

ORDINANCE NO. 1177

AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING TITLE 17 "ZONING CODE" OF THE HOLLISTER MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF HOLLISTER HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 17.02.020 amended. Section 17.02.020 "Definitions" is hereby amended as follows:

a. Delete the following text:

"Duplex, triplex, and fourplex units means multifamily dwellings under single or individual unit ownership containing two, three, or four dwelling units, respectively, in the same structure."

"Dwelling group means a group of two or more detached or semi-detached dwellings occupying a parcel of land in one ownership and have any yard or open space in common, including house courts, but not including motels."

"Guesthouse means a detached structure accessory to a dwelling, accommodating sleeping quarters, but without kitchen or cooking facilities."

"Multifamily housing means a type of residential structure with more than one dwelling units in the same building or two or more residential structures on the same lot. A residence with an accessory residential secondary unit authorized by Section 17.22.020 (Accessory Residential Secondary Unit) of this title shall not be considered multifamily housing."

"Secondary residential unit means a second permanent dwelling that is accessory to a legally constructed primary dwelling on the same site in a residential zoning district. A secondary unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation."

b. Add the following text:

"Accessory Dwelling Unit means a second permanent dwelling that is accessory to a legally constructed primary dwelling on the same site in a residential zoning district. A secondary unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. See Section 17.22.040."

"Residential Dwelling Unit - Apartments means a group of 5 or more dwellings set on one lot with common ownership of the land and building(s). The units may be attached

through any combination of common walls, or detached from each other, provided all requirements of zoning are met.”

“- *Residential Dwelling Unit - Duets* means a pair of individual dwelling units within one residential structure, each with its own entrance, which share a common wall from ground to ceiling set along a property line with each unit located on a separate lot.”

“*Residential Dwelling Unit - Duplex, Triplex, Fourplex* means a group of two, three, or four dwellings, respectively, set on one common lot. The units may be attached through any combination of common walls, or detached from each other, provided all requirements of zoning are met.”

“*Residential Dwelling Unit - Multi-Family* includes duplexes, triplexes, fourplexes, apartments, and residential condominiums. Excludes ‘single-family attached’ dwelling units and ‘Duets’. A residence with an accessory dwelling unit authorized by Section 17.22.040 (Accessory dwelling units) of this title shall not be considered multifamily housing.”

“*Residential Dwelling Unit - Single-Family Attached* means a group of three or more individual dwelling units contained within a single residential structure which share common walls from ground to ceiling along the side property lines; sometimes called a townhouse or row house. Typically, those units in the middle of a row shall have a zero lot line common wall with a unit on either side; and those units on either end of the row of townhomes shall have one common wall at zero lot line and the required setback of the zoning district on the other. Excludes ‘Duets’.”

“*Residential Dwelling Unit - Single-Family Detached* means a dwelling, set on a separate lot, which shares no common walls with another house or dwelling.”

SECTION 2. 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 Rows in their entirety:

Land Use	RE	R1	R2	R3	R4	R4-20	PZ	OT-M	OT-H	RW F
Guest House	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Duplex	NP	NP	S&A	S&A	S&A	NP	S&A	S&A(5)	S&A(5)	P(4)
Multi-Family Housing	NP	NP	NP	S&A	S&A	S&A	S&A	S&A	S&A	S&A
Condominiums/ Townhomes	NP	NP	NP	S&A	S&A	S&A	S&A	CUP	CUP	NP
Single-Family Dwellings	P	P	P	P	NP (8)	NP	P	P (8)	CUP (8)	P

b. Add the following Rows:

Land Use	RE	R1	R2	R3	R4	R4-20	PZ	OT-M	OT-H	RWF
Single Family - Detached	P	P	NP (8)	P	NP(8)	NP	P	P(8)	CUP(8)	P
Single-Family - Attached	NP	NP	NP	S&A	S&A	S&A	S&A	S&A	S&A	NP
Duplex	NP	NP	S&A	S&A	S&A	NP	S&A	S&A(5)	S&A(5)	P(4)
Duets	NP	NP	NP	S&A	S&A	NP	S&A	S&A	S&A	S&A
Triplex, Fourplex	NP	NP	NP	S&A	S&A	S&A	S&A	S&A(5)	S&A(5)	S&A(4)
Apartments	NP	NP	NP	S&A	S&A	S&A	S&A	S&A	S&A	S&A
Condominiums (15)	NP	NP	NP	S&A	S&A	S&A	S&A	S&A	S&A	NP

c. Amend the Land Use Category “Second Dwelling Units (6)” to read “Accessory Dwelling Units (6)”

d. Amend note 6 to read as follows:

“(6) Accessory dwelling units are permitted where performance standards in Section 17.22.040 (Accessory dwelling units) can be met. Accessory dwelling units are permitted only on lots occupied by one existing or proposed detached single-family dwelling.”

e. Add note 15 to read as follows:

“(15) See Chapter 16.17 “Conversion of Multifamily Rental Units” for information on Condominium Conversion requirements.”

f. Add note 16 to the “PZ” column header which shall read as follows:

“(16) All projects within the Performance Overlay (PZ) Zoning District which utilize the standards of the performance overlay which do not meet the standards of the base zoning district, shall be subject to Conditional Use Permit approval by the Planning Commission in addition to any other entitlement requirements.”

SECTION 3. Section 17.22.040 amended. Section 17.22.040 “Accessory dwelling units” Subsection (D) is hereby amended to read as follows:

“D. The minimum size of the parcel upon which the additional accessory dwelling unit may be built shall be 6,750 square feet on an interior lot and 8,000 square feet on cul-de-sac or knuckle lots.”

SECTION 4. Section 17.22.040 amended. Section 17.22.040 “Accessory dwelling units” Subsection (K) is hereby amended to read as follows:

- a. "K. The additional accessory dwelling unit shall be metered separately from the main dwelling unit for electricity, gas, and water/sewer services. However, the owner of the accessory dwelling unit shall not be required to pay for the connection fee or capacity charge for water and/or sewer for the accessory dwelling unit. For the purposes of impact fees, the accessory dwelling unit shall be charged as a multi-family unit as applicable."

SECTION 5. Section 17.08.020 Table 17.08-1 amended. Table 17.08-1 "Commercial and Mixed Use Zone Uses and Permit Requirements" found in Section 17.08.020 "Commercial and Mixed Use Zone land uses and permit requirements" is hereby amended as follows:

- a. The text under the column "DMU" for the land use type category of "Vehicle Sales and Ancillary Services - Outdoors" is hereby replaced with "APR (27)".
- b. Add note 27 to read as follows:

"(27) Outdoor Vehicles Sales shall not be permitted within the Downtown Hollister Historic District or the Monterey Street Historic District."

SECTION 6. Section 17.20.090 Table 17.20-1B amended. Table 17.20-1B "Building Sign Requirements by Zoning District" found in Section 17.20.090 "Public facility/institutional and open space regulations" is hereby amended as follows:

- a. The text under the column "Maximum Size (sq. ft.)" for the category "Commercial and Mixed Use" is hereby replaced with "200".

SECTION 7. Section 17.20.090 and Section 17.20.040 amended. Table 17.20-1A "Building Sign Requirements by Zoning District", Table 17.20-1B "Building Sign Requirements by Zoning District", Figure 17.20-2 "Public Safety", Table 17.20-2 "Freestanding Sign Requirements by Zoning District", and Table 17.20-3 "Sign Requirements Kiosk and A-Frame Signs" all found in Section 17.20.090 "Public facility/institutional and open space regulations" shall be deleted from Section 17.20.090 in their entirety with all affiliated notes and references, and are hereby added to Section 17.20.040 "General Provisions" after Subsection (F)(5)(f) as they currently read with the amendment to Table 17.20-1B as described by Section 6 of this Ordinance.

SECTION 8. Section 17.04.040 deleted in its entirety and replaced. Section 17.04.040 "Multifamily residential general development standards" is hereby deleted in its entirety and replaced with the following:

17.04.040 - Residential Open Space Requirements

For the purposes of this chapter, *private open space* shall refer to area which is accessible only to the residents of a single unit. Private open space can include decks,

balconies, porch areas, and roof gardens in addition to private rear yards at ground level.

1. Private open space at ground level shall have no dimension of less than 10 feet.
 2. Private open space in the form of a balcony or roof garden shall have no dimension of less than 6 feet.
 3. Private open space shall not include enclosed side yards with dimensions of less than ten feet, unenclosed side yards, or front yards.
- B. Open Space Requirements for Residential Estate (RE) and Low Density Residential (R1) Development:
1. Private Open Space: 1,000 sq. ft. at ground level at the same grade (excluding retaining walls).
 2. All requirements of Chapter 16.55 *Park and Recreation Area Dedication and Fees* must be met.
- C. Open Space Requirements for Two-Family Residential (R2) Development:
1. Private Open Space: 10% of lot area per unit (total 20% of lot area) at ground level at the same grade (excluding retaining walls).
 2. All requirements of Chapter 16.55 *Park and Recreation Area Dedication and Fees* must be met.
- D. Open Space requirements for Medium Density Residential (R3, R3-M/PZ, OT-M), High Density Residential (R4, R4-H/PZ, R4-20, OT-H), Low Density Performance Overlay (R1-L/PZ), and Mixed Use (DMU, WG, NMU) Residential Development:
1. Single-Family Detached: 500 sq. ft. of private open space at ground level at the same grade (excluding retaining walls).
 2. Single-Family Attached & Duets: 500 sq. ft. of private open space in any combination of ground level, balcony, or rooftop area.
 3. Multi-Family: 500 sq. ft. combined total private and common open space per unit
 - i. Private Open Space: 250 sq. ft. minimum if provided at ground level; 64 sq. ft. minimum if provided in the form of a balcony.
 - ii. Common Open Space: Each unit shall be provided 500 total sq. ft. of open space. The common open space for each unit shall be calculated as the remainder of 500 sq. ft. minus the provided private open space area. The common open space area shall be equal to or greater than the sum total of the common open space requirement of all units in the development.
 1. For the purposes of this chapter, common open space shall refer to centralized, contiguous area that is improved for passive or active open space with a plan for encouraging community interaction. Common open space may include indoor recreation facilities, such as a gym or indoor pool, or rooftop gardens.
 2. Common open space shall be privately maintained.
If multifamily units are mixed throughout a single-family development, any required common open space may be provided as space in a dedicated park land area pursuant to

Chapter 16.55 and dedicated to the City for maintenance purposes as deemed appropriate by the City. An amenity appropriate to the number of multifamily units shall be required, and any construction costs which exceed the in-lieu fees shall be the responsibility of the developer.

3. Common open space shall be accessible to all multi-family residents in a development.
 4. Landscaping and walkways between buildings and parking areas shall not be included as open space.
 5. Where practical, common open space shall not be screened from public view.
- iii. *Minor Amenities for Developments of 2 to 25 Multi-Family Units in a Development.* Children's play areas, picnic and barbeque areas, multi-use play areas, a spa or sauna, and other such amenities that would be appropriate to serve the residents of the project and foster a development with a sense of place and community.
1. For developments with 2 to 4 multifamily units, if the open space requirement is met entirely through private open space, no common open space or minor amenity is required. If, however, the open space requirement is not satisfied by private open space alone, a minimum of 400 sq. ft. of common open space with a minor amenity shall be required. The minimum dimension of common open space shall be 15 feet.
 2. For developments with 5 to 25 multifamily units, a minimum of 400 sq. ft. of common open space with a minor amenity shall be required. The minimum dimension of common open space shall be 15 feet.
- iv. *Major Amenities for Developments with 25 or More Multi-Family Units.* Facilities to provide community gathering areas, including recreation buildings, swimming pools with eating areas, tennis, baseball and handball courts, child care facilities and other amenities appropriate to serve the residents as determined by the City to foster a sense of place and community. Two major amenities shall be provided for projects with 200 or more units.
- v. *On-Site Management.* An on-site resident property manager shall be provided for any multifamily development consisting of 16 or more apartment units.
1. All requirements of Chapter 16.55 *Park and Recreation Area Dedication and Fees* must be met.

SECTION 9. Section 17.04.030 Table 17.04-2 amended. Table 17.04-2 "Residential Lot Size, Lot Area, Density and Open Space Requirements by District" found in Section 17.04.030 is hereby amended as follows:

- a. Amend the Table to be titled as follows:

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

- b. Remove the Column labeled “Useable Open Space” in its entirety.

SECTION 10. Section 17.04.030 amended. The first paragraph of Section 17.04.030 “Residential general development standards” is hereby amended to read as follows:

“New land uses and structures, and alterations to existing uses or structures shall be designed and constructed in compliance with the following requirements in Table 17.04-2 Residential Lot Size, Lot Area, and Density Requirements by District, Table 17.04-3 Residential Standards for Lot Width, Depth, Coverage and Building Height, Table 17-04-4 Residential Standards for Yards, and standards in Section 17.04.060(C) (West Fairview Road Standards) of this chapter.”

SECTION 11. Section 17.04.030 amended. Section 17.04.030 “Residential general development standards” is hereby amended as follows:

- a. Add the following subsections to Subsection B “Parking/Garages”:

“4. Multifamily developments shall be oriented to the street, with covered architectural entry features or front porches that provide direct access to the street. Parking areas should be located to the rear of the dwelling units wherever possible in order to promote neighborhood interaction, provide “eyes on the street”, and ensure a more pedestrian-friendly streetscape.”

- b. Add the following subsection after Subsection F “Front Yard Paving”:

“G. *Consolidation of Parcels.* Prior to the approval for a development of any multi-unit development project that includes more than one parcel, the parcels shall be merged, or otherwise consolidated, in a manner consistent with the City of Hollister subdivision ordinance and Subdivision Map Act. The intent of this requirement is to provide a guarantee of common ownership, maintenance and management of multi-unit projects.”

SECTION 12. Section 17.08.010 amended. Section 17.08.010 “Purpose” Subsection (D)(1) is hereby amended to read as follows:

“*DMU (Downtown Mixed Use) District.* The Downtown Mixed Use (DMU) Zoning District provides for a vertical or horizontal combination of commercial and residential uses around the central core of the community. The designation is intended to encourage ground floor, pedestrian friendly, retail sales and service uses with upper floors of office and residential uses. The DMU District should be a unique destination with restaurants, theaters, boutique retail, neighborhood convenience stores, regionally-oriented specialty stores, medical and dental offices, and residential densities of 25 to 45 units per net acre. The DMU Zoning District is consistent with the Downtown Commercial and Mixed Use (D-MU) land use category of the General Plan.”

SECTION 13. Section 17.08.010 amended. Section 17.08.010 “Purpose” Subsection (D)(2) is hereby amended to read as follows:

“*NMU (Neighborhood Mixed Use) District.* The Neighborhood Mixed Use (NUM) Zoning District provides for pedestrian-oriented commercial uses of low intensity and of a neighborhood character which serves the convenience retail and service needs of nearby residents and high-density residential at densities of 25-40 units per net acre. The neighborhood shopping centers accommodated by this zoning district typically have anchor market and drug stores, with supporting neighborhood-related convenience businesses. The NMU Zoning District is consistent with the Mixed Use Commercial and Residential (MU) land use category of the General Plan.”

SECTION 14. Section 17.16.140 deleted in its entirety and replaced. Section 17.16.140 “Stormwater management” is hereby deleted in its entirety and replaced with the following text:

All new development and redevelopment land use activities (i.e., residential, commercial, industrial, recreation, public/quasi-public, construction, grading, landscaping and paving) are subject to the State of California MS4 General Permit Order No. 2013-0001-DWQ, subsequent amendments, or successor orders, as applicable. To ensure that this occurs, appropriate stormwater management procedures shall include, but are not limited to, the following:

A. Drainage.

1. All new development and redevelopment post-construction drainage improvements shall be designed in accordance with the requirements of the California Regional Water Quality Control Board, Central Coast Region, Resolution R3-2013-0032 or subsequent amendments thereto, as applicable.
2. Drainage from roof gutters from residential, commercial, industrial, public and other buildings including accessory structures shall be directed to rain gardens, landscape areas, vegetative swales, or retention or detention ponds approved by the City Engineering Department.
3. The use of multi-use stormwater management facilities including: parks and recreation areas, permeable paving in interior pedestrian areas, patios or plazas is encouraged.
4. Whenever feasible, every effort to design, construct, and install underground stormwater infiltration basins for all new and redevelopment projects instead of utilizing open retention or detention ponds for stormwater management shall be made. If it is infeasible for a development to meet this requirement the development’s design engineer shall submit a letter explaining the reason it is infeasible for the City Engineer’s review and approval consideration.

5. Projects unable to meet the post-construction drainage standards shall be required to pay fees for city-wide stormwater pollution control and management.
 6. Existing properties shall be maintained to comply with the adopted City of Hollister Stormwater Management Program.
- B. Grading Permit. Any person engaged in activities involving land disturbance, soils storage, clearing and grading operations, construction and installation of improvements in new development and redevelopment projects, as well as, any and all activities which alter the volume, rate or direction of stormwater runoff shall obtain required permits pursuant to Chapter 15.24 "Grading Best Management Practices Control" of the Hollister Municipal Code from the City of Hollister Engineering Department.
- C. Stormwater Quality. Any person engaged in activities which may result in pollutants entering the city storm drain system shall undertake all practicable measures to reduce such pollutants, including, but not limited to grease and sediment collections facilities and shall be responsible for maintaining the facilities.
1. Standard for Parking Lots and Similar Structures. Persons owning or operating a parking lot, gas station pavement, contractor's equipment yard or similar structures having impermeable surfaces, shall clean such structures as frequently and thoroughly as practicable. Sweepings shall be collected in a manner that does not result in discharge of pollutants to the city storm drain system or surface water.
 2. Compliance with Stormwater Best Management Practices. Where stormwater best management practices guidelines or stormwater requirements have been adopted by any Federal, State of California, Central Coast Regional Water Quality Control Board, or the City of Hollister, for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, or discharge of non-stormwater to the stormwater system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such guidelines or requirements as may be prescribed by the City Engineer.
 3. Littering. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the city, so that the same might be or become a pollutant, except in refuse containers or in lawfully established waste disposal facilities. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the City of Hollister in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable.

SECTION 15. 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 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 16. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 17. Publication. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published on time in the *Free Lance*, a newspaper of general circulation.

INTRODUCED at a regular City Council meeting on the 3rd day of June, 2019.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 17th day of June, 2019, by the following vote:

AYES: Council Members Resendiz, Richman, Lenoir and Mayor Velazquez.

NOES: None.

ABSTAINED: None.

ABSENT: Council Member Spencer.

/s/ Ignacio Velazquez, Mayor

ATTEST:

APPROVED AS TO FORM:

Epperson Law Group PC

/s/ Christine Black, MMC, City Clerk

/s/ Jason S. Epperson, City Attorney