

MEMORANDUM

DATE November 11, 2020
TO City of Hollister
FROM David Early, Carey Stone, and Lindsey Klein
SUBJECT Existing General Plan Evaluation

The purpose of this memorandum is to review the existing General Plan to assess the following:

- **Compliance with recent State legislative updates that affect the General Plan.** Since the adoption of the 2005 General Plan several State legislative requirements for general plans have come into effect. The General Plan Update provides an opportunity to bring the General Plan into conformity with current State regulations.
- **Consistency with the 2017 California Governor’s Office of Planning and Research (OPR) General Plan Guidelines (GPG).** The GPG outlines the statutory requirements for general plans, provides recommended content and policy language, and provides resources and templates to assist local agencies with the General Plan Update process. It is important to note however, that because these Guidelines were updated in 2017, they do not reflect the draft of legislation passed in 2017 through 2019. The newest policy recommendations focus on four key themes:
 - Climate change
 - Economics
 - Healthy communities
 - Equitable opportunities

As discussed in further detail below, the existing Hollister General Plan is generally in compliance with the GPG. Topics the General Plan Update will need to focus on include:

1. Equity
 2. Healthy Communities
 3. Economic development
 4. Agricultural Mitigation
 5. Climate Change
 6. Crime Prevention Through Environmental Design
- **Incorporation of best urban planning practices and whether the General Plan addresses Hollister’s key planning issues.** The General Plan is the document that most fundamentally addresses Hollister’s growth and development issues. The City last undertook a comprehensive revision of its General Plan in 2005, and this document is still

largely valid today. The 2005 General Plan articulated the concepts of compact development, a priority for infill, higher development densities in all residential zoning districts, and mixed-use land designations. However, since the General Plan Update new issues such as public art, economic development, agricultural mitigation, and urban design have emerged as important topics to be addressed in Hollister's General Plan. This memorandum assesses the degree to which the General Plan addresses issues unique to Hollister that have emerged since the last update.

Appendix A lists the General Plan legislative changes that do not apply to Hollister.

Legislative Updates

The General Plan Update should consider the following State legislative requirements as the project moves forward:

- Disadvantaged Unincorporated Communities (SB 244, 2011; SB 1090, 2012)
- Expedited Infill Development (SB 226, 2011)
- Establishing Accessory Dwelling Units (SB 1069, AB 2299, AB 2406, 2016)
- Accessory Dwelling Unit Clean-up Bills (AB 494 and SB 229, 2017)
- Liberalization of Local Accessory Dwelling Unit Requirements and Procedures (SB 13, AB 68, AB 587, AB 670, AB 881 2019)
- 2017 Housing Accountability Act Changes (AB 678, SB 167, and AB 1515, 2017)
- Revisions to the Housing Accountability Act (AB 3194, 2018)
- Housing Crisis Act of 2019 (SB 330, 2019)
- Project Streamlining and Housing Element Rental Market Information (SB 35, 2017)
- Revisions to Senate Bill 35 (SB 765, 2018)
- Density Bonus Revisions (AB 2372; AB 2797; AB 2753; SB 1227, 2018 & SB 1763, 2019)
- Inclusionary Rental Housing (AB 1505, 2017)
- Districts for Streamlined Processing (SB 540 and AB 73, 2017)
- Funding Measures (SB 2 and SB 4, 2017)
- Project Streamlining and Housing Element Rental Market Information (SB 35, 2017)
- Revisions to Senate Bill 35 (SB 765, 2018)
- Density Bonus Revisions (AB 2372; AB 2797; AB 2753; SB 1227, 2018 & SB 1763, 2019)
- Housing Crisis Act of 2019 (SB 330, 2019)
- Collection/Reporting of Housing and Development Fee/Requirement Data (AB 1483, 2019)
- Regular Updates to and Provision of Surplus Land Inventories (AB 1255, 2019)
- Worker Housing (AB 1783, 2019)
- Climate Change and Greenhouse Gas (GHG) Emissions (AB 32, 2006)
- Sustainable Communities (SB 375, 2008; SB 575, 2009)
- 2030 GHG Emissions Target (SB 32, 2016)

- Complete Streets Act (SB 1358, 2008)
- Transportation Impacts (SB 743, 2013)
- Revised Definition of Major Transit Stop (AB 1560, 2019)
- Sustainable Groundwater Management Act (SB 1739, 2014)
- Tribal Cultural Resources (AB 52, 2014)
- Local Hazard Mitigation Plan Integration (AB 2140, 2006)
- Fire Hazards (SB 1207, 2010; SB 1241, 2014)
- Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program (AB 836, 2019)
- Fire, Flood, and Adaptation Safety Element Updates (SB 1035, 2018)
- Flood Control (AB 162, 2007)
- Emergency Evacuation Routes (SB 99, 2019; AB 747, 2019)
- Climate Change Adaptation (SB 379, 2015)
- Property and Business Improvement Districts and Infrastructure Financing Districts (SB 1462, 2014)
- Planning for Healthy Communities Act (SB 1000, 2016)
- Revisions to the Definition of Environmental Justice (AB 1628, 2019)

Disadvantaged Unincorporated Communities (SB 244, 2011; SB 1090, 2012)

Legislation Summary

SB 244 requires that on or before the due date for adoption of their Housing Element, jurisdictions must update their Land Use Elements to:

- » Identify and describe Disadvantaged Unincorporated Communities (DUCs) that are inside of the Sphere of Influence (SOI) of a city or town. (Disadvantaged communities are defined as those with annual median household incomes that are less than 80 percent of the statewide annual median household income.)
- » Analyze needs or deficiencies related to water, wastewater, stormwater drainage, and structure fire protection for each DUC within the city's SOI.
- » Analyze potential funding mechanisms that could make it financially feasible to extend services and facilities to identified DUCs.

SB 244 also requires jurisdictions to review and, if necessary, amend these aspects of the General Plan with each subsequent Housing Element update.

SB 244 identifies DUCs using the following definitions and criteria, among others:

(1) “Community” means an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another.

(2) “Disadvantaged unincorporated community” means a fringe, island, or legacy community in which the median household income is 80 percent or less than the statewide median household income.

(3) “Unincorporated fringe community” means any inhabited and unincorporated territory that is within a city’s sphere of influence.

SB 1090, adopted the following year, clarifies the responsibilities of each city to update their General Plan based upon available information, such as the data and analysis provided by a LAFCo. The added language eases SB 244’s requirements, stipulating that local governments should not be required to undertake new studies or analysis in order to update the general plan.

Recommendations

The City of Hollister 2015–2023 Housing Element Update, adopted in April 2016, does not identify any DUCs within the City Limit or Sphere of Influence of the city. Since Hollister contains no DUCs per the current Housing Element, SB 244 will not apply to the General Plan Update.

Expedited Infill Development (SB 226, 2011)

Legislation Summary

Enacted in 2011, SB 226 streamlines review of infill development projects under CEQA. The CEQA process is inherently expensive, time-consuming, and allows project opponents to redirect environmental protections as a way to prevent development. Under the law, environmental review is limited on qualifying urban infill projects under Section 15183.3 of the CEQA Guidelines.¹ An infill project is defined as a project that:

(1) Consists of one or a combination of the following uses: residential, retail/commercial (where no more than one-half of the project area is used for parking), transit station, school and public office building;

(2) Is located within an urban area; and

(3) Is either on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins (or is separated only by an improved public right-of-way from) parcels that are developed with qualified urban uses.

¹ The current version of this guide, from 2018, is available online at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_FINAL_TEXT_122818.pdf

Under the updated CEQA Guidelines, a project must satisfy the performance standards and specific criteria for that project category set forth in Appendices M and N. The new CEQA Guidelines also allow the lead agency to rely on uniformly applicable development policies to rule out a project-specific effect.

Recommendations

As noted above, the content of SB 226 is focused on the CEQA process. There are no legal requirements for General Plan content regarding expedited infill development. However, the current Hollister General Plan promotes infill development and additional support from this law could augment the set of tools in place to enact further infill development.

Therefore, the City could consider adding to the General Plan overarching guidance regarding streamlined infill development. Existing Policy LU 6.1 is a good start. This policy calls for the City to “facilitate infill development opportunities by establishing an annexation policy in cooperation with the County of San Benito and the Local Agency Formation Commission to annex unincorporated county areas surrounded by the City.” The updated General Plan could add a similar policy focused on expedited infill development through compliance with streamlined environmental review standards adopted by the state. The City could also add a new policy considering adoption of uniformly applicable development policies to rule out project-specific effects.

Establishing Accessory Dwelling Units (SB 1069, AB 2299, AB 2406, 2016)

(Note: Because the following statutes addressing Accessory Dwelling Units (ADUs) are interrelated, a consolidated recommendations section is included at the end of the discussions of the various pieces of ADU legislation.)

Legislation Summary

ADUs are homes created within existing residential structures or properties. ADUs are also known as cottages, granny flats, or casitas. By their nature, ADUs have lower development costs and tend to be smaller, making them more naturally affordable than other housing types.

To go beyond traditional market-rate construction, subsidized construction, and housing preservation strategies, California is seeking to increase the creation of ADUs across the state, with an emphasis on urban centers and already-developed areas. Several pieces of legislation signed into law in 2016 (and refined in 2017 through 2019) establish ADUs as a legal use on single- and multi-family residential lots. More recent bills amend 2016’s ADU legislation to close loopholes (primarily those related to parking requirements and utility connection fees) and further promote creation of ADUs; these various clean-up/add-on bills are discussed in more detail in the following sections

Altogether, these bills established statewide regulatory standards to encourage the creation of ADUs. Under these bills, noncompliant local ordinances that prohibit or place burdensome requirements on ADUs are nullified and replaced by State standards. To increase local understanding and interest in the creation of ADUs, jurisdictions are encouraged to engage in a public process to adopt a local ADU

ordinance based on the State standards. It should be noted, however, that the State ADU standards are the minimum for what must be allowed. Local governments generally cannot adopt more restrictive requirements, except for certain restrictions related to health and safety. Local regulations will be judged against the intent of the Legislature, which was to encourage ADUs and avoid “burdensome” requirements that “unreasonably restrict the ability of the homeowners to create ADUs.”

Accessory Dwelling Unit Clean-up Bills (AB 494 and SB 229, 2017)

Legislation Summary

Taken together, AB 494 and SB 229 further reduce barriers to the creation of ADUs and close loopholes in previously adopted ADU laws. Under these bills, existing garages that are converted to serve as the entirety or a portion of an ADU are grandfathered so they don’t need to comply with setback requirements. With respect to parking, these bills: provide additional flexibility for the placement of ADU parking, including parking to replace structured spaces that are converted to ADUs; explicitly allow the use of tandem parking spaces; and effectively set the maximum allowed parking requirement for ADUs at one space per unit—irrespective of the number of bedrooms. The new laws also clarify that a "studio, pool house, or other similar structure" can qualify as an ADU; and that ADUs may be rented separate from the primary residence with which they are associated. Furthermore, the bills specify that special districts and water corporations are among the agencies who must ensure that utility hookup charges for ADUs are proportionate to the anticipated impact. Lastly, these bills give California Department of Housing and Community Development (HCD) additional authority to review and comment on local ADU legislation.

Liberalization of Local Accessory Dwelling Unit Requirements and Procedures (SB 13, AB 68, AB 587, AB 670, AB 881 2019)

Legislation Summary

These five pieces of legislation work in concert to make numerous changes that provide additional mandatory direction for local governments with respect to the standards and procedures applied to ADUs and Junior ADUs (JADUs). Among other things, these bills: limit the ability of local jurisdictions to impose square footage or lot coverage limits on ADUs under a certain size; relax parking requirements for ADUs; prohibit local jurisdictions from setting minimum lot sizes for ADUs; prohibit charging most development fees on ADUs under 750 square feet; prohibit imposition of owner-occupancy requirements on ADUs; mandate ministerial approval and a maximum 60-day approval time for ADU applications; authorizes a local agency to allow, by ordinance, an ADU created by a welfare-exempt nonprofit to be sold or conveyed separately from the primary residence, provided the property will be preserved for affordable housing after sale or conveyance; voids conditions prohibiting the transfer or sale within a planned development that restrict construction or use of an ADU or junior ADU; and, perhaps most importantly, allow for one ADU plus one JADU on all residentially zoned parcels, unless a jurisdiction designates an area as having certain utility or public safety constraints.

Recommendations

Altogether these bills do not explicitly require amendments to a city's general plan; however, any General Plan or zoning provisions that conflict with these statutes (e.g., unit density or FAR restrictions) would be effectively moot. Hollister has already adopted amendments to its municipal code to facilitate compliance with State ADU legislation per Ordinance 1077 in June 2019. However, the more recent changes after June 2019 have not been fully integrated into the municipal code. These laws indicate that a local jurisdiction may revise its general plan and zoning to be consistent with the State requirements. Given that Hollister has already pursued certain revisions to its Municipal Code, procedures, and forms to comply with State ADU laws, it is recommended that the City formalize its compliance during the General Plan Update by ensuring that land use designations and policies reflect the permissibility of ADUs; that estimates of General Plan buildout include estimates of potential ADU production; and that the City specify what areas of Hollister, if any, are not acceptable for ADUs given safety or utility constraints.

2017 Housing Accountability Act Changes (AB 678, SB 167, and AB 1515, 2017)

Legislation Summary

Effective January 2018, AB 678, SB 167, and AB 1515 strengthened the Housing Accountability Act (HAA) by restricting the ability of jurisdictions to deny or reduce the density of proposed housing projects, including mixed-use projects, regardless of affordability levels. These laws also require local jurisdictions to review housing development proposals more quickly and encourage local governments to give developers more clarity and feedback in the review and approval process. With these changes, many findings previously used by local jurisdictions to deny housing projects are no longer considered valid grounds for denial, creating a review process that is more friendly to homebuilding. See Updates to the Housing Accountability Act (AB 3194), below, for additional detail on how the HAA now operates in light of these multiple changes.

Recommendations

These statutes apply to project approvals rather than to General Plan requirements. However, because these revisions to the HAA serve to hold local jurisdictions more strictly to the density levels, policies, and standards in their General Plans and zoning codes, it will be important for the City of Hollister to carefully consider during the General Plan Update precisely what intensity levels and development standards it wants to incorporate.

Revisions to the Housing Accountability Act (AB 3194, 2018)

Legislation Summary

AB 3194 expands HAA guarantees to certain proposed housing projects that do not comply with the objective standards of applicable zoning, provided that the project complies with the objective

standards specified for that land use in the General Plan and that the objective standards in the zoning are inconsistent with those in the General Plan.

Given these and other recent changes, local governments are now usually required to approve residential or mixed-use projects that comply with all objective standards in the applicable zoning (or General Plan objective standards, when the zoning is not consistent with them). Local governments can only deny such projects under limited circumstances, such as when the preponderance of evidence demonstrates a project would have a specific, adverse health or safety impact. For affordable housing projects, HAA protections are even stronger, with cities generally being required to approve affordable housing projects, even when they don't conform to objective zoning standards, except under a limited set of circumstances.

Recommendations

Neither the HAA nor recent amendments to it require specific language in or changes to General Plans. However, given that recent HAA changes allow some projects to use General Plan objective standards in the event of inconsistency between a General Plan and zoning, it will be beneficial for Hollister to ensure conformity between the objective standards in the General Plan, especially the Land Use and Community Design Element, and local zoning.

Housing Crisis Act of 2019 (SB 330, 2019)

Legislation Summary

SB 330 is a sweeping bill aimed at: ensuring zoning-compliant housing projects are approved, by streamlining project approvals, and preventing local actions that reduce housing capacity. Most of SB 330's numerous provisions will sunset (expire) on January 1, 2025, unless it is extended by the legislature. SB 330 requires that local jurisdictions not impose upon proposed housing projects new standards or requirements that were not in place the time an application was deemed complete; to this end SB 330 also provides a statutory definition of "deemed complete." SB 330 also prohibits jurisdictions from conducting more than five public hearings for a project if it complies with applicable objective general plan and zoning standards in effect at the time an application was deemed complete. The subject project must be approved or disapproved at one of those five public hearings.

SB 330 makes numerous changes to the permit streamlining act to accelerate production of new housing. SB 330 generally requires local jurisdictions to make determinations regarding whether a project location is a historic site by the time that an application is deemed complete. It also requires jurisdictions compile and make available to both individual applicants and the public a list of all information required from an applicant for a housing development project. SB 330 specifies that when an application is deemed incomplete, a jurisdiction must promptly provide the applicant with "a list and a thorough description of the specific information needed to complete the application." Applicants are then given an opportunity to respond and or appeal and jurisdictions must then respond in turn within a certain amount of time. SB 330 also creates a new "preliminary application" process designed to allow an applicant to submit initial project plans to a jurisdiction and receive notice of any missing or

incomplete information in a timely manner. SB 330 includes detailed provisions regarding the content and process for “preliminary” applications.

Perhaps most importantly, SB 330 enacts a blanket prohibition on down-zonings across the entire state of California, except under certain limited circumstances. This means city councils, boards of supervisors, planning commissions, zoning boards, and the electorate (by means of a referendum) are all prohibited from: 1) acting to reduce the allowed intensity or number of units for residential land uses/parcels; 2) imposing or enforcing a moratorium on housing development; 3) imposing any new non-objective design standards on proposed developments; or 4) implementing or enforcing limits on the number of residential building permits issues, subject to certain exceptions. In certain cases, reductions in density/intensity are allowed, provided that those reductions are cancelled out by an increase elsewhere.

Finally, SB 330 would require that demolition of housing meet certain requirements, including relocation assistance for current residents and a right of first refusal in the new housing for those displaced residents. SB 330 specifies that if local jurisdictions apply more stringent demolition protections for current residents, this law will not supersede them. Local jurisdictions are also required to supply certain information necessary to demonstrate compliance with the statute.

Recommendations

SB 330 contains numerous provisions that will require the City of Hollister to alter its procedures relating to development processing and approvals; however, the portion that is most essential to the General Plan Update process is its prohibition on down-zonings and housing moratoria. Because the General Plan Update will be completed or nearly completed during the timeframe that SB 330 remains in force, it will be imperative to ensure that no land use changes are proposed that would violate the law’s provisions that prohibit reductions in intensities or unit counts. The law includes an exception where, in certain cases, densities/intensities may be reduced at one location if they are equivalently increased at another location. The requirements of SB 330 will mean that Hollister has less flexibility to reduce heights or FARs or impose other standards that would serve to reduce density/intensity.

Project Streamlining and Housing Element Rental Market Information (SB 35, 2017)

Legislation Summary

SB 35 establishes streamlining procedures for housing and mixed-use projects under certain conditions. To qualify for SB 35 streamlining, projects must first meet affordability standards. In jurisdictions which have met their RHNA goal for above-moderate income housing, developments must feature 50 percent below-market rate units to qualify. In jurisdictions that have not satisfied their RHNA goal for above-moderate income housing, at least 10 percent of the units must be below market rate. The project must also: be on land zoned for residential or mixed uses, not be located in an ecologically sensitive area, be multifamily, and pay union wages to construction workers. Provided a project meets these requirements and is consistent with a city’s existing objective zoning standards, it must be approved within 60 days if it includes less than 150 units, and within 90 days if it contains 150 or more units. If a

city disapproves an SB 35 project, it must provide the applicant with an explanation of the denial and allow for corrections and potential resubmittal. SB 35 also requires local jurisdictions to include information on their local rental markets in their biennial Housing Element report.

Recommendations

SB 35 does not explicitly impose new General Plan requirements and compliance will rest primarily upon adherence to State requirements during the project approvals process. The General Plan could include policies expressing an intent to comply with State law regarding project approvals, but this would not be strictly necessary. However, given that Hollister is anticipated to potentially receive higher housing allocations across all income categories during the next RHNA cycle in 2022, it may be important for the updated General Plan to contemplate how streamlining may affect housing production rates—especially in conjunction with density bonuses and other provisions of State and local law.

Revisions to Senate Bill 35 (SB 765, 2018)

Legislation Summary

SB 765 makes explicit that CEQA does not apply to the determination of whether a project qualifies for streamlined ministerial approval under SB 35. SB 765 also requires SB 35 projects to comply with applicable objective subdivision standards.

Recommendations

SB 765 does not require General Plan changes but should be considered during project approvals.

Density Bonus Revisions (AB 2372; AB 2797; AB 2753; SB 1227, 2018 & SB 1763, 2019)

Legislation Summary

The State Density Bonus (SDB) entitles developers to additional density beyond that which is allowed by local zoning and building standards if they provide sufficient amounts of on-site housing affordable to households with lower incomes. AB 2372, AB 2797, AB 2753, and SB 1227 generally serve to expand the applicability of the density bonus, grant localities certain additional flexibility in its implementation, and require the provision of additional density bonus information to project applicants.

AB 2372 allows cities to grant density bonuses based on floor area ratios (FARs)/square footage rather than number of dwelling units per acre. This change has the potential to encourage a better mix of unit sizes, especially more compact units. If a city opts to implement an FAR-based density bonus, it must allow project impact fees to be calculated based on square footage, rather than number of units. AB 2372 also includes a provision to restrict minimum parking requirements for density bonus projects to no more than 0.1 space per affordable unit and 0.5 space per market-rate unit.

AB 2797 is only applicable to the Coastal Zone and does not apply to Hollister.

AB 2753 creates new requirements for local agencies to provide applicants with project-specific density bonus information at the time their density bonus application is deemed complete. Required information includes the amount of the density bonus, the parking ratio applicable to the project, and whether the applicant has provided sufficient documentation to support a request for incentives, concessions, waivers, or reductions of development standards. Additionally, local agencies must adjust density bonuses and parking ratios based on changes over the course of development.

SB 1227 extends the density bonus to include projects that are 100 percent for students (i.e., dorms, including private dorms, and student-only apartments). SB 1227 makes several changes to density bonus rules and calculations specifically for student housing projects. These changes account for the fact that student housing is typically rented by the bedroom, as well as for the fact that many students can't use typical approaches to demonstrate they conform to affordable housing income limitations. Many students have neither income nor documentation to verify they qualify; SB 1227 therefore allows students to use family income to demonstrate they qualify for affordable student units.

AB 1763 makes multiple complex changes to density bonus law. Summarized briefly, AB 1763, among other things: grants an 80 percent bonus to projects that are 100 percent affordable to low-income households; removes all density limitations on 100 percent affordable projects within 0.5 miles of a major transit stop; allows projects 100 percent affordable to low-income households to receive a 20 percent bonus of moderate-income units; provides density bonuses for projects that include units affordable to moderate-income households; and prohibits cities from requiring that affordable housing projects provide parking spaces above certain ratios specified in the statute.

Recommendations

None of the recent density bonus bills specifically require General Plan changes, and implementation of these measures would generally take place during the approvals process for individual projects. However, Hollister could explore including General Plan implementing actions that state an intent to adopt/amend local ordinances to implement the State Density Bonus, including these recent changes. Additionally, because these density bonuses allow for intensities and heights greater than those stated in local plans and zoning, it will be important for the City to consider how General Plan land use designations and eventually zoning should be designed to allow and/or compensate for these bonuses.

Inclusionary Rental Housing (AB 1505, 2017)

Legislation Summary

In 2009, State courts ruled that local jurisdictions could not enforce mandatory inclusionary housing ordinances (IHOs) that required market-rate rental housing projects to provide a certain proportion of their units at below-market prices, effectively restricting the application of IHOs to ownership housing. AB 1505 reestablished local authority to adopt inclusionary housing policies for proposed rental housing projects. Effective January 2018, AB 1505 superseded the earlier court ruling, clarifying that despite Costa-Hawkins Act restrictions on rent control, cities are permitted to require that new rental projects allocate a portion of their total units to be affordable for lower-income households. This law strengthens

the authority of local governments to implement affordable housing policy and encourages the creation of affordable rental units proportionate to the increase in the housing stock.

Recommendations

Although AB 1505 does create or modify any General Plan requirements, it restores the ability of local jurisdictions to require inclusionary housing, which could affect the policies Hollister wishes to integrate into its General Plan Update. As part of the update, Hollister could now consider whether it wishes to adopt policies that prioritize or mandate inclusionary housing, and/or adjust land uses in ways that serve to incentivize inclusionary housing.

Districts for Streamlined Processing (SB 540 and AB 73, 2017)

Legislation Summary

These bills provide potential alternatives to the creation of Specific Plans through two different, streamlined processes that also make cities eligible to receive designated State funding. SB 540 grants local jurisdictions the ability to create Workforce Housing Opportunity Zones (WHOZ) through a streamlined Specific Plan drafting and adoption process, funded through grants or no-interest loans from HCD. Upon adoption of a WHOZ, housing developments in the WHOZ are fast-tracked for approval with the condition that they allocate a specified percentage of units to be reserved for lower-income households and that private projects pay prevailing wages for construction labor.

Similarly, AB 73 encourages local governments to create housing sustainability districts with specified minimum amounts of lower-income housing at the plan and project levels. Housing projects that meet the affordability and other requirements of the sustainability district and which (in the case of private projects) pay prevailing construction wage, are entitled to ministerial approval. AB 73 requires preparation of an EIR for a sustainability district and exempts from CEQA housing projects located in and comply with the requirements of a sustainability district. Cities are eligible to receive incentive funds from the State upon adoption of a sustainability district and its EIR, as well as once the city has issued building permits for the units (including affordable units) specified in the sustainability district.

Recommendations

As part of its General Plan Update the City of Hollister could consider whether it wishes to study and/or establish streamlined housing districts under SB 540 and/or AB 73. This would potentially require an amendment to the existing 2015 Housing Element to maintain continuity across elements. However, choosing to pursue these options in lieu of more conventional specific plans could create opportunities for Hollister to seek additional State funding and further streamline housing production.

Funding Measures (SB 2 and SB 4, 2017)

Legislation Summary

Together, SB 2 and SB 4 are expected to raise approximately \$5.2 billion dollars for affordable housing over the five years following their passage. These funds would help restore State support for affordable housing that has been lacking since the closure of redevelopment agencies in 2012.

SB 2 imposes new fees of up to \$225 on real estate transactions other than home purchases and is expected to raise \$1.2 billion over five years, or roughly \$250 million per year. Of the funds generated in 2018 (the first year the fees are operative), 50 percent will be made available to cities and counties to update general and specific plans and housing elements to streamline housing production. The remaining 50 percent of first-year revenues will be dedicated to homeless services, including rapid rehousing assistance, among others. After 2018, 70 percent of generated funds will go to local governments to support the creation of affordable housing, and the remaining 30 percent will support the State's multifamily affordable housing program.

SB 4 was a \$4 billion affordable housing bond that went on California's November 2018 ballot as Proposition 1 and was subsequently passed by California voters. SB 4 allocates funds as follows:

- \$1.5 billion for affordable multifamily housing,
- \$1 billion for affordable veterans' housing.
- \$150 million for local transit-oriented development implementation.
- \$300 million for infill infrastructure to support high-density affordable/mixed-income housing.
- \$150 million for loans to low-income and moderate-income homebuyers.
- \$900 million for farmworker housing, innovative housing solutions, and other efforts

Recommendations

Hollister has already applied for a \$ 160,000 planning grant under the SB 2 program and will have additional upcoming opportunities to apply for State funds to support planning efforts and specific housing projects. As Hollister proceeds with updates to its General Plan, it is recommended the City explore ways that State planning funds could support these efforts and, in turn, how these efforts can plan for potential projects that make use of State funds dedicated to emergency shelter, affordable housing, and supportive housing.

Collection/Reporting of Housing and Development Fee/Requirement Data (AB 1483, 2019)

Legislation Summary

AB 1483 requires local governments to maintain a schedule of fees and affordability requirements imposed on housing development, all zoning ordinances and development standards, and annual fee

or finance reports on their websites. Local governments are also required to maintain archives of impact fee nexus studies, cost of service studies, or equivalent reports. This bill also requires the State HCD to add a 10-year housing strategy to the Statewide Housing Plan. The law also requires creation of a working group including representatives from the Department of Technology, metropolitan planning organizations, local governments, academic institutions, and nonprofits to participate in developing the housing strategy. The strategy must include an evaluation of data priorities, a strategy to achieve more consistent terminology for housing data across the state, and an assessment of the quality of data submitted by annual reports and recommendations based on that assessment.

Recommendations

Although AB 1483 does not create new General Plan requirements, as Hollister updates its General Plan, the information gathered should be compiled on the City website in a manner that helps meet the bill's requirements. Additionally, as new and revised policies and land uses are developed, the City should consider the ease with which information the attendant requirements and fees can be easily compiled and shared to meet AB 1483 requirements.

Regular Updates to and Provision of Surplus Land Inventories (AB 1255, 2019)

Legislation Summary

AB 1255 establishes new/modified requirements for local jurisdictions to create and regularly maintain inventories of surplus lands. These inventories must include a description of each parcel and its present uses and make this information a matter of public record. This information must be submitted to HCD annually beginning April 1, 2021. Local jurisdictions would be required to provide this information to citizens, housing corporations, and non-profits free of charge. Additionally, the bill would require HCD to maintain a similar inventory of state surplus properties.

Recommendations

Although AB 1255 does not create new General Plan requirements, the required development of a surplus lands inventory could dovetail with development of new General Plan Land Use maps and, later, zoning maps. As part of the General Plan, the City could include information on surplus parcels—both to comply with AB 1255 and to help facilitate their use in a manner consistent with City goals.

Worker Housing (AB 1783, 2019)

Legislation Summary

This bill, passed in 2019, creates an opt-in streamlined, ministerial approval process for farmworker housing on agricultural land. AB 1783 also prohibits the use of specified state housing funds for temporary, nonimmigrant worker (formally termed "H-2A workers" in Section 218 of the Immigration and Nationality Act) housing. This bill also sets quality standards to ensure that new housing is dignified, accommodates families, and protects the environment.

Recommendations

While the Housing Element update will not occur during the General Plan Update, impacts from requirement of this bill will affect other elements, the Land Use and Community Design Element in particular. The City should review land use designations to ensure that agricultural land uses will not conflict with AB 1783 upon update of the General Plan.

Climate Change and Greenhouse Gas (GHG) Emissions (AB 32, 2006)

Legislation Summary

AB 32 established a comprehensive, state-wide program for quantifying and reducing emissions of GHGs in communities across California. AB 32 gave the California Air Resources Board (CARB) the authority to monitor and regulate GHG emissions to achieve the goals stated in a 2005 executive order by then Governor Arnold Schwarzenegger. This executive order set a goal to reduce California GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. (Note: California achieved the 2020 goal established by this executive order in 2018 and the state has since updated its goals.) AB 32 led to the creation of numerous requirements, documents, and procedures pertaining to the measurement and reduction of GHG emissions, including the CARB scoping plan, California's Cap and Trade system, and a local climate action planning requirement.

Recommendations

Because the Circulation Element was most recently updated in 2005, it does not incorporate strong climate action planning provisions consistent with AB 32 or other pieces of legislation described below. (Significant portions of AB 32 have since been superseded by SB 32, which updated AB 32's goals and requirements. For additional information on SB 32, see below.) However, the City has more recently adopted other planning documents that meet the requirements of and/or otherwise serve to achieve the goals of AB 32. Updates to the General Plan should be developed in compliance and/or conjunction with these efforts. Similarly, San Benito County's Bikeway and Pedestrian Master Plan, which serves as the bicycle and pedestrian plan for Hollister, also serves to meet climate action goals; and its incorporation into the General Plan Update process will also serve to meet State requirements established subsequent to AB 32.

Sustainable Communities (SB 375, 2008; SB 575, 2009)

Legislation Summary

SB 375 directs the California Air Resources Board (CARB) to set regional targets for reducing greenhouse gas emissions (GHG), establishing a “bottom up” approach to ensure that cities and counties are involved in the development of regional plans to achieve those targets. SB 375 ties together the regional allocation of housing needs and regional transportation planning in an effort to reduce GHG emissions from motor vehicle trips.² SB 375 requires cities to:

- Revise their Housing Elements every eight years in conjunction with the regional transportation plan and complete any necessary rezonings within a specific time period, generally three years. This ties in the updates via SB 575, which adjusts the timelines for preparation of Housing Elements and required regular updates.
- Establish for each program in its Housing Element a timeline for implementation, such that there will be beneficial impacts of the program within the planning period.
- Include in its annual Housing Element progress report a description of actions taken by the local government to implement the Element’s programs by the specified deadlines.

SB 375 also requires metropolitan planning organizations to prepare a Sustainable Communities Strategy (SCS), which demonstrates how a region will meet CARB’s GHG reduction targets by reducing the amount of vehicle miles traveled. The target for AMBAG, set by CARB in 2010 and revised in 2018, calls for the region to reduce per capita emissions 3 percent by 2020 and 6 percent by 2035. SB 375 also allows more relaxed California Environmental Quality Act (CEQA) requirements for housing developments that are consistent with an adopted SCS.

Recommendations

The Association of Monterey Bay Area Governments (AMBAG) is responsible for preparing the SCS for all of San Benito County. The AMBAG Board adopted the 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy in June 2018, and AMBAG is currently developing the 2045 Metropolitan Plan/Sustainable Communities Strategy. It is scheduled for adoption in June 2022. The City of Hollister should use the most recent plan as guidance.

SB 375 does not supersede cities’ land-use authority, so there is no requirement in the legislation for cities to change or amend their General Plans to be consistent with the SCS. However, we recommend that the City incorporate within the Land Use and Community Design Element the recommendations in

² Institute for Local Government, “The Basics of SB 375,” <https://www.ca-ilg.org/post/basics-sb-375>.

the SCS prepared by AMBAG. Adopting these recommendations will also help address SB 32 (GHG reductions) and SB 1000 (Environmental Justice).

Hollister's existing Housing Element is in compliance with SB 575, and HCD will not release a new Regional Housing Needs Allocation (RHNA) for Hollister until 2022. Therefore, the City does not need to prepare a revised Housing Element in parallel with the General Plan Update.

2030 GHG Emissions Target (SB 32, 2016)

Legislation Summary

SB 32 amends the State Health and Safety Code (Section 38566) and 2006 Global Warming Solutions Act (AB 32), to direct the California Air Resources Board (CARB) to "ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." The California Global Warming Solutions Act of 2006 set a statewide GHG reduction target for 2020, directed the State to maintain and continue reductions after 2020, designated CARB as the State agency charged with monitoring and regulating sources of GHG emissions, and directed CARB to adopt rules and regulations to achieve the "maximum, technologically feasible, and cost-effective" GHG emissions reductions and to prepare a scoping plan to detail the State's program for achieving reduction target(s).

CARB released its Scoping Plan in 2008, and subsequently released a Climate Change Scoping Plan Update in November 2017, which details the State's strategy for achieving the 2030 GHG reduction target directed by SB 32 and includes:

- Revised forecasts of GHG emissions through 2030.
- Estimates of GHG reductions from State programs, such as the Renewables Portfolio Standard and the Low Carbon Fuel Standard, among others.
- A Proposed Scoping Plan Scenario, along with four alternative scenarios.
- Estimates of local GHG reduction targets that would be consistent with the Proposed Scoping Plan Scenario.

The 2017 Scoping Plan also identifies local governments as essential partners to achieve California's GHG emissions reduction goals and proposes local plan-level GHG reduction goals. CARB recommends local governments aim to achieve a community-wide emissions goal of no more than 6 metric tons of carbon dioxide equivalent (MT CO₂e) per capita by 2030 and no more than 2 MT CO₂e per capita by 2050, consistent with the statewide emissions limits established in AB 32, SB 32, and other legislation and executive orders. The 2017 Scoping Plan includes the following guidance for local reduction goals:

"Local governments can start by developing a community-wide GHG emissions target consistent with the accepted protocols as outlined in OPR's General Plan Guidelines Chapter 8: Climate Change. They can then calculate GHG emissions thresholds by applying the percent reductions necessary to reach 2030

and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to their community-wide GHG emissions target. Since the statewide per capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the State, it is appropriate for local jurisdictions to derive evidence-based local per capita goals based on local emissions sectors and population projections that are consistent with the framework used to develop the statewide per capita targets. The resulting GHG emissions trajectory should show a downward trend consistent with the statewide objectives. The recommendation for a community-wide goal expands upon the reduction of 15 percent from 'current' (2005–2008) levels by 2020 as recommended in the 2008 Scoping Plan."

Recommendations

To respond to SB 32 and the 2017 Scoping Plan, the City must include the following in the General Plan and/or its EIR:

- A community-wide GHG emissions inventory for existing GHG emissions (CEQA Baseline).
- A community-wide GHG emissions forecast for the GP Horizon (2040).
- GHG Emissions target for year 2040 based on the GHG reduction goals of SB 32 and Executive Order S-03-05.
- Feasible mitigation measures that reduce GHG emissions (this can include a requirement to prepare a GHG Reduction Strategy).

If the City has the resources to create a GHG emissions reduction strategy shortly after the General Plan update, the following additional steps should be considered:

- A community-wide GHG emissions forecast for the SB 32 target year of 2030.
- A set of GHG reduction strategies that, when quantified, achieve the 2030 reduction target and continue emission reductions beyond 2030 (reduction strategies to be included as General Plan policies or implementation actions).
- A monitoring and tracking program.

There are a number of benefits of aligning both documents, including:

- Allowing local governments to include a wider range of mitigation measures in the GHG reduction strategy, especially those that are related to land use and transportation.
- Allowing projects to take advantage of a wider range of CEQA streamlining measures.
- Streamlining environmental review for the GHG reduction strategy itself.
- Ensuring that the GHG emissions reduction plan and General Plan use a consistent set of baseline conditions and growth assumptions, which can save effort for planners.

As part of the General Plan Update, the City will be preparing a Climate Action Plan which will address the above requirements.

Complete Streets Act (SB 1358, 2008)

Legislation Summary

The Complete Streets Act (AB 1358) requires cities to modify the Circulation Element of their General Plan to plan for a balanced, multimodal transportation network that meets all users' needs for safe and convenient travel in a manner that is suitable to the local context—whether it's rural, suburban, urban, or some combination. Any revision of a General Plan Circulation Element triggers AB 1358's requirements. Therefore, the City of Hollister must incorporate Complete Streets in this update of the General Plan.

Recommendations

The existing Circulation Element takes a multimodal approach and includes goals and policies to enhance the circulation network for automobiles, bicyclists, pedestrians, and transit users. , In addition, the City has developed Complete Streets Plans in part across the city. The City currently has the 2015 Complete Streets Plan for Nash/Tres Pinos/Sunnyslope Roads and McCray Street and is currently developing a Complete Streets Plan for Buena Vista Road, Santa Ana Road, Meridian Street and Memorial Drive. In addition, the City is pursuing traffic calming measures, such as roundabouts, to improve roadway safety. The update to the General Plan should incorporate these plans and address AB 1358 in the Land Use and Community Design Element; Circulation Element; and Community Services and Facilities Element to strengthen existing policies that creates a built environment that encourages bicycling and walking, and to reduce automobile dependence by making alternate modes of travel more convenient. To fully address SB 1358, the City must go beyond making active transportation convenient and strengthen policies and design standards to protect the safety of all transportation facility users.

We recommend that the City add new policies under Goal C2 in the Circulation Element to incorporate Complete Streets provisions that ensure all transportation facilities are designed and built to be safe for all users, including pedestrians, bicyclists, transit users, people with disabilities, and drivers.

Transportation Impacts (SB 743, 2013)

Legislation Summary

Governor Jerry Brown signed SB 743 on September 27, 2013, a bill which created streamlining provisions and exemptions for transit-oriented infill projects to better balance the needs of congestion management with Statewide goals related to infill development, promoting public health through active transportation, and reducing greenhouse gas (GHG) emissions. SB 743 directed OPR to establish new practices and metrics to evaluate transportation impacts under the CEQA and mandating that the Level of Service (LOS) metric be replaced with the Vehicle Miles Traveled (VMT) metric. While SB 743 doesn't eliminate the ability of local agencies to continue to use LOS as a metric for planning and/or nexus studies, it places an emphasis on sustainable transportation planning with the overarching goal of reducing GHG emissions through the VMT metric. SB 743 will also serve to encourage infill development, discourage greenfield development, and make non-auto modes safer and more reliable. OPR issued a Technical Advisory on Evaluating Transportation Impacts in CEQA in December 2018, which includes recommendations for VMT assessment, thresholds of significance, and mitigation measures. Mandatory use of the new VMT significance criteria under the CEQA Guidelines by all Lead Agencies goes into effect on July 1, 2020.

The GPG from OPR recommend that local agencies continue to use LOS in planning processes to size roadways, but also to rely on other metrics, like VMT and multi-modal metrics, for evaluating individual projects and assessing impact fees. In addition, the GPG recommends that local agencies establish LOS policies in consideration of the tradeoffs between mobility and other goals, including reducing GHG and air pollution emissions, improving safety of other modes, and supporting public health.

Recommendations

The City of Hollister will adopt VMT-based CEQA significance thresholds for development projects as part of the Circulation Element to comply with State law. However, policy language in the element will still support maintenance of varying roadway LOS, so as to allow for assessment and mitigation of LOS under project review even after implementation of SB 743 and the transition to assessment of VMT in CEQA documents. The resulting Circulation Element will include a hybrid set of policies addressing both standards. We recommend that the City additionally add policies in the Circulation Element to encourage multimodal mobility and alternative transportation.

Revised Definition of Major Transit Stop (AB 1560, 2019)

Legislation Summary

AB 1560 changes the definition of a major transit stop to include a station along a Bus Rapid Transit (BRT) route. AB 1560 defines BRT as having these characteristics: dedicated lanes, signal priority, defined stations, all-door boarding, efficient fare collection, and a minimum 15-minute headway.

Recommendations

AB 1560 does not specifically pertain to general plan requirements; however, regional planning processes rely on the definition of major transit stop to guide certain land use types/changes. Hollister features 83 total transit stops operated by San Benito County Express (SBCE), though none of these would be considered a major transit stop. As transportation planning continues to evolve locally and regionally, SBCE may consider opening BRT lines along major thoroughfares to alleviate roadway congestion. While the city does not have a direct role in these changes, they may want to partner with SBCE in the future to facilitate and benefit from transportation improvements. Therefore, the City of Hollister may consider proactively identifying potential major transit stop locations as it updates its Circulation Element, and especially the General Plan Land Use Designation map, to be qualified for BRT routes in the future.

Sustainable Groundwater Management Act (SB 1739, 2014)

Legislation Summary

Prior to the adoption or any substantial amendment of a general plan, AB 1739 requires local planning agencies to review and consider applicable groundwater plans and to refer their proposed planning actions/documents to groundwater management agencies.

Recommendations

Hollister crosses three hydrologic sub-basins: the San Juan sub-basin, the Gilroy-Bolsa sub-basin, and the Hollister sub-basin. These sub-basins have varying regulatory agencies including the San Benito County Water District (SBCWD), San Benito County, and the Sunnyslope County Water District (SCWD).

The SBCWD began development of the Sustainable Groundwater Management Plan in 2018, but work is ongoing, and the draft plan has not been released. Therefore, there are no plans or policies in place for the groundwater subbasin underlying Hollister in SBCWD's jurisdiction. Nevertheless, it is likely that additional development or even completion of the applicable Sustainable Groundwater Management Plan (SGMP) will take place during Hollister's General Plan Update. The City should coordinate with SBCWD not only on water and wastewater considerations typical of any general plan update, but also on the progress and provisions of the SGMP to ensure consistency between the two documents.

In addition, the City of Hollister uses the Groundwater Management Plan to coordinate with the SBCWD, San Benito County, and the SCWD for the quality regulation, distribution, and preservation of groundwater throughout the city. The City should also submit draft General Plan updates to SBCWD, the County, and SCWD for review, for compliance with this and other statutes, as well as CEQA and overall review.

Tribal Cultural Resources (AB 52, 2014)

Legislation Summary

AB 52 adds “tribal cultural resources” (TCR) to the specific cultural resources protected under CEQA, and it requires lead agencies to notify relevant tribes about development projects. It also mandates lead agencies must consult with tribes if requested and sets the principles for conducting and concluding consultation.

Under AB 52, a TCR is defined in a similar way to a tribal cultural place under SB 18: sites, features, places, cultural landscapes (must be geographically defined in terms of size and scope), sacred places, and objects with cultural value to a California Native American tribe. Because present-day tribal lands may not be anywhere near a tribe’s traditional geographical “home,” the City cannot make assumptions about which tribes could be affected by a project. Instead, each time the City pursues a project subject to AB 52, it must contact the Native American Heritage Commission (NAHC) for a list of affected tribes. The NAHC can provide information on which tribes may be traditionally and culturally affiliated with a geographic area.

It should also be noted that State statute regarding General Plan contents requires the Open Space Element to address “open space for tribal resources” as one of several categories of open space that must be covered in the General Plan [Gov. Code § 65560(b)(6)]. This includes:

Public land containing any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine, or any Native American historic, cultural, or sacred sites that are listed or may be eligible for listing in the California Register of Historic Resources.

Tribal consultation is required not only to identify these resources, but also to determine the level of confidentiality needed to protect these resources and what information about them can or should be published in a public document.

Recommendations

As noted above, the letter of the law of AB 52 is focused on the CEQA process. There are no legal requirements for General Plan content regarding TCRs. However, early and ongoing dialogue between tribes and lead agencies is central to successful tribal consultation efforts, and it is beneficial to build trust and relationships with tribes that may be interested in projects in and around Hollister. As trust is built, tribe members may feel more comfortable disclosing the location and nature of TCRs; City staff and decision-makers will better understand what Native Americans consider important and why; and mutually acceptable mitigations can be identified. Moreover, not all tribes hold the same beliefs; thus, the City won’t know what a tribe values until it establishes a relationship with them. Good working relationships between lead agencies and tribes can facilitate the development process and save time and money. But most importantly, they demonstrate respect and avoid perpetuating the destruction of Native cultures that has characterized much of California’s history.

Therefore, the City could consider adding to the General Plan more robust overarching guidance regarding tribal consultation, relationship building, and respect for TCRs. The updated General Plan could add a similar policy focused on consultation not only with applicants but with City staff and elected officials, and/or a more general policy demonstrating that the City understands what TCRs are (as distinct from listed archeological or historic sites), values their importance, and intends to take concrete steps to preserve them.

Local Hazard Mitigation Plan Integration (AB 2140, 2006)

Legislation Summary

AB 2140, passed in 2006 after the 2005 update of the Hollister General Plan, allows California jurisdictions to adopt local hazard mitigation plans (LHMPs) into the Safety Element of their General Plans. Upon compliance, cities and counties can be considered for part of all of its local-share costs on eligible Public Assistance funding to be provided through the California Disaster Assistance Action (CDAA). While this law is not a requirement, it is an optional incentive to increase city and county resilience in the face of natural disasters.

To be in compliance, the city or county must have a current, FEMA-approved or approvable pending adoption LHMP. Adoption of the LHMP with FEMA is a federal requirement and does not make Hollister automatically AB 2140 compliant. AB 2140 is a state incentive and requires adopting the LHMP into the Safety Element of your General Plan. However, both adoptions can take place at the same time using the same adoption resolution. For multi-jurisdiction LHMPs, each county and city in the LHMP must adopt the LHMP as part of the general plan safety element. Annex jurisdictions are not covered under the county's adoption

Recommendations

San Benito County's LHMP includes the City of Hollister as part of the multi-jurisdiction LHMP. The City of Hollister has adopted their annex of the multi-jurisdiction LHMP and should include similar language into their update of the Health and Safety Element. As part of the General Plan Update, the City will revisit the LHMP and prepare its own LHMP for the city. The year the LHMP was approved by FEMA must be included in the resolution and Health and Safety Element language. Since the multi-jurisdiction LHMP is already adopted and approved by FEMA, the City must scan the final, signed and adopted updated Health and Safety Element to CAL OES Mitigation Planning at mitigationplanning@caloes.ca.gov.

Fire Hazards (SB 1207, 2010; SB 1241, 2014)

Legislation Summary

Several pieces of legislation over the last 13 years have expanded the scope of general plan safety elements, including evaluations of wildfire risks (SB 1207, 2010) and wildfire hazards regulation requirements (SB 1241, 2014).

SB 1207, passed in 2010, requires cities and counties located in areas at risk of wildfire to consider specified wildfire hazards and risks in review of the safety element. This law triggered the Office of Planning and Research (OPR) to update a fire planning report and propose CEQA guidelines changes pertaining to fire risks. Subsequently, SB 1241 established safety element requirements for state responsibility areas and very high fire hazard severity zones, using the updated Fire Hazard Planning Guide from the Office of Planning and Research as a guide.³

Hollister is in a Local Responsibility Area; it is not a State Responsibility Area nor is it in a very high fire hazard severity zone. However, SB 1241 also requires all local jurisdictions (regardless of the level of wildfire hazard in the community) to develop policies and implementation actions based on the most recent *Fire Hazard Planning Guide* from the Office of Planning and Research. In addition, SB 1241 requires that the draft safety element be submitted to the State Board of Forestry and Fire Protection at least 90 days prior to adoption of the safety element update.

Recommendations

To comply with SB 1241, Hollister will include goals, policies, and actions to address fire hazards in the Land Use and Community Design Element, Circulation Element, Natural Resources and Conservation Element, Community Services and Facilities Element, Open Space and Agriculture Element, and Health and Safety Element. The *Fire Hazard Planning Guide* includes policy suggestions addressing wildfire hazard, adequate water flow for fire suppression, evacuation routes, and emergency services, among other topics.

Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program (AB 836, 2019)

Legislation Summary

AB 836 created the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program which would be administered by a state board and allow local governments to apply for grants to retrofit ventilation systems at certain public buildings to provide refuge for residents during periods of unhealthy air quality caused by excessive smoke from wildfires.

Recommendations

AB 836 does not impose any direct requirements with respect to general plans. However, given that health impacts from wildfire smoke on vulnerable populations were of significant concern across California due to historically unprecedented fires in recent years, the City may wish to explore ways to

³ The current version of this guide, from 2015, is available online at http://www.opr.ca.gov/docs/Final_6.26.15.pdf.

integrate this issue and leverage the pilot clean air center program into to the General Plan Update. We recommend adding this pilot program as a new implementation action under existing Policy CSF 4.12

Fire, Flood, and Adaptation Safety Element Updates (SB 1035, 2018)

Legislation Summary

SB 1035 does not in and of itself establish new requirements for what must be included in a Safety Element; instead it clarifies timing issues for updating Safety Elements with respect to certain topic areas that were addressed by previous legislation.

SB 1035 clarifies that revisions to the Safety Element to address fire hazards, flood hazards, and climate adaptation and resilience strategies all must occur upon each revision to a Housing Element or Local Hazard Mitigation Program. And even in the absence of those triggers, a Safety Element update to address these topics must occur no less than once every eight years.

Recommendations

Given that an update to the 2015 San Benito County Multi-Jurisdictional Hazard Mitigation Plan (which serves as Hollister’s Local Hazards Mitigation Plan) is expected this year, Hollister should plan to make Health and Safety Element updates to fully address all of the required topic areas discussed above—with a particular emphasis on climate change risks, resilience, and adaptation, since the current General Plan does not directly address these topics.

Flood Control (AB 162, 2007)

Legislation Summary

Several pieces of legislation over the last 12 years have expanded what cities are required to address in their General Plan Safety Elements. Part of the 2007 Flood Legislation, AB 162 (Wolk) expanded required Safety Element content with respect to flood hazards.

Specifically AB 162 requires safety elements to identify and review areas subject to flooding based on flood plain mapping prepared by the Federal Emergency Management Agency; Conservation Elements are similarly required to identify “rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.” The bill also requires the Safety Element to include comprehensive goals, policies, and objectives to address “unreasonable” risks of flooding.

Recommendations

Given that the 2015 San Benito County Multi-Jurisdictional Hazard Mitigation Plan (which serves as Hollister’s Local Hazards Mitigation Plan) is currently in effect and compliant with the above law, Hollister should use the LHMP as a starting point when embarking on its own LHMP. The Health and

Safety Element updates should fully address all of the required safety measures discussed above—with a particular emphasis on climate change risks, resilience, and adaptation, since the current General Plan does not directly address these topics.

Emergency Evacuation Routes (SB 99, 2019; AB 747, 2019)

Legislation Summary

SB 99 requires jurisdictions to review and update their Safety Elements to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes, upon the next revision of a city’s Housing Element.

AB 747 requires jurisdictions to “identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios” in their LHMP upon any update on or after January 1st, 2022. Or, if the jurisdiction does not have an existing LHMP, they must include this information in their Safety Element or in a new LHMP by January 1st, 2022.

Recommendations

Because Hollister features neighborhoods located in hazard areas (including earthquake fault zones, flood, wildfire, and others) it will be necessary to determine evacuation routes. While the next update to the City’s Housing Element will not take place until 2023, whereupon triggering the requirements of SB 99, AB 747 requires that the City’s Health and Safety Element identify evacuation routes by 2022. Given that an update to the 2015 San Benito County Multi-Jurisdictional Hazard Mitigation Plan (which serves as Hollister’s Local Hazards Mitigation Plan) is expected this year, Hollister should plan to make Health and Safety Element updates to include detailed information on evacuation routes to improve public safety using data gathered through the LHMP update.

Climate Change Adaptation (SB 379, 2015)

Legislation Summary

SB 379 requires the Safety Elements of general plans to be reviewed and updated to include climate adaptation and resilience strategies. The review and update must include the following components:

- A vulnerability assessment that identifies the overall risks climate change poses to the local jurisdiction and the specific geographic areas at risk from certain climate change hazards.
- A set of adaptation and resilience goals, policies, and objectives based on the information specified in the vulnerability assessment.
- A set of feasible implementation measures designed to carry out the adaptation and resilience goals, policies, and objectives, including:
- Avoiding or minimizing climate change impacts associated with new land uses.

- Locating, whenever feasible, new essential public facilities (e.g., hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities) outside of at-risk areas, or identifying methods to minimize damage if located in at-risk areas.
- Designating adequate and feasible infrastructure in at-risk areas.
- Establishing guidelines to work cooperatively with relevant local, regional, State, and federal agencies.
- Identifying natural infrastructure that may be used in adaptation projects, where feasible.

This review and update must occur with the next revision of the LHMP, on or after January 1, 2017.

Recommendations

The existing Hollister General Plan contains guiding policies and implementing actions to reduce GHG emissions and mitigate climate change impacts associated with new land uses, but it does not address the climate change adaptation requirements of SB 379.

We recommend that the City establish a comprehensive understanding of the risks that climate change poses to Hollister, based on existing data from County and regional sources. As noted above, the trigger for this update will be the next revision of the relevant Local Hazard Mitigation Plan (LHMP).

This assessment should be presented in a new section on climate change adaptation and resilience in the General Plan Health and Safety Element, and, per SB 379, should be based on the following, to the extent that data are available:

- Online Cal-Adapt tool.
- California Adaptation Planning Guide.
- San Benito County, local agencies, and special districts that manage resources vulnerable to climate change.
- Historic data on natural events and hazards.
- Existing and planned development, utilities, and infrastructure in at-risk areas.
- Relevant federal, State, regional, and local agencies that protect public health, safety, and the environment.

This new section of the Health and Safety Element should also include new goals, policies, and actions that respond to the vulnerability assessment. Given that adaptation is a cross-sector issue, new goals, policies, and actions may be needed in other elements, such as the Natural Resources and Conservation Element, Land Use and Community Design Element, and Open Space and Agriculture Element. In addition, to comply with the specifications of SB 379, additional policies and actions may be needed to address the following:

- Ensuring that new development avoids or minimizes climate change impacts.

- Locating essential public facilities outside of at-risk areas and/or minimizing potential damage if such facilities are or must be located in at-risk areas.
- Designating adequate and feasible infrastructure in at-risk areas.
- Coordinating with other agencies on adapting to the full set of threats from climate change.
- Identifying natural infrastructure available for adaptation projects.

Property and Business Improvement Districts and Infrastructure Financing Districts (SB 1462, 2014)

Legislation Summary

SB 1462 was an omnibus bill that made a wide variety of mostly minor and non-substantive changes to California laws. With respect to General Plans, this bill removed the requirement for Noise Elements to use guidelines from the State Office of Noise Control, since that office no longer exists.

Recommendations

Jurisdictions are still required to prepare a noise element and adopt appropriate policies, but those efforts are no longer guided by this now-defunct office. Therefore, if Hollister meets other applicable noise element requirements, this bill will have little effect on Hollister’s General Plan Update.

Planning for Healthy Communities Act (SB 1000, 2016)

Legislation Summary

SB 1000 requires that General Plans include an Environmental Justice Element—or related goals, policies, and objectives integrated in other elements—that identify disadvantaged communities within the area covered by the General Plan. The new environmental justice goals, policies, and objectives must do the following:

- Reduce the unique or compounded health risks in disadvantaged communities by reducing pollution exposure and promoting public improvements, public services, community amenities, food access, safe and sanitary homes, and physical activity.
- Promote civil engagement in the public decision-making process.
- Prioritize improvements and programs that address the needs of disadvantaged communities.

This update must occur upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018, thus the General Plan Update triggers these requirements.

“Disadvantaged communities” are defined as areas identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or low-income areas that

are disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

SB 1000 defines DACs per Health and Safety Code Section 39711, specifying CalEnviroScreen as the primary screening method for identifying DACs. Interactive CalEnviroScreen mapping is available online at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>. CalEnviroScreen quantifies a range of factors related to the combination of pollution burden and population characteristics (such as poverty, educational attainment, or age) and arrives at a score for every Census tract. In general, the higher the score, the more impacted a community is. Census tracts in the highest quartile of scores (75 to 100) are considered to be disadvantaged communities under SB1000. None of the Census tracts in Hollister are considered by the State to be a disadvantaged community, meaning that Hollister is exempt from addressing environmental justice as part of the General Plan Update.

Note that this does not refer to the same methodology used to identify “disadvantaged unincorporated communities” described above under SB 244. Both use median income as one criterion, but SB 244 is focused on safe and adequate infrastructure while SB 1000 is focused on disproportionate impacts of environmental pollution.

Recommendations

The City of Hollister does not contain DACs according to CalEnviroScreen, but given the significant farmworker community, specific attention should be given to assess and address the needs of underserved communities in the city. Therefore, the General Plan Update will incorporate environmental justice information and policies into the Health and Safety Element.

Under SB 1000, the General Plan Update process must address specific topics in the new/updated goals, policies, and objectives, including the following:

- **Pollution exposure and air quality.** Existing policies could be expanded to target disadvantaged or underserved communities, the specific pollutants of concern in those communities, and mitigation approaches for new development that could place sensitive receptors in areas with exposure to pollutants.
- **Public facilities.** The new environmental justice components of the General Plan should ensure that disadvantaged or underserved communities have adequate access to public facilities and services, in part by promoting public improvements in those communities.
- **Food access.** The City should include policies to promote projects that would improve access to affordable and nutritious food in disadvantaged or underserved communities.
- **Safe and sanitary homes.** The Housing Element works to ensure access to housing, including affordable housing, and includes policies that promote safe and sanitary homes. These policies could be expanded in the General Plan or in a future Housing Element update to address the following:
 - Ensuring that affordable housing projects meet health and safety requirements that are consistent with market-rate housing.

- Expanding efforts to repair and rehabilitate substandard housing in disadvantaged communities.
- Remediating lead-based paint, mold, mildew, asbestos, and other contaminants.
- Enforcing public health-related codes in disadvantaged communities.
- **Physical activity.** The City could expand existing policies in the Open Space and Agriculture Element to target an equitable distribution of physical activity opportunities. This effort could build on projects identified in mobility plans that focus on creating safer and more comfortable streetscapes for pedestrians and bicyclists in disadvantaged communities.
- **Civic engagement.** The City should include new and expanded policies that promote public participation in its planning processes, and which specifically target disadvantaged or underserved communities, including through:
 - Using culturally-appropriate approaches.
 - Considering the convenience of meeting times/locations for community members.
 - Using social media and other communication techniques for those without time to attend public meetings.
 - Providing translation services when needed.
 - Exploring new pop-up or community-based outreach methods.
- **Prioritization of improvements and programs that address the needs of disadvantaged or underserved communities.** Policies to prioritize improvements and programs that serve disadvantaged or underserved communities should address the following:
 - Whether improvements/programs meet an important community need. Underserved communities have needs and priorities that may be distinct from those of the public at large. The equity of projects and investments should be assessed based on whether and how well they address these priority needs.
 - Whether benefits to the local community are significant.
 - Whether low-income residents are the primary beneficiaries.
 - Whether improvements/programs avoid substantial burdens, like increasing toxic exposures, causing a net loss of affordable housing, or displacing residents or local businesses.

In addition to those policy topics required by SB 1000, the City could also consider addressing the following in other elements and/or related policies:

- Neighborhood design.
- Public safety and security, including crime prevention through environmental design (CPTED).
- Emergency and community services.

Revisions to the Definition of Environmental Justice (AB 1628, 2019)

Legislation Summary

AB 1628 revised the definition of “environmental justice” found in the Cortese-Knox-Hertzberg Local Government Act of 2000, the California Coastal Act, and Government Code to include the meaningful involvement of people of all races, cultures, incomes, and national origins.

Recommendations

The City of Hollister has a diverse population and strives to engage all community members in public engagement processes. The General Plan Update will be part of the City’s effort to plan for comprehensive and inclusive community engagement that goes beyond meeting the updated definition of environmental justice. Therefore, by maintaining and building upon its current approach to community engagement in the General Plan Update process, the City of Hollister will meet the requirements of this bill.

General Plan Guidelines

The Land Use and Community Design Element should be updated to reflect the OPR General Plan Guidelines as described below.

Equitable Opportunities

Planning decisions affect the entire community, and the entire community must be allowed equal access to the public process. Equity components of planning ensure that all residents benefit from reduced GHG emissions, climate change adaptation policies, active transportation options, economic opportunities, and healthier lifestyles. OPR recommends an equity component to comply with environmental justice statutory requirements and encourage policies including:

- The City shall encourage development that reduces VMT, decreases distances between jobs and housing, reduces traffic impacts, and improves housing affordability.
- The City shall encourage the development of complete neighborhoods that provide for the basic needs of daily life and for the health, safety, and mental well-being of residents.
- The City shall invest in community planning efforts that aim to reverse trends of community deterioration and blight which lead toward the decline of personal and property safety within the City.
- The attraction and retention of high quality grocery stores and other healthy food purveyors should be pursued as an economic development strategy for the City. Health food outlets include full-service grocery stores, regularly-held farmer’s markets, fruit and vegetable

markets, and convenience stores or corner stores that sell a significant proportion of healthy food.

As demonstrated in the diverse policy recommendations above, equity policies and programs span all elements of the General Plan, and the OPR and statutory requirements recommend weaving the equity component throughout the General Plan.

Recommendations

Hollister’s planning documents and efforts strive for social equity inherently in much of their policy and program frameworks. The existing Land Use and Community Design Element strives to maintain balance between the number of local jobs and number of available housing units within the planning area, promote orderly and balanced growth within Hollister’s planning area boundaries, and maintain the stability of existing neighborhoods, offer accessible community amenities and gathering places, and promote diverse housing opportunities. However, recent State legislative changes call for clearer and more direct policies to promote social equity and environmental justice, including SB 244 and SB 1000, as described above. With the recommended process to respond to SB 1000 described earlier in this memorandum, Hollister’s updated General Plan can be consistent with the GPG guidance on this issue.

Healthy Communities

There has been considerable focus on healthy communities since 2010, and the GPG includes a chapter devoted to just this topic. There are many opportunities to strengthen support for creating healthy communities in the City’s planning documents, including through goods movement and truck routes planning. In addition, the changes recommended in this memorandum to comply with AB 1358 (Complete Streets), SB 379 (Adapting to Climate Change, which will address issues like extreme heat events, and SB 1000 (health risks in disadvantaged communities) will all promote healthy communities and will further align the General Plan Update with GPG guidance.

Goods Movement/Truck Routes

The GPG cites particular community health impacts of truck traffic associated with goods movement:

- Trucks emit diesel particulate matter, a localized pollutant that is particularly hazardous to human health.
- Trucks generate high noise levels.
- Trucks pose special collision hazards, especially for pedestrians and bicyclists.

To minimize those impacts, the GPG recommends that truck routes be designed to minimize risk to areas with concentrations of sensitive receptors and vulnerable road users, like pedestrians and bicyclists. In addition, the GPG recommends that goods movement facilities, like distribution centers, be located to avoid residential areas and schools. The GPG identifies the following sample policy to address goods movement: “The City shall balance commercial goods movement with the health and

quality of life priorities of the community by routing heavy truck traffic away from residential zones and promoting safety at rail crossings.”

Recommendations

The City could consider adding more robust policies on goods movement and truck routes to the Circulation Element. The current General Plan and other regional transportation planning documents already address the need for designated truck routes to reduce commercial traffic in residential neighborhoods, but given that the issue of freight and resulting air pollution impacts is an ongoing concern due to the prevalence of goods movement-dependent industries in Hollister and in surrounding areas, it would likely be appropriate to devote additional attention to this topic to protect areas with concentrations of sensitive receptors, such as schools and retirement homes, and vulnerable road users, such as bicyclists and pedestrians. Trucking operations and other goods movement facilities are designated in the existing General Plan’s industrial land use designation, and the General Plan Update could also consider adding a goal in the Land Use and Community Design Element land to ensure adjacent land uses are compatible.

Economics

The GPG notes that policies related to all elements of a general plan greatly affect economic opportunity, development, and stability. Economic development policies must therefore link and integrate with other elements to plan for decisions regarding land use and circulation. The GPG recommends policy language that ensures new development pays for its fair share of new and improved transportation facilities and emphasizes transportation projects that will reduce VMT per capita while maintaining economic vitality. The GPG also addresses the relationship between economics and health, recommending that cities and counties provide widespread access to diverse employment and training opportunities, strive to increase job growth in industries providing self-sufficient wages and health care benefits, attract and retain a diverse mix of businesses and industries, and attract job opportunities accessible to all residents. Another policy topic recommended in the GPG that supports fiscal health and reduced project costs is the concept of “dig once.” As the name implies, the concept is to coordinate utility and roadway construction to avoid digging up the right-of-way multiple times.

Recommendations

The existing General Plan notes that while agriculture continues to be the predominant economic activity in the county, development pressure is changing the rural character of the area, and many of Hollister’s employed residents commute to jobs outside the city. The City’s General Plan already recognizes the relationship between land use and circulation decisions and their fiscal implications and recognizes how local economies can affect residents’ quality of life. The existing General Plan also calls for the creation of an Economic Development Plan to retain and attract businesses, marketing Hollister as a desirable location for different types of businesses. However, as part of the General Plan Update, the City will be creating a new Economic Element to incorporate goals, policies, and implementation measures to reflect the City’s vision for local economic development that complements and is reinforced by the other General Plan elements. Among others, anticipated goals will include reducing

local out-commuting by improving the local jobs housing balance and creating a more diverse and robust tax base to support high quality local services. The Economic Element will focus on issues such as job attraction; supporting and leveraging the surrounding agricultural industry; capitalizing on opportunities related to the airport, the industrial area, the expanding cannabis sector, and tourism development related to the Pinnacles Gateway Partnership and Hollister Hills recreational activities.

While Hollister’s existing General Plan proactively addresses economic development as it relates to transportation, infrastructure, and health, the following sample policies provided in the GPG could be added to the Circulation Element and the Community Services and Facilities Element:

- Coordinate, to the extent possible, upgrades and repairs to roadways with utility needs, infrastructure upgrades, and bicycle and pedestrian improvements.
- Emphasize transportation projects and programs, especially in the Special Planning Areas, that will contribute to a reduction in VMT per capita, while maintaining economic vitality and sustainability.
- Implement a “dig once” policy to reduce costs and impacts on public right of way. The policy shall apply to infrastructure, utilities, and broadband whenever possible.

Mitigation of Agricultural Land Conversion

Conservation of environmental and agricultural resources is one of the State’s three planning priorities.⁴ State statute requires cities to address agriculture in the General Plan Land Use Element and the Open Space Element (called the Land Use and Community Design Element and the Open Space and Agriculture Element in Hollister).

The GPG discussion of agricultural land conversion links readers to a publication by the California Council of Land Trusts (CCLT) entitled “Conserving California’s Harvest: A Model Mitigation Program and Ordinance for Local Governments,” published in 2014. This handbook provides an overview of tools for mitigating impacts from agricultural land conversion: conservation easements, restrictive covenants or deeds (which are not recommended), fee title acquisition, in lieu fees, and mitigation banks. All of these tools are voluntary for cities or counties to adopt or employ.

⁴ California Government Code Section 65041.1

The recommended policies on preserving agricultural lands in Appendix A of the GPG include:

- [City, county] shall establish a coherent and logical pattern of urban uses that protect and enhance open space and agricultural uses by providing a clear and permanent boundary for urban uses with the [city, county]'s planning area.
- Preserve agricultural lands using a variety of programs, including the Williamson Act, Farmland Preservation Zones (implemented through the Williamson Act), conservation easements, greenbelts, Agricultural Lands Conversion Ordinances and Right-to-Farm Ordinances.
- Maintain large parcel sizes within agricultural zones and strict requirements regarding division of farmland.
- Require the development of vacant lands within city boundaries prior to conversion of agricultural lands.

In addition to or instead of requiring mitigation of agricultural land conversion through a General Plan policy, some cities require mitigation through the CEQA process. CEQA defines agricultural land as “prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.”⁵ Lead agencies (in this case, the City of Hollister) must mitigate or require mitigation of physical impacts to agricultural land to the extent feasible. Mitigation means:

- a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e) Compensating for the impact by replacing or providing substitute resources or environments.⁶

One-to-one mitigation requirements, in which a city or a county requires a project proponent to permanently protect 1 acre of agricultural land for every 1 acre converted to non-agricultural use, have been adopted by several jurisdictions in California, and are generally supported by case law as feasible mitigation (although they may not always mitigate agricultural impacts to a less-than-significant level). However, there is currently no requirement that a city or county require mitigation for the conversion of agricultural land as a General Plan policy. Each jurisdiction must carefully consider its specific location

⁵ California Public Resources Code Section 21060.1(a)

⁶ California Code of Regulations (CEQA Guidelines) Section 15370

and context and must carefully craft any agricultural mitigation requirements – whether in the General Plan or in CEQA documents - based on substantial evidence in the public record.⁷

Recommendations

The existing General Plan notes that a significant amount of new development has resulted in the loss of agricultural land since 1993, and the City is becoming increasingly urbanized as agriculture becomes less integral to the local economy. Hollister’s existing General Plan discusses protection of agriculture and soils primarily in the Open Space and Agriculture Element, directing the City to protect agricultural lands by maintaining parcels large enough to sustain agricultural production, preventing conversion to non-agricultural uses, and prohibiting uses that are incompatible with long-term agricultural production. The existing General Plan recommends creation of an agricultural community disclosure ordinance, an open space management plan, and a voluntary "Subscription Farming" or Community Supported Agriculture (CSA) program. It also designates Prime Farmland for preservation.

While existing General Plan Policy OS2.3 encourages subdivision sponsors to enter into an agreement to maintain soils of proposed subdivisions on Williamson Act contracts, it does not require donation or action. The related implementation measure establishes a farmland trust for land donations and conservation easements, but it does not have strict language requiring donation, as recommended by the OPR. The City should consider strengthening this language to require mitigation of agricultural land conversion through a General Plan policy to better respond to State guidelines.

Climate Change

With the existing background information, goals, policies, and actions related to GHGs and climate change, combined with the recommended amendments described above to comply with SB 375, SB 379 and SB 32, the General Plan Update will be consistent with much of the GPG guidance related to climate change.

An additional policy topic to consider amending in support of GHG emissions reduction efforts is level of service (LOS). Governor Jerry Brown signed SB 743 on September 27, 2013, a bill which created streamlining provisions and exemptions for transit-oriented infill projects to better balance the needs of congestion management with Statewide goals related to infill development, promoting public health through active transportation, and reducing greenhouse gas emissions. SB 743 directed OPR to establish new practices and metrics to evaluate transportation impacts under the California Environmental Quality Act (CEQA) recommending that the Level of Service (LOS) metric be replaced with the Vehicle Miles Traveled (VMT) metric. While SB 743 doesn’t eliminate the ability of local agencies to continue to use LOS as a planning metric in General Plans, it does reflect a shift in perspective to more sustainable

⁷ Hart, Katherine J., “Appellate Court Upholds 1:1 Agricultural Lands Mitigation,” accessed online at <https://blog.aklandlaw.com/2010/12/articles/local-government/appellate-court-upholds-11-agricultural-lands-mitigation/>.

transportation planning that relies on other metrics like VMT to avoid discouraging infill development, encouraging greenfield development, and making non-auto modes less safe. OPR issued a *Technical Advisory on Evaluating Transportation Impacts in CEQA* in December 2018 which includes recommendations for VMT assessment, thresholds of significance, and mitigation measures. Mandatory use of the new VMT CEQA guidelines by all Lead Agencies goes into effect on July 1, 2020.

The GPG recommends that local agencies continue to use LOS in planning processes to size roadways, but also to rely on other metrics, like VMT and multi-modal metrics, for evaluating individual projects and assessing impact fees. In addition, the GPG recommends that local agencies set LOS thresholds in consideration of the tradeoffs between mobility and other goals, such as reducing GHG and air pollution emissions, improving safety of other modes, and supporting public health.

Recommendations

The City of Hollister will need to determine a revised transportation impact metric for future CEQA analyses. The City has already stated it will maintain LOS as part of the project review process.

Before proposing recommendations on VMT criteria, a VMT baseline must first be established as a point of reference. The lead agency has discretion in the methodology to determine a project's impact on VMT.⁸ OPR recommends "a per capita or per employee VMT that is 15 percent below that of existing development" as a reasonable threshold.⁹ However, the City can adopt a different threshold, provided it is based on "substantial evidence" that it will also meet the goal of the legislation: reducing GHG emissions. The City is currently considering using the 15 percent below baseline threshold. Based on the GPG guidance, the City should update Policy C 1.1 to use VMT and multi-modal metrics in addition to LOS to evaluate project impacts and assess impact fees.

Crime Prevention Through Environmental Design (CPTED)

Social connection and safety are qualities of healthy communities as discussed in the GPG. Safety in a neighborhood can impact social stress and influence whether people will be physically active. Employing CPTED principles can improve the perceived and actual safety in communities. CPTED uses design elements to control access, provide more opportunities for passive observation of what is occurring in the area, and encourage civic engagement to maintain properties. The GPG recommends enhancing overall community safety by placing more emphasis on preventative measures to reduce crime. Incorporating crime prevention features as part of the built increases the overall safety of residents and visitors within these communities.

⁸ Office of Planning and Research, December 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*, page 29. http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

⁹ Office of Planning and Research, December 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*, page 10.

Recommendations

While many CPTED principles are best implemented at the Zoning Ordinance level, the City could consider adding a policy framework to the General Plan through a new policy that directs new development to incorporate CPTED principles by delineating private and public spaces, enhancing visibility, controlling property access, and ensuring adequate property maintenance. Such a policy could be added to the Land Use and Community Design Element or Health and Safety Element, as well as an associated action to establish CPTED provisions in the Zoning Ordinance.

General Plan Best Practices

The 2005 General Plan incorporates many best planning practices and much of the document remains relevant today. As part of the General Plan Update, the City will bring the General Plan into compliance with new State legislative requirements and align with the recommendations of OPR's General Plan Guidelines. Responding to these two sets of requirements and recommendations will help the City establish an innovative, equitable document that balances the many planning priorities in the City. However, the community has raised several new topics that are either absent in the existing General Plan or could be strengthened as part of the General Plan Update. To respond to community priorities, the General Plan Update should also incorporate the following topics:

- **Growth Management.** The 2005 General Plan includes goals and policies to establish an orderly growth pattern in Hollister such as prioritizing infill development, encouraging the use of Specific Plans for land within the SOI, establishing a development phasing strategy, and studying the feasibility of a Transfer of Development Credits program. However, the County of San Benito has been approving large residential projects in the area just outside the City Limits. The General Plan should establish the framework for the City to have a stronger voice in the approval of these projects including working more collaboratively with County staff and revisiting existing agreements with the Sunnyslope County Water District that require the City to provide wastewater service to unincorporated communities.
- **Urban Design.** The Land Use and Community Design Element includes robust policy direction to create and maintain Hollister's unique identify. Goals and policies focus on preserving the city's small-town charm, creating inviting, walkable environments, and encouraging well-designed buildings. The General Plan Update provides an opportunity to further refine these policies and include focused design guidance for the eight Special Planning Areas, including the Downtown and North Gateway area. In addition, the City will revisit commercial design guidelines to ensure new development is consistent with desirable local precedents,
- **Public Art.** The existing General Plan provides little policy direction on public arts and culture. In 2016, the City established a Public Art Policy in partnership with the San Benito County Arts Council to prioritize acquiring and installing public art throughout the city. As part of the General Plan Update, the City will prepare a new Arts Element to establish the community's priorities for arts and culture in Hollister.

APPENDIX A

Legislative Updates That Do Not Apply

Because Hollister does not have adjacent or nearby military installation and is not within a state responsibility area lands (SRA) and very high fire hazard severity zones, as specified, the following State legislation does not need to be addressed:

- Military Land Use Compatibility (AB 1468, 2002; SB 926, 2004; SB 242, 2019)
- Planning for Healthy Communities Act (SB 1000, 2016)
- Fire Hazards (AB 3065, 2004)

In addition, Hollister's update to the General Plan will not include update of the 2015 Hollister Housing Element, which is set to expire in 2023. Therefore, the following State legislation does not need to be addressed either because it was addressed in the recent Housing Element Update or it will be addressed in the next update:

- Housing Element Provision to Water and Sewer Service Providers (SB 1087, 2005)
- Requirement for Housing Element and Zoning Consistency with Regional Housing Needs Allocation (AB 1233, 2005)
- Requirement for Housing Elements to Consider Extremely Low-Income Households (AB 2634, 2005)
- Regular Updates for Housing Elements (SB 575, 2009)
- Requirement for Housing Elements to Address Needs of Individuals with Developmental Disabilities (SB 812, 2010)
- Allowing Local Jurisdictions to Accommodate Low-Income Housing Needs in Mixed-Use Projects (AB 1690, 2014)
- 2017 Revisions to Regional Housing Needs Allocations (AB 1771; SB 828; AB 2238, 2018)
- 2017 Regional Housing Needs Allocation Reporting and Enforcement Bills (AB 879, SB 35, AB 72, and AB 1397, 2017)
- Housing Element Requirements Regarding Emergency Shelter and Transitional Housing (AB 139, 2019)
- Required Housing Element Plans and Incentives for Affordable Accessory Dwelling Units (AB 671, 2019)
- Housing Element Compliance / Budget Trailer Bill (AB 101, 2019)