations.

1. Sign area/copy shall be proportional to and complementary with the style and scale of the awning canopy.

    a. Sign area shall not occupy more than 60 percent of the length or height of any portion of an awning or canopy. The limitation on sign area shall apply to each portion of the valance of an awning or canopy (including the shed, ends, and flap).
    b. Awning or canopy signs with backlit graphics or which are otherwise internally illuminated are not permitted. Lighting directed downward that does not illuminate an awning or canopy may be allowed if the lighting is complementary to and compatible with the architectural design of the building.
    c. Awnings or canopies shall not project above an apparent eave or parapet including the eave of a mansard roof.
    d. No portion of an awning or canopy shall be less than eight feet above the surface (fourteen feet above a roadway surface) over which it projects or project more than five feet into a public right-of-way. An encroachment permit is required for any awning or canopy (or a portion thereof) located or projecting within the public right-of-way (see **Figure 17.20-5: Awning)**Awnings or canopies must be permanently attached to the building.
    e. Awnings or canopies without sign area, or message copy, are not subject to this Chapter.

G. Awning and Canopy Signs – Standards.

1. Sign area/copy shall be proportional to and complement the style and scale of the awning canopy.

2. Awnings/canopies used in conjunction with awning/canopy signs shall not be located so as to obscure transom windows, piers, pilasters and other architectural building features and shall generally be designed to project over individual doors and window openings where feasible. Awnings/canopies that are a continuous feature extending over several windows, door and similar architectural features are generally discouraged.
3. The size of the awning/canopy shall be proportional in scale with the building to which it is attached.
4. The style of the awning/canopy shall complement the architectural style of the building to which it is attached. Awnings should generally have a simple horizontal valance if located over rectangular or square window/door openings.
5. An awning with a single solid color is preferred. The color of the awning/canopy shall be compatible with and complement the exterior color(s) of the building. Awning/canopy colors that call more attention to the awning than the building are inappropriate. Awnings/canopies with highly contrasting corporate/franchise identity colors are not allowed.
6. Awnings/canopies shall be regularly cleaned and kept free of visible defects and wear.

H. Freestanding Signs – Regulations.

1. Decorative architectural features such as cornices and pediments may exceed both the maximum sign area specified for a monument sign by 25 percent and the maximum height by two feet.

2. A freestanding sign shall be at least ten feet from the nearest curb and be placed within a landscaped area may be allowed where topography, buildings and parking requirements encroach on the setback area, a reduced setback of five feet.

3. A freestanding sign shall not extend over a public right-of-way and shall not be located on the same street frontage as a projecting/blade sign extending over a public right-of-way. The supports for any freestanding sign shall be located entirely in or upon private property.

4. A freestanding sign shall not be closer to an interior property line than one-half its height.

5. A freestanding sign shall not be closer than one hundred to another freestanding sign or projecting/blade sign on the same site.

6. A freestanding sign shall have a maximum of two sides.

7. A building permit is required for a freestanding sign.

8. **Freestanding Signs – Information Contained.**

a. The number of tenant names on a multi-tenant ground sign is limited to five. For multi-tenant signs in a commercial district only, each tenant name shall not be less than six inches in height with a minimum of a four-inch space between tenant names. A shopping center or other multi-tenant commercial development with a center name shall emphasize the center's name on the sign.
b. Street address numbers or the range of numbers for businesses shall be clearly displayed on the freestanding sign for easy visibility by passing motorists. If no freestanding sign exists the street address number or range shall be clearly displayed on the building. Street address numbers shall be a minimum of five inches.

I. Freestanding Signs – Standards.

1. Freestanding signs are intended to provide street addresses and identification for the freestanding building or commercial center development as a whole.

2. All tenant freestanding signs on a site shall be generally uniform in size, height, type, and color and shall be compatible with the architectural design or theme of the principal building(s) at the site.

3. Freestanding signs should be placed perpendicular to approaching vehicular traffic only.

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4. Low-scale monument type signs are required, except in new development when the Planning Commission finds that as part of a Master Sign Plan that existing site factors (such as site orientation or location, building architecture, building and driveway locations, existing vegetation, surrounding development or other factors) warrant the use of another sign type for visibility and/or aesthetic considerations.

5. Each freestanding sign shall be located within a planted landscaped area, which is of a shape and design that will provide a compatible setting and ground definition to the sign. Raised planters are encouraged.

6. A freestanding sign shall have a maximum of two sides.

7. The number and dimensions of freestanding monument signs shall conform to the standards in Table **17.20**-2.

8. Freestanding signs shall be set back five feet from driveways, walkways and other buildings except in the Downtown Commercial Mixed Use zoning district.

9. Where there is more than one freestanding sign located in a commercial shopping center, all such signs shall be designed to be related to each within similar construction materials, letter style of sign copy, and illumination and shape of the sign.

10. The dimensions of the sign surface area shall be proportional to and visually balanced with the height of the sign unless the design is an integral component of an icon sign.

J. Automobile Dealerships (New Car Sales).

The following additional regulations shall apply to automobile dealerships that deal in new car sales in which the business is located.

An additional freestanding sign may be permitted for each used car business, each new franchise dealership, and each secondary business associated with the main franchise to a maximum of four total, in addition to the main dealership sign, when all of the following conditions can be met:

1. The secondary businesses and/or franchises will have a separate and distinct display lot and/or showroom and/or office and/or display area.

2. Each proposed sign shall:

   a. Not exceed fifteen feet in height for any franchise dealership or used car business, or be monument style with a maximum height of seven feet for any secondary business associated with the main franchise.
   b. Not be located closer than one hundred feet from other freestanding signs on the same side of the street.
   c. Be limited to a maximum area of fifty square feet.
   d. Be designed in a manner consistent with materials and features used for the main dealership sign.

K. Creative Signs.

1. **Purpose**. This section establishes standards and procedures for the design, review and approval of Creative Signs. The purpose of this creative sign program are to:

   a. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit and sense of place.
   b. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City.

2. **Applicability.** An applicant may request approval of a Master Sign Program under the Creative Sign Program to authorize on-site signs that employ standards that differ from the other provisions of this Chapter but comply with the provisions of this Section.

3. **Approval authority.** A Master Sign Program application for a Creative Sign shall be subject to approval by the Planning Commission.

4. **Application requirements.** A Sign Permit application for a Creative Sign shall include all information and materials required by the Department, and the filing fee set by the City's fee resolution.

5. **Design criteria.** In approving an application for a Creative Sign, the Planning Commission shall ensure that a proposed sign meets the following design criteria:

   a. **Design quality**. The sign shall:
      i. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
      ii. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
   b. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale and proportion.
   c. **Contextual criteria**. The sign shall contain at least one of the following elements:
   d. Creative image reflecting current or historic character of the City;
   e. Symbols or imagery relating to the use of the property;
   f. Inventive representation of the use, name or logo of the structure or business.
6. **Architectural criteria**. The sign shall:
   a. Utilized and/or enhance the architectural elements of the building; and
   b. Be placed in a logical location in relation to the overall composition of the building's façade surrounding uses and not cover nay key architectural features/details of the façade.

L. Winery Directional Signs.

In addition to any signs allowed by this chapter, where allowed by state law adjacent to roads leading to a winery and/or tasting room, for the purpose of directing patrons to the site, winery directional signs are subject to the following conditions:

1. **Maximum Area and Height.** A winery directional sign shall not exceed a maximum area of four and one-half square feet if located in a CALTRANS right-of-way and five square feet if located on private property with a maximum height of ten feet above the elevation of the adjoining roadway.

2. **Written Permission.** Written consent of the owner or other lawful resident of the property on which the winery directional sign is to be placed shall be provided in conjunction with the sign permit application.

3. **Design.** All winery directional signs shall be of a uniform design, consistent with California Department of Transportation (CALTRANS) standards for tourism-oriented signs.

4. Sign copy shall consist only of directional information, but shall contain the name of individual wineries and winery logo, if space permits.

5. **Additional Permits.** Necessary permits shall be obtained from CALTRANS where applicable, prior to installation of winery directional signs.

M. Illuminated Signs.

1. Signs in all but the home office and residential districts shall be indirectly and continuously illuminated.

2. Signs shall not have exposed fluorescent tubes or incandescent bulbs, unless such signs are approved as part of a Master Plan or a Site Plan Review for a cinema or theater.

3. Signs visible from and within one hundred feet of a residential or mixed-use district shall not be illuminated between 10 p.m. and 7 a.m. unless approved as part of a Master Sign Plan. In order to approve the Master Sign Plan, the City Planner shall determine that the proposed sign:

   a. Identifies a business or use that is open for business during those hours; and
   b. Has been oriented, sited or otherwise designed to minimize glare or lighting impacts on the adjacent residential or mixed use district.

N. Off-Site Sign Regulations.

1. **Off-Site Subdivision Directional Signs** – One off-site unlighted temporary directional sign shall only be allowed on vacant, undeveloped property, subject to approval of a temporary of use land permit with the following standards:
   a. . Such signage shall not exceed sixty- four square feet in area of each ten acres in a subdivision, up to a maximum of one hundred twenty-eight square feet.
   b. Directional signs for subdivisions with a combined total area less than ten acres shall not exceed sixty-four square feet.
   c. The maximum height of an off-site directional sign shall be eight feet.
   d. Off-site directional signs may contain, in addition to travel directions to the subdivision, the name of the land development project to which it pertains, including a characteristic trademark or other identifying insignia.
   e. Such signs shall be located at least seven hundred feet from any other such sign.
   f. **Expiration of Temporary Use Permit:** The Temporary Use Permit shall expire seven days after the sale of the last residential dwelling unit in the advertised subdivision.
   g. **Removal of Signs:** The applicant shall remove the off-site subdivision direction sign from the property within seven days of the sale of last residential dwelling unit in the advertised subdivision.

h. **Requirement for Bond**: The applicant of any off-site subdivision directional signage shall post a bond to ensure removal of the sign.

i. The City Planner may impose any additional conditions that it deems necessary to make the sign, to the extent feasible, compatible to the development in the vicinity. Such conditions shall include but not be limited to the requirement for a signed statement by the applicant, owner of the signs and the owner or lessee of the property on which the signs are to be placed, agreeing that if such signs are not removed within seven days after expiration of permit, they may be removed by the City without further notice.

2. **Off-Site Temporary Open House Real Estate Signs** – See Section 17.20.050 j (Exempt Signs) of this Chapter.

3. **Other Off-Site Advertising Signs** – Except for temporary off-site subdivision directional signs and specified exempt signs, off-site advertising signs are not permitted within the City. Existing off-site advertising signs shall be considered nonconforming. Nonconforming off-site advertising signs may only be reconstructed or relocated pursuant to the following:

   a. In accordance with a relocation agreement between the City and the sign owner, consistent with Section 5412 of the California Business and Professional Code:

   If the sign area (including the sign structure) does not exceed a maximum dimension of twelve feet by twenty-five feet per sign face and twenty-two feet in height above existing or street grade, whichever is higher, both sides of off-site advertising signs may be used for purposes of advertising.

Chapter 17.22
Requirements for Special Land Uses

Sections

17.22.010 - Purpose

The purpose of this section is to establish regulations governing the location, maximum height, size, and design requirements for certain land uses that are allowed within the zoning districts in this Chapter.

17.22.020 – Accessory Secondary Residential Units

Where allowed by this Chapter (Zoning Districts and Allowable Land Uses), a secondary residential dwelling unit shall be constructed as follows.

A. No more than one additional dwelling unit shall be permitted on any single-family parcel.

B. An additional dwelling unit may only be allowed on a residential parcel with one existing single-family detached dwelling unit (main unit), and the additional unit may be within, attached to or detached from the existing main dwelling unit. If detached, the additional unit shall be separated from the main dwelling unit a minimum of 10 feet. The additional dwelling unit may be rented, although rental is not required.

C. The parcel upon which the additional dwelling unit is to be established shall conform to all of the standards of the applicable residential zoning district (e.g., height, setbacks, parcel coverage, etc.).

D. The minimum size of the parcel upon which the additional dwelling unit may be built shall be 7000 square feet on an interior lot and 8,000 square feet on cul-de-sac or knuckle lots.

E. The additional dwelling unit shall not exceed one story, or in the case of a secondary unit constructed over a garage or a unit located within the primary unit, shall not exceed the height limit of the applicable zoning district unless the applicant demonstrates a compelling need to exceed the height requirement and it can be demonstrated that the additional height will not preclude solar access and that the massing of the structure will not be out of scale or overwhelm the adjoining properties .

F. The maximum living floor area of the secondary unit shall not exceed 850 square feet.

G. The minimum living floor area of the secondary unit shall be 150 square feet.

H. The additional dwelling unit shall be architecturally compatible with the main dwelling unit, and shall contain separate kitchen and bathroom facilities and a separate entrance.

I. The additional dwelling unit shall be provided with off-street parking, in addition to that required for the main dwelling unit, in compliance with Chapter 17.24.040.

J. Both the main dwelling unit and the additional dwelling unit shall each be provided with a minimum of 450 square feet of usable private open yard area.

K. The additional dwelling unit shall not be metered separately from the main dwelling unit for electricity, gas, and water/sewer services.

L. In the case of a lot with an existing dwelling unit of less than 850 square feet, a principal unit may be constructed in compliance with the applicable standards for single-family dwellings.

M. In the case of a unit utilizing alley access, the minimum setback shall be 10 feet.

N. A detached secondary dwelling shall be separated from the principal unit by a minimum of 10 feet.

O. The applicant for the required administrative permit review shall be the owner of the subject property as well as the resident of either one of the dwelling units;

P. This Section shall not validate any existing illegal "additional" dwelling unit. An application for an Administrative Permit Review may be made in compliance with Chapter 17.72.050 to convert a non-permitted "additional" unit to a conforming legal "additional" unit, and the standards and requirements for the conversion shall be the same as for a newly proposed "additional" dwelling unit; and

Q. The following findings shall be made, in addition to those outlined in Chapter 17.72.040, in order to approve an Administrative Permit for an additional dwelling unit:

1. That the additional dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of bulk, exterior treatment, height, landscaping, length, parcel coverage, scale and width and will not cause excessive noise, traffic, or other disturbances to the existing residential neighborhood or result in significantly adverse effects on public services and resources; and

2. That the additional dwelling unit will not contribute to a high concentration of these units sufficient to change the character of the surrounding residential neighborhood.

17.22.030 - Accessory Retail Uses

Retail sales and services, including but not limited to restaurants, pharmacies, and the sale of retail merchandise, are allowed accessory to a primary commercial, office, or industrial/manufacturing use where authorized by this Chapter as follows:

A. **General standard**. Accessory retail uses are allowed, provided there will be no external evidence of any commercial activity other than the primary use of the site (e.g., no signs, or windows with merchandise visible from adjoining public rights-of-way), nor access to any space used for the accessory retail use other than from within the structure;

B. Commercial and industrial/manufacturing zoning districts. Restaurants and retail sales are allowed in the commercial zoning districts incidental and accessory to offices, hospitals and other medical facilities; pharmacies are allowed accessory to hospitals and other medical facilities. Accessory restaurants, retail sales, and other services are allowed in the industrial/manufacturing zoning districts to serve the needs of the employees subject to the requirements in Section 17.10;

C. Residential and special purpose zoning districts. Membership organizations, social or recreational establishments may engage in retail sales for guests only; and

~~**D. Review and approval required.** All accessory retail uses shall be subject to Site & Architectural Review in compliance with Chapter 17.72. In order to approve an accessory retail use, the Director shall first find that there will be no harm to adjoining existing or potential residential development due to excessive traffic, noise, or other adverse effects generated by the accessory use.~~

17.22.040 - Accessory Agricultural Structures

A. Facilities that process agricultural products from the same site or produced within a contiguous agricultural area shall be located so as to provide convenient trucking access with a minimum of interference to normal traffic ***and minimal dirt on the road***. No structure shall be erected or permanently maintained primarily for the sale of agricultural products, except that a temporary shelter may be erected with administrative permit review approval in compliance with subsection (B).

B. Roadside Stands for Agricultural Products. Where allowed in this Chapter, ~~*by Article II (Zoning Districts and Allowable Land Uses)*~~, roadside stands are subject to the following standards:

1. **Limitation on products.** All sales from a roadside stand shall be of agricultural products grown on the same site;

2. **Maximum size of stand.** A roadside stand shall not exceed 400 square feet in floor area, or dimensions of 20 feet on each side, with a maximum height of 15 feet; and

3. **Signs.** On-site signs shall comply with Chapter 17.28 (Signs).

17.22.-050 - Adult Entertainment Establishments

A. Purpose. The purpose of this section is to establish regulations governing adult entertainment facilities. The city council recognizes that certain types of adult entertainment facilities possess certain objectionable operational characteristics, which if such uses are allowed to or concentrate, will have adverse effects upon the character of the affected area and adjacent neighborhoods. The city council further recognizes that locating adult entertainment facilities in close proximity to facilities frequented by minors, public parks, elementary and secondary schools and churches

will cause the exposure of minors to adult material that may adversely affect such minors due to their immaturity. Additionally, the city council recognizes that while certain adult entertainment enjoys limited protection under the First Amendment to the United States Constitution, numbers of the citizens of the city are offended by the public display of sexually oriented material. Special and limited regulation of adult entertainment uses, consistent with the First Amendment rights of such uses, is therefore necessary to ensure that the adverse effects of adult entertainment uses will not (1) contribute to the blighting or downgrading of zones in which they are permitted or the downgrading of surrounding neighborhoods; (2) adversely affect minors; and (3) offend those citizens of the city who do not wish to be exposed to sexually oriented material.

.B. **Definitions**. For the purpose of this Chapter, the following definitions shall apply. (Additional definitions are outlined in Chapter 17.02.020)

1. **Adult Arcade**. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;"

2. **Adult Book/Video Store**. An establishment which has as a substantial portion (25 percent or more of gross floor area) of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

   a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

   b. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

3. **Adult Cabaret**. Nightclub, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;"

4. **Adult Motel.** A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;"

5. **Adult Motion Picture Theater.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion (25 percent or more) of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;"

6. **Adult Theater.** A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;"

7. **Establishment of an Adult Entertainment Business.** Includes any of the following:

   a. The opening or commencement of any adult entertainment business as a new business;

   b. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;

   c. The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or

   d. The relocation of any adult entertainment business.

8. **Removal of clothing**. Striptease, or the removal of clothing, or the wearing of transparent or diaphanous clothing, including models appearing in lingerie, to the point where "specified anatomical areas" are exposed;

9. **Sexual Encounter Establishment**. An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy;

10. **Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic region, anal region, buttock, female breasts below a point immediately above the top of the areole; or human male genitals in a discernible turgid state, even if completely and opaquely covered.

11. **Specified Sexual Activities.** Includes any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

b. All sex acts, actual or simulated (i.e., intercourse, oral copulation or sodomy);

c. Masturbation, actual or simulated; or

d. Excretory functions (i.e., human excretion, urination, menstruation, vaginal or anal irrigation, etc.) alone or as part of or in connection with any of the activities described in subdivision a. through c. of this Section.

C. Applicability. Where allowed by Article II (Zoning Districts and Allowable Land Uses), Adult business establishments allowed in the Industrial zoning districts provided that are located no less than 750 feet from the property line of a residential zone, a public park or elementary or secondary school.and comply with the following standards:

1. **Employee(s) Required**. It shall be the duty of the owner(s) to ensure that at least one employee is on duty at all times that any patron is present inside the premises;

2. **Hours Of Operation.** The adult entertainment business shall not operate or be open between the hours of 2:00 A.M. and 7:00 A.M.;

3. **Landscaping**. Landscaping shall be in compliance with Chapter 17.22, except that if the adult business is the only use on a parcel, no planting shall exceed 30 inches in height, except trees with foliage not less than six feet above the ground;

4. **Lighting**. The entire exterior ground, including the parking lot, shall be provided with lighting which is energy efficient, stationary and directed away from adjoining properties and public rights-of-way;

5. **Live Entertainment**. The following standards shall pertain to adult business establishments that provide live entertainment depicting "specified anatomical areas" or involving "specified sexual activities":

   a. No person shall perform live entertainment for patrons of an adult entertainment business except upon a stage at least 18 inches above the level of the floor which is separated by a distance of at lease six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer;

b. The adult entertainment business shall provide separate dressing room facilities and entrances/exits to the premises which are exclusively dedicated to the entertainers' use; and

c. The adult business shall provide permanent access for entertainers between the stage and the dressing room facilities which is completely separated from the patrons. If the separate access is not physically feasible, the adult business shall provide a minimum three foot wide walk aisle for entertainers between the dressing room facilities and the stage, with a permanent railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers. Fixed rail(s) at least 30 inches in height shall be installed and permanently maintained establishing the required separations between the entertainers and patrons.

6. **Permanent Barriers.** Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the adult entertainment business;

7. **Security Guard(s).** At least one security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open. If the occupancy limit of the premises is greater than 50 persons, a second security guard shall be on duty inside the premises. The security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of this Chapter, and notifying the Police Department and Code Enforcement person of any violations of law observed. Any security guard required by this Chapter shall be uniformed so as to be readily identifiable, as a security guard by the public and shall be duly licensed as a security guard in compliance with local or State law. No security guard required by this Chapter shall act as a doorperson, ticket seller, ticker taker, or admittance person while acting as a security guard in compliance with this Chapter.

8. **Signs**. All on-site signs shall be in compliance with Chapter 17.28 (Signs); and

9. **Viewing area.**

a. It is unlawful to maintain, operate or manage or permit to be maintained, operated, or managed any adult arcade in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall, or other enclosure. For purposes of this Section, "viewing area" means the area where a patron or customer would ordinarily be positioned while watching the performance, picture, show, or film.

b. It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.

c. It is unlawful to create, maintain or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.

D. Minors and intoxicated persons excluded. It shall be a misdemeanor for any person under the age of 18 years or obviously intoxicated person to enter or remain on the premises of an adult entertainment business at any time. A sign giving notice of this provision shall be prominently posted at each entrance to the premises of the adult entertainment business.

17.22.060 - Agricultural Employee Dwellings

Agricultural employee dwellings are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between agricultural employee dwellings and any adjoining residential or commercial uses is maintained.

A. Uses allowed without a Conditional Use Permit. Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land engaged full-time in agriculture on the farm or ranch upon which the dwelling is located, are allowed, provided:

1. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use; and

2. The applicant provides proof of the full-time employment of the employees.

B. Uses allowed with a Conditional Use Permit. Additional dwellings housing five or more employees engaged full time in agriculture working on or off the farm or ranch upon which dwellings are located.

17.22.070 - Bed and Breakfast Inns

Bed and Breakfast Inns (B&B) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining residential zoning districts/uses is maintained/enhanced.

A. Permit requirement. Bed and Breakfast Inns (B&B) are allowable in the Home Office (HO), Old Town (OT), Residential Performance Overlay Zones and Commercial zoning districts with Conditional Use Permit approval.

B. Site requirements. The proposed site shall generally conform to all standards of the applicable commercial zoning district;

C. **Appearance.** The exterior appearance of the structure housing the B&B should not be altered from its original single-family character;

D. **Limitation on services provided.** Service shall be limited to the rental of bedrooms. Meal service shall be limited to the provision of breakfast ***and appetizers*** for registered guests. There shall be no separate/additional kitchens for guests. No receptions, private parties or similar activities, for which a fee is paid or which is allowable as a condition of room rental, shall be permitted.

E. **Business license required.** A current business license shall be obtained/posted in compliance with the Municipal Code;

F. **Transient Occupancy Tax.** All B&B's shall be subject to the Transient Occupancy Tax in compliance with the Municipal Code;

G. **Signs.** Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 17.20 (Signs); and

H. **Fire safety.** The B&B shall meet all of the requirements of the City Fire Department.

I. **Parking.** B&B's shall comply with the parking and loading standards per Section 17.18 of this Chapter.

17.22.080 - Drive-In and Drive-Through Facilities

Any retail trade or service use providing drive-in/drive-through facilities shall be designed and operated to effectively mitigate problems of air pollution, congestion, excessive pavement, litter, noise, and unsightliness in the following manner:

A. **Permit Requirement. Drive-In and Drive-Through Facilities shall be allowed only in Commercial, Mixed Use, Industrial, Airport and Airport Support zoned districts, subject to the provisions of this chapter with an Administrative Permit Review. An administrative permit review shall be required to ensure that the drive-in and drive-through facility is in compliance with the following standards:**

1. Pedestrian walkways ~~*should not*~~ *shall be directed away* from the drive-through drive aisles~~***, but where they do, they shall have clear visibility, and emphasized by enhanced paving or marking;***~~

2. Drive-through aisles shall have a minimum 10 foot interior radius at curves and a minimum 12 foot width. Each drive-through entrance/exit shall be at least 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs) and at least 25 feet from the curb cut on the adjoining property. Also, each

entrance to an aisle and the direction of flow shall be clearly designated by signs/pavement marking(s) or raised curbs;

3. Each drive-through aisle shall provide sufficient stacking area (in advance of the service window, ATM, etc.) to accommodate a minimum of six vehicles which shall not interfere with other on-site circulation and parking facilities;

4. The provision of drive-through service facilities may not justify a reduction in the number of required off-street parking spaces;

5. All service areas, trash storage areas and ground mounted and roof mounted mechanical equipment shall be screened from ground level view from adjoining properties or public rights-of-way;

6. Menu boards shall not exceed 24 square feet in area, with a maximum height of six feet, and shall face away from public rights-of-way. Outdoor speakers shall ***be directed away from*** and located at least 50 feet from any residentially zoned/occupied parcel and shall not be audible above the ambient noise levels of residentially zoned properties;

7. Drive-through restaurants and coffee kiosks within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through restaurant shall provide compatibility with surrounding uses in terms of form, materials, color, scale, etc.; and

8. An eight foot high solid decorative wall shall be constructed on each property line that is adjoining a residentially zoned/occupied parcel. The design of the wall and the proposed construction materials shall be subject to the approval of the Director.

9. Retail or trade uses providing drive-in/drive-through facilities shall comply with the ***pedestrian, bicycle and*** parking standards set forth in Section 17.18.

17.22.090 - Home Occupations

A. Purpose. The following provisions allow for home occupations that are secondary to, and compatible with surrounding residential uses. A Home Occupation is any use customarily conducted entirely within an enclosed dwelling and carried on only by up to two of its residents. A Home Occupation may also be used as the base for the occupant of the residence to stage a small business such as a cleaning services, handyman. Allowable home occupations shall be limited to activities which comply with the standards listed in this section.

And any other use which may, as determined by the Director, be of the same general character as those listed above, and not objectionable or detrimental to the applicable zoning district.

B. Permit requirement. A business license shall be obtained/posted in compliance with the Municipal Code for home occupations, which are allowed as accessory uses in all residential zoning districts. A statement of compliance with the following operating standards shall be signed prior to issuance of an Administrative Permit.

D. Operating standards. Home occupations shall comply with all of the following operating standards:

1. The home occupation is clearly secondary to the full-time use of the structure as a residence;

2. The use does not require any modification not customarily found in a dwelling, nor shall the home occupation activity be visible from the adjoining public rights-of-way or from neighboring properties;

3. There is no window display, advertising signs, and further, there shall be no display of merchandise or stock in trade or other identification of the home occupation activity on the premises;

4. A home occupation shall be limited to only one client, patient or pupil present on the premises at any time; except small residential care homes, small family home care centers, etc. licensed by the state for care of eight or fewer persons.

5. The home occupation shall be confined completely to one room within the main dwelling, and not within an accessory structure or garage. No materials or supplies shall be stored out-of-doors or within a required garage or accessory structure;

6. Only one vehicle/trailer with a capacity no greater than 3/4-ton may be used directly or indirectly in connection with a home occupation. Only one vehicle may display advertising for the business.

7. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of pesticides or flammable, explosive, or hazardous materials;

8. No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances;

9. The home occupation activity shall not generate additional pedestrian or vehicular trips in excess of that customarily associated with the zoning district in which it is

to be located;

10. A home occupation shall be limited to only one client between the hours of 8:00 a.m. and 8:00 p.m. by appointment only except that more than one person is allowed at small residential care homes, small family home care centers, etc. licensed by the state for care of eight or fewer persons;

E. **Prohibited home occupation uses.** The following are examples of uses that are not incidental to or compatible with residential activities, and are therefore prohibited as home occupations:

Adult businesses
Animal hospitals or the harboring, raising, training, or treatment of animals or birds for commercial purposes
Gun or ammunition sales, including off-site and by mail order
Medical and dental offices, clinics, and laboratories (not including chiropractors and counselors/psychotherapists)
Massage
Mini storage
Print shop, photo shop
Sale of products, except for artist's originals or products individually made-to-order on the premises (internet and phone sales okay)
Storage and delivery of , materials, and other accessories for the construction and service trades
Vehicle repair (body or mechanical, including boats and recreational vehicles), upholstery, automobile detailing and painting and the display and sale of any vehicle
Welding

And any other use, as determined by the Director not to be incidental to or compatible with residential activities.

F. **Home occupations requiring a Conditional Use Permit.** The following list presents land use activities that may not be in compliance with the operating standards outlined in Section 17.22.050 (D & E) but may be allowable subject to the approval of a Conditional Use Permit by the Planning Commission:

1. Use of an accessory structure;

2. Use exceeding 200 square feet;

3. Use employing more than two ***persons on site that reside*** off-site. ~~people~~

4. Hand Woodworking or machine work;

5. One-chair barber shop or beauty salon, home visits for two or more clients, patient sat a time, direct product distribution, pet grooming or any other use or occupation which the Director determines is similar in nature to the previously listed uses; and

6. Having more than one home occupation in a dwelling unit.

7. Food handling, processing, food packaging, catering or any other use or occupation where the operation is located in a detached accessory structure with a commercial kitchen that meets Health Code standards which the Director determines is similar in nature to the previously listed uses; and

2. Having more than three home occupations in a dwelling unit or .

3. Any use or occupation that does not meet the criteria set forth in Section 17.22.050 (D & E)

17.22.2100- Large Family Child Care Homes

No permit under this Chapter shall be required to operate a large family child care home unless it is located within a R-1 zoning district (single family home).

A. **Permit required.** A permit issued by the Development Services Department Director or the Director's designee shall be required to operate any large family child care home within a R-1 zoning district (single family homes).

B. **Permit process.** The Director or designee shall issue the permit if the application meets the permit standards contained in this section except that the permit shall not become effective for an appeals period of 15 days. The Director shall send written notice of the issuance of the permit to all property owners within 100 feet of the large family child care home. If any property owner files a written objection to the issuance of the permit within the appeals period, the appeal shall be scheduled before the Planning Commission in accordance with the provisions of Section 17.54.030.

C. Permit standards.
The large family child care home provider shall meet and comply with all applicable regulations of the Hollister Fire Department, Hollister Building Division, and Hollister Police Department relating to health and safety requirements.

1. The provider shall meet and comply with all applicable codes regarding health and safety, including but not limited to, Building Code, Fire Code, and Housing Code.
2. The provider shall complete and submit a project application, in sufficient quantity for City department review, to include: site plan; proof of ownership of real property where location of large family child care home is proposed;
3. Copy of the Family Child Care license issued by the California Department of Social Services that illustrates the copy of the Family Child Care license issued by the

California Department of Social Services that illustrates the provider's name, address, and maximum capacity of children;

4. Proof of current, valid City business license.
5. The provider shall comply with the sign standards contained in the Zoning Ordinance in effect when the application is submitted.
6. The large family child care home shall be operated in a manner that will not adversely affect adjoining residences or be detrimental to the character of the residential neighborhood.
7. The provider shall pay all applicable permit fees established by the Planning Commission.

D. **Permit revocation.** The Director shall reserve the right to revoke any permit authorized by this section if the director determines that the large family child care home is in violation of any of the provisions of this section. The provider shall have the right to appeal the Director's decision in accordance with the provisions of Section 17.24.170 Article 2, Administrative Permits with Notice and Right of Appeal

17.22.110 - Hazardous Waste Facilities Siting

A. Purpose. The purpose of this Section is to establish uniform standards in order to regulate the location, design, operation and maintenance of hazardous waste facilities and to protect the health, quality of life and the environment of the City, based upon the following policies:

1. Prioritize hazardous waste management strategies as follows:

   a. Source Reduction (First);
   b. On-Site Recycling (Second);
   c. Off-Site Recycling (Third);
   d. On-Site Treatment (Fourth);
   e. Off-Site Treatment (Fifth); and
   f. Disposal (Sixth).

2. Public participation shall be the highest priority during the process of siting hazardous waste facility projects;

3. The City shall cooperate with other local, State and Federal agencies to efficiently regulate the management of hazardous materials and waste;

4. Transportation of hazardous waste shall be minimized, and regulated to the maximum extent feasible, in order to avoid environmentally sensitive areas and populated, congested and dangerous routes, especially within the City limits; and

5. Strict enforcement of regulations governing the discharge of hazardous wastes into the City sewer system.

B. Definitions. As applied to this Section, the terms: "hazardous waste", "hazardous waste facility" or "facility", "hazardous waste facility project" and "specified hazardous waste facility project", are defined by State law (Health and Safety Code Sections 25117, 25117.1, 25199.1 [b], 25199.1[n], respectively).

C. Applicability. All hazardous waste facilities are limited to the M1 Light Industrial zoning district, and shall require the approval of a Conditional Use Permit, in compliance with Chapter 17.72.050, in addition to complying with State law (Health and Safety Code Section 25199 et seq.)

D. Development and location standards. In addition to standards outlined in this Section, the Code and State law, the following shall apply:

1. **Proximity To Populations.** For a residual repository, as defined by State law (Health and Safety Code), the distance from the active portion of the facility to one or more residences **<u>or group housing</u>** shall be a minimum of 2,000 feet, unless a greater distance is justified, based upon the findings of a risk assessment. Treatment and storage facilities, as defined by State law (Heath and Safety Code), shall comply with all development standards (i.e., setbacks, height, etc.) for the IG zoning district;

2. **Proximity To Immobile Populations.** A minimum distance of 5,000 feet between the facility and an immobile population, unless the developer/operator can demonstrate, by a risk assessment, that a lesser distance would be adequate.

   The risk assessment shall be prepared by the developer/operator, and analyzed by the Department as part of the permit review process, which details the maximum credible accident resulting from the facility operations and its impact on all immobile populations within the City. The extent of the study shall appropriately address the quantity and types of wastes that could be received at the facility. Additionally, the study shall provide an estimate of the distance over which the affects of a spill or emergency situation would carry and a variety of options and related procedures for significantly reducing identified risks;

3. **Capability Of Emergency Services.** All facilities shall be located in areas where City fire units are able to immediately respond to hazardous materials accidents and where emergency response times have been demonstrated to equal or exceed those established by the City Fire Department. In addition, hazardous materials accident response services at the facility may be required, based upon the type of wastes handled or location of the facility;

4. **Subsidence/Liquefaction.** Residual repositories are prohibited in areas of potential rapid geological change (e.g., subsidence/liquefaction). All other facilities shall avoid locating in areas of potential rapid geologic change unless

containment structures are designed, constructed and permanently maintained to preclude failure;

5. **Proximity To Airports**. No hazardous waste facility shall be located within an FAA approach zone, air installation compatibility use zone or safety zone, generally defined as the area immediately surrounding a public or military airport, including the immediate approach and take-off paths;

6. **Discharge Of Treated Effluent.** Facilities generating treated wastewater shall have access to adequate sewer capacity in order to accommodate projected waste water discharge;

7. **Depth Of Groundwater.** Residual repositories and facilities with subsurface storage or treatment are prohibited in areas where the highest anticipated elevation of underlying groundwater is five feet, or less from the lowest surface point of the facility. An engineered alternative may be allowed subject to the approval of the Department of Public Works. At all facilities, the foundation of all containment structures shall be capable of withstanding hydraulic pressure gradients to prevent failure as a result of settlement, compression or uplift, as certified by a California-Registered Civil Engineering Geologist;

8. **Groundwater Monitoring**. Operators of proposed/existing residual repositories and facilities with subsurface storage or treatment shall develop a program that successfully complies with the California Regional Water Quality Control Board permit requirements for groundwater monitoring;

9. **Soil Permeability**. Soil permeability requirements for disposal and subsurface treatment and storage facilities shall conform to the current Federal, State or Water Resources Control Board standards. All other surface facilities shall contain engineered structural design features consistent with other similar types of industrial facilities, including spill containment and monitoring systems;

10. **Air Quality**. All facilities emitting air contaminants shall be subject to pre-construction review under new source review requirements, and shall obtain permits to construct and operate from the Monterey Bay Unified Pollution Control District.

11. **Proximity To Habitats Of Threatened And Endangered Species**. All facilities are prohibited in, or adjacent to, habitats of threatened or endangered species, unless the applicant can demonstrate, to the satisfaction of the Planning Commission, that the subject habitat will not be disturbed and the survival of the species will not be threatened;

12. **Proximity To Areas Of Waste Generation.** Subject to other requirements contained in this Section, all facilities shall be located in areas best suited for providing services to the hazardous waste generators within the City. Facilities

which intend to primarily serve generators outside the City shall demonstrate, to the satisfaction of the Planning Commission, why the facility cannot be located closer to the sources of hazardous waste to be serviced;

13. **Proximity To Natural Gas/Petroleum Pipeline.** All facilities shall maintain a minimum setback of 100 feet from a natural gas/petroleum pipeline;

14. **Structures Fronting On Minor Routes**. All facilities shall be located to minimize the use of minor streets. The permit review process shall include an evaluation of the "population at risk" based upon Federal Highway Administration guidelines for applying criteria to designate routes for transporting hazardous materials. The population at risk factor shall not exceed that for existing facilities;

15. **Capacity vs. Average Daily Traffic Of Access Roads.** The changes projected by a proposed facility in the ratio of route capacity to annual daily traffic shall be negligible;

16. **Changes In Employment/Real Property Values.** The project applicant shall fund an independent study of anticipated changes and facility impact on employment/real property values if the proposed facility is located within the City. The project applicant and the Director shall agree beforehand upon the scope of the study (e.g., an economic impact analysis), and how it will be conducted; and

17. **Direct Revenue To The City.** The City shall investigate and impose appropriate taxes, fees and other compensation options directly related to a proposed facility.

E. **Safety and security**. The owner/operator shall take all necessary steps to provide for the following on-going safety/security measures:

1. The owner/operator shall prevent the unauthorized entry of persons or animals by providing continual 24-hour surveillance to control entry onto the facility;

2. Perimeter fencing shall be constructed of a material and at a height specified by the Planning Commission; and

3. Consistent with Chapter 17.28, signs with the legend "DANGER HAZARDOUS WASTE AREA-UNAUTHORIZED PERSONNEL KEEP OUT," shall be posted at each entrance to the facility, and at other locations, as specified by the Director. The legend shall be legible from a distance of at least 25 feet.

F. **Monitoring**. The owner/operator shall cooperate with the City in complying with all of the following on-going monitoring measures:

1. In compliance with Chapter 17.106, the City shall be authorized to enforce all codes and conditions related to the facility, including entry onto the subject property to ensure compliance;

2. The owner/operator shall report quarterly to the Director, the amount, type and disposition of all wastes processed by the facility. The report shall include clear copies of all manifests showing the exact location (coordinates and elevation) of quantities and types of materials placed in repositories or otherwise stored or disposed on-site;

3. The owner/operator shall immediately distribute copies of all compliance reports as to facility operations, and copies of all inspection reports made by other local, State or Federal agencies to the Director; and

4. The Emergency Response Plan, as required by Section 17.20.140 shall be updated annually, signed by all facility management personnel and distributed to all local emergency response agencies, as defined by the Director.

G. **General conditions**. In addition to the standards and location criteria contained in Section 17.20.140, the following conditions and standards shall be applied by the Planning Commission:

1. No hazardous waste facility shall be approved if, by itself or in combination with other similar facilities, it may manage a volume or type of hazardous waste in excess of that generated within the City, unless satisfactory compensation is provided to the City, or as provided by a joint powers agreement;

2. Any proposed modifications to the types or quantities of hazardous wastes managed by an approved facility, shall require the filing/approval of an application to amend the original permit, in compliance with Chapter 17.72.050 (Conditional Use Permits);

3. A proposed hazardous waste facility shall have a contingency plan approved by the State Department of Health Services, prior to approval by the City's Planning Commission. The contingency plan shall be maintained at the facility, with clear copies provided to all appropriate City, County and State agencies, including hospitals, etc., as determined by the Director;

4. The owner/operator of a proposed hazardous waste facility shall, prior to approval by the City's Planning Commission, submit a written closure plan approved by the State Department of Health Services. All subsequent revisions to an approved closure plan shall be submitted to the Director for review and approval;

5. Prior to issuance of a Certificate of Occupancy, the owner/operator shall document that all financial responsibility requirements imposed by the State

Department of Health Services and any other State or Federal agency have been met;

6. The owner/operator shall agree to indemnify, defend and render the City harmless against all claims, actions or liabilities relating to permit approval, and the subsequent development/operation of the facility;

7. No hazardous waste facility permit shall be approved if it significantly reduces incentives for waste minimization by hazardous waste generators;

8. The owner/operator shall prepare and submit an Emergency Response Plan and annual preparedness report to the Director. The Plan/report shall be initialed by each person at the facility who has emergency response assignments;

9. The owner/operator shall submit an annual air, soil and groundwater monitoring report to the Director;

10. The owner/operator shall be responsible for all costs of responding to a release of hazardous wastes and for compliance with the provisions of this Chapter;

11. Any storage, treatment, disposal or transportation of "extremely hazardous waste" by or on behalf of, the owner/operator, as defined by State law (Health and Safety Code Section 25115), shall be reported to the Director; and

12. The City may employ any and all methods permitted by law to enforce the provisions of this Section, and related requirements of the Municipal Code.

H. Duration of permit approval. In addition to the provisions of Chapter 17.72.050 (Conditional Use Permits), an approved permit for a hazardous waste facility shall not exceed a maximum operating time limit of established by the City with the provision for renewal, and upon initiation of construction, completion of the facility shall be diligently pursued.

17.22.120 - Heliports

Heliports may be located where allowed by this Chapter, for business, private farm/estate activities or emergency purposes, subject to the following standards:

A. State permit required. A Land Use Permit or exemption shall be obtained from the California Department of Transportation, Article of Aeronautics, and evidence of the permit or exemption shall be presented to the Department, before establishing any heliport.

B. Location criteria. A proposed heliport may be located on the site of an emergency medical facility, or an office, industrial, or other business development, or a private farm/estate, subject to the following standards:

1. Minimum site area: five acres.

2. Proximity to residential uses. The heliport shall be located so that aircraft taking-off and landing do not pass directly over dwellings at an altitude of less than 500 feet.

C. **Nuisance mitigation**. A proposed heliport shall be located so that neither air or related surface traffic constitute a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.

D. **Parking and loading**. Heliports shall comply with the parking and loading standards set forth in Section 17.24 of this Chapter.

17.22.130 - Homeless Shelters or Transitional Housing.

B. **Small Temporary Residential Shelters (STRS) or Large Temporary Residential Shelter (LTRS).** These uses are permitted in the North Gateway (NG) zoning district provided that each establishment is located at least 1,000 feet from another STRS or LTRS, 500 feet from a public park, a public or private K-12 school or an R1, R2 or OT zoning district and within 1000 feet of a bus route and meets the following standards:

1. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.

2. B. The shelter shall provide at least one qualified on-site supervisor at all times, plus one additional supervisor for each 10 occupants beyond 20.

B. **Conditional Use Permit**. A conditional use permit shall be required for a homeless shelter or transitional housing in the residential, mixed use or commercial zoning districts and shall not be approved when another facility exists within one-half mile of the proposed site.

17.22.140 - Mobile Homes

A mobile home not installed on and secured to an approved permanent foundation may only be located within a mobile home park. A "Mobile Home" is:

A. A structure exceeding 400 square feet of gross floor area, licensed or subject to licensing by the State Department of Motor Vehicles;

B. Certified under the National Mobile Home Construction and Safety Standards Act of 1974;

C. Designed and used for human occupancy; and

D. Installed on and secured to an approved permanent foundation, in compliance with this Zoning Ordinance and the City Building Code.

17.22.150- Outdoor Merchandise Display and Activities

Permanent outdoor sales and rental establishments including gardening, equipment, and other uses where the business is not conducted entirely within a structure shall comply with the following standards except for automobile dealerships. Temporary outdoor sales are subject to Section 17.24, Article 2 (Temporary Use Permits).

A. Outdoor merchandise display. The outdoor display of merchandise shall comply with the following standards:

1. Screening required. All outdoor sales/activity areas shall be screened from adjacent street public rights-of-way by decorative solid walls, fences, or landscaped berms, a minimum of 36 inches high, in a 10-foot wide landscaped area adjacent to the street property line;

2. Location of merchandise. Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required parking spaces, driveways, pedestrian walkways, or required landscape areas. These displays shall also not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic; and

3. Signs. Generally, there shall be no signs in addition to those allowed by Chapter 17.28 (Signs) that are visible from the street. Pricing signs shall be no larger than necessary to be read by on-site shoppers.

B. Outdoor storage areas. Where permitted by this Chapter, all outdoor storage areas shall be entirely enclosed and screened by a solid wall or fence at least six feet in height.

~~A.~~ Review and approval required. Any use proposing outdoor merchandise display or other outdoor business activities shall be subject to Administrative Permit Review ~~and approval by the Director in compliance with Section 17.72.020 (Site & Architectural Review).~~

17.22.160 - Recycling Facilities

A. Purpose. The following provisions establish standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

B. Applicability. Any recycling facility intending to operate in the City shall comply with all of the following provisions:

1. **Permit requirements**. Recycling facilities are subject to permit review in all commercial and industrial/manufacturing zoning districts in compliance with the following schedule:

Type of facility	Districts allowed	Permit required
Reverse vending machine(s)	All Commercial Industrial	For 3 or more reverse vending machines
Small collection	Industrial	Site & Architectural Review
Large collection	Industrial	Conditional Use Permit
Light and heavy processing (scrap and dismantling yards)	Industrial	

2. **Development and operating standards**. All recycling facilities shall comply with the following specific standards:

   a. **Reverse vending machines.** Reverse vending machine(s) located within a commercial or industrial/manufacturing location shall not require additional parking spaces for recycling customers, and may be allowed in all commercial and industrial/manufacturing zoning districts, subject to Site & Architectural Review and compliance with the following standards:

      (1) Shall be installed as an accessory use in full compliance with all applicable provisions of this Chapter and the Municipal Code;

      (2) If located outside a structure, shall not occupy parking spaces required by the primary use, ***shall not obstruct an ADA path of travel*** and shall be constructed of durable waterproof and rustproof material;

      (3) Shall occupy no more than 50 square feet for each installation, including any protective enclosure, and shall be no more than eight feet in height;

      (4) Shall have a maximum sign area of four square feet per machine, exclusive of operating instructions;

      (5) Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

   b. **Small collection facilities.** Small collection facilities are allowed within industrial zoning districts only, subject to Site & Architectural Review and compliance with the following standards:

      (1) May be installed in an industrial/manufacturing zoning district and be in full compliance with all applicable provisions of this Zoning Ordinance and the Municipal Code;

      (2) Shall be no larger than 350 square feet and occupy no more than three parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;

(3) Shall be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;

(4) Shall accept only glass, metal or plastic containers, paper and reusable items;

(5) Shall use no power-driven processing equipment except for reverse vending machines;

(6) Shall use containers that are constructed with durable waterproof and rustproof material, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;

(7) Shall not be located within 50 feet of any parcel zoned or planned for residential use;

(8) Collection containers, site fencing, and signs shall be of a color and design so as to be both compatible and harmonious with the surrounding uses and neighborhood;

(9) Signs may be provided as follows:

(a) Recycling facilities may have identification signs with a maximum area of 15 percent per side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;

(b) Signs shall be consistent with the character of their location; and;

(c) Directional signs, consistent with Chapter 17.28 (Signs), bearing no advertising message may be installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.

(10) The facility shall not impair the landscaping required by Chapter 17.22 (Landscaping) for any concurrent use allowed by this Zoning Ordinance;

(11) No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use. One space shall be provided for the attendant, if needed;

(12) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

(13) Use of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study shows that existing capacity is not fully utilized during the time the recycling facility will be on the site; and

(14) Shall be subject to landscaping or screening as determined through Site & Architectural Review.

c. **Large collection facilities.** A large collection facility which is larger than 350 square feet, or on a separate parcel not accessory to a "primary" use, which has a permanent structure is allowed in industrial/manufacturing zoning districts, subject to a Conditional Use Permit, and the following standards:

(1) The facility does not abut a parcel zoned or planned for residential use;

(2) The facility shall be screened from the public rights-of-way, within an enclosed structure, or behind fences, walls, or screen planting;

(3) Structure setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located;

(4) All exterior storage of material shall be in sturdy covered containers which are secured, and maintained in good condition at all times. No storage, excluding truck trailers shall be visible above the height of the wall;

(5) The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, standing water and will be cleaned of loose debris on a daily basis;

(6) Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials; and

(7) No dust, fumes, odor, smoke or vibration above ambient levels shall be detectable from adjoining parcels.

d. **Processing facilities.** Light and heavy processing facilities are allowed in the industrial/manufacturing zoning districts subject to a Conditional Use Permit, and compliance with the following standards:

(1) The facility shall not abut a parcel zoned or planned for residential use;

(2) Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials;

(3) A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two outbound truck shipments of material each day and shall not bale, compact or shred ferrous metals other than beverage and food containers. A heavy processor may exceed 45,000 square feet and two outbound truck shipments each day, and may perform those functions not allowed at light processing facilities;

(4) All exterior storage of material shall be in sturdy covered containers or enclosures which are maintained and secured in good condition at all times. Storage containers for flammable materials shall be constructed of nonflammable material. Outdoor storage shall be screened by a six-foot high opaque fence or solid masonry wall. No storage, excluding truck trailers shall be visible above the height of the required fence or wall;

(5) Any containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zoning district, constructed of sturdy, rustproof materials, with sufficient capacity to accommodate materials collected, and secured from unauthorized entry or removal of materials; and

(6) The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, standing water and will be cleaned of loose debris on a daily basis;

(7) No dust, fumes, odor, smoke or vibration above ambient levels shall be detectable from adjoining parcels.

e. **Time limits.** Any permit issued in compliance with this Section shall have a maximum term established by the approved Conditional Use Permit. Prior to permit renewal, the Director shall consider the permittee's history of compliance with the established conditions of approval, as well as the provisions of this Section and the Municipal Code.

3. **General standards.** All recycling facilities shall comply with the following standards:

a. **Signs**. Facilities shall be provided with identification and informational signs, as follows, provided that all signs shall meet the standards of the applicable zoning district:

(1) All collection containers and reverse vending machines shall be clearly marked to identify the type of material which may be deposited, and display a notice stating that no material shall be left outside the recycling enclosure or machine; and

(2) The facility shall be clearly marked to identify the name and telephone number of the operator and the hours of operation.

Identification and informational signs and directional signs bearing no advertising message may be installed with the approval of the Director, if necessary to facilitate traffic circulation.

b. **Refuse disposal**. The facility shall maintain adequate on-site refuse containers for the disposal of non-recyclable, non-hazardous waste materials.

17.22.170 - Religious Assembly.

The establishment of a place of religious assembly in the Residential, Commercial Office zoning districts shall be permitted as specified by the regulation set for the in this section.

A. General Requirements

a. Minimum lot size: 2.5 acres
b. Yards: Front and Rear: twenty (20) feet, Side: twenty five (25) feet
c. Off-street parking as required by section 17.18 of this Chapter
d. Front yard and side yards areas shall be improved and landscaping in a manner compatible to the balance of the residential property in the neighborhood.

17.22.180 - Senior Citizen Congregate Care Housing

A. Purpose. This section provides location, development, and operational standards for Senior Citizen Congregate Care Housing facilities.

B. Standards. Senior Citizen Congregate Care Housing developments, which are allowable in all Residential zoning districts and the DMU and the WG zoning districts, are subject to the approval of a Conditional Use Permit and shall be located, developed, and operated as follows.

1. The parcel upon which the congregate care housing facility is to be established shall conform to all standards of the applicable zoning district.

2. The congregate care housing facility shall conform with all local, Regional, State, and Federal requirements.

3. The number of allowable residential dwelling units shall not exceed the maximum density allowed by the applicable zoning district, and together with approved bonus units allowed in compliance with Chapter 17.04 Article 2 (Residential Density Bonuses).

4. The minimum floor area for each residential unit shall be as follows:

   Studio: 410 square feet

   One-bedroom: 510 square feet (if kitchen-dining living areas are combined)
   570 square feet (if kitchen-dining living areas are separate)

   Two-bedroom: 610 square feet (if kitchen-dining living areas are combined)
   670 square feet (if kitchen-dining living areas are separate)

5. The main entrance to the facility, common areas and all living units shall provide disabled access in compliance with applicable State and Federal law.

6. Indoor common areas and living units shall be provided with all necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom systems, subject to the approval of the Director.

7. Adequate internal and external lighting shall be provided for security purposes. The external lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the surrounding neighborhood.

8. Common entertainment, recreational and social activity area(s) of a number, size and scale consistent with the number of living units shall be provided.

10. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units shall be provided.

11. The development may provide one or more of the following specific common facilities for the exclusive use of the residents:

    a. Beauty and barber shop;

    b. Central cooking and dining room(s);

    c. Exercise room(s); and

    d. Small scale drug store or medical facility (not exceeding 850 sq. ft.).

12. Off-street parking shall be provided in the following manner:

    a. The design of off-street parking, number of spaces required, disabled parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc. shall comply with the standards outlined in Chapter 17.18 (Pedestrian, Bicycle, Parking and Loading Standards); and

    b. Adequate and suitably striped or marked paved areas for shuttle parking shall be provided. Shaded waiting areas shall be provided adjacent to the shuttle stops.

13. A bus turnout and shelter along the street frontage shall be provided.

14. Private dial-a-ride transportation shuttles shall be provided for congregate care housing facilities with a minimum of fifth (50) dwelling units; exact number and schedule to be determined by the Planning Commission.

15. The entire project shall be designed to provide maximum security for residents, guests, and employees.

17.24.190 - Service Stations

Service stations are allowable in the Neighborhood Mixed Use (NMU), North Gateway (NG), General Commercial NMU, and West Gateway Mixed Use (WG) zoning districts, with a Site and Architectural Review, and in the Airport, Airport Support and Industrial zoning districts with a Conditional Use Permit review, and shall be constructed/operated in the following manner:

A. New service stations shall be allowed only at the intersections of either two major streets or a major and a minor street. A maximum of two service stations shall be allowed at each intersection;

B. The minimum site area for new service stations shall be 15,000 square feet;

C. The minimum frontage shall be 100 feet on each street;

D. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

1. The dispensing of petroleum products, water and air from pump islands;

2. The provision of emergency service of a minor nature;

3. The sale of items via vending machines which shall be placed next to the main structure in a designated area not to exceed 32 square feet, and which shall be screened from public view;

4. Limited to the sale of fuel, lubricants, and accessory items for minor vehicle repair; and

5. Includes convenience store, car wash, fueling islands, RV dumping station, vacuum island, and propane sales.

E. Pump islands shall be located a minimum of 20 feet from a street property line; however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;

F. There shall be no more than two vehicular access points to/from the pubic right-of-way;

G. There shall be a minimum distance of 30 feet between curb cuts along a street frontage;

H. No driveway may be located closer than 50 feet to the end of a curb corner nor closer than 25 feet to a common property line;

I. The width of a driveway may not exceed 25 feet, measured at the sidewalk;

J. Landscaping shall comprise a minimum of 10 percent of the service station site area, exclusive of required setbacks, and shall be provided and permanently maintained in compliance with the following regulations, as well as those outlined in Chapter 17.22 (Landscaping Standards):

1. A minimum six foot wide (inside dimension) and six inch high curbed landscaped planter area shall be provided along the front property lines, except for openings to facilitate vehicular circulation to adjoining properties, and along side and rear property lines adjoining residentially zoned properties. Where adjoining a periphery wall, trees planted not more than 16 feet apart shall be included in the planter areas;

2. An on-site planter area of not less than 200 square feet shall be provided at the corner of two intersecting streets. Landscaping shall not exceed a height of 24 inches at this location; and

3. Additional landscaping may be required by the Director to screen the service station from adjoining properties.

K. All light sources, including canopy, perimeter, and flood shall be energy efficient, stationary and shielded or recessed. The parking lot roof canopy lighting shall be directed away from adjoining properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard or adversely affect adjoining properties. No luminary shall be placed higher than 15 feet above finished grade. See Section 17.20.080, Outdoor Lighting.

L. No vehicles may be parked on sidewalks, parkways, driveways or alleys.

M. No vehicle may be parked on the premises for the purpose of offering same for sale.

N. All on-site signs shall be in compliance with Chapter 17.28 (Sign Standards).

O. Openings of service bays shall be designed to minimize the visual intrusion onto adjoining properties.

P. No used or discarded vehicle parts or equipment, or disabled, junked or wrecked vehicles shall be located in any open area outside of the main structure.

Q. A new service station which adjoins property in a residential zoning district shall provide an eight foot high decorative masonry wall along the common property line, compatible with on-site development and adjoining properties, subject to the approval of the Director.

R. Any auto-washing, drying, or vacuuming done by a mechanical means shall not be located any closer than 100 feet of a residential district and shall comply with Section 17.20.090, Noise. Hours of operation of the car wash may be limited I order to comply with noise standards.

S. Where an existing service station adjoins property in a residential zoning district, an eight foot high decorative masonry wall shall be constructed along the common property line at the time the station receives a permit for on-site improvement/modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties and shall be subject to the approval of the Director. When the wall reaches the established front yard setback line of a residentially zoned parcel adjoining or directly across an alley from the service station, the wall shall decrease to a height of three feet.

T Restroom entrances otherwise visible from adjoining properties or public rights-of-way shall be concealed from view by planters or decorative screening.

U. Noise from bells, loudspeakers or tools shall be in compliance with Section 17.20.090 (Noise) and shall not be audible from residentially zoned/occupied parcels between the hours of 7:00 P.M. and 7:00 A.M. on weekdays and Saturdays, and before 10:00 A.M. and after 7:00 P.M. on Sundays and nationally recognized holidays.

V. Service stations may receive used motor oil for subsequent recycling and removal, subject to approval by the City Fire Department.

17.22.200 – Sidewalk Cafes

C. Definitions. For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Sidewalk cafe" shall mean an outdoor seating area for the consumption of food and beverage located on a public right-of-way as an extension of, and appurtenant to, a primary use restaurant.

"Sidewalk clear zone" shall mean a five (5) foot minimum clear dimension for pedestrian use between the property line and edge of curb.

D. Permit Requirement. Sidewalk cafes shall be allowed only in Commercial, Mixed Use, Industrial, Airport and Airport Support zoned districts, subject to the provisions of this chapter with an Administrative Permit. An administrative permit shall be required to ensure that the sidewalk cafe is in compliance with the following standards:

1. **A sidewalk cafe shall not obstruct public sidewalk pedestrian traffic or create public health or safety hazards.**

2. **A sidewalk clear zone for pedestrian use shall be provided, at all times, wherever a sidewalk cafe is located.**

3. **Food and beverages shall not be served and/or consumed on any public sidewalk outside of the authorized sidewalk cafe.**

4. **Off-street parking shall be provided in accordance with the provisions this Chapter and shall be based on the total indoor and outdoor seating capacity provided by the restaurant.**

5. **A sidewalk cafe shall be used only as a seating area. Storage, kitchen, rest room, or any other use shall not be permitted on a sidewalk cafe area. Tables and chairs shall be moveable.**

6. **Placement of tables and/or chairs shall be limited to the sidewalk area adjacent to a primary use restaurant; e.g., tables and chairs shall not be placed on parking areas, storage areas, landscaped areas, etc., adjacent to the primary use restaurant.**

7. All means of ingress to, and egress from, a primary use restaurant which has been issued an AUP for a sidewalk cafe, and all means of ingress to, and egress from, buildings situated adjacent to a primary use restaurant which has been issued an AUP for a sidewalk cafe, shall be kept clear, accessible and in compliance with all applicable Uniform Fire Code regulations.

8. A compatible decorative element such as a ropeline, or cord divider, separating a sidewalk cafe seating area from adjacent pedestrian traffic ("perimeter barrier element") shall be provided. The design and materials of such element shall be compatible with the architectural design of the primary use restaurant building facade.

9. Documented proof of liability insurance in an amount determined by resolution of the City Council shall be required for every sidewalk cafe.

a. A sidewalk cafe may be uncovered; or partially or fully covered, by means of umbrellas, awnings or canopies meeting the following requirements:

b. An encroachment permit shall be obtained from the Engineering Department for any awning or canopy material covering a sidewalk café. The material shall be temporary or retractable and may extend into the public right-of-way from the face of the building up to the minimum clear zone dimension of six (6') feet.

c. Awnings, canopies and umbrellas shall be made of fire treated or non-flammable materials.

d. Awnings shall be a minimum height as required by the Uniform Building Code.

e. Decorative lighting may be incorporated into sidewalk cafe awnings or canopies must comply with standards for outdoor lighting in this section.

f. A building/electrical permit issued by the Building Department shall be required for all decorative lighting incorporated into sidewalk cafe awnings or canopies.

C. Application Submitttal: Any application for an AUP for a sidewalk cafe shall be made on forms provided by the Zoning Administrator and shall include the following information:

The name, address, and telephone number of the applicant and owner of the primary use restaurant for which the proposed sidewalk cafe is adjacent to, and an extension of;

(The location and street address of the proposed sidewalk cafe;

(Two (2) copies of a site plan detailing: (1) the location and number of tables and chairs inside the primary use restaurant and within the proposed sidewalk cafe area; (2) any accessory service facilities; (3) a perimeter barrier element; (4) the sidewalk clear zone; (5) off street parking spaces; (6) areas of ingress and egress for buildings situated adjacent to the primary use restaurant and proposed sidewalk cafe; (7) type(s) of coverings, including a description of the material to be used; and

(8) any existing fixed elements on the sidewalk within a twenty-five (25') foot radius around the proposed sidewalk cafe area (which shall include, but are not limited to light-sign poles, trees/landscaped strips, traffic lights, fire hydrants, parking meters, raised planter curbs, tree-wells, pots, waste containers, and newspaper racks);

Two (2) copies of an elevation plan detailing front and side view of outdoor dining facilities including all proposed above-grade features such as planter boxes, awnings, umbrellas, canopies, tables, and chairs, etc.;

A statement as to whether the proposed sidewalk cafe will incorporate decorative lighting and, if so, a statement that the decorative lighting shall comply with all applicable Hollister Municipal Code requirements and that the decorative lighting will be operated only upon receipt of a building/electrical permit issued by the Building Department;

A statement that no food or beverages will be served, and/or consumed, on any public sidewalk outside the authorized sidewalk café area); and

Any other information the Director may require to show full compliance with this chapter and any other applicable laws of the City. The Director may require photographs of the proposed Sidewalk Cafe area.

17.22.210 - Single Room Occupancy (SRO) Facilities

Single Room Occupancy facilities (SROs), which are allowable only in the DMU zoning district, are subject to the approval of a Conditional Use Permit and shall be located/developed/operated in the following manner.

A. Location standards. SROs shall be located as follows:

1. SROs shall not be located within 250 feet of a parcel which has a school for children, ~~adult bookstore or theater~~, bar or liquor store; and

2. SROs shall be located within 1/4 mile of a bus stop or transit station.

B. Eligible parcels. The parcel upon which the single room occupancy facility is to be established shall conform to all standards of the DMU zoning district, as applicable.

C. Maximum number of SRO units. The maximum number of SRO units to be brought into service within the City after the effective date of this Zoning Ordinance, shall be established by the Commission upon the filing of a Conditional Use Permit application.

D. Residential density. The maximum density for a SRO project shall be established by the Commission through the Conditional Use Permit process.

E. Overall project design and site planning.

1. **Architecture.** The design of a SRO project shall coordinate with and complement the existing architectural style and standards of the surrounding land uses. If a design theme has been established in the proposed downtown area, the theme should be reflected in the design and scale of the SRO project.

2. **Building Code requirements**. All provisions of the Uniform Building Code and Uniform Fire Code relating to hotels shall be followed. However, reasonable equivalent alternatives to Building and Fire Code requirements may be utilized, if approval is first obtained from the City Building Official and City Fire Chief on a case-by-case, item-by-item basis.

3. **Defensible space design**. Defensible space concepts shall be employed in the location, design, and construction of SROs.

4. **Disabled-accessible units**. SRO facilities shall provide for a minimum of one disabled-accessible unit for every 25 units or fraction thereof for up to 100 units and one disabled-accessible unit for every 40 units or fraction thereof for the number of units over 100.

5. **Elevators**. Elevators shall be required on new SRO's which are 2 stories or more in height.

6. **Fire protection.** SRO's of any size shall be required to have fully automatic fire sprinkler systems with a central monitoring system, alarm, and fire annunciator in compliance with City Fire Department standards. A manual fire alarm system shall also be installed.

7. **Ground floor use.** The first/ground floor shall be used for retail commercial purposes only.

8. **Indoor common space.** Furnished and secured common indoor space shall be provided at the following minimum ratios:

   a. 6.5 square feet for each 150 to 159 square feet unit;

   b. 6.0 square feet for each 160 to 169 square feet unit;

   c. 5.5 square feet for each 170 to 179 square feet unit; and

   d. 5.0 square feet for each 180 and up square feet unit.

   Common indoor space means all useable interior common areas not used for circulation or service facilities. Common indoor space includes, but is not limited to, lobby, recreation room(s), or reading room(s).

9. **Hallways.** Interior hallways shall be brightly lit with at least one footcandle of lighting on the floor surface.

10. **Ingress and egress**. Ingress and egress shall be strictly limited and monitored by the use of a front desk area which has a full view of the entry/lobby area, is staffed 24 hours-a-day, seven days a week, and has an operational outdoor entry intercom system with intercoms in each unit and common areas. Entrance into the hallways of common areas where individual units are located shall be regulated by the front desk clerk through the use of "buzz-in" doors. Each tenant and guest shall be cleared by the front desk clerk before entry is permitted. The required secondary egress areas shall also be

alarmed and monitored. A notice shall be posted in the indoor lobby area regarding contact procedures to investigate code compliance problems. At least one pay telephone, a drinking fountain, restrooms, and individual mail boxes shall be provided in the lobby/front desk area.

11. **Janitor/trash facilities**. At least one janitor closet and trash chute shall be provided on each floor.

12. **Kitchens.** A full common kitchen facility shall be provided on each floor, if complete kitchens are not provided in each unit. Complete kitchens shall include a range/stove, sink with garbage disposal and refrigerator.

13. **Laundry facilities**. Common laundry facilities shall be provided with a minimum of one washer and one dryer for every 25 units or fraction thereof for up to 100 units and one washer and one dryer for every 50 units or fraction thereof for the number of units over 100. Keyed access for "tenants only" shall be provided. Defensible space concepts shall be employed in the design and location of the laundry facility areas.

14. **Lighting.** All lighting fixtures shall be vandal and graffiti resistant. All ground-floor exteriors and common areas, including hallways, elevators, and shower facilities should be made graffiti resistant through the use of special paint, texturing, carpeting, or other means approved by the Police Department.

15. **Outdoor common areas**. Exterior common areas or open court yards should be provided throughout the project. If common areas are made available, these areas should be designed to provide passive open space with tables, chairs, planters or small garden spaces to make these areas useful and functional for the tenants. Exterior common areas, including parking areas, shall be illuminated with a minimum of two foot candles by low pressure sodium lighting from dusk to dawn. The exterior lighting shall be stationary and directed away from adjoining properties and public rights-of-way.

16. **Parking and loading.** Off-street parking shall be provided in compliance with Chapter 17.18. (Pedestrian, Bicycle, Parking and Loading Standards), and as follows:

    a. Bicycle/motorcycle spaces. Secured bicycle or motorcycle spaces shall be provided at a minimum ratio of one space for each ten tenants; and

    b. Loading area. An unrestricted drop-off/pick-up/loading/temporary parking area shall be provided adjacent to the main entrance which contains a front entry/desk area.

17. **Security.** Security provisions shall be provided in the following manner:

    a. Video cameras equipped with infrared detectors shall be strategically placed in all public areas including hallways, elevator entrances, lobby areas, garage areas, laundry areas, profit centers, and other common areas and monitored for internal security. The monitoring station shall be at or adjacent to the front desk. In order to provide for adequate monitoring, the location and configuration of monitors is subject to approval by the Police Department;

1. **Minimum facilities**. Each SRO unit shall be provided with the following minimum amenities:

   a. Adequate heating and air conditioning (window air conditioning units are not permitted). Air conditioning units may be installed for each SRO unit as long as they are flush with the exterior wall surface;

   b. Kitchen sink with garbage disposal;

   c. Counter top measuring a minimum of 12 inches deep and 24 inches wide;

   d. Space and proper wiring for a microwave oven and small refrigerator. (These appliances shall be available for rent.);

   e. Pre-wired for telephone and cable television;

   f. Toilet and sink in a separate room that is a minimum of 20 square feet;

   g. One bed;

   h. One closet;

   i One storage/desk arrangement;

   j. Intercom system; and

   k. Lockable door, which is a minimum of 36 inches wide, opens inward and has a reprogrammable key card access from a secured enclosed interior hallway or common area.

2. **Occupancy**. The maximum occupancy for each unit is one tenant and the minimum unit size (not including the toilet compartment) shall be 150 square feet for one person and 195 square feet for two persons.

G. **Management plan.** A Management Plan shall be submitted for review and approval or approval with modifications as part of the Conditional Use Permit process. This plan shall be comprehensive and shall contain provisions recommended by the Director and adopted by the Planning Commission. Failure of the property owner to comply with the Management Plan shall be grounds for revocation of the Conditional Use Permit in compliance with Section 17.24, Article 4 (Revocations).

H. **Business license.** A condition of approval of a SRO facility shall be compliance with Chapter 5.04 of the Municipal Code (Business License/Regulations).

A SRO facility with excessive drug or prostitution arrests may be brought before the Police Chief for review, with notice of that review meeting being sent to the SRO facility owner/operator. If the Police Chief determines that a "failure by management" has occurred, in that a finding is made that excessive drug or prostitution arrests are occurring at the SRO facility, the Operators Permit issued to the SRO facility may be revoked in compliance with Chapter x of the Municipal Code. Further operation of the SRO facility shall not occur without first applying and obtaining approval for a new Operators Permit.

I. **Inspections.** Condition compliance inspections by the City may be made on an annual basis and the costs of the inspections shall be paid by the SRO facility owner/operator. Any violation(s) of the conditions of approval, Municipal Code, or State, or Federal laws or regulations pertaining to SRO facilities, as they exist at the time of the inspection, shall be corrected within the time period(s) specified in the notice of violation. If the Director makes a finding that the corrections have not been made within the specified time period(s), the Conditional Use Permit and Operators Permit for the SRO facility may be revoked in compliance with Chapter 17.104 of this Zoning Ordinance.

17.22.220 Swimming Pools - Location of Pool and Pool Equipment.

B. Location Requirements

1. A swimming pool shall not be located in a required front ~~or side~~ yard.

2. A swimming pool shall not be located within five feet of a property line.

3. Pool equipment shall not be located in a required front yard or that portion of side yard located between the front lot line and the rearmost portion of the main building.

4. To minimize the potential impact of noise, equipment shall be located not less than ten feet from any window or other opening into a dwelling or other habitable building on an adjacent property.

C. **Screening:** Pool equipment shall be enclosed or screened from street and adjoining property view.

Article 2

Telecommunication Facilities

17.22.220 Purpose

The purpose of this section is to provide uniform standards for the community desired for the design, placement, permitting, and monitoring of telecommunication facilities consistent with applicable federal requirements. The standards are intended to address adverse visual impacts and operational effects of these facilities through appropriate design, siting, screening techniques and locational standards while providing for the communication needs of residents, local businesses, and government agencies.

This section is not intended to, and does not, address or regulate health impacts associated with telecommunication projects.

A. The City, in conjunction with service providers, shall compile and maintain a list of telecommunication sites and facilities based on information provided by wireless

service providers. The list shall include existing site and facility locations, structure height(s), number of service providers using the site/facility, and availability of space for additional users based on prior approvals and include site/facilities in the wireless network that directly connect to those facilities located in the City.

B. The following is a summary of uses and locations and if they are permitted under this Article. Refer to Sections _____or specific permitting requirements.

Telecommunication Type/Zone	**Exempt/ Prohibited/ Permitted**
Residential & commercial TV antennae and satellite antennae	Exempt from provisions in the Article
Public safety facilities	Exempt from provisions in the Article
Telecommunication facilities accessory to public equipment for data acquisition such as irrigation controls, well monitoring and traffic signal controls	Exempt from provisions in the Article
Telecommunication facilities erected for emergency situations or public information coverage with a duration of less than 7 days.	Exempt from provisions in the Article
Satellite Earth Station facilities not exceeding two meters in diameter or in diagonal measurement.	Exempt from provisions in the Article
Telecommunication Type/Zone	**Exempt/ Prohibited/ Permitted**
Television & AM/FM radio antennae for commercial purposes	Exempt from provisions in the Article
Telecommunication equipment replacement or alterations at an existing facility which includes alterations such as, replacing the existing antenna with a smaller antenna, installing quieter equipment, or decreasing or not increasing capacity.	Exempt from provisions in the Article

Telecommunication emissions which exceed state or federal standards	Prohibited
Residential, Mixed use, ***Airport, Airport Support*** zones	Prohibited~~, *with a 500 foot setback from property line of district, including public right-of-ways.*~~
Commercial zones	***Permitted with Conditional Use Permit if 500 feet from a residential zoning district and school***
Industrial Zones	***Permitted with Conditional Use Permit***
Public Facilities/Institutional zone	***Permitted with a Conditional Use Permit if located 500 feet or more from a public school, a residential zoning district or property within a residential general plan land use designation.***
Open Space and Open Space Park districts	Prohibited ***unless facility authorized prior to the adoption December 2008.***
All other types of telecommunication types and zones	Permitted, if they meet the standards as set forth in this Article

A. Authority

Telecommunication facilities are regulated at the federal, state, and local level. In February 1996, the Federal Government enacted the 1996 Telecommunications Act. This Act contains provisions concerning the placement of antenna structures and other facilities for use in providing personal wireless services. Specifically, Section 704 preserves the right of local agencies to regulate these facilities based on aesthetics, visual impacts, and land use impacts.

B. Definitions

For the purposes of this Article, the following terms shall have the meanings set forth below:

Antenna. Any system of wires, poles, rods, discs, reflecting discs, panels, flat panels, dishes, whip antennae, or other similar devices used for the transmission or reception of radio frequency electromagnetic waves when such system is external or attached to the structure. Antennae includes devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna. The height of the antenna shall include all array structures.

Antenna-Amateur Radio. A ground, building, or tower mounted antenna, or similar antenna structure, operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, and as designated by the Federal Communications Commission (FCC).

Antenna Array. A group of antenna elements located on the same structure.

Antenna-Building Mounted. Any antenna, other than an antenna with its supports resting on the ground, directly attached, facade mounted or affixed to a building, tank, tower, or structure other than a telecommunications tower.

Antenna-Roof Mounted. Any antenna which is mounted to the roof of a building, tank, or similar structure.

Antenna-Flush Mounted. An antenna mounted to a structure which does not project above the facade to which it is mounted

Antenna-Direct Broadcast Satellite Service (DBS). An antenna, usually a small home receiving dish.

Antenna-Directional (also known as panel antenna). A device used to transmit or receive radio frequency signals in a directional pattern of less than 360 degrees.

Antenna-Ground Mounted. Any antenna with its base, single or multiple posts, placed directly on the ground.

Antenna-Multipoint Distribution Services (MDS). An antenna designed to receive video programming services via multipoint distribution services including multipoint multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

Antenna-Portable. Any device used to transmit or receive electromagnetic or radio frequency communications/signals in a specific directional pattern located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

Antenna-Satellite Earth Station (SES). An antenna designed to receive or transmit radio frequency signals directly to or from a satellite

Antenna-Television Broadcast Service (TVBS). An antenna designed to receive only television broadcast signals.

Antenna-Radio Antennas. An antenna designed to receive AM/FM radio broadcast signals, or similar signals used for commercial purposes.

Antenna-All Other Antennas. All other antenna(s) not previously covered in this Section.

Co-location. A site or facility where more than one wireless service provider shares a single wireless communication site or facility, such as a telecommunications tower or an antenna, on an existing structure. A co-located site or facility is comprised of a single tower or mast/pole that supports two or more antennae, dishes, or similar wireless communication devices that are separately owned or used by more than one public or private entity. Placing new wireless communication facilities/antennae upon existing or new PG&E or other utility towers or poles is also considered co-location. Co-location can consist of additions or extensions made to an existing tower so as to provide adequate space for more than one user, or it can consist of the construction of a new replacement tower with more antenna space that supplants an older tower with less capacity.

Equipment building, shelter or cabinet. A cabinet or building used by telecommunications providers to house equipment at a site or facility.

Federal Communications Commission (FCC). The Federal Communications Commission is the governmental agency responsible for regulating telecommunications in the United States.

Lattice Tower. A self supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

Monitoring Protocol. An industry accepted radio-frequency (RF) radiation measurement protocol used to determine compliance with FCC RF radiation exposure standards in accordance with the National Council on Radiation Protection and Measurements Reports 86 and 119 and consistent with the RF radiation modeling specifications of OET Bulleting 65 (or any superceding reports/standards) which is to be used to measure the emissions and determine radio frequency radiation exposure levels from existing and new telecommunications facilities.

Monopole. A wireless communication facility or site which consists of a single pole structure (non-lattice), designed and erected on the ground or on top of a structure, to support telecommunications antennas and connecting appurtenances.

Non-Ionizing Electromagnetic Radiation (NIER). Radiation from the portion of the electromagnetic spectrum with frequencies of insufficient energy to break chemical bonds, including all frequencies below the ultraviolet range such as visible light and radio frequency radiation.

Stealth Technology/Techniques. Camouflaging methods applied to wireless communication towers, antenna or other sites/facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it "minimally visible" to the casual observer. Stealthing may utilize, but does not require, concealment of all components of the wireless facility.

Telecommunication Facility. A stand-alone facility located on a legal parcel, vacant or otherwise, or an easement, that transmits or receives electromagnetic or electro-optic signals and which may include accessory equipment and equipment shelters. A telecommunication facility does not include any other use or type of facility that may be provided for in the Code that is not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

Telecommunication Project. A telecommunication project includes telecommunication facilities and telecommunication sites, as defined in this Section.

Telecommunication Site. An ancillary facility that transmits or receives electromagnetic or electro optic signals, which is placed on an existing structure, or is co-located on an existing telecommunications structure. This may also include accessory equipment and equipment shelters. A telecommunication site does not include any other use or type of facility that may be provided for in the Code that is not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less. The height of the telecommunications site includes all antenna array structures.

Telecommunications Tower. A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten feet tall and six inches in diameter, at any point, supporting one or more antenna, dishes, arrays, etc. shall be considered a telecommunications tower.

C. Overview This section specifies the parameters for various types of wireless telecommunications based on their level of impact. Prohibited facilities are specifically identified.

1. Facilities considered to have minimal impacts or which are exempt from local review by state or federal statutes have been classified as exempt under this Article and are not subject to discretionary review so long as they are in compliance with the

development standards set forth herein. Unless listed below in Subsection (D) as exempt or prohibited, no wireless telecommunication facility shall be constructed without first undergoing the specific review process and obtaining the prescribed permit.

D. Prohibited Projects:

The following telecommunication projects shall be prohibited:

1. Telecommunication projects where the combined EMF/RF exceeds the state or federal standard.
2. Telecommunication projects within areas zoned or designated on the General Plan Land Use map for residential uses, mixed use; Opens Space Park or Open Space, Airport and Airport Support or within 500 feet of said areas so designated or zoned or a school. Public right-of-ways in these zones.
3. Telecommunication projects on sites within ***500 feet of a school***. ~~***or planned public or private school facilities; or within 500 feet of said areas so designated or zoned.***~~
4. Telecommunication projects on existing or planned public parks or greenbelts.
5. Telecommunication projects located within designated sensitive habitat areas such as habitat restoration areas, as designated by the City. The Community Development Department shall maintain a map identifying such areas.
6. Telecommunication projects with structures that would penetrate the FAR Part 77 surface as presented on the most recently adopted Hollister Municipal Airport Comprehensive Land Use Plan or that could result in electronic interference that may cause a hazard to aircraft in flight.
7. Exemptions to the ***prohibition above*** ~~500 foot setback~~ requirement stipulated above:
   a. Telecommunication projects within areas zoned or designated Public Facility/Quasi –Public that are located over 500 feet from the property line of an area zoned or designated for a residential use, mixed use, open space, or open space park.
   b. Existing facilities authorized with a Conditional Use Permit prior to December 2008 shall be considered conforming uses.

E. Exempt Facilities

The following telecommunication facilities are exempt from discretionary review under this Article, provided they meet the location and design requirements set forth below:

(a) Interior and exterior facilities accessory to a permitted use of a site, limited to, television antennae, satellite dishes, and amateur radio facilities meeting all the requirements set forth below:

(1) Direct Broadcast Satellite (DBS) antennae and Television Broadcast Service (TBS) antennae or other similarly scaled telecommunication device not exceeding one (1) meter

in diameter DBS and TBS, other satellite dishes and similar devices may not extend above the roof peak or parapet.

(2) Ground mounted antennas and support structures shall be located entirely on-site and meet all required setbacks. Antennae, including the support structure, shall not be located within front or side yard setbacks and shall be screened from public view to the extent practical. No portion of the antenna or support structure may over hang or extend beyond any property line.

(3) Antenna height shall not exceed the maximum allowable building height for the zoning district in which it is located by more than ten feet. The antenna support structure shall not exceed a width or diameter of twenty four (24) inches.

(b) Public safety facilities, used only for public safety functions, including transmitters, repeaters, and remote cameras so long as the,

(1) facilities are designed to match the supporting structure.

(c) Wireless telecommunication facilities accessory to other publicly owned or operated equipment for data acquisition such as irrigation controls, well monitoring, and traffic signal controls.

(d) Wireless elecommunication facilities erected and operated for emergency situations, as designated by the Police Chief, Fire Chief, or City Manager so long as,.

(1) facility removed at the conclusion of the emergency.

(e) Multipoint Distribution Service (MDS) antennae and other temporary mobile wireless service including mobile wireless communication facilities and services providing public information coverage of news events (less than two-weeks duration).

(f) Mobile facilities when placed on a site for less than 7 consecutive days, provided any necessary building permit is obtained.

(g) Satellite Earth Station (SES). A SES proposed to be located in commercial or industrial zones, which meet the following standards shall require a building permit and conform to the following standards:

(1) SES antennae shall not exceed two meters in diameter or in diagonal measurement.

(2) SES antennae shall be located as far away as possible from the edges of rooftops to eliminate visibility, or shall be adequately screened, from adjacent properties. The method of screening shall be approved by the Community Development Director. Building permits shall be for such antennas.

(h) Television (TVBS) and AM/FM radio antennas for commercial use. The antenna shall not extend more than twelve feet beyond the maximum allowed building height for the zone.

(i) Telecommunication equipment replacement or alterations at an existing facility which includes alterations such as, replacing the existing antenna with a smaller antenna, installing quieter equipment, or decreasing or not increasing capacity.

(j) Any wireless communication facility, if and only to the extent that a permit issued by the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communications Commission (FCC) specifically provide that the antenna is exempt from local regulation.

F. Facilities Allowed with approval of a Conditional Use Permit

The following telecommunication facilities shall be reviewed in accordance with Section 17.24 Article 2 (Conditional Use Permit), provided the application procedures set forth in this Section are satisfied and provided the facilities meet the location and design standards set forth in this Article.

(a) **Non-Compliant Exempted.** Any exempted facility that does not meet the location and design standards of this article.

(b) **Mobile Antenna**. Any mobile antenna when placed on a site for more than seven (7) consecutive days, but less than 30 days meeting the requirements set forth below:

(1) Antenna vehicle/trailer shall be located only on an improved surface.

(2) Parking and access for support personnel shall be on an improved surface.

(3) Day and night safety marking shall be provided.

(4) The antenna vehicle/trailer and support parking shall not be located within a public right-of-way.

(c) **Additional Antennas or Changes or Modifications to an Existing Tower.** The following is a list of requirements for this application type:

(1) The tower was constructed and is operating in accordance with the requirements of the Conditional Use Permit.

(2) The type and size of proposed antenna(s) is consistent with the provisions of this Article.

(3) The new antenna array does not exceed the height of the existing tower.

(4) The antenna array is the second or third grouping on the tower.

(5) The proposed array fits within the three dimensional envelope of the existing tower and arrays.

(6) The proposed array does not include a microwave dish greater than one (1) meter in diameter.

(7) The combined EMR for all arrays does not exceed state or federal standards.

(8) The new array does not require substantial modifications to the existing tower.

(d) **Building Mounted Antennas.** The following is a list of standard requirements for this application type:

(1) The lowest part of the antenna shall be a minimum of 15 feet above grade.

(2) The antenna and mountings shall not project more than 18 inches from the building surface to which it is mounted.

(3) Antennas, connections, and supports shall be treated to match the color scheme of the building, or as approved by the Planning Commission.

(4) Antennas and connections shall not project above the building facade.

(5) Ground mounted support equipment shall be under grounded or screened from public view.

(6) Exterior electrical lines serving the equipment cabinet or building shall be under grounded.

(7) If panel type antennas are proposed, the total square footage of all panels shall not exceed 25 square feet on any facade.

(e) **Roof Mounted Facilities.** The following is a list of standard requirements for this application type:

(1) The facility and related equipment shall be fully screened from view or architecturally integrated into the building design.

(2) Antennas shall match the color scheme of the building facade to which they are attached.

(3) Ground mounted equipment shall be placed below grade or screened from public view. If the Planning Commission determines that screening is not adequate, it shall require that equipment be placed underground or within building enclosure.

(4) Antennas and support structures shall not exceed the allowable height limit for the zone zoning district in which it is located by more than ten (10) feet or exceed the roof parapet by more than six feet, whichever is less.

(f) **Telecommunication Antennas on Publicly Owned or Publicly Utilized Lands.** The following is a list of standard requirements for this application type:

(1) Antennas may be ground mounted or mounted on existing buildings or structures.

(2) The antennas shall be integrated into the site or structure design.

(3) Ground mounted equipment shall be under grounded or screened from public view. If the Planning Commission determines that screening is not adequate, it may require that equipment be placed underground.

(4) Parking and access shall be on an improved surface.

(g) **Public Right-of-Way.** Placement of private carrier facilities or accessory facilities on utility, signal, or lighting structures within a public right-of-way or easement shall meet the requirements set forth below.

(1) Antennas shall be treated to match the supporting structure.

(2) Ground mounted equipment shall be under ground or screened from public view. If the Planning Commission determines that screening is not adequate, it may require that equipment be placed underground.

(3) The City retains the right to deny an application for this type of telecommunication facility based on aesthetic or land use impacts.

(h) **Legal Non-Conforming Uses.** Any change out of equipment or accessories to telecommunication facilities for legal non-conforming and conforming, with the exception of reducing the height, reducing the number of panels or antennas, or reducing the RF or noise emissions, pursuant to Section 40.29.200.

(i) **Emergency 911 Uses/Upgrades.** Any alteration, upgrade or addition of telecommunication equipment or accessories to allow for Emergency 911 uses. Documentation from the FCC shall be submitted with the application requiring this use.

(j) **Antenna Arrays.** Mounted on existing signs, water towers, sport field light towers, and other similarly scaled structures meeting the requirements set forth below:

(1) Antennas shall be treated to match the supporting structure.

(2) Ground mounted equipment shall be under ground or screened from public view. If the Planning Commission determines that screening is not adequate, it may require that equipment be placed underground.

(3) The City retains the right to deny an application for this type of telecommunication facility based on aesthetic impacts alone.

(k) **Monopole or Lattice Tower Facilities**

(1) Monopoles and lattice towers shall be located and designed to minimize visual impacts. Towers located in high visibility locations shall incorporate "stealth" design techniques to camouflage the tower to the maximum extent feasible as art/sculpture, clock tower, flag pole, tree or any other appropriate and compatible visual form.

(2) Monopoles and lattice towers shall be located on the rear half of the parcel, unless aesthetic benefit is achieved through an alternative location, as determined by the Planning Commission.

(3) New private monopoles and lattice towers shall not be located in any land developed or zoned for any residential or school zone/use, pursuant to this chapter.

(4) Monopoles and lattice towers shall generally not be permitted within 1,000 feet of an existing tower. This standard may be modified upon finding by the Planning Commission that cumulative visual impacts are not significant and that the tower is necessary to provide services not possible with co-location on an existing tower or structure in the service area. Independent review of the request, at the applicant's cost, may be required by the Planning Commission.

(5) Monopoles and lattice towers shall be designed at the minimum functional height. Tower height shall generally not exceed the maximum height for buildings in the zoning district in which it is located by more than twelve (12) feet. This standard may be modified upon a finding by the Planning Commission that cumulative visual impacts are not significant and that the height is necessary to provide services not possible with a tower meeting the height standard. Independent review of the request, at the applicant's cost, may be required by the Development Services Director. If no maximum building height is established in the Zoning Ordinance, the height of the tower shall be reviewed for the visual impact on the surrounding land uses and the community.

(6) As a condition of approval for all monopoles and lattice towers, the applicant shall provide the City with a written commitment that it will allow other service providers to co-locate antennas on towers where technically and economically feasible.

(7) Ground mounted equipment shall be under ground or screened from public view. If the Planning Commission determines that screening is not adequate, it may require that equipment be placed underground.

(8) Parking and access shall be on an improved surface, subject to review and approval by the Planning Commission.

(l) Additions or expansions of legal non-conforming uses, including co-locations, which do not meet the criteria for exempt facilities under this Article.

(m) Other telecommunication facilities not listed as exempt, permitted, or prohibited.

G. Submittal Requiremnets

(a) Except for the facilities specifically identified as exempt under Article, all applications for telecommunication projects that require a Conditional Use Permit, as specified in this Article, shall be submitted to the Development Services Department under the Conditional Use Permit procedures set forth in Section 17.24 Article 2. The Development Services Director may require additional information, besides the information specified in this Section, in order to properly assess a particular application.

(b) Submittals shall include all application materials generally required for a Conditional Use Permit, as provided for in Section 17.24 Article 2 (Conditional Use Permit).

(c) Vicinity Map, including

(1) topographic areas, 1000 foot radius from proposed site/facility, residential and school zones and major roads/highways. The distance of the proposed telecommunication project from existing residentially designated/zoned areas, existing residences, schools, major roads and highways, and all other telecommunication sites and facilities (including other providers locations) within a 1,000 foot radius shall be delineated on the vicinity map.

(d) Site Plan including and identifying:

(1) All facility related support and protection equipment.

(2) A description of general project information, including the type of facility, number of antennas, height to top of antenna(s), radio frequency range, wattage output of equipment, and a statement of compliance with current FCC requirements.

(e) Elevations of all proposed telecommunication structures and appurtenances, and composite elevations from the street(s) showing the proposed project and all buildings on the site.

(f) Photo simulations, photo-montage, story poles, elevations or other visual or graphic illustrations necessary to determine potential visual impact of the proposed project. Visual impact demonstrations shall include accurate scale and coloration of the proposed facility. The visual simulation shall show the proposed structure as it would be seen from surrounding properties from perspective points to be determined in consultation with the

Community Development Department prior to preparation. The City may also require the simulation analyzing stealth designs, or on-site demonstration mock-ups before the public hearing.

(g) Landscape plan that shows existing vegetation, vegetation to be removed, and proposed plantings by type, size, and location. If deemed necessary, the Community Development Director may require a report by a licensed landscape architect to verify project impacts on existing vegetation. This report may recommend protective measures to be implemented during and after construction. Where deemed appropriate by the Community Development Department, a landscape plan may be required for the entire parcel and leased area.

(h) A written statement and supporting information regarding alternative site selection and co-location opportunities in the service area. The application shall describe the preferred location sites within the geographic service area, a statement why each alternative site was rejected, and a contact list used in the site selection process. Provide a statement and evidence of refusal regarding lack of co-location opportunities.

(i) Noise and acoustical information for the base transceiver station(s), equipment buildings, and associated equipment such as air conditioning units and back-up generators. Such information shall be provided by a qualified firm or individual, approved by the City, and paid for by the project applicant.

(j) A radio frequency analysis conducted and certified by a State licensed/registered RF Engineer to determine probable outputs of the proposed site/facility and comparison of those outputs with the maximum allowable radio frequency outputs allowed by the FCC. A report with evidence of compliance with FCC's NIER standards shall be submitted by the Engineer. Such information shall be provided by a qualified firm or individual, approved by the City, and paid for by the project applicant.

(k) A cumulative impact analysis for the proposed facility and other wireless telecommunication facilities on the project site. The analysis shall include height of all existing and proposed (application submitted to the Community Development Department) wireless telecommunication facilities on or near the site, dimensions of all antennas and support equipment on or near the site, power rating for all existing and proposed back-up equipment, and a report estimating the ambient radio frequency fields and cumulative electro magnetic radiation at the proposed site.

(l) Statement by the applicant of willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.

(m) A signed copy of the proposed property lease agreement, exclusive of the financial terms of the lease, including provisions for removal of the site/facility and appurtenant equipment within six months of its abandonment and provisions for City access to the site/facility for removal where the provider fails to remove the site/facility and

appurtenant equipment within six months of its abandonment. The final agreement shall be submitted at the building permit stage.

(n) An Evidence of Needs Report detailing operational and capacity needs of the providers system within the City of Davis and the immediate area adjacent to the City. The report shall detail how the proposed site/facility is technically necessary to address current demand and technical limitations of the current system. Such report shall be evaluated by a qualified firm or individual, chosen by the City, and paid for by the project applicant. The RF Engineer may request additional information from the Applicant to sufficiently evaluate the proposed project.

(o) A Security Plan which includes emergency contact information, main breaker switch, emergency procedures to follow, and any other information as required by Section 40.29.180 or the Community Development Director.

(p) A description of the anticipated maintenance program and back-up generator power testing schedule.

Pre-Applicationss

Two pre-application meetings are recommended for wireless telecommunication proposals. The first meeting should take place at the earliest stage of site location research and should include a service area map and description of the type of antenna facility required. The second meeting is recommended after the site is selected and should include a preliminary site plan and visual impact drawings. These meetings are voluntary, and no fees shall be for the City's review of material submitted at this stage.

General Standards:

.These standards are not applicable to exempt facilities as defined in this Article.

(a) If technological improvements or developments occur that allow the use of materially smaller or less visually obtrusive equipment, the service provider may be required to replace or upgrade an approved telecommunication facility upon application for a new permit in order to minimize the facility's adverse impacts on land use compatibility and aesthetics. This provision would only apply to the specific site where the application for modification is requested.

(b) Each service provider with a telecommunication facility in the City shall obtain a city business license prior to initiation of service.

(c) If deemed necessary, the City may hire a third party independent RF engineer to evaluate any technical aspect or siting issues proposed in the application. The applicant will be responsible to pay for all charges of this analysis.

(e) The City may impose a condition limiting the duration of any permit for a telecommunication facility located on any property. As part of such condition, the City shall specify the threshold which could trigger termination of the permit following a duly noticed public hearing.

Height:

a) All telecommunication uses shall be designed to the minimum functional height required.

(b) Unless this Article imposes a more restrictive height limitation on a specific type of facility, telecommunication facility height shall not extend more than twelve feet beyond the maximum allowable building height for the zone. If a maximum building height has not been established in the City's Zoning Ordinance, the height of the facility shall be reviewed for the visual impact on the surrounding land uses and the community.

(c) If the telecommunication facility is not attached to a building, the height of the facility shall be reviewed for the visual impact on the surrounding land uses and the community.

(d) The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, the tip of the highest antenna or piece of equipment attached thereto.

Setbacks

(a) All telecommunication uses and accessory equipment structures shall comply with the required building setbacks for the zoning district in which the site is located. However, in no instance, shall the facility (including antennae and equipment) be located closer than five (5) feet of any property line. Additional setback requirements shall be established in conjunction with a Conditional Use Permit for those antennae exceeding the height limit for the zoning district.

(b) Telecommunication facilities shall not be located within the required front-yard area of any parcel, unless specifically approved by the Planning Commission.

(c) The Planning Commission may reduce setbacks through the Conditional Use Permit process upon determination that aesthetic impacts would be reduced or open space improved.

Landscaping:

a) Landscaping, wherever appropriate, shall be used as screening to reduce visual impacts of telecommunication facilities. Any proposed landscaping shall be visually compatible with existing vegetation in the vicinity.

(b) Existing landscaping in the vicinity of a proposed telecommunication facility shall be protected from damage during and after construction. Submission of a tree protection plan may be required to ensure compliance with this requirement.

(c) Off-site landscaping may be required to mitigate off-site impacts, subject to willing property owners. Additional landscaping may also be required in public right-of-ways to obscure visibility of telecommunication facilities from passing motorists, bicyclists, and pedestrians.

(d) An automatic irrigation system shall be provided and reviewed at the building permit stage.

Design Standards:

All telecommunication uses and accessory equipment structures shall:

(1) Utilize state of the art stealth technology as appropriate to the site and type of facility. Where no stealth technology is proposed for the site, a detailed analysis as to why stealth technology is physically and technically infeasible for the project shall be submitted with the application.

(2) Antennae and support structures, where utilized, must be monopole type. Monopole support structures shall not exceed four (4) feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.

(3) In the case of existing structures, the telecommunication site/facility shall be located in a manner so as to minimize visual impacts from surrounding properties and right-of-ways.

(4) All flush mounted antennae(s) and support structures shall be painted to be architecturally compatible with the building on which it is located or painted to minimize the visual impacts where the structures extend above the roof line and minimize visual impacts from surrounding properties. The specific color is subject to City review based on a visual analysis of the particular site.

(5) Accessory equipment must be designed and screened from public view. The specific design is subject to City review based on a visual analysis of the particular site.

(6) Support structures and site area for telecommunication antennae shall be designed and of adequate size to allow at least one additional service provider to co-locate on the structure.

(7) All proposed fencing shall be decorative and compatible with the adjacent buildings and properties within the surrounding area and shall be designed to limit or allow for removal of graffiti.

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17.24.010 – Purpose

This Section describes the authority and responsibilities of City staff and official bodies in the administrative of this Chapter, in addition to the Council and provides procedures and requirements for the public hearings, preparation, filing and initial processing of applications for permits, variances, and land use entitlements required by this Chapter, except for procedures and requirements specified elsewhere within this Chapter.

Article 1
Director, Planning Commission –Powers

17.24.020 – Purpose, Planning Agency Defined

This Article describes the authority and responsibilities of City staff and official bodies in the administration of this Chapter of the Municipal Code, in addition to the Council. As provided by Government Code Section 65100, the functions of a Planning Agency shall be performed by the Hollister City Council, Planning Commission, Development Services Director and Development Services Department.

17.24.030 – Development Services Director

A. Appointment. The Development Services Director shall be appointed by the City Manager.

B. Duties and authority. The Director shall:

1. Head and manage the day-to-day and long range functions of the Development Services Department;

2. Have the responsibility to perform all of the functions designated by Government Code Section 65103;

3. Have the responsibility and authority to conduct public hearings and approve or disapprove applications for Administrative Permits, Administrative Permit Reviews and Minor Temporary Use Permits;

4. Perform the duties and functions prescribed in this Chapter, including but not limited to the review of development projects, in compliance with this Chapter and the California Environmental Quality Act (CEQA); and

5. Perform any other responsibilities assigned by the City Manager and/or City Council.

Except where otherwise provided by this Chapter, the responsibilities of the Director may also be carried out by Department employees under the supervision of the Director.

17.24.040 – Planning Commission

A. **Appointment.** The Commission shall consist of five members appointed by the Council and are residents of the City, and shall serve in compliance with the provisions of this Chapter and the Municipal Code.

B. **Meetings.** The Commission shall hold one regularly scheduled meeting on the fourth Thursday of each month, and other meetings as deemed necessary by the Commission. Meeting dates may be altered to accommodate holidays and/or special community events.

C. **Duties and authority.** The Commission shall have the responsibility and authority to: conduct public hearings and approve or disapprove: (realign 1,2 to conform)

1. Approve or disapprove Conditional Use Permits, Variances, and specified Planned Development Permits pursuant to this Article, Tentative Maps and Parcel Maps, and appeals of administrative decisions; and

2. Recommend to the Council for final determinations on Specific Plans, General Plan Amendments, Zoning Map Amendments, amendments to this Chapter, Pre-Zoning upon Annexation, Development Agreements, Performance Agreements, Pre-Annexation Agreements, environmental documents, and other applicable policy or ordinance matters related to the City's planning Authority for Land Use and Development Permit Decisions in Article 2 of this section.

Article 2
Land Use and Development Permit Decisions

17.24.050 – Purpose

This Article provide procedures and requirements for the preparation, filing and initial processing of applications for permits, variances, and land use entitlements required by this Chapter, except for procedures and requirements specified elsewhere within this Chapter.

17.24.060 – Authority for Land Use and Development Permit Decisions

Table 17.24-1 (Review Authority) identifies the City official or body responsible for reviewing and ~~and~~ making decisions on each type of permit or amendment.

Table 17.24-1
Review Authority

Type of Permit or Decision	Development Review Committee	Director	Planning Commission	City Council
Interpretations	R	F	A	A
Administrative Permits				
Administrative Permits Review with Notice and Review	R	F	A	A
Site & Architectural	R	R	F	A
Minor Temporary Use Permits	N/A	F	A	A
Major Temporary Use Permits	R	F	A	A
Conditional Use Permits	R	R	F	A
Variances	R	R	F	A
Planned Development Permits				
Residential				
1 to 4 Dwelling Units	R	F	A	A
5+ Dwelling Units	R	R	F	A
Lot Line Adjustments (2)	N/A	N/A	N/A	N/A
Certificates of Compliance	N/A	F	A	A
Conditional Certificates	N/A	F	A	A
Performance Agreements	R	R	R	F
Tentative Maps/Tentative Parcel Maps	R	R	F	A
Final Maps	N/A	N/A	N/A	F
General Plan Amendments	R	R	R1	F
Specific Plans	R	R	R1	F
Zoning Map Amendments	R	R	R1	F
Zoning Ordinance Amendments	R	R	R1	F
Pre-zoning	R	R	R	F
Development Agreements	R	R	R1	F
Pre-Annexation Agreements	R	R	R1	F
Parcel Maps (2)	R	N/A	N/A	F4

Key:
R - Review and recommendation body
F - Final decision-making body
A - Appeal body
N/A - Not applicable

Notes:
1. Commission recommends to Council for final determination.
2. Review of parcel maps or lot line adjustment is by the City Engineer.
3. Parcel maps involving land dedication need City Council approval.

17.24.070 - Application Filing

A. **Application contents.** Applications for permits, variances, and land use entitlements, and other matters pertaining to this Zoning Ordinance shall be filed with the Department on a City application form, together with all fees, plans, maps, reports, and other information required by the Department. Applicants are encouraged to contact the Department before submitting an application to verify which materials are necessary for application filing.

B. **Eligibility for filing.** Applications may be made by any person so long as the application contains the written consent of all owners of the property. (deleted space)

C. **Pre-application meeting.** A prospective applicant or agent is encouraged to request a pre-application meeting with the Department prior to formal submittal of a permit application. The purpose of this conference is to inform the applicant of City requirements as they apply to the proposed development project, review the procedures outlined in this Zoning Ordinance, explore possible alternatives or modifications, and identify any necessary technical studies relating to future environmental review. Neither pre-application review nor the provision of available information or pertinent policies shall be construed as a recommendation for approval or disapproval of the application/project by the Department representative(s).

17.24.080 - Application Fees

The Council shall, by resolution, establish a schedule of fees for permits, amendments, and other matters pertaining to this Zoning Ordinance. The schedule of fees may be changed or modified only by resolution of the Council. The City's processing fees are cumulative. For example, if an application for a Site and Architectural Permit also requires a Conditional Use Permit, both fees will be charged ***unless the Council authorizes one fee for combined applications for Site and Architectural Review and a Conditional Use Permit by resolution for a specified period of time.*** Also, unusually large or complex projects may be subject to an hourly rate in addition to the basic application fees. Processing shall not commence on any application until all required fees/deposits have been paid.

17.24.090 - Initial Application Review

All applications for permits or actions requiring notice and a public hearing, including but not limited to conditional use permit, variance, or site and architectural permit filed with the Department as required by this Zoning Ordinance shall be processed as follows:

A. **Completeness review.** Within 30 days of filing, the Department shall review all applications for completeness and accuracy before they are accepted as being complete and officially filed.

1. **Notification of applicant.** The applicant shall be informed by a letter ~~either that~~ **that either** the application is complete and has been accepted for processing or ~~that~~ the application is incomplete and that additional information, specified in the letter, shall be provided. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by subsection (A)3.

2. **Appeal of determination.** When the Department has determined that an application is incomplete, and the applicant believes that the application is complete or that the information requested by the Department is not required, the applicant may appeal the determination in compliance with this section, Appeals.

3. **Expiration of application.** If a pending application is not completed by the applicant and cannot be accepted as complete by the City within ***eighteen*** ~~six~~ months after the first filing with the Department, the application shall expire and be deemed withdrawn. ***The Director may extend the application another six months if there is compelling evidence that the applicant is making a good faith effort to complete the application.*** A new application may then be filed in compliance with this Chapter.

4. **Additional information.** After an application has been accepted as complete, the Department may require the applicant to submit additional information needed for the environmental review of the project in compliance with CEQA and Section 17.24.100.

17.24.100 - Environmental Assessment

After acceptance of a complete application, the project shall be reviewed as required by the City of Hollister CEQA Procedures and the California Environmental Quality Act (CEQA), to determine whether the proposed project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a negative declaration or mitigated negative declaration may be issued, or whether an environmental impact report (EIR) shall be required. These determinations and, where required, the preparation of EIRs shall be in compliance with the City's CEQA Procedures and will be completed within 30 days of the application being deemed complete.

17.24.110 - Staff Report and Recommendations

A. **Staff evaluation**. The Department staff shall review all discretionary applications filed in compliance with this Article to determine whether they comply and are consistent with the provisions of this Zoning Ordinance, other applicable provisions of the Municipal Code, and the General Plan, and shall provide a recommendation to the Director, Commission or Council (as applicable) on whether the application should be approved, approved subject to conditions, or denied.

B. **Referral of application.** At the discretion of the Director or where otherwise required by this Zoning Ordinance, State or Federal law, any application filed in compliance with this Zoning Ordinance may be referred to any public agency that may be affected by or have an interest in the proposed land use activity

C. **Staff report preparation.** A staff report shall be prepared by the Department that describes the conclusions/findings of the staff about the proposed land use and any development as to its compliance and consistency with the provisions of this Zoning Ordinance, other applicable provisions of the Municipal Code, applicable Specific Plans, and the General Plan. The staff report shall include recommendations on the approval, approval with conditions, or disapproval of the application, based on the evaluation and consideration of information provided by an initial study or environmental impact report.

D. **Report distribution**. Staff reports shall be furnished to applicants at the same time as they are provided to the Director or members of the Commission or Council prior to a hearing on the application.

17.24.120 – Purpose - Public Hearing

This subsection provides procedures for public hearings before the Director, Commission and Council. When a public hearing is required by this Chapter, public notice shall be given and the hearing shall be conducted as provided by this Chapter.

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 by diagram, of the location of the real property that is the subject of the hearing. The hearing notice shall include a statement that the hearing body will also consider approval of environmental determination, as applicable.

C. Method of notice distribution. Notice of a public hearing required by this Chapter 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 at least 10 days before the hearing; and

2. Notice shall be mailed or delivered at least 10 days before the hearing to:

   a. The owner(s) of the property being considered or the owner's agent, and the applicant;
   ~~b. Each local agency expected to provide water, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;~~
   c. 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
   d. 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.

   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).

3. ***Notice shall be provided via e-mail to*** each local agency expected to provide water, schools, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

D. Additional notice. In addition to the types of notice required by subsection (B) above, the Director may provide in the notice any additional information or using a distribution method as the Director determines is necessary or desirable.

E. Scheduling of Hearing. After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and a Department staff report, the matter shall be scheduled for public hearing on the next available agenda reserved for the matters, consistent with CEQA notice requirements.

F. Hearing Procedure. Hearings shall be held at the date, time, and place for which notice has been given as required in this Chapter. Any hearing may be continued provided that prior to the adjournment or recess of the hearing, a clear public announcement is made specifying the date, time, and place to which the hearing will be continued.

G. 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 mailed to the applicant at the address shown upon the

application. The decision of the Council shall be final.

17.24.130 - Permit Implementation, Time Limits, Extensions and Revocations

A. Purpose The following provisions outline requirements for the implementation or "exercising" of the permits required by this Zoning Ordinance, including time limits, procedures for extensions of time. Time limits and extension criteria for Tentative Maps are found in ***Chapter 16, Subdivision and the Subdivision Map Act***~~Article V (Subdivisions), beginning with Section 17.74.050 (Tentative Map Time Limits)~~.

B. Effective Date of Permits. Conditional Use Permits, Variances, Site and Architectural Permits, and Planned Development Permits shall become effective on the 16th 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 Subsection 140 of this Chapter (Appeals).

C. 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, which shall be satisfied by the applicant before any construction permit is issued or a land use not requiring a construction permit is established.

D. 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.

E. Time Limits and Extensions.

1. **Time limits.** Unless conditions of approval establish a different time limit, any permit or entitlement not exercised within one year of approval shall expire and become void **except for applications for Site and Architectural Review which expire in eighteen months**. The permit shall not be deemed "exercised" until the permittee has actually obtained a building permit and commenced construction, or has actually commenced the allowed use on the subject property in compliance with the conditions of approval.

2. **Extensions of time.** Upon request by the applicant, the Director may extend the time for an approved permit to be exercised. The applicant shall file a written request for an extension of time with the Department at least 10 days before the expiration of the permit, together with the filing fee required by the City Fee Resolution. The Director shall then determine whether the permittee has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely

manner, the Director may renew the permit for up to two additional years. For phased developments with three or more buildings, an extension of a third year may be granted if at least one of the buildings has been constructed.

3. **Hearing on expiration.** The Director may hold a hearing on any proposed expiration of a permit, in compliance with Section 17.24.120 Article 2 of this Chapter (Public Hearings).

F. Changes to an Approved Project. Development or a new land use authorized through a Site and Architectural Review, Conditional Use Permit, Variance, ***Performance Agreement*** and Planned Development Permit shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.

The Director may authorize changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with all applicable provisions of this Zoning Ordinance;

2. Do not involve a feature of the project that was specifically addressed or was a basis for findings in a negative declaration or environmental impact report for the project;

3. Do not involve a feature of the project that was specifically addressed or was the subject of an appeal or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the approval of the permit; and

4. Do not result in a significant expansion of the use.

G. New Application. Changes to the project involving features described in subsections (F)2 and (F)3 above shall only be approved by the review authority through a new permit application processed in compliance with this Zoning Ordinance.

H. Revocations.

1. **Hearings and Notice.** Upon application by the Director the review authority shall hold a public hearing in order to consider revocation or modification of any permit or entitlement granted in compliance with the provisions of this Chapter. Ten days prior to the public hearing (except for Temporary Use Permits), 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.

2. **Review Authority and Action.**

Permit revocation. A permit may be revoked or modified by the review authority which originally approved the permit, if any one of the following findings can be made:

That circumstances have changed so that one or more of the findings supporting the permit can no longer be made;
That the permit was obtained by misrepresentation or fraud;
That one or more of the conditions of the permit have not been met;
That the improvement authorized in compliance with the permit is in violation of any statute, ordinance, law, or regulation; or
That the improvement/use allowed by the permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.

17.24.140 - Appeals

A. **Code administration and interpretation.** The following actions of the Department staff or Director may be appealed to the Commission and then to the 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 Article 4 of this section. ~~**Chapter 17.106 (Code Enforcement).**~~

B. **Land use permit hearing decisions**. Determinations of the Commission may be appealed to the Council.

1. **Filing of Appeals.**

a. **Who may appeal.** Any person aggrieved by a decision or action of the department staff or 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.

2. **Timing and form of appeal.** All appeals shall be submitted in writing on a City application form within 15 calendar days from the date of the decision or action,

and shall specifically state the pertinent facts and the basis for the appeal. Appeals addressed to the Commission shall be filed with the Department, while appeals addressed to the Council shall be filed in the Office of the City Clerk.

C. Processing of Appeals.

1. **Report and scheduling of hearing.** The Director shall prepare a staff report on all filed appeals, and schedule the matter for consideration by the appropriate appeal body identified in ~~Section 17.xx.xxx~~ **Table 12-24-1** after completion of the report.

2. **Action and findings - General procedure.** The appeal body shall conduct a public hearing in compliance with section 17.24.120 (Public Hearings) of this Chapter. 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.

   a. 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 non-compliance of the subject of the appeal with the provisions of this Zoning Ordinance.
   b. 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.
   c. The decision of the City Council on an appeal shall be final.

D. Withdrawal of appeal - Commission actions. After an appeal of a Commission decision has been filed and a public notice has been published, the appeal shall not be withdrawn except with the consent of the Council.

17.24.150 - Administrative Permits without Notice or Hearing

The purpose of this section is to provide a review process for applications for those permits and approvals for actions that:

- Have little potential for affecting surrounding properties;
- Are statutorily or categorically exempt from the California Environmental Quality Act; and
- Are not subject to discretionary or other review requirements of this article.

These permits include home occupation permits that do not require a conditional use permit; temporary use of land permits for which there are specific standards; wall sign permits; addition or removal of up to two doors or windows in a commercial or industrial zoning district where the addition or removal is consistent with standards for the zoning district and any supplemental guidelines that have been approved by the City Council or the Planning Commission as part of a master architectural guidelines; certain minor structures such as automatic teller machines for which there are specific standards; new

structures that are consistent with a master plan (architecture, lighting and landscaping) approved by the Planning Commission within three years from the date of application.

A. **Procedure**. An application for an administrative permit shall not require a public hearing or notification of adjacent property owners. The city planner shall approve the permit if the application complies with all of the standards specified in this Zoning Ordinance. If the application does not comply with those standards, the city planner shall deny the application.

B. **Expiration.** An administrative permit shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:

1. A building permit has been issued and construction diligently pursued;

2. A certificate of occupancy has been issued;

3. The use is established; or

4. The city planner determines that other substantial action has been commenced to carry out the terms and intent of the administrative permit.

C. **Transferability**. An administrative permit shall not be affected by changes in ownership.

~~***D. Rescission. The city planner may rescind an administrative permit in accordance with 17.24.180. Rescission of permits.***~~

E. Revocation. A revocation of an administrative permit shall be in accordance with Section 17.24.180(Revocation of permits)

17.24.160 Administrative Permits with Notice and Right of Appeal

The purpose of this provision is to provide a mechanism to streamline the review process for applications that require site specific review to for compliance with supplemental standards such as outdoor storage, parking, noise, traffic safety because of the nature of the use.

A. **Review of Administrative Permits**: The City Planner shall prepare for the DRC written findings required for permits including but not limited to large family home care permits; sidewalk café, small lot housing, animal boarding and grooming, site and architectural permit for uses with outdoor storage; façade changes to existing structures where the changes are not visible from public rights of way; medical and dental offices, clinics and laboratories, service stations, drive-through restaurants and facilities, minor vehicle repair facilities. The City Planner shall determine in written findings whether the proposed use or structure is statutorily or categorically exempt

from the California Environmental Quality Act. If the project is not exempt, Planning Commission review shall be required.

The Development Review Committee shall review the application and make a recommendation to the City Development Services Director to approve the application, approve with conditions or modifications or deny the application based on standards for the type of land use activity.

The City Planner shall prepare written findings based on DRC report and the recommendation.

B. Approval. Following acceptance of a completed application and the DRC report and recommendation, the City Planner shall issue the permit with applicable conditions except that the permit shall not become effective for an appeals period of fifteen (15) days. The City Planner shall send written notice of the issuance of the permit to all owners of real property as shown on the latest equalized assessment roll, or other reliable method as approved by the City Council, within 300 feet of the subject property. Within the appeals period if any property owner files a written objection to the issuance of the permit, an appeal shall be scheduled before the Planning Commission in accordance with the provisions of Section 17.24.140, Appeals, and the permit shall not become effective. If no written objection is filed within the appeals period, the permit shall become effective.

The City Planner shall have the discretion to refer any decision on an application for an administrative site and architectural review or conditional use permit to the planning commission if the city planner determines that a public hearing would better serve the public's interest or if the application raises substantial land use issues.

17.24.170 – Expiration-Transferability-Rescission-Revocation of Administrative Permits

A. Expiration. An administrative permit shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:

1. A building permit has been issued and construction diligently pursued;
2. A certificate of occupancy has been issued;
3. The use is established; or
4. The city planner determines that other substantial action has been commenced to carry out the terms and intent of the administrative permit.

B. Transferability. An administrative permit shall not be affected by changes in ownership.

~~*C. Rescission. The city planner may rescind an administrative permit in accordance with 17.24 Article 3 2 of this Section (Rescission of permits).*~~

D. Revocation. A revocation of an administrative permit shall be in accordance with Section 17.24.130 Article ~~3~~ **2** of this Section (Revocation of permits).

17.24.180 - Temporary Use Permits

A. Purpose. A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be acceptable because of their temporary nature. This Section provides a process for reviewing a proposed use to ensure basic health, safety, and general community welfare standards are met, and approving suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use.

B. Minor Temporary Uses: The following minor temporary uses may be approved by the City Planner following the administrative permit procedure without notice or hearing:

1. **Construction yards**. Off-site contractors' construction yards in conjunction with an approved construction project. (Note: the storage of equipment and materials for construction on the same site is covered by the applicable land use and construction permits for the site.)

2. **Temporary One-Day sales.** Temporary one day sales such as flower sales for Valentine's Day may be allowed with an administrative temporary use permit with authorization from the property owner of an established commercial business. An applicant may obtain a maximum of four (4) one day temporary use permits per year.

3. **Car Washes.** Car washes must be located on the parking lot or paved surface area of property within a commercial or industrial zoning district that has storm water treatment facilities. Car washes shall be limited to one event each month for each sponsoring organization. Sponsorship shall be limited to religious, fraternal, or service organizations directly engaged in civic or charitable efforts.

4. **Temporary work trailers.** A trailer or mobile home as a temporary work site for employees of a business:

   a. During construction or remodeling of a permanent commercial or industrial structure when a valid building permit is in force; or
   b. Upon demonstration by the applicant that this temporary work site is a short-term necessity while a permanent work site is being obtained; and
   c. Provided that the use complies with the Americans with Disabilities Act.
   d. The permit may be granted for up to 360 days.

C. **Major Temporary Uses:** The following temporary uses may be approved by the City Planner following the administrative permit procedure with notice and right of appeal.

1. **Temporary Two to Three Day sales.** A minor temporary use permit for two to three day sales of products may be allowed on property in the commercial and industrial zoning districts and within a mix use zoning district where the property is substantially developed for commercial land uses. A maximum of four minor temporary use permits may be allowed on any one parcel or commercial center.

2. **Seasonal sales lots.** Christmas tree sales lots or the sale of other seasonal products, including pumpkins, and directly-related temporary residence/security trailers. A permit shall not be required when the sales are in conjunction with an established commercial business holding a valid business license, provided the activity does not consume more than 15% of the total parking spaces on the site and does not impair emergency vehicle access. Fireworks sales may be conducted after receiving a permit from the City Council in compliance with the Municipal Code.

3. **Events.** Arts and crafts exhibits, carnivals, circuses, concerts, fairs, farmers markets, festivals, flea markets, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales and swap meets.

4. **Temporary Storage:** Enclosed temporary storage (unrelated to a construction project) (i.e., cargo container, sea-train, etc.) may be approved for a maximum time period of six consecutive months from the date of approval;

5. **Annual Motorcycle Rally:** A temporary zoning clearance permit may be permitted if the application is consistent with the standards adopted by City Council resolution.

6. **Similar temporary uses.** Similar temporary uses which, in the opinion of the Director, are compatible with the zoning district and surrounding land uses.

D. **Development standards.** Standards for structure setbacks, heights, floor areas, off-street parking, landscaping areas and other structure and property development standards that apply to the category of use or the zoning district of the subject site shall be used as a guide for determining the appropriate development standards for temporary uses. However, the Temporary Use Permit may vary from the specific requirements as deemed appropriate by the Director.

E. **Application.** A Temporary Use Permit application shall be made on a form prescribed by the Director and filed with the Department. The application shall be accompanied by the following:

1. **Illustrations.** Sketches or drawings of sufficient size and clarity to show without further explanation the following: size and location of the property, location of the adjacent street, location and size of all structures on the site, location of structures on adjacent parcels, location and number of off-street parking spaces and drive aisles, and location of any temporary fences, signs, or structures to be installed as part of the temporary use;

2. **Statement of operations.** A letter describing the hours of operation, days 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, and other information about the operation of the use that pertains to the impact of the use on the community or on adjacent uses shall be filed with the Department; and

3. **Letters from abutting property owners.** For uses proposed to last more than 35 consecutive days per calendar year (where listed as allowable uses in the applicable zoning district by Article II (Zoning Districts and Allowable Land Uses) letters signed by the property owners of each parcel abutting the site on which the temporary use is proposed to be located shall be filed with the Department. The letters shall acknowledge the proposed use, and dates and times of operation, and state the abutting property owner's agreement to the operation of the temporary use as described. Applications for which the applicant is unable to obtain these letters may be converted to a Minor Conditional Use Permit where the use is allowed with Conditional Use Permit approval by the applicable zoning district (see Article II, Zoning Districts and Allowable Land Uses).

F. Action by the Director. A Major Temporary Use Permit may be approved, modified, conditioned, or denied by the Director only if all the following findings are made:

1. That the establishment, maintenance 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;

2. 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; and

3. 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.

In making these determinations, the Director shall take into consideration the short time period of the proposed land use activity.

G. **Conditions of approval.** In approving an application for a Major Temporary Use Permit, the Director may impose conditions deemed necessary to ensure that the permit will be in compliance with the findings required by subsection (**F**).

H. **Condition of site following temporary use.** Each site occupied by a Major or Minor temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Zoning Ordinance. A bond may be required prior to initiation of the use to ensure cleanup after the use is finished.

I. **Revocation.** The Director may revoke or modify a Major or Minor Temporary Use Permit in compliance with Chapter 17. 24.130 (Permit Revocations) with only a 24-hour notice.

J. **Performance guarantee.** The applicant/owner may be required to provide adequate performance security for the faithful performance of any condition of approval imposed by the Director.

K. **Appeal.** Any person aggrieved by a decision of the Director may appeal the decision in writing, in compliance with the provisions of Chapter 17.24.140 Appeal.

17.24. 190 - Site and Architectural Review

A. **Purpose.** Site and Architectural Review is intended to provide for site and architectural regulation, review and approval prior to development as to both on-site and off-site improvements and the height, width, shape, proportions and exterior construction design of buildings and other structures to insure architectural compatibility with surrounding areas and to promote unified and distinct development within areas.

Site and Architectural Review may also be required at the discretion of the Development Services Director when a single-purpose facility, such as an abandoned school, is being converted to multi-tenant uses.

B. **Project Review.** All zoning districts, other than RE and R1 districts, shall be subject to Site and Architectural Review. No building permit for a new commercial, industrial or multi-family building shall be issued for any purpose or purposes for any improvement or improvements in any district, except R1, until review and approval by the Planning Commission.

The requirement for Site and Architectural Review for a new building may be waived if the building is located within a development with a master architectural, landscaping, lighting and sign program that has been approved by the Planning Commission and the Director can make the following findings:

1. The building design, elevations, materials, colors, the landscape, lighting and sign plan, building orientation and parking plan substantially conforms with a Master architectural, landscaping, lighting and sign program that has been approved by the Planning Commission within the last three years for the project area;

2. If an environmental document was adopted for the project area, the size of the building and type of use will not trigger the requirement for a subsequent, supplement or addendum to the adopted environmental document and the proposal will incorporates mitigation measures from the mitigation and monitoring program from the adopted environmental document.

In their review, the Planning Commission shall consider the following approval criteria:

a. **Traffic congestion and safety**. The effect of the layout of the development on traffic conditions and patterns on surrounding streets ***and for compliance with requirements for a Circulation Plan in Chapter 17.18.030 and supplemental standards in the applicable zoning district for***; the layout of the site with respect to locations and dimensions of vehicular pedestrian entrances, exits, drives and walkways; the adequacy of off-street parking facilities to prevent congestion; the location, arrangement and dimensions of loading and unloading facilities; the circulation pattern within the boundaries of the development and the surfacing and lighting of off-street parking facilities;
b. **Outdoor advertisement.** The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures relative to the creating of traffic hazards and the appearance and harmony with the surrounding development;
c. **Landscaping.** The location and height of walls, fences, hedges and screen plantings and the materials to be used in the construction of walls and fences, to insure harmony with surrounding development or to conceal storage and service areas, utility installations or unsightly development; the planting of ground cover or other surface to prevent dust and erosion; and the preservation of existing healthy trees and the planting of additional trees;
d. **Site.** The orientation and location of improvements and open space in relation to the physical characteristics of the site and character of the neighborhood; and the appearance and harmony of improvements with surrounding development;
e. **Drainage.** The effect of the development on storm and surface water drainage;
f. **Exterior architectural design**. The effect of the height, width, shape and exterior construction and design of building and structures as such factors relate to the existing and future characteristics of the neighborhood and proposed use of the zone district in which they are situated;
g. **General.** For the protection of the public health, safety and welfare, the Planning Commission may establish, impose and enforce reasonable

conditions or requirements deemed appropriate or necessary for the benefit or protection of surrounding areas, to provide for desirable or necessary public utilities, and to insure development compatible to and harmonious with the surrounding area and the uses established therein, so long as such conditions or requirements bear reasonable relationship to the project or development.

C. **Hearing and notice.** The Planning Commission shall hear each application upon the same notice and proceedings as are required for an original application to the planning commission for a conditional use permit under Section 17. 24.060.

D. **Expiration.** Site and architectural approval shall be valid for a period of eighteen months from and after the date of such approval and shall be null and void if the building has not been approved for final occupancy by the City. On application, site and architectural review approval may be extended for an additional period, not to exceed one additional year. Application for extension of site and architectural approval shall be filed at least thirty (30) days before the expiration of the original approval and shall state the reasons for requesting the extension. A request for extension of the site and architectural approval may be approved, approved conditionally, or denied. In granting an extension of site and architectural approval, new conditions may be imposed and existing conditions may be revised.

E. **Appeal.** An appeal may be taken from the decision of the Planning Commission to the city council by any person aggrieved by any such decision within the time limits and following the procedures specified in Section 17.24.140 of this Article.

17.24.220 - Conditional Use Permits

A. **Purpose.** Conditional Use Permits are intended to allow for activities and uses that are unique and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing it to established development standards.

B. **Application.** An application for a Conditional Use Permit shall be filed in compliance with Section 17.24.070, (Application Filing) of this Chapter.

C. **Project review.** Each Conditional Use Permit application shall be analyzed by the Department to ensure that the application is consistent with the purpose and intent of this Section. The Director shall make a recommendation to the Commission, who shall hold a public hearing in compliance with Section 17.24120 (Public Hearings) of this Chapter.

D. **Hearings and notice.** Upon receipt in proper form of a Conditional Use Permit application, a public hearing shall be set and notice of the hearing given in compliance with Section 17.24.120 (Public Hearings) of this Chapter.

E. **Decision and findings.** Following a public hearing, the Commission shall issue the decision and the findings upon which the decision is based. The Commission may approve a Conditional Use Permit application with or without conditions, only if all of the following findings are made:

1. The proposed use is conditionally allowed within the subject zoning district and complies with all of the applicable provisions of this Chapter;

2. The proposed use is consistent with the General Plan;

3. The approval of the Conditional Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);

4. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity; and

5. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

A Conditional Use Permit shall be recorded in the San Benito County Recorder's Office on the subject real property, and the rights and responsibilities of the Use Permit shall run with the land until the Permit is revoked or rescinded.

F. **Expiration.** A Conditional Use Permit shall be exercised within one year from the date of approval or the permit shall become void, unless an extension is approved by the Planning Commission in compliance with Section 17.24, Article 2 (Permit Implementation, Time Limits, Extensions) of this Chapter.

G. **Conditional Use Permit to run with the land.** A Conditional Use Permit granted in compliance with the provisions of this Section shall continue to be valid upon a change of ownership of the site, business, service, use or structure that was the subject of the permit application.

The Director may approve minor changes to required conditions and operating standards of an approved Conditional Use Permit, in compliance with the provisions of this Section.

H. Revocation. The Commission may revoke or modify a Conditional Use Permit in compliance with Section 17.24 Article 4 of this Chapter (Permit Revocations).

I. Performance Guarantee. The applicant/owner may be required to provide adequate performance security for the faithful performance of any condition of approval imposed by the Commission.

J. Appeal. Any person aggrieved by a decision of the Commission may appeal the decision in writing, in compliance with the provisions of Section 17.24.140 of this Chapter, Appeals.

17.24.210 - Variances

A. Purpose. The provisions of this Section allow for adjustment from the development standards of this Zoning Ordinance only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated. The power to grant Variances does not extend to land use or residential density regulations. Flexibility in use regulations is provided in Section 17.24. 200 (Conditional Use Permits).

B. Applicability. Variances may be granted by the Planning Commission, in compliance with this Section. The Commission may grant an adjustment from the requirements of this Zoning Ordinance governing only the following development standards:

1. Dimensional standards (i.e., distance between structures, parcel area, building coverage, landscape and paving requirements, parcel dimensions, setbacks, and structure heights);

2. Sign regulations (other than prohibited signs); and

3. Number and dimensions of off-street parking areas, loading spaces, landscaping or lighting requirements, except as otherwise provided in this Zoning Ordinance.

C. Application requirements. An application for a Variance shall be filed in compliance with Section 17.24070 (Application Filing). It is the responsibility of the applicant to establish evidence in support of the findings, as required by subsection (F) (Findings).

D. Project review. Each application shall be analyzed by the Department to ensure that the application is consistent with the purpose and intent of this Section.

E. Hearings and notice. Upon receipt of a Variance application in proper form, a public hearing shall be set and notice of the hearing given in compliance with Article 1, Section 17.24 of this Chapter (Public Hearings).

F. Decision and findings. Following a public hearing, the Commission shall record the decision in writing with the findings upon which the decision is based, in compliance with State law (Government Code Section 65906). The Commission may approve

an application, with or without conditions, only if all of the following findings are made:

1. That there are special circumstances applicable to the property (i.e., size, shape, topography, location or surroundings), so that the strict application of this Chapter denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;

2. That granting 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 denied to the property owner for which the Variance is sought;

3. The approval of the Variance is in compliance with the California Environmental Quality Act (CEQA);

4. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel;

5. That granting the Variance will not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located; and

6. That granting the Variance is consistent with the General Plan.

G. **Expiration.** A Variance shall be exercised within one year from the date of approval, or shall become void, unless an extension is approved by the Director or the Planning Commission, in compliance with Article 1, Section 17.24 of this Chapter (Permit Implementation, Time Limits, Extensions).

H. **Revocation.** The Commission may revoke or modify a Variance in compliance with Chapter 17.24.170 (D) and Article III.

I. **Performance Guarantee.** The applicant/owner may be required to provide adequate performance security for the faithful performance of any conditions of approval imposed by the Commission.

J. **Appeal.** Any person aggrieved by a decision to approve or deny a Variance may appeal the decision in writing to the City Council, in compliance with the provisions of Section 17.24 **Article II** (Appeal) of this Chapter.

17.24.220 Nonconforming Uses and Structures

A. **Applicability of chapter.** Existing uses which do not conform to the regulations of the primary district in which they are located shall be subject to the specific

regulations set out in this chapter in addition to general regulations contained in the applicable zoning district, in order to permit the continued operation of those uses while providing for the gradual elimination of those uses in compliance with the Hollister General Plan and the overall goal of the city for community development.

B. Historical Structure, District; Exemption.

1. A historic structure or building shall be exempt from the regulations herein. "Historic structure" is one which is identified on a federal, state, or local historic registry.

2. A structure or building located within an historic district which possesses defining characteristics that contribute to the district shall be exempt from the regulations herein. "Historic district" is one which is officially recognized by the City.

C. Conditions for Continuation. Nonconforming uses, buildings and structures, and lots may be continued, subject to the provisions of subsection E of this section. Nonconforming signs are subject to the limitations established in ~~the chapter entitled~~ Chapter 17.20 Signs.

D. Nonconforming uses-Land.

1. A nonconforming use of land may be maintained indefinitely, except as otherwise provided in this chapter.

2. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied when it became nonconforming.

3. When a nonconforming use of land on a lot has ceased for one hundred eighty consecutive days or more, such lot shall not again be put to a nonconforming use. A "nonconforming use of land," as used in this chapter, means and includes use of either unimproved land or land containing minor structures such as fences and buildings less than four hundred square feet in area.

E. Nonconforming uses-Structures or buildings.

1. A nonconforming use of a structure or building may be maintained indefinitely, except as otherwise provided in this chapter.

2. A nonconforming use of a structure or building may be changed to a similar use or a use of a lesser intensity upon findings by the director of development services that the site as presently developed cannot reasonably accommodate uses prescribed by the present zoning designation on the property. As used in this section, a "use of lesser intensity" means a use which is found by the planning commission to require less employees or less storage capacity or less service or

demands on public facilities, and is more compatible with adjacent and future planned use.

3. The nonconforming use of a structure or building shall not continue if the use has ceased for one hundred eighty consecutive days. When such a cessation of use has occurred, the premises or structure shall only be used for the purposes allowed in the district in which it is located.

4. When a structure or building containing a nonconforming use is damaged or destroyed by any means, and replacement in kind exceeds 75% 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, it shall not resume its nonconforming use, but may be restored and used in conformity with the provisions of the district in which it is located.

5. Whenever a nonconforming use of a structure or building has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.

17.24.230 - Lot –Line -Adjustments

A. **Purpose.** This division establishes a review process for lot line adjustments (including lot consolidations) in accordance with the Subdivision Map Act.

B. **Application.** An application for a lot line adjustment shall be initiated by submitting an application to the Engineering Department. The application shall be referred to the Development Services Department.

C. **City planner duties:** Following acceptance of an application by the Engineering Department, the city planner shall have the authority to make recommendations to approve, conditionally approve, or disapprove an application for a lot line adjustment without public notice or hearing with the following findings in subsection (D).

D. **Required Findings.**

1. The lot line adjustment is consistent with the City of Hollister general plan and the regulations of this Zoning Code;

2. The lot line adjustment shall not impair existing easements or facilitate the relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets;

3. The lot line adjustment shall not impair existing access, or create a need for access to adjacent lots or parcels or result in a configuration where a road traverses through the lot;

4. The lot line adjustment shall not result in a parcel with an unbuildable lot due hazards, topography and other factors.

5. The lot line adjustment shall not require alteration of existing improvements or buildings, create a need for any building improvements, or otherwise create noncompliance with the Uniform Building Codes; and

6. The lot line adjustment shall not adjust or remove the boundary between parcels for which an improvement agreement has been recorded and all required improvements have not been completed, unless the city planner determines that the proposed adjustment or removal will not significantly affect the improvement agreement.

E. The city planner may recommend to the City Engineer conditions of approval on the lot line adjustment in order to:

1. Comply with the provisions of the Hollister general plan and this Zoning Code;

2. Require pre-payment of real property taxes prior to approval of the lot line adjustment; or

3. Facilitate relocation of existing utilities, infrastructure, or easements.

17.24.240 - Planned Development Permits

A. Purpose. The following provisions are intended to: afford maximum flexibility in site planning/property development, design, and density/intensity, while protecting the integrity and character of the residential areas of the City; encourage innovation and the development of affordable housing; and ensure consistency with the General Plan. At the time of application submittal a review of the configuration, design, location and impact of the proposed land use shall be conducted by comparing the use to established development/site standards. This review shall determine whether the permit should be approved by weighing the public need for and the benefit(s) to be derived from the proposed use, against the potential negative impacts it may cause.

B. Applicability. A Planned Development Permit shall be required for all applicable structures and uses permitted by this Zoning Ordinance; however, none shall be required for alterations to an existing single-family dwelling. Specifically, a permit shall be required under the following circumstances:

1. For a new structure or use listed as subject to a "Planned Development Permit" (PD) in the applicable zoning district;

2. For the change, enlargement, expansion or exterior alteration of an existing structure or use for which a Planned Development Permit has not been issued, excluding an existing single-family dwelling used as a residence; and

3. For the movement or relocation of any structure, including factory-built and manufactured housing, to any parcel within the City.

C. **Application requirements.** An application for a Planned Development Permit shall be filed in compliance with Section 17.24 Article 1 (Application Filing).

D. **Project review.** Each Planned Development Permit application shall be analyzed to ensure that the application is consistent with the purpose/intent of this Chapter and the City's CEQA Guidelines. To ensure effective implementation of General Plan policies relating to design, each application for a Planned Development Permit shall be reviewed in compliance with Subsection (E) Design Review Procedures prior to determination by the review authority. Additionally, any application which may result in grading shall require the submittal of preliminary grading plans for review and recommendation by the City Engineer and approval by the review authority.

E. **Design Review Procedures.** The review of projects for architectural and site plan design is an integral part of the development approval process. Each Planned Development Permit application (including all associated plans and elevations) shall be reviewed to ensure that the application is consistent with: the purpose/intent of this Chapter; all applicable development standards/regulations of this Zoning Ordinance; and any adopted Design Guidelines/Policies that may apply. In addition, applications for Conditional Use Permits and Variances are also subject to Design Review whenever any physical alteration/construction is proposed.

1. **Department action.** Site Plan/Design Review is initiated when the Department receives a complete application package including all required attachments, plans, specifications, elevations, sample materials, etc. as specified in the application form and any additional information required by the Director in order to conduct a thorough review of the proposed project.

   Upon receipt of a complete application Department staff shall conduct a review of the location, design, site plan configuration and impact of the proposed development by comparing the project plans to established development standards/regulations and any adopted Design Guidelines/ Policies. In general, development proposals will be reviewed considering criteria including, but not limited to, the following:

   a. Compliance with this Chapter and all other applicable City ordinances;
   b. Desirable site layout and design;
   c. Compatibility with neighboring property/development;
   d. Efficiency and safety of public access and parking;
   e. Appropriate open space and use of water efficient landscaping;

f. Consistency with the General Plan; and
g. Consistency with any adopted Design Guidelines and Design Review Policies.

2. **Reference to design guidelines/policies.** In reviewing development/ improvements subject to Design Review, the Director shall refer to any Design Guidelines/Policies that have been adopted by the Council/Commission in order to provide guidance to applicants seeking to comply with the requirements of this Chapter. The Council/Commission may amend the Design Guidelines/Policies whenever it deems it appropriate in order to carry out the purpose/intent of this Chapter. Copies of the Design Guidelines/Policies shall be available to the public at the Department.

   The adopted Design Guidelines are to be used by property owners, developers, architects, landscape architects, and designers in the planning and design of projects in the City. The Design Guidelines communicate the desired qualities and characteristics of development, and are intended to promote quality design that is compatible with the surrounding neighborhood and implement the General Plan. The Design Guidelines/ Policies are used by City staff, the Commission, and the Council as adopted criteria for the review of development proposals subject to Design Review.

3. **Department recommendation.** Following completion of its review of a proposed project, Department staff shall provide a written statement of findings/recommendations to the review authority for its consideration simultaneously with a Conditional Use Permit. Department staff may recommend approval, approval with conditions, or disapproval of a project. The report containing findings, recommendations and conditions, shall also be forwarded to the applicant prior to consideration by the review authority.

   Where the findings/recommendations of the staff may substantially alter a proposed development, the applicant may be requested to submit revised plans at the discretion of the Director.

4. **Preliminary design concept review.** The Director may require that a project applicant submit design concept plans for preliminary design review prior to submittal of a formal application for a project deemed significant by the Director. The purpose of the preliminary consultation is to advise the project applicant of applicable Design Guidelines, Design Review Policies, and other specific design criteria that may affect the design of the project.

F. **Hearings and notice.** Upon receipt of a Planned Development Permit application in proper form, a public hearing before the Planning Commission shall be set and notice of the hearing given in compliance with Section 17.24 Article 1 (Public Hearings) of this Chapter.

G. Decision and findings. Following a hearing, if required, the Planning Commission, as outlined in Section 17.24, Article I and Table 24.17-1, shall record the decision in writing and shall recite the findings upon which the decision is based. The Planning Commission may approve or modify a Planned Development Permit in whole or in part, and shall impose specific development conditions. These conditions shall relate to both on- and off-site improvements that are necessary to accommodate flexibility in site planning/property development, mitigate project-related adverse impacts, and to carry out the purpose/intent and requirements of the respective zoning district. The Planning Commission may approve a Planned Development Permit, only if all of the following findings are made:

1. The proposed development is one allowed within the subject zoning district and complies with all of the applicable provisions of this Zoning Ordinance, including prescribed development/site standards/guidelines and any adopted design guidelines;

2. The proposed development is consistent with the General Plan;

3. The approval of the Planned Development Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);

4. The proposed development would be harmonious and compatible with existing and future developments within the zoning district and general area, as well as with the land uses presently on the subject property;

5. The subject site is physically suitable for the type and density/intensity of use being proposed;

6. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety; and

7. The design, location, size, and operating characteristics of the proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

H. Expiration. A Planned Development Permit shall be exercised within two years from the date of approval, or the Planned Development Permit shall become void, unless an extension is approved by the Planning Commission, in compliance with Section 17.24 Article 1 of this Chapter (Permit Implementation, Time Limits, Extensions).

I. Revocation. The Planning Commission may revoke or modify a Planned Development Permit in compliance with Section 17.24.130 and Article IV of this Chapter (Permit Revocations).

J. **Performance guarantee.** The applicant/owner may be required to provide adequate performance security for the faithful performance of any condition of approval imposed by the review authority.

17.24.250 – Prezoning Upon Annexation

A. **Purpose.** The following provisions allow for the prezoning of lands prior to annexation into the City.

B. **Hearings and Notice.** The Director shall first submit a complete application for prezoning to the City Council for Council to direct whether the prezoning will or will not proceed. If the Council directs staff to process the prezone application, public hearings shall be set before the Commission and Council. Notice of the hearings shall be given in compliance with Section 17.24.120 (Public Hearings) of this Chapter.

C. **Commission Action on Prezoning.** The Commission shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed prezoning, based upon the findings contained in this Section 17.24. 260 (Findings).

D. **Council Action on Prezoning.** Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form or disapprove the proposed prezoning based upon the findings in subsection E (Findings) below.

E. **Findings for Prezoning.** The approval of a prezone application shall include the following findings:

1. The amendment is internally consistent with all other provisions of the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare; and
3. The affected site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses or development

17.24.260 – Specific Plans

A. **Purpose.** When required by the General Plan, this Zoning Ordinance, or by State law to systematically implement the General Plan for any part of the City, a Specific Plan shall be prepared, processed, approved or denied, and implemented in compliance with this Chapter.

B. **Mandatory Pre-Application Conference.** Before preparing a draft Specific Plan in compliance with this Chapter, the applicant shall contact the Department to request a

pre-application conference. The purpose of the meeting shall be for the Department to review with the applicant 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.

C. **Specific Plan Preparation and Content.** An applicant shall prepare a draft Specific Plan for review by the City that includes the following detailed information in the form of text and diagrams, organized in compliance with an outline furnished by the Department:

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. **Land use and development standards**. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;

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;

5. **Relationship to General Plan.** A statement of the relationship of the Specific Plan to the General Plan; and

6. **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.

D. **Specific Plan Filing and Processing.** A draft Specific Plan shall be filed with the Department, and shall be accompanied by the fee required by the City Fee Resolution. The draft plan shall be processed in the same manner as required for General Plans by Government Code Sections 65350 et seq., and as follows:

1. **Department evaluation.** After the filing of a draft Specific Plan, the Department shall review the draft Specific Plan to determine whether it conforms to the provisions of this Section. If the draft plan is not in compliance, it shall

immediately be returned to the applicant with a written specification as to why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the applicant to the Department and the Department determines it is complete and in compliance with this Section, the plan shall be deemed to be accepted for processing;

2. **Environmental review.** The draft Specific Plan shall be subject to environmental review as specified in Section 17.24. 100 (Environmental Assessment);

3. Staff report. A staff report shall be prepared for the draft Specific Plan in compliance with Section 17.24.110 (Staff Report and Recommendations) which shall include detailed recommendations for changes to the text and diagrams of the Specific Plan to make it acceptable for adoption; and

4. **Public hearings**. A proposed Specific Plan shall be subject to public hearings before both the Planning Commission and City Council before its adoption, as follows:

   a. **Planning Commission.** The Director shall schedule a public hearing on the proposed Specific Plan after completion of a staff report and any required environmental documents, but not before the expiration of any public review periods for environmental documents required by CEQA. The hearing shall receive public notice and be conducted in compliance with Chapter 17.24.120 (Public Hearings). After the hearing, the Planning Commission shall forward a written recommendation to the City Council; and
   b. **City Council.** After receipt of the Planning Commission recommendation, a public hearing on the Specific Plan shall be scheduled before the City Council. The hearing shall be noticed and conducted in compliance with Chapter 17.24.120 (Public Hearings). After the hearing, the Council may adopt the Specific Plan, may disapprove the plan, or may adopt the plan with changes, provided that any changes to the plan that were not considered by the Commission shall be referred to the Commission for its recommendation. Failure of the Commission to report within 45 days after the referral, or any longer period set by the Council, shall be deemed a recommendation for the approval of the changes.

17.24.270 - Adoption of Specific Plan

The adoption of a proposed Specific Plan is entirely at the discretion of the Council. The Council shall adopt a Specific Plan only if it first determines that the plan:

- Is consistent with the General Plan; and
- Will not have a significant effect on the environment, or is subject to the overriding findings specified in the City of Hollister CEQA Procedures.

The Specific Plan shall be adopted by ordinance, or by resolution of the Council.

A. Implementation, Amendments.

1. **Development within Specific Plan area.** After the adoption of a Specific Plan, no public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no amendment to this Zoning Ordinance may be adopted within an area covered by a Specific Plan unless it is consistent with the Specific Plan. The Council may impose a Specific Plan fee surcharge on development permits within the Specific Plan area, in compliance with Government Code Section 65456.

2. **Amendments.** An adopted Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.

17.24.280 - Development Agreements

A. Purpose. This Chapter outlines the procedures and requirements for the review and approval of development agreements. The provisions of this Chapter are fully consistent with the provisions of State law governing development agreements (Article 2.5 of Section 4 of Division 1 of Title 7, commencing with Section 65864 of the California Government Code).

In defining the provisions of any development agreement executed in compliance with this Chapter, each provision shall be consistent with the language of this Chapter, State law (Article 2.5 of the California Government Code, cited above), and the agreement itself. Should any discrepancies between the meaning of these documents arise, reference shall be made to the following documents, and in the following order:

1. The plain terms of the development agreement itself;

2. The provisions of this Chapter; and

3. The provisions of State law (Article 2.5 of the California Government Code, cited above).

B. Application. Any owner of real property may request and apply through the Director to enter into development agreement provided the following:

1. The development agreement, if approved, would be in the best interests of the City;

2. The status of the applicant as the owner or long-term lessee of the property is established to the satisfaction of the Director; and

3. The application is made on forms approved, and contains all information required, by the Director.

The Director is hereby empowered to receive, review, process and prepare, together with recommendations for Council consideration, all applications for development agreements; and

Processing fees, shall be collected for any application for a development agreement made in compliance with the provisions of this Chapter.

C. Development Agreement Hearing.

1. The Director, upon finding the application for a development agreement complete, shall set the application, together with staff recommendations, for public hearing in compliance with Chapter 17.24.120 (Public Hearings). Following conclusion of the public hearing, the Director shall make a written recommendation to the Council.

2. Upon receipt of the Director's recommendation, the City Clerk shall set the application and written report for public hearing before the Council. Following conclusion of the public hearing, the Council shall approve, conditionally approve or disapprove the application.

3. Notice of the hearings outlined in subsections (A) and (B) shall be in compliance with Chapter 17.24.120 (Public Hearings).

4. Should the Council approve or conditionally approve the application, it shall as a part of its action direct the preparation of a development agreement embodying the terms and conditions of the application as approved or conditionally approved, and an ordinance authorizing execution of the development agreement by the City Manager.

5. The ordinance shall contain findings that the development agreement is consistent with this Chapter, the General Plan, and any applicable Specific Plans.

D. Content of Development Agreement.

1. **Mandatory contents.** All development agreements shall contain the following provisions:

a. Duration of the agreement;
b. Permitted/allowed uses for the subject property;
c. Density or intensity of the allowable uses;
d. Approved site plans, elevations, floor plans, and sections;
e. Provisions, if any, for reservation or dedication of land for public purposes;
f. Protection from either a future growth control ordinance or a future increase in development or impact fees;
g. A tiered amendment review procedure that may incorporate the following:
h. Director sign-off for minor modifications to the development project; and
i. Approval of major modifications to the development project by the Council.
j. The possibility of subsequent discovery of health and safety issues like a "compelling public necessity" (i.e., a new environmental health hazard is discovered), which would necessitate a reconsideration or amendment of the previously approved development agreement.

2. **Permissive contents.** A development agreement may include the following:

a. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that these provisions shall not prevent development of the land for the uses and to the density/intensity of development specified in the agreement;
b. Provisions which require that construction shall be commenced within a specified time and that the project or any single phase, be completed within a specified time;
c. Terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings; and
d. Any other terms, conditions and requirements as the Council may deem necessary and proper, including, but not limited to, a requirement for ensuring, to the satisfaction of the City, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

E. Execution and Recordation.

1. The City shall execute development agreements on or after the date upon which the resolution approving the agreement is approved.

2. A development agreement shall be recorded in the office of the San Benito County Recorder no later than 10 days after it its effective date.

F. Periodic Review.

1. Every development agreement approved and executed in compliance with this Chapter shall be subject to ***annual*** ~~***periodic***~~ City review, during the full term of the agreement. Appropriate fees to cover the City's costs to conduct the periodic

reviews shall be collected from the applicant in compliance with Section 17.24.080 (Application Fees).

2. The purpose of the periodic review shall be to determine whether the applicant or its successor-in-interest has complied in good faith with the terms of the development agreement. The burden of proof shall be on the applicant or its successor to demonstrate compliance to the full satisfaction of, and in a manner prescribed by, the City.

3. If, as a result of periodic review the Council finds and determines, on the basis of substantial evidence, that the applicant or its successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the Council may order, after a noticed public hearing, that the agreement be terminated or modified.

G. Effect of Development Agreement. Unless otherwise provided by the development agreement the rules, regulations and official policies governing allowable uses of the land, density, and design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement does not prevent the City, in subsequent actions, from applying new rules, regulations and policies that do not conflict with those applicable to the property, nor does a development agreement prevent the City from conditionally approving or disapproving any subsequent development project application on the basis of existing or new rules, regulations and policies.

010 Purpose

17.24.290 – General Plan Amendments

The following provisions allow for the amendment of the General Plan whenever required by public necessity and general welfare. A General Plan Amendment may include revisions to text, goals, policies, implementation programs, or land use designations.

A. Initiation of General Plan Amendment. A General Plan Amendment may be proposed by a property owner, City staff, Planning Commission, or City Council. No application for a General Plan Amendment submitted by a property owner than the City may be processed without prior City Council approval. Council initiation of a General Plan amendment shall require four affirmative votes of the Council.

The Commission may recommend Council initiation of a General Plan amendment by four affirmative votes, provided that the Commission provides the Council both a report and recommendation.

B. Hearings and Notice. Once the Council determines that the proposed General Plan Amendment should be processed,, and following Department review, public hearings shall be set before the Commission and Council. Notice of the hearings shall be given

in compliance with Chapter 17.102 (Public Hearings).

C. Commission Action on Amendments. The Commission 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 Subsection E (Findings).

D. Council Action on Amendments. Upon receipt of the Commission's recommendation, the Council may approve, approve in modified form or disapprove the proposed amendment based upon the findings in Subsection E (Findings).

E. Findings for General Plan Amendments

A. Findings for General Plan amendments.

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

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare; and

3. 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.

Article III
Enforcement

17.24.310 – Enforcement - Purpose

This Article describes the authority and responsibilities of City staff and official bodies in the enforcement of this Chapter of the Municipal Code, in addition to the Council, as provided by Government Code Section 65100.

17.24.320 – Vested Duty

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 this Ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license if issued in conflict with the provisions of this Ordinance, shall be null and void. It shall be the duty of the Police Chief, Fire Chief, Building Inspector, Public Works Director or the Development Services Director to enforce or cause to be enforced the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, removal, or addition to any building, sign, structure, building site, or parcel of land in the City of Hollister.

17.24.033 - Penalty and Fine

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating any of the provisions of this Ordinance shall be guilty of an infraction, and upon conviction thereof shall be punished as set forth in *Government Code Section 36900*, as it now exists or may hereafter be amended. 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 this Ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. Nothing in this Ordinance shall be construed as to restrict the right of any individual to pursue redress by civil action of any violation of this Ordinance.

17.24.033 - Declaration of Nuisance

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Ordinance, or any use of any land, building, or premises conducted, operated, or maintained contrary to the provisions of this Ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney of the City shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm, or

corporation from setting up, erecting, building, maintaining, or using any such building or structure or using any property contrary to the provisions of this Ordinance.

17.24.033 - Remedies Cumulative

The remedies provided herein shall be cumulative and not exclusive.

17.24.033 - Permit Revocations

Provisions of this Chapter are intended to outline requirements for securing revocation of previously approved permits and entitlements.

17.24.034 - Hearings and Notice

Upon application by the Director the review authority shall hold a public hearing in order to consider revocation or modification of any permit or entitlement granted in compliance with the provisions of this Zoning Ordinance. Ten days prior to the public hearing (except for Temporary Use Permits), 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.

17.24.035 - Review Authority Action

A. **Permit revocation**. A permit may be revoked or modified by the review authority which originally approved the permit, if any one of the following findings can be made:

1. That circumstances have changed so that one or more of the findings supporting the permit can no longer be made;

2. That the permit was obtained by misrepresentation or fraud;

3. That one or more of the conditions of the permit 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.