

SAN BENITO COUNTY PLANNING COMMISSION

April 4, 2007

Minutes

PRESENT: Bettencourt, Machado, Smith, Tognazzini

LATE: DeVries, who arrived and was seated at 6:08 p.m.

ABSENT: None

STAFF: Director of Planning (DoP) Art Henriques; Senior Planner (SP) Chuck Ortwein; Assistant Planner (AP) Michael Kelly, Planning Intern Brittany Bendix; Deputy Director of Public Works (DDPW) Arman Nazemi; Deputy County Counsel (DCC) Shirley Murphy; Clerk Trish Vieira-Maderis

Community Development Director (CDD), City of Hollister: Billy Avera was in attendance during the meeting.

Chair Tognazzini opened the meeting at 6:04 p.m. by leading the pledge of allegiance to the flag and reiterating the standing rules of order.

DIRECTOR'S REPORT:

DoP Henriques reported on items of interest from the Board of Supervisors meetings:

- March 27: representative of CalTrans will meet with Board in near future (perhaps April 12)
- Planning Commission items:
- approved Neg Dec EIR and Zone change near Enterprise Road for the Pennington Realty (and retail) project
- approved response letter for the draft EIR Hollister Sprayfield project and recycled water project (coordinated through the County Administrators Office) [Commissioner Machado asked if the sprayfields would be heard by the Commission {the City of Hollister is the lead agency under CEQA because they are responsible for the waste water treatment plant} DoP explained the process and the lead 'players' in the project and how the County 'fits' in]
- Board of Supervisors retreats will be twice per year in future
- April 3: County working with State for potential site for County Courthouse – may be old Fremont School or off Flynn Road near jail site; site preferable where other services (permit center, etc.) could be provided
- Planning Commission items:
- Hillside Development Guidelines discussed with possible a rescinding of the existing) Ordinance and updating design guidelines in conjunction with General Plan update (anticipated to be returned to the Planning Commission soon) [Commissioner Bettencourt asked about further action on the Hillside Ordinance]

PUBLIC COMMENT:

Noting that no one was present to address matters not on the agenda, Chair Tognazzini closed the opportunity for public comment.

CONSENT AGENDA

1. Acknowledge Public Hearing Notice
2. Acknowledge Certificate of Posting
3. Minutes of March 21, 2007

COMMISSIONERS MACHADO/SMITH MOTIONED TO APPROVE ITEMS 1 – 3 OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED (5-0) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Note: following the decision by the Commissioners for each of the items listed on the agenda, it was noted that an appeal process time period is set forth, with appeal possible to the Board of Supervisors. DoP Henriques stated that unless the appeal was filed, the decision by the Commissioners is final.

CONSENT AGENDA: CONTINUED ITEM

{Originally scheduled as a regular Consent Agenda item, the following item had been pulled, due to a newly distributed hand out by AP Kelly. Chair Tognazzini explained the importance of pulling the item}

4. **USE PERMIT NO. 908-04** - APPLICANT: Dave Lantis, Steve Ward. LOCATION: Northwest of San Benito St/Union Rd intersection along San Benito River bank. APN: 20-28-50. REQUEST: To operate a paintball facility with eight netted fields on an undeveloped 11.16-acresite. ZONING: Rural Residential (RR)/Floodplain (FP). ENVIRONMENTAL EVALUATION: Mitigated Negative Declaration.

AP Kelly explained that the findings had been inadvertently omitted from the staff report on March 21, 2007. Consequently, this item was removed from the consent agenda in order to include the CEQA findings. AP Kelly stressed that the findings are in 'standard form', and do not result in changes to the original report. A Mitigated Negative Declaration was presented by AP Kelly.

Commissioners discussed with staff:

- potential uses for riverbed and surrounding area for a park area in the future (would an easement be needed for future uses?)
- if this use would be reviewed annually? [yes]
- paintball use will occur only in the boundary set – not within the riverbed
- application for a grant for the Riverwalk has been made (DDPW Nazemi reported on this, including the overview by various agencies)

DoP Henriques suggested that a note be included in the minutes, which indicates that the issue of a future park area near the site has been raised. DCC Murphy said staff would need to justify establishment of future easement rights for impacts caused by this project on the planned Riverwalk area or other purposes. Commissioners determined that staff action of working on impacts for easement would need to be completed before an annual review.

Chair Tognazzini noted that a public hearing opportunity had been presented at the previous meeting and such action was not required again.

COMMISSIONERS BETTENCOURT/DeVRIES MOTIONED TO APPROVE MITIGATED NEGATIVE DECLARATION AND USE PERMIT NO. 908-04, INCLUSIVE OF THE FINDINGS AND CONDITIONS WITHIN. THE MOTION PASSED (5-0) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Conditions of Approval

Planning:

- 1. Hold Harmless:** Pursuant to Section 66474.9 of the California Government Code, upon written notice by the County, the subdivider shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack set aside, void, or annul the approval of this minor subdivision and applicable proceedings. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of Government Code. [Planning]
- 2. Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan and conditions of approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
- 3. Compliance Documentation:** Prior to recordation of the parcel map, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
- 4. Permit Term:** The use permit shall be reviewed for compliance with the conditions of approval one year following project approval by the Planning Commission. The permit review shall be conducted at a noticed public hearing. The terms and conditions of the use permit may be modified in whole or in part at the public hearing. [Planning]
- 5. Grading:** Any grading in excess of fifty (50) cubic yards shall require that the applicant shall obtain a grading permit from the County Building and Planning Department. [Planning]

County Fire:

6. Fire:

- a. The project shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, the Uniform Building Code, Chapter 17 of the San Benito County Code, the Public Resources Code sections 4290 and 4291, and other related codes as they apply to a project of this type and size.
- b. The applicant shall ensure there is adequate ingress and egress to any and all buildings. Roadways/driveways shall be an all-weather surface conforming to applicable codes and standards.
- c. The access gate off Union Road shall be equipped with the Knox Locking System. [County Fire]

Environmental Health:

- 7. Food Vending/Distribution:** The applicant shall obtain a food facilities permit from the County Division of Environmental Health prior to vending or giving away prepackaged foods, including bottled water. [Environmental Health]

Monterey Bay Unified Air Pollution Control District:

- 8. Fugitive Dust Emissions:** The applicant shall apply gravel to the unpaved access road to the paintball facility to prevent fugitive dust emissions during periods of high traffic and winds exceeding 15 miles per hour. [Monterey Bay Unified Air Pollution Control District]

Mitigation Measures:

- 9. Dust Control:** The applicant shall control dust from the entry drive and parking area by applying water during periods of high traffic use and on windy days. [Mitigation Measure 1]
- 10. Biological Survey:** Prior to any construction, a survey shall be conducted by a qualified biologist to determine the presence of kit fox or other sensitive species on the subject site. The findings and recommendations of the biologist shall be submitted to the Planning Department prior to commencement of any work. [Mitigation Measure 2]
- 11. Archaeological Resources:** Prior to excavation to a depth greater than two and one-half (2 ½) feet, an archaeologist shall be hired by the applicant to determine whether significant archaeological resources could be located on the site. The recommendations of the archaeological shall be submitted to the Planning Director and the applicant shall comply with said recommendations. If significant resources are found, an alternative design avoiding the significant find shall be submitted for approval by the Planning Department. [Mitigation Measure 3]
- 12. Floodplain:** No structure or temporary facility shall be located within the San Benito River floodplain during the period of January 1 through March 31. [Mitigation Measure 4]

- 13. Chemical Toilets:** Chemical toilets shall be used under the following conditions:
- a. The applicant shall obtain necessary permits and clearances from all other agencies and jurisdictions.
 - b. The applicant shall not erect any permanent and/or habitable structures used in conjunction with the paintball operation. The tent shall not be made habitable and shall be removed from the premises at the completion of each week's activity.
 - c. Deleted as a typographical error in the project's Notice of Proposed Mitigated Negative Declaration (Initial Study).
 - d. The applicant shall maintain a written service contract with a septage pumper, licensed by the San Benito County Division of Environmental Health. The applicant shall maintain a current copy of the contract at the Division of Environmental Health office at all times.
 - e. The applicant shall submit monthly pumping reports to the Division of Environmental Health.
 - f. The applicant shall ensure that under no circumstances, sewage spills onto the land surfaces.
 - g. Septage shall be disposed of at a facility licensed to accept septage material. No septage shall be transported to the City of Hollister POTW until the moratorium is lifted.
 - h. Hand washing facilities equipped with liquid soap and paper towels shall be provided along with the chemical toilets.
 - i. The applicant shall be aware that installation of permanent structures shall nullify coverage by this policy. The applicant would then be required to install permanent sewage disposal facilities, the design of which conforming to the provisions of the Central Coast Basin Plan. [Environmental Health, Mitigation Measure 5]
- 14. Secondary Access:** The site's Union Road entrance
- a. shall not be used as a public access point and
 - b. shall be closed at all times, except to emergency response personnel during emergency situations, by a gate that shall remain locked with a Knox Locking System.
 - c. Whereas the Union Road entrance is not a public entrance, existing signage advertising activities and services performed on the site shall be removed and no signage serving a similar function shall be installed in the future. [Planning Commission]

CONSENT AGENDA ~ PUBLIC HEARING / COMMISSION ACTION

Note: Item 6 was taken up at this time at the request of the applicant.

- 6. MINOR SUBDIVISION NO. 1197-06 - APPLICANT:** Jon Garbini. **LOCATION:** 31341 Airline Highway. **REQUEST:** Tentative parcel map to subdivide a 253.22-acre parcel into two parcels of 92.22 and 161.00 acres. **ZONING:** Agricultural Rangeland (AR). **ENVIRONMENTAL EVALUATION:** Negative Declaration.

AP Kelly presented the staff report. After giving an overview of the project, AP Kelly informed the Commissioners of a statement in the application: “Citing the expense and difficulty of surveying the property and its rugged terrain, a request is being made that the requirement to record a parcel map for this project be waived.” He went on to explain that under the County Code, the Commissioners could make a finding (which staff had prepared) permitting this waiver.

Chair Tognazzini opened the public hearing.

Engineer Ann Hall was present to answer questions; there were none.

With no others indicating a wish to address the matter, the public hearing was closed.

COMMISSIONERS SMITH/MACHADO MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION, AND GAVE CONSENT FOR MINOR SUBDIVISION NO. 1197-06, WITH THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION PASSED (5-0) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DEVRIES, MACHADO, SMITH, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Conditions of Approval

- 1. Hold Harmless:** Pursuant to Section 66474.9 of the California Government Code, upon written notice by the County, the subdivider shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack set aside, void, or annul the approval of this minor subdivision and applicable proceedings. San Benito County reserves the right to prepare its own defense pursuant to Section 66474.9 of Government Code. [Planning]
- 2. Conformity to Plan:** The development and use of the site shall conform substantially to the proposed site plan and conditions of approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
- 3. Compliance Documentation:** Prior to recordation of the certificates of compliance, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
- 4. Assessment:** Prior to recordation of the certificates of compliance, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act. [Planning, Assessor]

5. **Recordation:** The applicant shall submit legal descriptions for certificates of compliance for each parcel to be reviewed and approved by the County Planning and Public Works Departments and recorded by the County Recorder. The period of subdivision approval shall be two (2) years following the Planning Commission approval date unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record certificates of compliance within the period of approval or a period of extension shall terminate all subdivision proceedings. [Planning, Public Works]
6. **Notice of Determination (Fish and Game Fees):** The applicant/developer/owner shall file the Notice of Determination, provided by the County Planning Department, with the County Clerk within five (5) days of approval of the parcel map. The Department of Fish and Game fee (\$1,800.00—Fish and Game Code section 711.4(d)) must be submitted with the filing. A copy of the filed notice shall be submitted to the County Planning Department. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code section 21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code section 21089(b)). [Planning]
7. **County Service Area:** Prior to recordation of the parcel map, the applicant shall make application to LAFCO to join a County Service Area (CSA #43) for fire and sheriff protection. All related processing fees, including State Equalization fees, must be submitted prior to recordation of the parcel map. [Planning, LAFCO]

Fire:

8. Fire Protection:

- a. When developed, the project shall meet the standards set forth in the latest adopted editions of the Uniform Fire Code, Uniform Building Code, Chapter 17 of the San Benito County Code, Public Resources Code 4290 and 4291 and other related codes as they apply to a project of this type and size. The Planning Department shall be provided with written verification that County Fire Department has approved all fire code requirements.
- b. The applicant shall ensure adequate ingress and egress to any and all buildings. Roadways and driveways shall be an all-weather surface conforming to applicable codes and standards. Driveways shall include turnouts and turnarounds as required. If a gate is utilized on an access or egress driveway, a Knox System shall be required.
- c. Addresses shall be posted and installed to ensure they are visible to responding emergency personnel coming from either direction and conforming to applicable codes and standards. [Fire]

Environmental Health:

9. **Sewage Disposal:** The applicant shall perform soil testing as directed by the County Division of Environmental Health prior to development on Parcel 1. [Environmental Health]

The regular order of the agenda was resumed.

Commissioner Smith was excused at 6:28 p.m. for the next order of business due to the potential for conflict of interest.

5. COMMERCIAL DISTRICT REVIEW CDR 05-75 -

APPLICANTS: AMS Associates/Guerra Family Properties. LOCATION: 190 Hillcrest Rd., Hollister. APN: 20-02-02, 20-03-01, and 20-03-05. REQUEST: A Commercial District Review for the purpose of constructing a Lowe's Home Improvement Center. ZONING: C-2 General Commercial.

DoP Henriques announced that supplement handouts were provided to the Commissioners on Tuesday April 3, 2007.

SP Ortwein gave the staff report, and provided an overview of the project, including factual background data.

The following Conditions of Approval were noted as being of interest: #s: 2, 5, 18, 19 and 20. There were modifications to the mitigation measures due to conflict of prior approvals.

SP Ortwein utilized the maps to explain cosmetic changes which have been proposed, and told the Commissioners that a noise study will be required, with limitations on trash removal and backing restrictions for unloading trucks at the site. Chair Tognazzini made it clear that all modifications related to this matter will be in writing.

Chair Tognazzini opened the public hearing.

The following spoke in favor of the application, and urged the Commissioners (within the 3-minute time limit) to support the request:

- Jack Mandel, 1530 Faraday Ave., #140, Carlsbad: spoke on the benefits of providing Senior housing
- Al Shaghaghi, 1350 Treat Blvd, Suite 250, Walnut Creek – Engineer for Applicant [Mr. Shaghaghi gave an overview of phase 1 of the project, and spoke on the equipment use. Regarding the Preliminary Allocation system, Mr. Shaghaghi stressed the importance of staff recommendation in the matter. Mr. Shaghaghi discussed the sensors on equipment with Commissioner Bettencourt.]
- Lee Eoer, 2671 Crowe Canyon, San Ramon – Landscape Architect, gave an overview of the landscape plan, including the use of evergreen pine trees. Commissioner's inquired of the fire concerns with use of certain plantings and grasses.

- Martin Mendez, Nadet Retail Architects, 3713 37th St., San Diego, presented visual displays and materials to be used during construction; several issues discussed were:
 - sound walls and pleasing designs
 - agreement for design
 - locations of specific equipment, e.g., trash compactor
- Mr. Mandel spoke again regarding: Conditions of Approval with the following noted:
 - #15 A 10 p.m. to 6:00 a.m.
 - #15 B 9:00 p.m. to 6:00 a.m.
 - #15 C 6:00 a.m. to 10:00 p.m. M – S
 - #15 D Applicant will work with staff to further investigate use of buzzers for mitigation
 - #22 need for flexibility on parking {DoP Henriques and SP Ortwein discussed the need for a parking plan; SP Ortwein was directed to continue discussion with the speaker; SP Ortwein asked for further direction on the pedestrian path}
 - OSHA requirements being met
 - elimination of loud speakers during the construction phase
- (Applicant) Frank Guerra, 1157 Ridgemark Dr., who reiterated the positive attributes for the project. Mr. Guerra distributed conceptual drawings of Phases 2 – 6 of the project, and clarified:
 - design of sound walls
 - request by the City for vintage light features {Mr. Guerra indicated willingness to meet this request}
 - intent to provide a landscape design plan
 - pedestrian access to all roads
 - a solitary bus stop
 - parking plan submittal {Mr. Guerra said this was dependent in the future on the potential tenants}

Chair Tognazzini declared a break at 7:24 p.m. and reconvened the meeting at 7:38 p.m.

- CDD Avera, 420 Hill Street, (was allotted 5 minutes to speak) thanked the Commissioners for making cooperation possible, and urged that the joint meetings between City and County staffs be continued. Mr. Avera said that the changes to the Conditions of Approval were agreeable. Regarding the modifications for elevations, Mr. Avera said he agreed with the applicants: this fits with the City and presents a ‘constant theme’. Mr. Avera reminded that all future phases must be reviewed by the Site and Architectural Committee. Chair Tognazzini determined that Mr. Avera did indeed agree with the modifications as presented and discussed.

Barbara Nicoarm, 1701 Cienega Road, told the Commissioners she was interested in Mitigation 37D, asking if benches and bike racks would be available at the site.

The following were present to speak in opposition to the project, requesting the Commissioners to deny the request:

- ∴ Paul Ramirez, 2387 Glenview Drive
- ∴ Leslie Clark, 600 DelMonte

Chair Tognazzini determined that no other speakers wished to be heard and closed the public hearing at 7:44 p.m.

Commissioners discussed with staff:

- benches and bike racks
- seating areas (future phases)
- location of bus stop (on Meridian Street)
- specific language to be used on Amendments
- further discussion of time for activity during construction
- location of trash compactor
- linear design of hardware store
- pedestrian access
- possible restriction of displays on walkway
- concerns of Mission style architecture
- roof line
- amount(s) of parking spaces needed

Following the lengthy discussion, **COMMISSIONERS DeVRIES/MACHADO MOTIONED TO APPROVE COMMERCIAL DISTRICT REVIEW CDR 05-75 WITH THE AGREED UPON MODIFICATIONS, CHANGES IN CONDITIONS OF APPROVAL, WITH STAFF BEING DIRECTED TO FOLLOW-UP ON KEY ITEMS NOTED DURING DISCUSSION, AND WITH THE REVIEW BEING SUBJECT TO FINAL ARCHITECTURAL REVIEW FOR THE FRONT FAÇADE ONLY. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVries, MACHADO, TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: SMITH.**

CONDITIONS OF APPROVAL:

1. **Hold Harmless:** The permittee shall defend, indemnify, and hold harmless San Benito County and its agents, officers, and employees from any claim, action, or proceeding against San Benito County or its agents, officers, or employees to attack, set aside, void, or annul the approval of this Commercial District Review and applicable proceedings.[Planning]
2. **Zone Change Conditions of Approval:** The permittee shall comply with the conditions of approval and mitigation measures for the City of Hollister's approval of the pre-zoning (PZ 2005-1) and the County's Zone Change (ZC 05-145) of the subject property.

- 3. Aesthetics:** Prior to issuance of a grading permit or building permit for CDR 05-75, the permittee shall submit a master landscape plan for the center and residential lands with attractive entry areas, parking lots, plazas and medians and provisions for access between areas (LU 3.6).
- a) The landscaping for Phase One shall establish an immediate sense of ‘place’ with planting of trees with a minimum two inch caliper on all street frontages, along the internal access roads and the roads linking Phase One to future phases Three, Four and Five.
 - b) The master landscape plan shall include measures to break up the mass of parking areas and enhance Hollister’s small town charm.
 - c) The landscape plan shall include tree plantings to provide an elevated canopy of shading for pedestrian and universal access links within the commercial center.
 - d) The landscape plan shall include low level landscaping near parking strips and intersections in order to ensure optimum sight distance for automobiles, pedestrians, bicyclists and persons using wheel chairs.
 - e) The landscape plan shall be integrated with the on-site circulation and parking plan required in Mitigation Measure 38. The plan shall be integrated with a system of routes for wheel chairs, pedestrians, bicycles and automobiles that use buildings, trees, lighting and street furniture including benches to define spaces for travelers. (LU 4.5)
 - f) The master landscape plan shall be designed to insure the proper installation of drought-resistant plants and low flow-high efficiency watering systems that comply with the requirements under the Department of Water Resources, Office of Water Use Efficiency “Landscape Water Use Program”, referenced under Title 7, Division 1, Chapter 3, Article 10.8, commonly referred to as “AB 325”. All landscape designs, plants and devices shall be water efficient and shall incorporate the latest water saving techniques. All landscape plants, materials, devices and water systems designs shall be reviewed and approved by the City of Hollister Utility Division prior to installation. The property owner shall be responsible for maintenance of all on-site landscaping and irrigation systems, which shall be kept in perpetuity in a neat, clean and healthy manner and in compliance with the approved plans. The landscape plan shall comply with the City of Hollister and San Benito County water conservation ordinance regulations for plant types and irrigation. All landscaping and irrigation shall be installed prior to final of the building permit.
 - g) A reciprocal maintenance agreement shall be prepared for the entire property that requires shared maintenance of all on-site landscaping in perpetuity. The maintenance agreement shall include maintenance of landscaping, irrigation systems, drainage features and stipulate that the landscaping shall be kept in a neat, clean and healthy manner and in compliance with the approved plans. The maintenance agreement shall be recorded prior to final occupancy of the Phase One building and shall be recorded within any subsequent lot-line adjustment or subdivision.

- h) The applicant shall retain a landscape architect to design a minimum of a ten-foot wide landscape strip to be planted east of the sound wall, east of Phase Two and north of Phase Six in order to provide a visual buffer for existing and future residences west and south of the project site. The buffer shall be planted with a mix of drought-tolerant evergreen vegetation and native plants. Some of the selected plant species shall grow to a minimum height of 20 feet at maturity to provide a vegetative screen of the home improvement center. Planted trees shall have a minimum caliper of two inches. Selection of plant species and placement of vegetation in the buffer area shall avoid encroachment of branches and vegetative debris into the neighboring properties.
 - i) The applicant shall be required to secure a bond during the initial site improvement stage to ensure the successful establishment of landscaping.
 - j) The Phase One property owner shall maintain the landscape strip.
[Planning, Planning Commission]
4. **Lighting:** In addition to the conditions of approval and mitigation measures related to lighting for PZ 2005-1 and ZC 05-145, all exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with the Development Lighting Regulations Ordinance (San Benito County Code, chapter 32, Ordinance 748). Prior to the issuance of a building permit, the applicant shall submit to the Building and Planning Department an exterior lighting plan which shall indicate the location, type, and wattage of all proposed lighting fixtures and include catalog sheets for each fixture.[Planning]
5. **Air Quality:** In addition to any notes required to be placed on construction plans, as conditions of approval and mitigation measures for PZ 2005-1 and ZC 05-145, the following notes shall be included on all construction plans that involve site grading and/or improvements to reduce potentially significant emission impacts for any discretionary approval on the project site:
- a. Water all active construction areas at least twice daily. Frequency should be based on type of operation, soil, and wind exposure.
 - b. Watering shall be used to control dust generally while loading materials onto trucks.
 - c. Prohibit all grading activities during periods when winds are over 15 miles per hour.
 - d. Cover all trucks hauling dirt, sand or loose materials or maintain at least two feet of freeboard.
 - e. Cover all trucks hauling demolition debris from the site.
 - f. Plant vegetative ground cover in disturbed areas as soon as possible.
 - g. Cover inactive storage piles.
 - h. Sweep streets if visible soil material is carried out from the construction site.

- i. Post a visible sign, which specifies the telephone number and person to contact regarding dust complaints.
 - j. Apply chemical soil stabilizers on inactive construction areas (disturbed lands) within construction projects that are unused for at least four consecutive days.
 - k. A publicly visible sign shall be posted on Meridian Street, Hillcrest Road and Athena Way that advises the public with dust complaints to contact the City of Hollister Code Enforcement Department at (831) 636-4356 or the phone number of the Monterey Bay Unified Air Pollution Control District at (831) 647-9411.
 - l. The grading and construction plans for site grading shall specify that diesel earthmoving and/or excavation equipment shall be of a model year [standards for](#) 2003-2004 or newer; and the Monterey Bay Unified Air Pollution Control District shall have the right to inspect all diesel equipment operating on the project site until completion of the project or retrofitted with diesel oxidation catalyst filters or fueled during construction with B99 bio diesel fuel. [Planning, Building, Engineering, Public Works]
6. **Habitat:** The permittee shall not remove the remnant orchard during the breeding season for perching birds. [Planning, Building, Engineering, Public Works]
7. **Archeological:** A condition shall be placed on any discretionary approval that results in site grading that requires the following note to be placed on all development plans for the site and shall be adhered to during construction: “In the event during construction of the industrial building, that archeological remains are uncovered during excavation and/or grading, all work shall stop in the area of the project site and the Planning Division shall be contacted. Construction shall not resume until an appropriate data recovery program can be developed and implemented. The cost of such a program shall be the responsibility of the project applicant.[Planning, Building, Engineering, Public Works]
8. **Temporary Septic System:**
- a) The applicant shall be required to connect to the City of Hollister POTW when the moratorium is lifted and to secure a permit from the Division of Environmental Health to abandon the interim septic tank. The applicant shall be required to secure a bond or similar guarantee with the City of Hollister Engineering Department for abandonment of the septic tank. [San Benito County Environmental Health, Planning and Building, City of Hollister Engineering]
 - b) Prior to issuance of the building permits for CDR 05-75, the applicant shall obtain a sewage disposal permit from the San Benito County Division of Environmental Health and the California Regional Water Quality Control Board and submit copies of the approved permits to the County Building Department. The permits shall be prepared by a licensed engineer that is project specific, takes into account peak flows and shall comply with all provisions of the Central Coast Basin Plan.

- c) The applicant shall be required to abandon the septic system and connect to the City of Hollister wastewater treatment plant when the Regional Water Quality Control Board lifts the moratorium and services are available to the project site. The applicant shall be required to prepare a plan for extension and connection of sewer transmission service to the site for review and approval by the City of Hollister and pay applicable connection fees. The infrastructure for this connection shall be installed as part of the improvement plans for this project. [San Benito County Building, Environmental Health, Planning, City of Hollister Engineering]
9. **Environmental Health:** The permittee shall construct a barrier to motor vehicles and trucks around the perimeter of the interim leach fields. The materials proposed for the barrier shall be subject to the review and approval of the San Benito County Environmental Health Department. The barrier shall be constructed as soon as possible after the leach field is installed and shall be maintained until a permit is secured to abandon the septic system. [Planning, Engineering, Environmental Health, Building]
10. **Geological:** Prior to issuance of a grading permit or building permit regarding CDR 05-75, the permittee shall be required to submit a soils engineering report prepared by a qualified geotechnical engineer to address potential impacts from seismic ground shaking, the proposed building(s), pavement design and related improvements to the entire project area. The building(s), grading plans, paving shall be designed to comply with the recommendations of the report and to withstand strong ground shaking in accordance with current Uniform Building Codes. Prior to final inspection for grading/site improvements, for development in the project area, the applicant shall submit a letter of compliance, from a licensed geotechnical engineer, to the County Public Works and Building Departments and City of Hollister Engineering, Public Works and Building Departments. The letter of compliance shall be required to prove adherence to grading and fill recommendations made, in the soils engineering report and erosion control measures are implemented as recommended. The recommendations from the soils report shall be used for building foundation design for CDR-05-75 and for future buildings within the project site. [Development Services, Building, Engineering, Environmental Health]
11. **Hazardous Materials:** Prior to occupancy of the proposed home improvement center for CDR 05-75, the applicant shall submit a Hazardous Materials Business Plan that has been subject to review and approval of the San Benito County Environmental Health Department. [Planning, Building, Environmental Health]

12. **Storm Water Pollution:** Prior to approval of any grading permit or improvement plans for CDR 05-75 and 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, 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. [Development Services, Building, Planning, Engineering]
13. **Services Agreement:** Prior to issuance of the building permit for CDR 05-75, the permittee shall submit a “Can and Will Serve” letter from the City of Hollister, and written documentation from the State Department of Health Services Office of Drinking Water, stating that the public water system has sufficient capacity to handle the additional domestic water demand generated by the project. If such documentation cannot be obtained, the applicant shall work with the City of Hollister and submit a plan for meeting the water demand for this project. This requirement can be met through water savings, by retrofitting existing fixtures with new water conserving fixtures within the City of Hollister water service area, or other acceptable proven method of water savings. The approved water plan shall be implemented prior to occupancy of the building. [Environmental Health, LAFCO, Planning]
14. **Construction Noise Mitigation:** To reduce the noise levels to Less Than Significant, during construction of the future commercial and residential buildings, the following will be required:
 - a) Construction activities for the project will be limited to the hours of 7:00a.m. to 6:00p.m., Monday through Sunday.
 - b) The General Plan requires that construction activities on the project site use noise suppression devices and techniques.[Planning]
15. **Construction:** The following conditions shall apply to CDR 05-75 and shall be placed on any future commercial district review within 200 feet of a residential area.
 - a) Outside activities including forklift and delivery trucks shall be prohibited from 10:00 p.m. to ~~7:00~~ 6:00 a.m. Deliveries shall be prohibited from 9:00 p.m. to ~~7:00~~ 6:00 a.m.
 - b) Diesel trucks shall be required to turn off engines when idle.
 - c) A gated cyclone or similar fence shall be constructed to restrict access to the rear of the home improvement center and the truck-loading bay. A sign shall be posted on the fence gates stating that deliveries are limited to the hours of ~~7:00~~ 6:00 a.m. to ~~9:00~~ 10:00 p.m. on Mondays through ~~Friday~~ Saturday and ~~8:00~~ 7:00 a.m. to 10:00 p.m. on ~~Saturdays~~, Sundays and federal holidays and that idling trucks before or after delivery times is prohibited. Deliveries to future commercial buildings on the west side of Phase Two shall be limited to the same times.

- d) The use of outside public address, buzzer or other type of generally audible communication system shall be prohibited during the construction phase.
 - e) A minimum of a six-foot wall shall be installed with a solid fence with at least a six (6) lbs/sf (e.g. 4-inch concrete mason CMU, Two (2)-inch lumber or better) and at least eight six (6) feet high. An eight-foot height is preferable. The wall shall be installed at the following locations:
 - I. The west boundary of the project site.
 - II. The ramp for the proposed home improvement center for CDR 05-75 shall have a solid barrier that extends continuously from the building to the beginning of the ramp (approximately 80 feet) and have no openings other than a self-closing door at the dock itself if desired.
 - III. The exterior to the buildings along the truck well or any wall facing residential areas in Phase One, Two or future residences to the south shall be of unpainted, rough finished concrete mason (CMU), including split faced block or textured block as approved by the Director of Planning. A hard, closed cell reflective surface shall not be allowed.
 - IV. The applicant may enter into a deferred improvement agreement to delay the construction of the sound wall on the south perimeter of Phase 1 until residential development occurs. [San Benito County Planning, Building, City of Hollister, Planning, Building]
 - V. All trash compactors and/or trash enclosure areas shall be sited on the northeast northwest or east west portion of the commercial building(s) to reduce off-hour noise to adjoining residential uses. The trash compactor may be placed on the southeast portion of the proposed home improvement center for CDR 05-75 on an interim basis but shall be removed when residential development occurs to the south.[Planning]
16. **Fire Plan:** Prior to issuance of the building permit for CDR 05-75, the permittee shall submit a fire plan subject to review and approval of the City of Hollister Engineering, Fire and Building Departments. The plan shall include provision of hydrants consistent with city standards. [Fire Department, Planning, Building Department, Utilities, Engineering]
17. **Road Improvements:** In order to maintain consistency with San Benito County and City of Hollister General Plan policies, the permittee shall make the following offers of dedication and construct the following improvements prior to occupancy of the Phase One building:
- a) The permittee shall make an offer to dedicate right-of-way from the centerline of the following roadways to the County of San Benito:
 - I. 84-foot right-of-way on Meridian Street
 - II. 80-foot right-of-way on Hillcrest Road
 - III. right-of-way on the Highway 25 bypass

- b) The permittee shall install curb, gutter, sidewalk, paving and striping improvements on the project frontages with Meridian Street, Hillcrest Road and the Highway 25 bypass. If possible, the Hillcrest Road improvements shall be installed concurrently with deferred improvement agreement requirements at 320 Hillcrest Road. The road improvements shall be designed to City of Hollister standards and subject to review and approval of the San Benito County Public Works and City of Hollister Engineering Departments. If the Highway 25 bypass is not under construction at the time improvement plans are issued for Phase One, the applicant shall be responsible for constructing 2/3 of the Highway 25 bypass between Hillcrest Road and Meridian Street. [San Benito County Public Works and City of Hollister Engineering Departments]
18. **Access:** Prior to issuance of a grading permit, and/or improvement plans for CDR 05-75, the alignment of the north driveway intersection with Meridian Street and Vintage Way ~~shall be reviewed and approved by the Engineering Division to ensure that it is designed with a standard cross intersection-~~ shall be required to meet City standards for intersections. [City Engineer, Building, Planning]
19. ~~**Traffic Impacts:** In order to reduce the cumulative traffic impacts at the Meridian Street Intersections with Memorial Drive and the Highway 25 Bypass intersections to an insignificant level, the permittee shall be required to do the following:~~
- a) ~~Reserve a 12 foot width of land on the northeast corner of the project site to provide land for a second northbound left turn pocket. The dimensions of the reservation shall be reviewed and approved in consultation with the Council of San Benito County Governments, Caltrans District V and the City of Hollister Engineering Department. [Engineering, COG, Caltrans District V]~~
- b) ~~Prior to the issuance of the first building permit on the project site, the permittee shall prepare a fee study (unless previously prepared for another project) to establish pro-rata fees for the installation of a traffic signal at the intersection of Memorial Drive and Meridian Street. The pro-rata fees for the project site shall be based on the estimated 250,000 square feet of retail area and shall be collected with each building permit.~~
20. ~~**Traffic Analysis:** Prior to issuance of a grading permit and/or improvement plans for CDR 05-75, the permittee shall provide a traffic engineering cost estimate of probable safety hazard/operation improvements between the intersections of Industrial Drive/Hillcrest Road and Hillcrest Road/project for the purpose of establishing a bonding mechanism or collection of pro-rata fees for possible improvements for each subsequent Phase within the project. In addition, the permittee shall prepare a focused traffic analysis prior to each subsequent Phase of development (2-6). The purpose of the analysis will be to determine safety hazards/operational problems/warrants associated with the proximity of the Hillcrest Road intersections with Industrial Drive and the proposed access road. Possible improvements could include additional lane striping and pavement markings, adding right turn channelization on Hillcrest at the project driveway, or~~

~~installing a temporary traffic signal at the project driveway and/or Industrial Drive.~~

21. **Visibility:** The permittee shall install low level landscaping near the contractor's pick-up area, the west end of the Phase 1 parking lot and near the garden center to ensure optimum visibility for motorists, pedestrians, bicycles and wheelchairs. The landscaping plan shall be subject to the review and approval of the City Engineering Department. [City Engineer, Building, Planning]
22. **Parking:** Prior to issuance of a grading permit and/or improvement plans for CDR 05-75, in order to maintain consistency with City of Hollister General Plan Policy, the permittee shall submit a revised parking and on-site circulation plan that includes integrated transportation facilities for safe, accessible and functional automobile, pedestrian and bicycle facilities and universal accessibility and transit access with connections to the surrounding street network and future connection to the 3.14 acre RM area. (LU 4.2 and 4.4, 4.8) The parking and on-site circulation plan shall provide for pedestrian/bicycle links between the entrance to the home improvement center and buildings H and I as follows:
 - a) Provision of multi-modal links between each phase of the development as well as Meridian Street, Hillcrest Road and the Highway 25 bypass.
 - b) Provision of a meandering eight-foot-wide Class One bike path between Hillcrest Road and Meridian Street on the east side of the project.
 - c) Placement of bike racks and a sitting area at each building cluster or individual building within the commercial center.
 - d) ~~Provision of temporary a.e. walkways through undeveloped phases to Hillcrest Road, Meridian Street and Highway 25 bypass until all phases are developed. [Planning, Engineering, Public Works, COG]~~
23. **Architectural and Design Standards:** In addition to the conditions of approval and mitigation measures related to architectural and design standards for PZ 2005-1 and ZC 05-145, prior to obtaining any Grading, Construction or Demolition permits the applicant/owner shall submit Architectural and Design Standards for the entire complex for approval by the City of Hollister and County Planning Directors. [Planning]
24. **Landscaping Design Standards:** Prior to obtaining any Grading, Construction or Demolition permits the permittee shall submit Landscaping Design Standards for the entire complex for approval by the City of Hollister and County Planning Directors. [Planning]
25. **Signs:** All signs shall conform and comply with the San Benito County Zoning Ordinance policies and procedures. Prior to the installation of any signage, the permittee shall secure any necessary approvals from the Development Services Department and building permits from the City of Hollister Building Division [Planning]

26. **Drainage Plan:** Prior to issuances of a permit for improvements or site grading, the permittee shall submit a drainage plan that complies with the City of Hollister Best Management Practices and standards established for compliance with Non Point Discharge Emissions for Storm Water. The approved plan shall substantially detain storm water runoff on the project with a combination of methods including detention ponds, permeable paving, landscaping and other strategies. [City Engineering, Building, Planning]
27. **Monitoring and Maintenance for Drainage Improvements and Grease/Sediment Collection Facilities:** Prior to issuance of a grading permit and/or improvement plans for CDR 05-75, the permittee will enter into a maintenance agreement with the County of San Benito, which shall be recorded for all of the lands in covered by ZC 05-145. The recorded document shall provide for a reciprocal maintenance agreement that requires monitoring and maintenance of the drainage system and grease/ sediment collection facilities. The requirement for the reciprocal maintenance agreement shall be placed on any lot line adjustment and/or subdivision of land within the project site. [City/County Planning]
28. **Water Conditioning:** The permittee shall install water softeners in the commercial center that rely on off-site disposal of salts or an alternative technology that does not require salts to reduce the addition salts to groundwater from wastewater disposal. [City/County Planning]
29. **Recycling Wastewater:** The permittee shall submit improvement plans for any development in the project area to provide dual water supplies and dual water distribution system throughout the project so that reclaimed water can be used within the landscape areas and for non-potable uses. The design of the system shall be subject to the review and approval of the City of Hollister Engineering Department prior to issuance or a grading permit and/or improvement plans for the first phase of development. [City/County Planning, Engineering, Utilities]
30. **Transit:** In order to provide transit access to the commercial center, the applicant shall be required to provide improvements for a bus stop on the project frontage with Meridian Street or on the project site. The applicant shall be required to secure approval from the San Benito County Council of Governments for the location of the bus stop. The bus stop shall be installed prior to occupancy of the proposed home improvement center for CDR 05-75.
31. **Traffic Calming:** The permittee shall integrate traffic calming measures into the parking and circulation plan at the front of the home improvement center to discourage through traffic between Meridian Street and Hillcrest Road, avoid accidents near the contractor's pick-up area and conflicts between pedestrians and automobiles. The design of the improvements shall be subject to the review and approval of the City Engineering Department and incorporated into the improvement plans for CDR 05-75. [City Engineer, Building, Planning]

32. **Permits:** The permittee must obtain all County Permits and pay all necessary fees. [Planning]
33. **Bike Racks and Benches:** The permittee shall be required to place bike racks and benches along the store front. The permittee shall provide the Planning Director with a map indicating there locations for his approval.

Commissioner Smith returned to the meeting and was seated at 8:47 p.m.

PUBLIC HEARING ITEM

7. MINOR SUBDIVISION NO. 1194-06. APPLICANT/OWNER: Alfred Silva Jr. LOCATION: 4155 John Smith Road, Hollister. APN: 022-013-016 & 017. REQUEST: To subdivide 201.73 acres into a four (4) lot subdivision. ZONING: Agricultural Productive (AP). ENVIRONMENTAL REVIEW: Mitigated Negative Declaration.

DoP Henriques presented the staff, noting that Mr. Herrera had worked on this matter before transferring to Public Works.

Chair Tognazzini called attention to concerns of Condition 14A (half road reconstruction of John Smith Road) within the staff report, DoP Henriques clarified that matter.

Chair Tognazzini opened, and then closed, the public hearing as there were none present to address the matter.

COMMISSIONERS SMITH/BETTENCOURT MOTIONED TO APPROVE MINOR SUBDIVISION NO. 1194-06, INCLUSIVE OF THE FINDINGS AND CONDITIONS THERETO, WITH THE NOTATION THAT THE MITIGATED NEGATIVE DECLARATION WAS ACCEPTED. THE MOTION PASSED (5-0) WITH THE FOLLOWING VOTE: AYES: BETTENCOURT, DeVries, MACHADO, SMITH TOGNAZZINI; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

8. PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE: APPLICANT: San Benito County; LOCATION: County-wide REQUEST: Finalize amendments to the PUD Ordinance.

PP Turner presented the staff report, together with the schedule proposed by the Board of Supervisors culminating in presentation to the Board on April 24, 2007. PP Turner gave an overview of the items discussed by the Planning Commission at the March 7, 2007 meeting which had resulted in modifications presented at the March 21, 2007 meeting. PP Turner spoke on the Environmental evaluation and provided staff recommendations of the matter to the Commissioners.

Commissioners discussed the following with staff:

- time limit of 10 years
- whether it would be better to peruse each of the PUDs on a ‘case by case basis’

BY CONSENSUS (5-0), THE COMMISSIONERS DIRECTED STAFF TO PERFORM MINOR MODIFICATIONS TO THE ORDINANCE – while saying it generally ‘looks good’ – TO THE COMMISSION MEETING OF APRIL 18, 2007 FOR FINAL APPROVAL AND TRANSMITTAL TO THE BOARD OF SUPERVISORS.

DISCUSSION ITEM

9. Temporary Use Permits

APPLICANT: San Benito County LOCATION: Various locations throughout San Benito County. REQUEST: Discussion of previous Planning Commission decision regarding issuance of temporary use permits for 4th of July activities.

DoP Henriques presented the staff report, with full discussion from the Commissioners on this vital matter. Commissioners asked DoP Henriques to clarify several matters, including the previous policy and costs of specific parts of the permitting process. DCC Murphy was instrumental in defining staff responsibilities during the TUP application process and the role the Commissioners were expected to play in the process, as well.

Chair Tognazzini opened the public hearing.

Attorney Doug Marshall gave an overview of an application for a long term Use Permit which had been previously submitted for a long-term camping venture. Mr. Marshall provided detail that the applicant, David Grimsley, now wants to proceed with that permanent, long term use permit (request). Mr. Marshall spoke of the need for a public hearing with staff giving factors of any violations on the property.

Chair Tognazzini emphasized that Mr. Marshall’s demand was neither the basis nor factor of the public hearing for this agenda item.

The question was raised: are public hearings required for all TUPs for the festivities surrounding the Rally to be centered at the 4th of July in Hollister?

The following speakers discussed the merits of the TUP procedure(s) with the Commissioners:

- ∞ Lori Elder who owns the Windhaven Ranch at San Juan Bautista
- ∞ Greg Renz, Airline Highway, Hollister
- ∞ Dennis Madigan, Ridgemark, Hollister

With no others present to speak to the matter, the public hearing was closed.

DCC Murphy clarified that applicants can apply for a TUP for specific reasons, however findings and conditions may be required for approval of any TUPs.

The following items could not be heard under the rules of the Commission regarding closure times for beginning new items after 9:30 p.m.

10. PRELIMINARY ALLOCATIONS REVISIONS

INFORMATIONAL NON-ACTION ITEMS

Commissioner Announcements/Reports/Discussion

Having noted the lateness of the hour, **COMMISSIONERS MACHADO/DeVRIES MOTIONED TO ADJOURN THE MEETING. THE MOTION CARRIED WITH THE UNANIMOUS AFFIRMATIVE VOTE (5-0) OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT. CHAIR TOGNAZZINI ADJOURNED THE MEETING AT 10:10 P.M.**

*Minutes transcribed by:
Judi Johnson*

*Attest:
Art Henriques
Director of Planning*