

ORDINANCE NO. 2020

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING THE ZONING ORDINANCE TO CHANGE HOW THE CITY CALCULATES THE DENSITY OF A RESIDENTIAL DEVELOPMENT FROM NET DENSITY TO GROSS DENSITY AND RELATED MODIFICATIONS

WHEREAS, the City occasionally initiates amendments to the Zoning Ordinance to clarify or amend certain provisions to ensure that the Zoning Ordinance is relevant to changes occurring in the community, is internally consistent, to correct any errors, for clarity and to reflect the needs of the City; and

WHEREAS, the Planning Commission held a duly noticed Planning Commission Study Session on August 4, 2022 to determine how the City should review the density of a residential project during which all interested persons were heard; and

WHEREAS, at the Study Session, the Planning Commission determined that the City should review the density of a residential development on a gross, not net basis and directed Staff to prepare any necessary modifications to the General Plan and Zoning Ordinance to ensure that each would require density to be evaluated on a gross basis and would be consistent with one another; and

WHEREAS, while reviewing potential changes to the Zoning Ordinance, Staff observed several minor modifications that should be made at this time for clarity and to correct errors in the Zoning Ordinance; and

WHEREAS, on August 25, 2022 the Planning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Ordinance during which all interested persons were heard and adopted Planning Commission Resolution No. 2022-11 recommending City Council adoption of the proposed Zoning Ordinance Amendments; and

WHEREAS, a Staff Report was submitted to the City Council of the City of Hollister recommending approval of the proposed Zoning Ordinance Amendments; and

WHEREAS, the City Council held a public hearing on the proposed Zoning Ordinance Amendments and related General Plan Amendment on September 6, 2022, at which time all interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said heading was given as required by law, and

WHEREAS, the City Council did hear and consider all said reports, recommendations and testimony herein and used its independent judgement to evaluate the proposed amendments; and

WHEREAS, the City Council of the City of Hollister hereby makes the following findings related to the Zoning Ordinance Amendments as required by Section 17.02.120.D of the Municipal Code:

1. The proposed amendment is consistent with the General Plan because: *the proposed Zoning Ordinance Amendments will be consistent with the amended 2005-2023 Hollister General Plan which will be amended to change how the City reviews density from net to gross density. All other proposed minor modifications are consistent with the Goals and Policies of the General Plan.*
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare because: *the proposed Zoning Ordinance Amendments and related General Plan amendments will ensure that the City and Developers review the development potential of a residential development on a consistent basis. Additionally, by allowing the development potential of a site to be reviewed on a gross basis, consistent with the adopted Final Environmental Impact Report, the City will encourage a higher density in the City which will allow more residential dwellings to be constructed to meet the need of the residents.*
3. The public necessity, general community welfare, and good zoning practice shall be served and furthered; and that the proposed amendments are in general conformance with the principles, policies and land use designations in the General Plan and any adopted area or specific plan because: *the proposed Zoning Ordinance Amendments will ensure that the City reviews the density of a residential development on a consistent basis. The proposed Amendments will allow the City, Property Owners and Developers to easily determine the development potential of a parcel or development. As amended the proposed modifications to the Zoning Ordinance will be consistent with the amended 2005-2023 Hollister General Plan. Minor modifications included in the proposed amendments are consistent with the General Plan and are included for clarity and to correct errors and comply with current state law. The proposed modifications are consistent with the Goals and Policies of the General Plan in that it will allow for more residential dwellings within the City and will correct errors and provide clarity to the Zoning Ordinance.*

WHEREAS, the City Council of the City of Hollister hereby makes the following finding regarding the California Environmental Quality Act:

1. The California Environmental Quality Act (CEQA) together with State Guidelines, require that certain projects be reviewed for environmental impacts. The City Council hereby finds that the proposed amendments are consistent with the City of Hollister 2005-2023 General Plan Final Environmental Impact Report (EIR), adopted December 2005 (State Clearinghouse No. 2004081147). Table 4.1B, Summary of Land Use Changes on page 4.1-7 of the EIR lists the total number of acres to be developed in the City. The EIR evaluates the potential number of new housing units that could be

constructed as part of the 2005-2023 General Plan. This number was calculated by multiplying a "typical density" of each category by the total number of acres (gross acres, not net) within the City as shown on Table A23: Additional Housing Capacity Resulting from Proposed Changes in Residential Land Use (page A.24 of Appendix A to the General Plan). The total housing capacity shown in this Table is referenced in the Final EIR. A change from net to gross density will not affect the total number of residential dwellings anticipated in the EIR because that number was calculated on a gross basis for the anticipated density. Additionally, the proposed modification to Section 17.04.010.D is consistent with the EIR because the modification is consistent with the density allowed under the General Plan.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hollister does hereby ordain as follows:

SECTION 1. The Hollister Municipal Code is hereby amended as follows:

Section 17.02.020 amended. Section 17.02.020 "Definitions" is hereby amended as follows:

a. Delete the following text:

"*Density* means the number of dwellings per net acre of land, unless otherwise stated, for residential uses."

b. Add the following text:

"*Density, gross* means the number of primary residential dwellings per acre of land within a project site."

Section 17.04.010 amended. Section 17.04.010 "Purpose" is hereby amended to read as follows:

"17.04.010 Purpose.

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

- A. *RE (Residential Estate) District.* The Residential Estate (RE) Zoning District provides for residential development at densities up to one dwelling unit per five acres; it is intended to provide for very low intensity residential development. The RE District is intended to provide sites for larger, distinctive residences. The RE Zoning District is consistent with the Residential Estate (RE) land use category of the General Plan.
- B. *R1 (Low Density Residential) District.* The Low Density Residential (R1) Zoning District includes areas substantially developed with existing single-family

residential residences prior to 2005 with densities of four to six dwelling units per acres. The R1 Zoning District is consistent with the Low Density Residential (LDR) land use category of the General Plan which now allows one to eight units per acre.

- C. *R2 (Two-Family Residential) District.* The Two-Family Residential (R2) Zoning District provides for duplexes or two-family dwellings. Areas designated R2 were substantially developed prior to 2005 with two single-family residential units on a lot or duplexes. The R2 Zoning District is consistent with the Medium Density Residential (MDR) land use category of the General Plan.
- D. *R3 (Medium Density Residential) District.* The Medium Density Residential (R3) Zoning District provides for medium and medium-to high-density residential development at densities from eight to 12 dwelling units per acre.

Areas designated R3 were substantially developed prior to 2005 and are generally characterized by apartments and other high-density residential development, and planned residential development at a density of 12 dwelling units per acre. The R3 Zoning District is consistent with the Medium Density Residential (MDR) and High Density Residential (HDR) land use categories of the General Plan.

- E. *R4 (High Density Residential) District.* The High Density Residential (R4) Zoning District provides for high-density residential development at densities from 12 to 35 dwelling units per acre. Areas designated R4 were substantially developed prior to 2005 and are generally characterized by apartments and other high density residential development, and planned residential development at a density of 16 or more dwelling units per acre. The R4 Zoning District is consistent with the High Density Residential (HDR) land use category of the General Plan
- F. *R4-20 (High Density Multifamily Residential) District.* The High Density Multifamily Residential R4-20 Zoning District provides for multifamily residential development at densities from 20 to 35 dwelling units per acre. Areas designated R4-20 are intended to be developed solely for high density residential multifamily housing. The R4 Zoning District is consistent with the High Density Residential (HDR) land use category of the General Plan. The Planning Commission may waive the minimum density requirement for a development proposal with 100 percent multifamily affordable housing in the R4, R4-20, and OT-H Zoning Districts where it is demonstrated that the minimum density standard poses a constraint to the viability of the development. The manager's unit may be excluded from the affordability requirement. A conditional use permit shall be required for approval of the waiver.

G. *Residential Performance Overlay Zone District (R1 L/PZ, R3 M/PZ and R4 H/PZ)*. This overlay district (see Chapter 17.14 Overlay Zoning District) applies to vacant land within the city of Hollister. The intent of the overlay district is to foster development that meets the range of densities for the General Plan land use designation with the option for flexible standards to implement policies and programs in the General Plan that call for the following:

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

Lands with the R1 L/PZ overlay zone predominantly include vacant land within the city of Hollister in the Low Density Residential (one to eight units per acre) land use category of the General Plan. An average development density of one to eight units per acre is now required in this overlay zone with a targeted density of at least six units per acre. Please refer to Section 17.14.020 for Performance Overlay densities performance standards and development requirements.

H. *OT (Old Town) District*. The Old Town (OT) Zoning District applies to the residential neighborhoods that include the original town of Hollister, as laid out by the San Justo Homestead Association, its early subdivisions, and adjacent older residential areas. Within this district are numerous lots of unusual size and shape, many of which were originally designed to accommodate stables, barns and other outbuildings. In addition, many areas of this district are occupied by a varied mix of residential types and densities. The majority of the housing stock was constructed prior to World War II. Some of the homes in this district are listed in the National Monterey Street Historic District. South of

Fourth Street, the Old Town (OT-M) Zoning District is consistent with the Medium Density Residential land use category of the General Plan with residential development densities from eight to 12 dwelling units per acre. Areas within the OT-M district could have single-family homes, duplexes, fourplex, cottages and housing on small lots. This district also encompasses the General Plan Old Town Special Planning Area. North of Fourth Street, the Old Town (OT-H) district is consistent with the High Density Residential category of the General Plan with residential development densities from 12 to 35 dwelling units per acre. The Old Town-H district provides for infill development of small lots, apartments and other high density residential development.

The additional purpose of the OT-M district is to provide for the infill of detached single-family dwellings on small lots and small scale medium-density dwellings where the minimum density is not less than eight units per acre and the maximum density is not more than 12 units per acre without density bonus. The additional purpose of the OT-H district is to provide for the infill of detached, attached, medium-density and multifamily dwellings where the minimum density is not less than 16 units per acre and the maximum density is not more 35 units per acre without density bonus.

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

Section 17.04.020 Table 17.04-1 amended. Table 17.04-1 “Residential Land Uses and Permit Requirements” found in Section 17.04.020 “Residential zone land uses and permit requirements” is hereby amended as follows:

- a. Delete the following Row in its entirety:

Land Use ¹	RE	R1	R2	R3	R4	R4-20	PZ (16)	OT-M	OT-H	RWF
Residential Uses										
Small Lot Housing	NP	APR	NP	S&A	S&A	NP	S&A	S&A	S&A	P

- b. Amend the following row related to duplexes as follows:

Land Use ¹	RE	R1	R2	R3	R4	R4-20	PZ (16)	OT-M	OT-H	RWF
Residential Uses										
Duplex	NP	S&A	S&A	S&A	S&A	NP	S&A	S&A(5)	S&A(5)	P(4)

Section 17.04.030 Table 17.04-2 amended. Table 17.04-2 “Residential Lot Size, Lot Area, and Density Requirements by District” found in Section 17.04.030 “Residential general development standards” is hereby amended to read as follows:

“Table 17.04-2 Residential Lot Size, Lot Area, and Density Requirements by District

Residential District	Minimum Lot Size (5)	Residential Density (1), (2), (7)
(RE) Residential Estate	5 acres	1 housing unit per five acres
(R1) Low Density Residential District (2)	Interior: 5,500 sq. ft. Corner: 6,500 sq. ft.	1 to 8 units per acre but min. of 4 units per acre preferred
(R2) Two-Family Residential District (5)	8,000 sq. ft. per 2 units	Min. of 8 units per acre with a max. of 12 units per acre
(R3) Medium Density Residential District (5)	1 unit: 5,000 sq. ft. 2 units: 6,800 sq. ft. 3 units: 10,000 sq. ft. Parcels of 10,000 sq. ft. or more shall be developed at a ratio of 3 dwelling units for the first 10,000 sq. ft. and 3,600 sq. ft. for each additional unit	Min. of 8 units per acre with a max. of 12 units per acre
(R4) High Density Residential District (5) (8)	1 unit: 4,000 sq. ft. 2 units: 6,000 sq. ft. 3 units: 8,000 sq. ft. Parcels of 8,000 sq. ft. or more shall be developed at a ratio of 3 dwelling units for the first 8,000 sq. ft. and 1,240 sq. ft. for each additional unit	Min. of 12 units per acre with a max. of 35 units per acre
(R4-20) High Density Multifamily Residential District (5)	One acre	Min. of 20 units per acre with a max. of 35 units per acre
(OT-M) Old Town—Medium Density Residential (6)	1 unit: 5,000 sq. ft. 2 units: 6,800 sq. ft. 3 units: 10,000 sq. ft. Parcels of 10,000 sq. ft. or more shall be developed at	Min. of 8 units per acre with a max. of 12 units per acre

	a ratio of 3 dwelling units for the first 10,000 sq. ft. and 3,600 sq. ft. for each additional unit	
(OT-H) Old Town High Density Residential (6)	1 unit: 4,000 sq. ft. 2 units: 6,000 sq. ft. 3 units: 8,000 sq. ft. Parcels of 8,000 sq. ft. or more shall be developed at a ratio of 3 dwelling units for the first 8,000 sq. ft. and 1,240 sq. ft. for each additional unit	Min. of 12 units per acre with a max. of 35 units per acre
West Fairview Road (RWF)	See Section 17.04.070(C)(1)	See Section 17.04.070(C)(1)

Notes:

- (1) Residential density does not include a density bonus.
- (2) Lots in the Monica Estates subdivision Tract 180 shall be considered conforming for minimum lot size.
- (3) Minimum lot size may be reduced when the exclusive use of such lots is intended for utility substations, pumping stations, and other similar facilities.
- (4) Minimum area for lots proposed in new subdivisions, and the minimum area required for an existing lot of record to be eligible for development may be altered with performance agreement provided the average development density before a density bonus complies the applicable General Plan land use designation.
- (5) Partially developed parcels with potential for infill development may be subdivided without a growth management allocation if the Planning Commission can make the following findings: (a) the minimum lot size of an existing residential use shall be at least 5,000 square feet and the setback requirements for the R1 district can be met; (b) the orientation of the single-family home will help support the existing residential character and scale of the area; (c) there is adequate access to the new lot; (d) the standards for the applicable zoning district can be met with the proposed lot design and location of the infill parcel.
- (6) An exception to the minimum lot size in the Old Town District may be allowed if the Planning Commission can make the following findings: (a) the subdivision includes at least one or two existing residences that have been included on a list of historic structures approved by the Hollister City Council or include defining characteristics to qualify for a list; (b) the location of the existing residences will comply with side yard setback requirements after the subdivision; (c) A deed

restriction is recorded on the property that prohibits the demolition of the historic structure for at least ten years.

- (7) The Planning Commission may waive the minimum density requirement for a development proposal with 100 percent multifamily affordable housing in the R4, R4-20, and OT-H Zoning Districts where it is demonstrated that the minimum density standard poses a constraint to the viability of the development. The manager's unit may be excluded from the affordability requirement. A conditional use permit shall be required for approval of the waiver.
- (8) An existing single-family home that is the only dwelling on a parcel that was lawfully constructed and involuntarily damaged or destroyed by fire or other calamity may be rebuilt.
- (9) For lot sizes under one-half acre, that have been lawfully established prior to the effective date of the ordinance codified in this chapter, and the number of dwelling units in a multiple dwelling or dwelling group do not exceed the number obtained by dividing the area of the building site by 2,000, adjusting any fractional result where the fraction is equal to or less than one-half to the next lower whole number, may be rebuilt if involuntarily damaged or partially damaged by a fire or other calamity.
- (10) For lot sizes over one-half acre, that have been lawfully established prior to the effective date of the ordinance codified in this chapter, and the number of dwelling units in a multiple dwelling or dwelling group do not exceed the range expressed by the total acreage multiplied by 16, adjusting any fractional result where the fraction is equal to or less than one-half to the next lower whole number, may be rebuilt if involuntarily damaged or partially damaged by a fire or other calamity.
- (11) For lot sizes under the minimum lot size, but not under the "Lot area per dwelling unit (minimum)" that have been lawfully established prior to the effective date of the ordinance codified in this chapter, and the existing single-family home that is the only dwelling on the parcel is damaged or destroyed by any means, it may be restored and used in conformity with the provisions of the district in which it is located.
- (12) Where the minimum lot size conflicts with the density established under the General Plan, the density of the General Plan shall take precedence."

Section 17.040.050 amended. Section 17.04.050 "Old Town Zoning District supplemental design standards" Subsection (A)(2) is hereby amended to read as follows:

"A. 2. *Medium Density Dwellings.* Medium density residential infill projects shall be designed to integrate with adjoining properties and the neighborhood. Multifamily residential buildings shall incorporate the characteristics of the early

architectural styles of the Old Town area. In the Old Town M District (eight to 12 units per acre), permitted building types include single-family dwellings, cottage homes, small lot developments and duplexes. Additional building types allowed in the Old Town H district (12 to 35 units per acre) also include multiple dwellings. Townhouse, row house and condominium projects have the potential to conflict with the historic character of the district and are discouraged but may be allowed with approval by the Planning Commission of a Site and Architectural Review if the site organization, architecture and massing of buildings is harmonious with the defining characteristics of the Old Town District and standards and guidelines in this section.

a. Design Standards.

- i. Front façades shall be similar in scale to single-family residential structures;
- ii. Individual units shall be distinguishable from others in the development;
- iii. Front entrances to units shall be distinguished and include porches or stoops;
- iv. Street-facing façades shall relate to the streetscape by including front entrances, windows and elements that mitigate the mass of a structure. Large walls with no opening or articulation shall not be allowed;
- v. Parking areas and structures shall not be located at the street side of site;
- vi. Large (in excess of 25 feet) unbroken wall planes shall not be permitted;
- vii. Roofs shall incorporate a variety of forms that relate to the building's footprint and entrance locations;
- viii. A variety of materials shall be employed to differentiate units and mitigate massing or unbroken wall segments;
- ix. Utility meters, trash enclosures, and storage areas shall be located at the rear of a building or screened from view;
- x. Detached units are encouraged to mitigate the massing of a project;
- xi. Courtyard access to allow connections to the street, other units, parking and service areas are encouraged.

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

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

Section 17.14.010 amended. Section 17.14.040 "Residential Performance Overlay District" Subsection (A) is hereby amended to read as follows:

"A. Residential Performance Overlay Zone District (R1 L/PZ, R3 M/PZ and R4 H/PZ): This overlay district applies to vacant land within the city of Hollister. The intent of the overlay district is to foster development that meets the range of densities for the General Plan land use designation with the option for flexible standards to implement policies and programs in the General Plan that call for the following:

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

Lands within the R1 L/PZ overlay zone predominantly include vacant land within the city of Hollister in the low density residential (one to eight units per acre) land use category of the General Plan. An average development density of one to eight units per acre is required in this overlay zone with a targeted minimum density of at least six units per acre.

Areas with the R3 M/PZ overlay zone comprise vacant land within the city of Hollister in the medium density residential (eight to 12 units per acre) land use category of the General Plan. An average development density of eight to 12 units per acre is required in this overlay zone.

Areas included in the R4-H/PZ overlay zone encompass vacant land within the city of Hollister in the high density residential (12 to 35 units per acre) land use category of

the General Plan. An average development density of 12 to 35 units per acre is required in this overlay zone.”

SECTION 2. Severability. Should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or word of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 4. Publication. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in the *Free Lance*, a newspaper of general circulation.

INTRODUCED at a regular City Council meeting on the 19th day of September, 2022.

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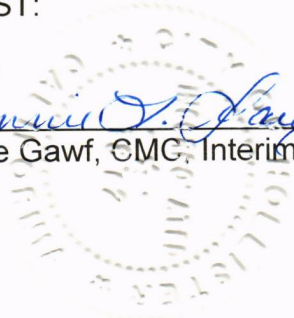
PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 3rd day of October, 2022, by the following vote:

AYES: Council Members Perez, Resendiz, Burns, and Mayor Velázquez.
NOES: Council Member Morales.
ABSENT: None.
ABSTAINED: None.

Ignacio Velazquez, Mayor

ATTEST:

Bonnie Gawf, CMC, Interim City Clerk




APPROVED AS TO FORM:

Lozano Smith Attorneys at Law

Mary F. Lerner, City Attorney

I, BONNIE GAWF, CMC, Interim City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 2020 is an original Ordinance, or true and correct copy of a City Ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on the 3rd day of October, 2022, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Hollister this 3rd day of October, 2022.



Bonnie Gawf, CMC
Interim City Clerk of the City of Hollister

