

# **ZONING AMENDMENT, ZA-15-10: STANDARDS FOR SMALL LOT AND MEDIUM DENSITY DEVELOPMENT AND OTHER VARIOUS AMENDMENTS**

**Planning Commission July 14, 2015**

**Page 1**

## **BACKGROUND:**

The Planning Commission and the Residential Development Control System (RDCS) Stakeholder Group have on several occasions commented on the need for development standards for smaller lot development and townhomes. The need for these standards has become a priority because a high percentage of the development proposals submitted through the RDCS process are in-fill, small lot and townhouse developments. The RDCS also includes a requirement that projects competing in the RDCS conform to the City's Zoning Ordinance including development standards. To address the need for these standards and to enable such projects to compete in the RDCS, staff has developed proposed amendments to the Morgan Hill Municipal Code.

## **ANALYSIS:**

Each year, per RDCS requirements, the Planning Officer must evaluate each RDCS application to determine whether they are consistent with Sections 18.78.100 and 18.78.190 of the Municipal Code:

- Section 18.78.100 of the Municipal Code requires that each proposed development conform to the City's General Plan.
- Section 18.78.190 of the Municipal Code requires that each proposed development conform to the city street, parking and site development standards of Chapter 17.34 (Standards for Residential and Private Streets) and Title 18 (Zoning).

If projects do not comply with these standards, pre the RDCS, they are to be rejected. The City's Zoning Code does not currently include zoning districts which support small lot single-family, townhouse, or courtyard home type development. Most of the small lot and townhouse development proposals would thus not be able to compete through the RDCS process because they could not comply with the requirements of Section 18.78.190 of the Municipal Code. The small lot and townhouse projects that have been processed through the RDCS have all required a Planned Development (PD) zoning. The past practice has been that if a project indicated that a PD would be requested, the project would be found consistent. However, this practice is not consistent with Section 18.78.190 of the Municipal Code, which requires that a project be consistent with zoning at the time of RDCS application.

It is recognized that the City is in the process of developing a new RDCS system and considering a process to improve the City's residential design review process. However,

Because the City's existing zoning does not contain provisions for the in-fill, small lot and townhome development that has been occurring, projects have been approved through PD zoning. This is typically a lengthy and subjective process. Issues typically raised during the review process include:

- Compatibility with surrounding neighborhoods;
- Adequacy of parking;
- Massing of units, including height and concern of bulk and excessive lot coverage;
- Architectural design;
- Provisions for adequate yards and common open space area;
- Desire to avoid monotonous layouts, monolithic or repetitive designs;

# **ZONING AMENDMENT, ZA-15-10: STANDARDS FOR SMALL LOT AND MEDIUM DENSITY DEVELOPMENT AND OTHER VARIOUS AMENDMENTS**

**Planning Commission July 14, 2015**

**Page 2**

- Desire to avoid streets dominated by driveways and garages; and,
- Access and street layout, including connections to adjacent street network.

Staff conducted research of applicable ordinances in use in other jurisdictions and was able to identify a set of model zoning code standards for small lot single-family, townhouse and courtyard type developments, and with some modifications, is proposing that the City adopt those standards in order to facilitate this year's RDCS competition in compliance with the RDCS. The proposed amendments are also intended to address many of these issues.

## **Proposed Amendments**

A new chapter to Title 18 is recommended, along with other various amendments. The proposed changes are indicated on the attached document (Attachment 2) with new text indicated by underline and text to be deleted indicated by ~~strike-through~~:

1. Standards for Small Lot and Medium Density Development: Chapter 18.29 would be added to Title 18 of the Municipal Code. The purpose of this chapter would be to provide development standards for single-family detached and attached housing units on small lots (less than 7,000 square feet). The standards would be applicable to R1 (medium), R2 and R3 zoning districts. These standards would not be applicable to R-4, CC-R or CL-RR zoning districts. The Chapter has been organized as follows:
  - a. Development Standards applicable to all small lot and medium density development.
    - Aggregate lot coverage standards;
    - Transitional standards;
    - Special open space standards;
    - Landscaping, lighting and other site improvements standards;
    - Requirements for unit orientation;
    - Standards for roof-mounted equipment;
    - Screening standards; and,
    - Homeowners Association requirements.
  - b. Design Criteria Specifically applicable to small lot subdivisions.

These criteria are intended to avoid repetitive designs and generally require the following attributes in small lot subdivisions:

- A variety of unit types;
- A variety of lot patterns;
- A variety of front and rear setbacks;
- A variety of building heights;
- A variety of roof forms and pitches;
- A variety of floor plans;
- A variety of front elevations;
- A variety of garage locations;
- Garages that comprise no more than 50 percent of homes front faces length;
- Attention to detail on all four sides of the home;

**ZONING AMENDMENT, ZA-15-10: STANDARDS FOR SMALL LOT AND MEDIUM DENSITY DEVELOPMENT AND OTHER VARIOUS AMENDMENTS**

**Planning Commission July 14, 2015**

**Page 3**

- Recessed upper stories;
- Unifying architecture themes;
- Prominent entries in visible locations;
- Useable front porches; and,
- Driveways which reduce the amount of paving in subdivisions.

c. Design Criteria Specifically applicable to townhomes.

The City recognized that townhomes require their own set of standards. These include the following:

- Facade articulation, detailing and materials;
- Variable roof forms;
- Projections and recesses;
- Variable garage location;
- End units which are designed with the same attention to exterior detail as street-facing units; and,
- Internal walkways and paseos which accommodate pedestrians.

d. Design Criteria Specifically applicable to courtyard housing.

The City has included standards for courtyard housing. These include the following:

- Access from a single courtyard;
- Standards for orientation;
- Courtyard design and pavement;
- Terminating vistas;
- Standards for garage aprons;
- Recessing of garages;
- Architectural unity and theme; and,
- Standards for windows.

Projects requesting lots smaller than 7,000 square feet would require a Design Permit, thus simplifying the existing PD rezoning process.

2. Chapter 17.34 - Standards for Residential Private Streets and Private Streets: Title 17 (Subdivision Ordinance) of the City's Municipal Code establishes minimum right-of-way and design standards for construction of new streets within residential subdivisions. The City is proposing to amend those standards to provide standards for private streets and alleys. The street design criteria require connectivity to surrounding neighborhoods, multiple ingress and egress points, traffic calming measures, accent paving at entries, pedestrian-scaled street lights, and pedestrian walkways or sidewalks. Alleys, while not mandated, are encouraged as a way to rear-loaded garages and reduce the prominence of driveways and garages along new streets. Alleys are also required to include special paving treatment, planters for trees, and designs which encourage security.
3. Section 18.12.020 (Permitted Uses) R-1 Single Family Medium Density Development: The location of duplex and two single-family attached dwellings are limited to corner lots. With

# **ZONING AMENDMENT, ZA-15-10: STANDARDS FOR SMALL LOT AND MEDIUM DENSITY DEVELOPMENT AND OTHER VARIOUS AMENDMENTS**

**Planning Commission July 14, 2015**

**Page 4**

the proposed amendment, the location limitation would be eliminated. Many projects do not develop attached units on corner lots, but rather request a deviation through the PD process to locate the units elsewhere within a project. The removal of this requirement would allow flexibility in locating the desirable housing types.

4. Sections 18.12.050, 18.12.060, 18.12.070 (Site Development Standards) R-1 7,000 and R-1 9,000: The general citation for applicable development standards within the R-1 zone district would allow the new standards for Small Lot and Medium Density Development to be applied to projects within the R-1 7,000 and R-1 9,000 districts. These standards would only apply to lots less than 7,000 square feet in size. The minimum lot width for single family attached and duet units would be eliminated. The new development standards would be applied.

An amendment to the front setback for R-1 9,000 district is proposed. The separation between front of building and sidewalk would be 15 feet, rather than 20 feet in the district. While the distance between building façade and sidewalk would decrease by 5 feet, the distance between building façade and street would be unchanged. The second floor setback requirement would be changed in the same manner so that a 5 foot increment would be required to provide the same level of building articulation. In cases where the sidewalk and park strip are placed within an easement, the land area of the sidewalk and landscape easement will be part of the property and count toward meeting the minimum parcel size of the governing zoning district. This change would be consistent with the setback adopted by the City Council for the R-1 7,000 district in May of 2015.

5. Sections 18.14.50, 18.14.060, 18.14.070 (Site Development Standards) R-2, 3,500 and R-2, 3,000: The general citation for applicable development standards within the R-2 zone district would allow the new standards for Small Lot and Medium Density Development to be applied to projects within the R-2 3,500 and R-2 3,000 districts. The minimum lot area and minimum lot width for single family attached and duet units would be eliminated. The new development standards would be applied.

## **General Plan**

The proposed changes to Title 18 and Chapter 17.34 of the Morgan Hill Municipal Code have been analyzed for consistency with General Plan Policies as follows:

### Residential Policy 7h

*Utilize all parcel sizes and land use categorizes in updating the City's Zoning Ordinance to provide for a full range of residential densities and housing types.*

### Residential Policy 7i

*Encourage a mix of housing types and lot sizes within residential projects with five or more lots or units.*

### Housing Policy HE-1d

*Encourage a variety of housing types and densities within the community.*

**ZONING AMENDMENT, ZA-15-10: STANDARDS FOR SMALL LOT AND MEDIUM DENSITY DEVELOPMENT AND OTHER VARIOUS AMENDMENTS**  
**Planning Commission July 14, 2015**  
**Page 5**

Housing Policy HE-4k

*Provide for a variety of single-family lot sizes.*

The City does not have development standards for small lot and medium density development. The incorporation of development standards within the zoning code would allow for a full range of housing types and varied lot sizes while maintaining the required General Plan densities. The incorporation of development standards would facilitate a streamlined process for the development community.

Transportation Policy 3.9

*Assign all roadways in the city street system to a functional classification (some with sub-classifications) and develop standard improvement designs for each classification and sub-classification. The functional classification system designates the purpose and physical characteristics of the roadways, and is composed of the following seven classifications, with the noted sub-classifications:*

- *State Freeway*
- *2-Lane Arterial (minor, major and multi-modal)*
- *4-Lane Arterial (major and multi-modal)*
- *6-Lane Arterial*
- *Commercial/Industrial Collector (major and minor)*
- *Residential Collector (major and minor)*
- *Local Street*

The City does not have specific Street Design Standards for private streets or alleys, consistent with the wide variety of situations and design approaches that may be appropriately addressed through the use of standards for private streets and alleys.

Transportation Policy 9a

*Use Smart Growth and Sustainable Communities principles throughout the City to create and maintain a vibrant community with a balanced, multi-modal transportation system that offers viable choices for residents, employees, customers, visitors and recreational users.*

Smart Growth and Sustainable Community principles call for the use of reduced vehicle travel widths for roadway design. As a recent example, the Federal Government, the California Department of Transportation and the Santa Clara Valley Transportation Authority have all endorsed the Urban Street Design Guide (<http://nacto.org/usdg/>) produced by the National Association of City Transportation Officials (NACTO) and which call for the reduction of travel lane widths and for greater emphasis on pedestrian comfort. The proposed changes would be consistent with these principles.

**Community Engagement**

The need to establish zoning conformance as part of this year's RDCS competition was discussed with the RDCS Stakeholder group at the pre-competition meeting on May 27, 2015.

# **ZONING AMENDMENT, ZA-15-10: STANDARDS FOR SMALL LOT AND MEDIUM DENSITY DEVELOPMENT AND OTHER VARIOUS AMENDMENTS**

**Planning Commission July 14, 2015**

**Page 6**

The proposed amendments were distributed to the RDCS Stakeholder group for general comment on July 2, 2015. No comments have been received from the group as of the date of this report. A 10 day public hearing notice was published in the Friday, July 3, 2015 edition of the Morgan Hill Times pursuant to Government Code Sections 65090-65096.

## **Conclusion**

As discussed above, the proposed amendments to Title 18 and Chapter 17.34 would be consistent with the City's General Plan and would provide more flexibility in designing residential projects within the City.

Staff recommends the Planning Commission recommend City Council approval of the Ordinance by adoption of the attached resolution.

## **CEQA (California Environmental Quality Act):**

Project, Description of CEQA requirements

This Ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b) (3) of the State CEQA Guidelines. Text amendments to the Morgan Hill Municipal Code are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Adoption of these amendments does not create changes in the physical environment and are therefore exempt.

## **LINKS/ATTACHMENTS:**

1. Resolution
2. Exhibit A- Proposed Ordinance Amendments