



# City of Morgan Hill

## Legislation Text

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## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: SEPTEMBER 2, 2015**

PREPARED BY: Gina Paolini, Senior Planner/Development Services  
APPROVED BY: City Manager

**CONSIDERATION OF AN ORDINANCE (ZA-15-10) OF THE CITY OF MORGAN HILL ADDING A NEW CHAPTER 18.29 (STANDARDS FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT) TO TITLE 18 (ZONING) OF THE MORGAN HILL MUNICIPAL CODE, AND MAKING RELATED AMENDMENTS TO SECTION 18.12.070 OF CHAPTER 18.12, SECTION 18.14.050 OF CHAPTER 18.14, SECTION 18.16.050 OF CHAPTER 18.16, ALL OF TITLE 18, AND AMENDING SECTION 17.34.060 (PRIVATE STREETS) AND ADDING A NEW SECTION 17.34.070 (ALLEYS) TO CHAPTER 17.34 (STANDARDS FOR RESIDENTIAL AND PRIVATE STREETS) OF TITLE 17 (SUBDIVISIONS) OF THE MUNICIPAL CODE. CONSIDERATION OF GENERAL PLAN TEXT AMENDMENT (GPA-15-01) TO THE COMMUNITY DEVELOPMENT CHAPTER OF THE 2001 CITY OF MORGAN HILL GENERAL PLAN TO AMEND THE DEFINITION OF DENSITY AND AMEND TABLE 2 ON PAGE 16 OF THE GENERAL PLAN**

### **RECOMMENDATION(S)**

1. Open/Close Public Hearing;
2. Waive the first and second reading of the Ordinance;
3. Introduce Ordinance approving Zoning Amendment ZA-15-10; and
4. Adopt resolution amending the General Plan text for GPA-15-01

### **COUNCIL PRIORITIES, GOALS & STRATEGIES:**

#### **Ongoing Priorities**

Enhancing public safety  
Protecting the environment  
Preserving and cultivating public trust

#### **2015 Focus Areas**

General Plan Update  
Community Engagement Effectiveness

## REPORT NARRATIVE:

The proposed amendment to the City's Zoning Code was initiated by staff in order to establish standards within the Zoning Code for the development of medium density residential townhouse projects, including small lot single-family and courtyard type development.

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).

The Planning Commission requested that the City Attorney provide a public legal opinion regarding this provision of the Municipal Code because for the past many years applicants have indicated on their RDCS application that they would be applying for Planned Development zoning and therefore would not need to conform to the base zoning requirements or parking. The City Attorney opinion has been attached (Attachment 3).

With the upcoming RDCS competition and the requirement to find projects consistent with Chapter 17.34 and Title 18, finding a solution for this year is a priority; therefore, the proposed amendments are being brought forward at this time so that they may be utilized for the upcoming RDCS competition.

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.

Through development of the ordinance amendment, staff has found that a General Plan text amendment was also warranted to address residential density and maximum building height. The proposed General Plan Text Amendment would clarify the definition of density and remove the maximum height requirement from the General Plan. The maximum height requirements would be retained within the zoning ordinance. There would be no change to the General Plan Land Use Diagram.

Additional analysis of the proposed changes is provided in the Planning Commission Staff reports dated July 14, 2015 and August 11, 2015 (Attachments 4 and 5). The Planning Commission considered the items at their August 11, 2015 Commission meeting and recommended approval of the proposed Zoning Code and General Plan changes. The following is a summary of the Planning Commission discussion.

1. **Applicability:** The Planning Commission discussed at length having a provision within the new ordinance that would allow the Director of Community Development to approve alternative standards if certain criteria could be met. After consideration, the Planning Commission determined that the following provision would be permitted for one year only:

*"C. For Fiscal Year 2015-2016, alternate standards to those contained in this Chapter may be considered by the Director of Community Development if the Director of Community Development determines that such alternative standards would achieve the overall*

*objectives of this Chapter and would demonstrably meet all of the following criteria:*

1. *Result in a project <<http://www.codepublishing.com/ca/concord/cgi/defs.pl?def=284>> that is more compatible with the surrounding neighborhood;*
2. *Enable superior architectural design, landscape features, and amenities on the site <<http://www.codepublishing.com/ca/concord/cgi/defs.pl?def=387>>;*
3. *Improve the quality and usability of open space, or enable greater protection of natural features such as trees, hillsides, or creeks;*
4. *Lead to a better designed project <<http://www.codepublishing.com/ca/concord/cgi/defs.pl?def=284>> and improved orientation of structures <<http://www.codepublishing.com/ca/concord/cgi/defs.pl?def=399>>, given the unique size, shape, and dimensions of the parcel being subdivided; and*
5. *Meet the findings required for issuance of a Design Permit, where applicable."*

**2. Garage and Streetscape:** The Planning Commission discussed the impact of garages on the streetscape after receiving community input. The Planning Commission recommended allowing a garage to comprise more than fifty percent of the front building facade if additional articulation and architectural features are introduced to minimize the impact of the garage on the streetscape. The garage front facade may be increased to a maximum of sixty-seven percent of the building facade.

**3. Single Family Development:** The Planning Commission discussed allowing the development of detached single family units within the R2 zone district and the concern of having a 100 percent single family development project developed within the R2. The Planning Commission recommended that the development of detached single family units be limited to twenty-five percent of the net buildable site area (including lots and streets).

The Planning Commission reviewed the ordinance in its entirety and has recommended that the City Council approve it with the suggested changes. The Planning Commission did not make any changes to the proposed General Plan text amendment.

## **COMMUNITY ENGAGEMENT:      Involve**

The Planning Commission discussed the proposed amendment at their meeting held on July 14, 2015 and continued the item to the July 28, 2015 meeting to allow time for staff to meet with the Residential Development Control System (RDCS) Stakeholder Group and so that the item could be discussed by the Commission subsequent to the residential design workshop.

Staff met with the RDCS Stakeholder group on July 22, 2015 and has incorporated input from the group into the proposed Zoning and General Plan amendments.

The Planning Commission workshop was held on July 28, 2015, at which time the Commission discussed residential design principles.

Staff requested that the proposed amendment be deferred from the July 28, 2015 meeting until August 11, 2015 so that additional noticing could be conducted including changes to the General Plan and other sections of the Zoning Code responsive to the input received at the Stakeholder

meeting and Commission workshop.

No written comments have been received from the group as of the date of this report. When required, a 1/8<sup>th</sup> page public hearing notice was published in the Morgan Hill Times pursuant to Government Code Section 65090-65096.

### **ALTERNATIVE ACTIONS:**

The following alternative actions could be considered by the City Council:

- A. Deny the Ordinance Amendment and General Plan Text Amendment. This would result in some RDCS applications being rejected and would require the Monterey-KB Gippetti project to redesign to reduce the height of the project to two and one-half stories.

### **PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

The amendments were considered by the Planning Commission at the July 14, 2015 and August 11, 2015 meetings. The Planning Commission voted 4-1 to recommend that the City Council approve Zoning Amendment ZA-15-10 and General Plan Amendment GPA-15-01.

### **FISCAL AND RESOURCE IMPACT:**

There would be no fiscal impact with the proposed amendments.

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

Statutory Exemption

The Ordinance and General Plan text amendments are 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 and General Plan 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. Additional CEQA review will be conducted for specific development projects in the future if such projects are proposed under the provisions of the proposed ordinance and General Plan changes.

### **LINKS/ATTACHMENTS:**

- 1. Zoning Amendment Ordinance
- 2. General Plan Amendment Resolution
- 3. City Attorney Public Legal Opinion
- 4. July 14, 2015- Planning Commission Staff Report
- 5. August 11, 2015-Planning Commission Staff Report