

Impediments and Recommendations Memo

Monterey Corridor Form-Based Code
City of Morgan Hill

Prepared by:
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Final Draft | August 2020



Introduction

Lisa Wise Consulting, Inc. (LWC) has been hired by the City of Morgan Hill (City) to complete a Form-Based Code (FBC) for the Monterey Road Corridor (Corridor). The Impediments and Recommendations Memo (Memo) is the first deliverable identified in the Scope of Work.

The Memo provides an overview of state legislation (Senate Bill (SB) 2 and SB 330) and form-based codes, highlights policy direction related to form-based codes, assesses relevant standards in the existing Zoning Code, evaluates impediments to achieving the vision and objectives of the General Plan, and presents recommendations for the most effective form-based code approach.

Overview of State Legislation

SB 2, the Building Homes and Jobs Act, was signed by Governor Brown in September 2017 to increase affordable housing production in the face of the State's unprecedented housing crisis. Specifically, it established a Planning Grant Program to provide a permanent, ongoing funding source for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. The City has allocated the SB 2 funding it received to the development of the FBC.

SB 330, the Housing Crisis Act, was signed by Governor Newsom in October 2019 to expedite housing production by reducing municipal policies that discourage or slow development. Specifically, it limits a City's ability to down-zone (e.g., reduce density or FAR, increase lot size, increase setbacks, etc.) or change a General Plan designation to result in a less intensive land use than was allowed as of January 1, 2018. It also reduces housing-related application fees, mandates a 12-month timeline for processing housing permits, and prohibits cities from imposing or enforcing non-objective standards established after January 1, 2020. The law, which took effect on January 1, 2020 and will sunset in 2025, is applicable to all housing developments, including mixed-use projects with two-thirds or more of total floor area dedicated to residential use.

FBCs, in addition to enabling a desirable, walkable public realm (see below), also fulfill SB 2's and SB 330's intent of streamlining the approval and production of housing through objective, prescriptive housing type development standards, which is a key focus of the FBC effort. A FBC supports the City's vision for a vibrant, mixed-use corridor while facilitating the development of a variety of housing types and products.

Overview of Form-Based Codes

A form-based code (FBC) is a place-based planning approach that promotes walkable, compact, mixed-use urban environments over suburban sprawl, and is a forward-looking alternative to a conventional zoning code. The Form-Based Code Institute (FBCI) defines a FBC as a “land development regulation that fosters predictable results and a high quality public realm by using the physical form of a place (rather than separation of uses) as the organizing principle for the code.”

A FBC can address the relationship between the building facade and public realm, form, and mass of buildings in relation to one another, and the scale and types of streets and blocks. Regulations and standards in a FBC are usually presented in tables and graphics alongside supplemental text. The standards vary in intensity based on each form-based zone. The form-based zones are mapped on a Regulating Plan, a document similar to a zoning map.



Example of a Regulating Plan

FBCs are now being utilized by cities, towns, and counties across the country as communities like Morgan Hill desire vibrant, mixed-use areas where residents can live, work, and play within close walking distance. For the Monterey Corridor, a FBC can establish objective development standards that implement community visions, emphasizing pedestrian-oriented building form and efficient housing development with an appropriate mix of uses.

FBCs differ from conventional zoning codes in terms of the process by which they are prepared, the substance of the standards they contain, how those standards are presented, the mechanism by which they are implemented, and the built form they produce. In summary, a FBC is a transformative regulatory tool used to implement a community’s vision for how it should look and feel, holistically shaping the urban environment through a set of objective standards.

Overview of Background Documents

Planning and development within the City is regulated by several key policy and regulatory documents. Each is briefly described below.

- The **Morgan Hill Downtown Specific Plan** was adopted in November 2009 to ensure that residential and commercial development standards support the community’s vision for a vibrant and accessible Downtown village. The Specific Plan includes individual chapters that detail street-specific circulation and parking management strategies, as well as detailed architectural design and signage guidelines.
- Adopted by the City Council in July 2016, the **Morgan Hill 2035 General Plan** lays out a vision for a prosperous, family-friendly city supported by a framework of goals, policies, and actions that will guide the City’s decisions for the next two decades. The General Plan is organized into seven separate elements (City and Neighborhood Form; Housing; Economic Development; Healthy Community, Transportation; Natural Resources and Environment; Safety, Services, and Infrastructure), each containing a series of goals (a desired result) that are supported by policies (standards to guide decision-making) and actions (implementation measures to achieve specific goals).
- The **Monterey Corridor Market Analysis** was prepared by LWC in December 2017 to summarize the demographic and socio-economic conditions along 4.4 miles of Monterey Road (excluding Downtown). The analysis identified a high demand for residential development along the Corridor and the prospect of a larger proportion of Morgan Hill residents working in-town in the future driven by the high cost of living in Silicon Valley.
- Adopted in June 2018, the **City of Morgan Hill Zoning Code** complements the 2035 General Plan, as an implementation tool of the community’s land use and development goals. The Zoning Code defines the City’s zoning districts and overlay zones, citywide property standards, and procedures and requirements for permits and other approvals.
- The **Residential Development Design and Development Standards** were recently adopted in December 2019 to implement the requirements of SB 330, the Housing Crisis Act of 2019. These Standards complement existing development standards and apply specifically to residential development in the Residential and Mixed-Use zoning districts..
- The **2017 Morgan Hill Economic Blueprint** was produced as a collaboration among the City, Planning Commission, and local business and community leaders. The Blueprint’s summary of Morgan Hill’s economic profile builds off the 2035 General Plan and links its guiding principles to support for four key industries. It also specifically names land use and policy decisions as central to promoting economic sustainability.

Existing Conditions

The City’s 2035 General Plan establishes the community’s vision for future development through policy direction and established land use designations. The City’s Zoning Code implements the General Plan’s vision and land use designations through zoning districts that shape the built environment and distribution of land uses citywide. Altogether, there are ten land use categories and eleven zoning districts relevant for consideration to the FBC. The land use designations and zoning districts described in this Section may not be within the exact limits of the proposed FBC Study Area (see Section below, page 19) but are important to consider and evaluate as the FBC is developed because of their proximity to the Corridor.

Summary of Relevant General Plan Policies

The 2035 General Plan establishes the following vision for the Corridor: *“North and south of Downtown will transform from its current predominantly strip commercial character to a vibrant mixed-use corridor that encourages walking and biking. Buildings will front onto the street and a range of commercial and office uses will be located within close proximity to attached residential units. Density will decrease with distance from Downtown.”*

To achieve this vision, the General Plan contains several policies that provide direction for effective implementation and support the creation of a FBC. These include direction to promote pleasant, walkable public spaces and a streetscape that promotes moderate to high density products, infill development that is sensitive to surrounding contexts and building scales, and reducing the dominance of single, imposing, monotonous structures in mixed-use areas. The policies most relevant to the FBC are listed in Table 1 (2035 General Plan Policies Applicable to the FBC).

Table 1 – 2035 General Plan Policies Applicable to the FBC

| Policy | Title | Description |
|-----------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City and Neighborhood Form | | |
| Policy CNF-8.2 | Design Features | Encourage design features and amenities in new development and redevelopment, including, but not limited to... <ul style="list-style-type: none"> - Highly connected street layouts, supporting multiple paths of travel for all modes. - Cluster buildings to create useable open space. - Abundant landscaping. - Attractive transitions between uses. - Comfortable pedestrian facilities that promote a high level of pedestrian activity. - Distinctiveness and variety in architectural design. |
| Policy CNF-8.3 | Changes in Building Scale | Discourage abrupt changes in building scale. A gradual transition between low-rise to mid-rise buildings should be achieved by using the low-rise buildings at the edge of the project site. Consider the relationship of buildings to the street, to one another and to adjacent structures and land uses. |

Table 1 – 2035 General Plan Policies Applicable to the FBC

| Policy | Title | Description |
|------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy CNF-8.5 | Building Façade | On all sides of buildings, require the incorporation of quality architectural design elements for all building façades and stepping back upper floors in order to reduce bulk and mass and to break up monotonous wall lines. |
| Policy CNF-8.9 | Commercial Landscaping | Encourage new commercial development to provide outdoor areas and landscaping and tree canopy to enhance the surroundings. |
| Policy CNF-8.11 | Pedestrian Spaces | Encourage the design of attractive outdoor pedestrian spaces that encourage impromptu public gathering places with features such as plazas, interior walkways and paseos, ornamental gates, trellises, lighting, trees and landscaping, seating and fountains. |
| Policy CNF-8.12 | Visual Impact of Parking | Require parking areas associated with development to be located and designed to minimize visual impact to the greatest extent feasible. This may include locating parking behind buildings street frontage, below grade, or screening through the use of natural landscaping. |
| Policy CNF-11.20 | Infill Compatibility | Require residential infill development to complement existing development patterns and minimize impacts on neighboring properties. This may be accomplished by: <ul style="list-style-type: none"> - Matching prevailing front and side setbacks on developed blocks. - Breaking up large buildings into smaller forms reflective of the scale of nearby structures. - Stepping back upper stories of taller structures. - Using porches or balconies to counteract the vertical emphasis of taller buildings. - Using trees and landscaping to soften scale differences, particularly in areas where trees and vegetation are unifying aspects of community character. |
| Policy CNF-11.22 | Minimized Mass and Scale | Minimize the perceived mass and scale of attached single-family homes and multi-family housing to appear consistent with Morgan Hill’s small-town residential character. This may be accomplished by: <ul style="list-style-type: none"> - Breaking larger buildings up into multiple masses and adding visual breaks in building volumes. - Providing separation between individual buildings within a single project. - Including paseos, courtyards, plazas and other forms of open space that help to break up building mass. - Utilizing landscaping that helps to soften the visual impact of larger buildings. |
| Policy CNF-11.23 | Individual Units | Require attached single-family homes and multi-family housing to appear as individual residences or small groups of units. This can be accomplished by: <ul style="list-style-type: none"> - Incorporating separate building volumes or façade protrusions. - Utilizing window bays or balconies, porches, and entrance vestibules. - Providing individual roof volumes, variation in roof heights, and other roof articulation. - Adding variation in building colors and materials. - Including narrow façade widths. |
| Policy CNF-11.25 | Prominent Entries | Require attached single-family homes and multi-family housing to feature building entries that are prominent and visible. Building entrances shall feature human-scale porches, front stoops, or other methods to accentuate ground level entries of individual units. |
| Policy CNF-11.28 | Bicycles and Pedestrians | Require attached residential sites to be designed to accommodate the needs of bicyclists and pedestrians. This may be accomplished by: <ul style="list-style-type: none"> - Providing bicycle and pedestrian connections to adjacent uses with paseos, trails, sidewalks, paths, and similar amenities. - Creating attractive connections through landscaping, lighting, benches, other amenities to create safe and visually interesting spaces. - Installing bicycle racks and lockers near building entrances, integrated into the design of the project and screened with appropriate landscaping. |
| Policy CNF-11.29 | Multi-Family Open Space | Require attached single-family homes and multi-family housing to provide open spaces that are inviting places, useful to occupants, and encourage resident activity and interaction. This may be accomplished by: |

Table 1 – 2035 General Plan Policies Applicable to the FBC

| Policy | Title | Description |
|------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <ul style="list-style-type: none"> - Providing open space areas of sufficient size to be used by residents. - Defining the edge of common open space with buildings, fences, and walls. - Locating open space areas so that they are visible from individual units. - Landscaping open space to create an attractive and comfortable environment. - Incorporating lighting into open spaces as needed for public safety. - Including amenities such as seating areas and walkways to promote resident gathering and interaction. |
| Policy CNF-14.8 | Downtown Streetscape | Continue the Downtown streetscape and pedestrian-oriented design theme along Monterey Road for at least one block north of Main Avenue and at least one block south of Dunne Avenue, and from Monterey Road east to Butterfield Boulevard between Main and Dunne Avenues, to provide a transition from downtown adjoining commercial areas. |
| Economic Development | | |
| Policy ED-6.1 | Monterey Corridor Non-Residential Development | Encourage non-residential development along Monterey Corridor that supports Downtown’s role as the cultural and activity center of Morgan Hill. |
| Policy ED-6.2 | Monterey Corridor Residential Development | Support the development of housing along Monterey Corridor to foster a vibrant urban environment that enables residents the option of walking and biking to their daily needs. |
| Healthy Community | | |
| Policy HC-6.3 | Zoning | Allow community gardens and small-scale agriculture in any appropriate zoning designation. |
| Natural Resources and Environment | | |
| Policy NRE-10.4 | Reduced Automobile Use | To reduce air pollution the frequency and length of automobile trips and the amount of traffic congestion by controlling sprawl, promoting infill development, and encouraging mixed uses and higher density development near transit. Support the expansion and improvement of alternative modes of transportation. Encourage development project designs that protect and improve air quality and minimize direct and indirect air pollutant emissions by including components that reduce vehicle trips. |
| Policy NRE-15.6 | Residential Near Transit | Encourage higher density residential and mixed-use development adjacent to commercial centers and transit corridors – the land along or within walking distance of a street served by transit. |
| Policy NRE-15.8 | Walkable City | Encourage retail and office areas to be located within walking and biking distance of existing and proposed residential developments. |

Existing Land Use

The City’s land use categories are established in Chapter 3 of the 2035 General Plan, the City and Neighborhood Form Element. The FBC Study Area (see Section below, page 19) is subject to 10 land use categories (see Table 2 (2045 General Plan Land Use Categories Applicable to the FBC)). The General Plan requires block-level master plans for residential or mixed-use projects within the Mixed-Use Flex Land Use Category, which comprises much of the Corridor; however, this requirement is considered suspended until 2025 under SB 330.

The northern portion of the Corridor (i.e., from the City limits to the railroad overcrossing) is dominated by single-family residences to the west, with a mix of industrial, retail, and office uses on the northeast side. There are notably several vacant parcels in a crescent-shape north of the railroad overcrossing designated under the Commercial Land Use Category.

The central portion of the Corridor (from the railroad overcrossing to Main Avenue) contains a mix of moderate to high density residential uses and a variety of office and retail services, including Britton Middle school and several churches close to Main Avenue.

The southern portion of the Corridor (from Dunn Avenue to Butterfield Boulevard) features a wide variety of retail and office uses, as well as several large regional commercial centers. There are also two moderately sized multi-unit complexes and a variety of vacant parcels.

Table 2 – 2035 General Plan Land Use Categories Applicable to the FBC

| Land Use Category | Description |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential Detached Low | Intended to accommodate families in suburban single-family homes, including manufactured homes on medium-sized parcels. Secondary dwelling units are allowed. The highest concentrations of this designation are at the eastern City limit, especially in the hills near the Anderson Reservoir. This designation allows up to 4 units per net acre. |
| Residential Detached Medium | Allows detached homes on smaller lots, including courtyard homes, manufactured homes, and small-lot single-family homes. Secondary dwelling units are allowed under this designation. Up to 25 percent of the total number of units in a project in the Residential Detached Medium designation may be duets. The Residential Detached Medium designation is dispersed throughout the City, often providing a transition from nonresidential areas to lower-density neighborhoods. The largest areas with this designation are centered around East Dunne Avenue and West Main Avenue between Highway 101 and the railroad. This designation allows up to 7 units per net acre. |
| Residential Attached Low | Primarily meant to accommodate attached homes including duplexes/duets, courtyard homes, townhomes, and garden apartments. Up to 25 percent of a Residential Attached Low site may include small-lot single family detached homes when those units are located adjacent to an existing single-family detached neighborhood. Residential Attached Low areas generally are located in or next to existing residential neighborhoods and close to commercial corridors, including West Dunne Avenue and Monterey Road. This designation allows 6 to 16 units per net acre. |
| Residential Attached Medium | Allows attached housing types including townhomes, garden apartments, and stacked flats. Pockets of Residential Attached Medium are primarily centered around the Downtown. Frequently found near commercial areas that in part serve the adjacent residents, this designation accommodates 16 to 24 units per net acre, most of which are townhomes, apartments, or condominiums. |
| Commercial | Primarily located along arterial roadways west of Highway 101 and along the eastern freeway frontage. This designation is intended to allow a wide range of retail businesses, administrative and executive office uses, and professional services, either in stand-alone buildings or as part of shopping centers. The largest concentrations of this designation are found along Monterey Road and at the freeway interchanges, where retail stores are emphasized. The Service Commercial overlay along Monterey Road north of Wright Avenue allows auto-related uses, except for sales. The Commercial designation allows a maximum FAR of 0.5 and a maximum building height of 30 feet. |
| Mixed-Use | Applied in accordance with the Downtown Specific Plan, this designation applies to the majority of the parcels in and around the core of the Downtown area, especially parcels along Monterey Road and all the parcels between Monterey Road and Depot Street. It is intended to encourage a mixture of retail uses and residences. Consistent with the adopted Downtown Specific Plan, the Mixed-Use designation generally allows a density between 8 to 20 units per net acre, |
| Mixed-Use Flex | Primarily applied to properties along the Monterey Road corridor north and south of downtown, allows for a mix of residential, commercial, and office uses applied either vertically (i.e., one structure with multiple uses) or horizontally (i.e., structures with different land uses located adjacent to one another). Density should transition from higher to lower at the ends of |

| | |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>Monterey corridor. The Mixed-Use Flex designation allows 7 to 24 units per acre and a maximum FAR of 0.5 and a maximum commercial building height of 35 feet. Prior to development of Residential or Mixed-Use projects within the Mixed-Use Flex designation a block level master plan is required to identify how commercial uses will be incorporated within the development of the block and how individual development projects will connect with each other. Commercial development may proceed without preparation of a block level master plan consistent with the Commercial designation.</p> |
| Industrial | <p>Allows a variety of research, warehouse, manufacturing, service commercial, and other job-generating uses. This designation allows a maximum FAR of 0.6 and a maximum building height of 50 feet. Industrial employment lands are located in four major subareas as shown in Figure CNF-4. Subareas 1 and 3 are located south of Cochrane Road between Highway 101 and Monterey Road. Subarea 2 is located north of Cochrane Road between Highway 101 and Monterey Road. Subarea 4 is located south of Dunne Avenue between Butterfield Boulevard and Monterey Road. Subareas 1, 2, and 3 are considered Core Employment Areas, which include many of the City's largest employers and will continue to be the strongest location for future employment growth with an emphasis on R&D, light manufacturing, office, and supporting uses. Subarea 4 is the City's Established Employment Area and contains heavier industrial uses and provides future opportunities for a diverse range of industrial uses, including manufacturing, materials processing, and indoor storage.</p> |
| Public Facilities | <p>Applies to land used by public or quasi-public agencies and organizations including the City, hospitals, utility companies, and the Morgan Hill Unified School District. This designation allows a maximum FAR of 0.5 and a maximum building height of 35 feet.</p> |
| Open Space | <p>Applies to land in the City limits and SOI, and includes public parks, private golf courses, and large parcels of land generally 50 acres or more in size. Land designated Open Space is generally meant to remain unimproved and devoted to the preservation of natural resources, managed production of resources, or public health and safety, as well as to complement adjacent, higher density residential and commercial development. Allowed uses include agriculture, outdoor recreation, and a secondary dwelling unit. One single-family home per parcel is allowed, with appropriate permit. The Residential Development Control System requires that lands within the City that are designated Open Space maintain this designation through fiscal year 2019/2020. This provision does not prevent the City Council from designating additional lands as Open Space.</p> |

Existing Zoning

The Zoning Code establishes eight zoning districts that are currently located within the proposed FBC Study Area (see Section below, page 19). The zoning districts and their stated purpose are listed in Table 3 (Zoning Districts Applicable to the FBC) below. The Table also provides a summary of selected development standards that prescribe some of the requirements related to built form. The selected development standards are not comprehensive but offer a brief understanding of the intensity of each zoning district.

Table 3 – Zoning Districts Applicable to the FBC

| Zoning District | | Purpose and Intent | Selected Development Standards | | | |
|------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------|---------------------|----------------------------------------|
| | | | Lot Area, Min. | Building Coverage, Max | Front Setback, Min. | Height, Max. |
| RAL-3,000 RAL-3,500 | Residential Attached Low Density | Provides locations for low density attached housing types. The RAL zoning district is divided into two subzones allowing for a range of permitted residential densities. | 3,000-7,000 sq. ft. | - | 20 ft. | 30 ft. |
| RAM | Residential Attached Medium Density | Provides locations for medium density attached housing types. | 4,500-6,000 sq. ft. | | 15 ft. | 3 stories or 40 ft., whichever is less |
| CG | General Commercial | Provides a location for a broad range of commercial and employment uses to serve Morgan Hill residents, workers, and visitors. | 10,000 sq. ft. | 50% | 25 ft. | 3 stories or 35 ft., whichever is less |
| CS | Service Commercial | Provides an area for commercial services that may be inappropriate in neighborhood or pedestrian-oriented shopping areas, and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles. | 10,000 sq. ft. | 50% | 25 ft. | 3 stories or 35 ft., whichever is less |
| MU-F | Mixed-Use Flex | Accommodates a mixture of residential and commercial uses typically along the Monterey Road corridor north and south of Downtown. New mixed-use development may be vertical (residences above ground floor commercial) or horizontal (separate buildings with different uses on a single site). Development in the MU-F zoning district creates attractive gateways into Morgan Hill, provides a range of housing options, and creates new centers of activity to serve surrounding neighborhoods. | 6,000 sq. ft. | - | 10-15 ft. | 35 ft. |
| MU-N | Neighborhood Mixed-Use | Accommodates a range of residential and commercial land uses near Downtown. A range of housing types provide residents with affordable housing options and increase opportunities to live close to stores, services, jobs, and transit. The MU-N zoning district provides a transition from the higher intensity uses in the Downtown Core to lower density residential neighborhoods. | 6,000 sq. ft. | - | 0-6 ft. | 35 ft. |

| | | | | | | |
|----|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---------------------------------|---------------------------------|---------------------------------|
| OS | Open Space | Preserves and enhances open space lands as a limited and valuable resource in Morgan Hill. The OS zoning district is intended to permit limited but reasonable use of open space lands while reducing exposure to geologic hazards, to preserve agricultural land, and to preserve the topographic features that contribute to Morgan Hill's unique identity. | 5 acres | 5% | 50 ft. | 2 stories or 25 ft. |
| PF | Public Facilities | Provides a location for schools, governmental offices, parks and recreational facilities, fire and police stations, utilities, and other public and quasi-public facilities to serve the community. | - | As required by review authority | As required by review authority | As required by review authority |

Impediments to Development

This Section provides a description of the key impediments in the existing Zoning Code that preclude the type of development envisioned along the Corridor.

Development Standards are Inconsistent with Vision

The existing zoning districts located along and adjacent to the Corridor establish standards that preclude the type of development envisioned along the Corridor. The following descriptions provide examples of development standards that are inconsistent with the General Plan vision.

- The Residential Detached Low Density Zoning District establishes large minimum lot area requirements (12,000 – 20,000 square feet), large minimum front setbacks (25 feet), and low maximum building coverage thresholds (40%). These standards, which are consistent with suburban neighborhoods, are inconsistent with the General Plan’s vision for a walkable, mixed-use corridor with buildings fronting and placed close to the street.
- The Neighborhood Mixed-Use and Mixed-Use Flex Zoning Districts establish residential density ranges of 8 – 20 dwelling units per acre and 7 – 24 dwelling units per acre, respectively. While these requirements may be intended to offer a sense for the scale of residential projects that are allowed within each zoning district, density offers very limited predictability in terms of built form and massing. Depending on unit size and site design, projects with the same or similar densities can be completed in entirely different ways, as illustrated in the photos below.

General Plan Vision for the Corridor, as discussed in the Section above: North and south of Downtown will transform from its current predominantly strip commercial character to a vibrant mixed-use corridor that encourages walking and biking. Buildings will front onto the street and a range of commercial and office uses will be located within close proximity to attached residential units. Density will decrease with distance from Downtown.



Housing built at 20.5 du/ac.



Housing built at 21 du/ac.

Overall, the emphasis on density and the lack of setback ranges, standards for build-to-lines (where buildings are required to be built at a certain line close to the street), and frontage requirements lead to a subjective framework of regulations that allow buildings to be located far from the right-of-way, precluding walkable, mixed-use infill development along the Corridor. Without clear frontage standards and calibrated, context-based development standards, development can be unpredictable and produce unintended built results with minimal relationship to the public realm.

Lack of Objective Housing Type Standards

In the existing Zoning Code, residential uses are allowed based on the intent of the zoning district and the density permitted within the district. The Zoning Code focuses on land use, rather than objective development standards so that delivering high quality form and design can be difficult. Objective development standards and streamlined review and approval processes will help to ensure that local housing production goals are met by deemphasizing discretionary review processes when considering approvals for multi-family development projects.

Existing Zoning Code Chapter 18.40 (Alternative Standards for Medium Density Residential Development) sets forth development standards for six housing types (single-family detached dwellings, duets, single-family attached dwellings (townhouse), courtyard homes, duplexes, multi-family dwellings) that may be applied in the Residential Attached Low Density (RAL) and Residential Attached Medium Density (RAM) zoning districts. While these standards are helpful in establishing a baseline for high-quality, reliable housing products, developers have communicated that the standards and thresholds for lot size, floor area ratio, and lot coverage are too restrictive to achieve desired proposed housing density, leading them instead to rely on the Planned Development Combining District process. Also, the standards are only voluntary. Without required, clear, and objective building type development standards, the form, design, and massing of housing development can be subjective and unpredictable. Review processes can also be overly arduous, adding unnecessary time to the development process.

Lack of Comprehensive Open Space Standards

Zoning Code Chapter 18.40 (Alternative Standards for Medium Density Residential Development) sets forth development standards for usable open space as it relates to the housing types for multi-family dwelling (Section 18.40.060.C) and attached and detached single-family homes (Section 18.40.060.D). The standards are organized by either common or private open space. Standards for common open space generally include minimum area (percent of site) and minimum horizontal direction depending on the size of the residential project. Standards for

private open space generally include minimum percentage of individual units required to have open space, minimum area per individual unit, and minimum horizontal direction.

As discussed above, the standards in Chapter 18.40 are voluntary. While the open space standards are beneficial, there is no guarantee that they will be adhered to comprehensively; some applicants may choose to use them on larger multi-family projects, and some may not, leading to a piecemeal approach to a civic/open space system. Without a straightforward toolkit of civic/open space standards,



Example of a pocket plaza

it can be difficult to ensure a variety of desirable, usable public civic spaces, such as the pocket plaza shown above, will be available as additional housing is added to the City. Additionally, these standards only apply to two housing types within Chapter 18.40 within two residential zoning districts. Overall, the applicability of these standards is limited and unpredictable.

Suburban Parking and Sign Standards

Zoning Code Chapter 18.72 (Parking and Loading) establishes parking requirements based on land use and design standards associated with parking spaces and lots. Overall, the standards in this Chapter do not directly impede housing development or projects that implement the vision established in the General Plan, but requirements related to parking placement are not established. Without standards that require parking to be provided to the side and/or rear of properties, it can be difficult to ensure that proposed site design is appropriate within walkable environments.



Example of pedestrian-oriented signage

Parking placement guidelines established in the Downtown Specific Plan help to create walkable urban areas, but these guidelines are not included in the Zoning Code for these areas.

Zoning Code Chapter 18.88 (Signs) establishes standards for permanent and temporary signage as well as sign permit procedures. Similar to Chapter 19.72 (Parking and Loading), these standards do not directly impede housing development or projects that implement the vision established in the General Plan, but requirements that are more appropriate to walkable

environments (e.g., decreased maximum sign areas, prohibited movable letter or electronic signs, additional design/material requirements) could be beneficial to ensure that the Corridor area maintains high-quality signs in a vertical mixed-use environment. Design guidelines related to signs established in the Downtown Specific Plan help to ensure pedestrian-oriented signage, but these standards are not included in the Zoning Code for the appropriate areas.

Recommended Approach

This Section provides recommendations for how to better implement the type of development envisioned in the General Plan through a FBC applicable within the proposed Study Area, as discussed below (page 19).

Establish Form-Based Zones and Standards

Form-Based Zones and Standards

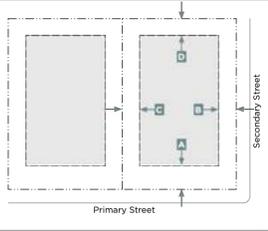
LWC recommends establishing three form-based zones within the FBC Study Area. The form-based zones would replace the need for block-level master plans. They should provide a range of development intensities (e.g., at the neighborhood, corridor, or center scale) and should be mapped on a Regulating Plan that illustrates the application of the form-based zones in a clear, user-friendly way. The Regulating Plan should be added as a subset of the Zoning Map or the form-based zones should be mapped on the Zoning Map once the Regulating Plan is approved.

LWC recommends that the form-based zones replace the existing base zoning districts, and that the standards should, therefore, be mandatory. For use allowances, LWC recommends using the land uses established in Code Section 18.22.020 (Land Use Regulations, Mixed Use Zoning Districts) as a basis for the FBC, but with additional consideration given to the appropriate level of use flexibility (e.g., allowing duplexes by-right, prohibiting drive-through facilities, etc.). For some regulations, such as parking placement and signage standards, LWC will review guidelines established in the Downtown Specific Plan and determine if the guidelines should be reworked into form-based standards applicable to the FBC Study Area. Where necessary, the FBC will cross-reference to other applicable standards in the Zoning Code.

1107.040 Urban Corridor (UC) Zone



Note: image is illustrative, not regulatory.



Key for Diagrams
 --- Lot Line
 --- Setback Line
 ■ Buildable Area

A. Intent
 The UC Zone is intended to foster medium intensity infill and redevelopment with a mixture of uses. Over time, existing auto-oriented commercial sites and shopping centers are envisioned to redevelop with more pedestrian oriented site designs, with buildings framing streets, and parking located primarily to the rear. This zone serves as a transition from higher intensity projects intended for the UG Zone and the smaller scale projects intended for the Urban Neighborhood Zone and surrounding residential zones. The UC Zone serves to implement recommended development patterns for certain strategic locations as envisioned in the Community Plan include, but are not limited to portions of the South State Street corridor.

B. Allowed Building Types
 The building types allowed in the UC Zone are limited to the following, which shall be placed on lots with minimum dimensions sufficient to accommodate the minimum building type and setback dimensions. See Chapter 1137 (Building Types) for detailed design standards:

| Building Type | Minimum Width | Maximum Width | Maximum Depth | Minimum Frontage |
|----------------------|---------------|---------------|---------------|------------------|
| Rowhouse | 100 ft. | 300 ft. | 45 ft. | 75% |
| Flex Building Small | 60 ft. | 180 ft. | 100 ft. | 65% |
| Flex Building Medium | 100 ft. | 220 ft. | 100 ft. | 75% |
| Detached House | 30 ft. | 60 ft. | 60 ft. | 65% |
| Duplex | 30 ft. | 60 ft. | 60 ft. | 65% |

**Minimum required building frontage on a primary street.*

C. Frontage Types
 See Chapter 1139 (Frontage Types) for detailed standards for each frontage type:

| Frontage Type | Primary Street | Secondary Street | Reference |
|---------------|----------------|------------------|-----------|
| Shopfront | Allowed | Allowed | 1139.040 |
| Patio | Allowed | Allowed | 1139.050 |
| Yard | Allowed | Allowed | 1139.060 |
| Raised Yard | Allowed | Allowed | 1139.070 |
| Porch | Allowed | Allowed | 1139.080 |
| Stoop | Allowed | Allowed | 1139.090 |
| Terrace | Allowed | Allowed | 1139.100 |
| Forecourt | Allowed | Allowed | 1139.110 |
| Streetwall | Allowed | Allowed | 1139.120 |
| Garage | Not Allowed | Allowed | 1139.130 |

D. Building Placement
 Each proposed building shall comply with the following building placement standards. Setbacks are to be measured from the applicable property line, except where a public access easement encroaches into the lot, in which case setbacks are to be measured from back of sidewalk:

| Setback | Standard |
|------------------|----------------------------------------|
| A Primary street | Minimum 5 ft. - Maximum 20 ft. |
| B Secondary | Minimum 5 ft. - Maximum 20 ft. street. |
| C Side | Minimum 5 ft. |
| D Rear | Minimum 15 feet |

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Example of a page from a FBC

Frontage and Civic Space Standards

Frontage standards and civic space standards should be applied depending on the intensity of the area. These standards provide the tools to sculpt out the public realm in a prescriptive way, enhancing the area's walkability, providing shade elements and visual interest, and accurately implementing the General Plan vision for the area.

Frontage type standards include requirements for building width and depth, ground floor transparency, and other features that help create a more vibrant pedestrian experience at the ground level. Frontage type standards often include defined, calibrated standards for shopfronts, forecourts, porches, stoops, terraces, and other types, which are allowed based on the intensity of a form-based zone.

Civic space standards establish minimum and maximum requirements for area, width, depth, frontage on a street, etc., depending on the area's context. Similar to frontage types, civic space types can be required in certain form-based zones based on context and intensity. Overall, these clear, objective standards help to provide a comprehensive toolkit for development along the Corridor.



Example of a forecourt

Building Type Standards

As discussed above, the Zoning Code establishes housing type standards in Chapter 18.40 (Alternative Standards for Medium Density Residential Development). LWC recommends that the FBC use these standards as a baseline for updated housing type standards with modifications for greater flexibility for lot size and lot coverage. LWC also recommends adding building types that are more appropriate in mixed-use environments in order to account for the varied contexts along the Corridor. Even though building type standards will be revised in the FBC, Chapter 18.40 should be maintained so the existing standards can be utilized in the existing conventional zoning districts.

The following descriptions provide examples of existing residential land use definitions and housing types, if applicable, along with how the intent of the residential land use and housing type could be reworked into an objective building type in the FBC. The recommendations offer insights into standards that are based on objective form standards, rather than the separation of and emphasis on land use. During the FBC process, land use definitions and building type definitions should be reconciled and clarified in order to establish a straightforward framework for development review.

- **Duets and Duplexes**

Existing Definition: A duet is a residential structure that contains two independent dwelling units, each with its own entrance that are separated by a property line along a shared building wall with each unit located on a separate lot. A duplex is a single residential structure on one lot that contains two independent dwelling units, each with its own entrance.

Recommendation: Duplexes could be carried forward in the FBC with standards for maximum number of stories, building width/depth, allowed frontage types, and private open space. Different types of duplexes could be added and defined, including side-by-side (see photo above) and stacked, if more prescriptive standards would be beneficial for development review. The proposed FBC development standards can be reviewed against the existing standards for Duplexes and Duets (established in Chapter 18.40) and relocated to the FBC and/or revised in the existing Chapter if the housing type is determined to still apply outside of the FBC Study Area.



Example of a side-by-side duplex

- **Live/Work Unit**

Existing Definition: A building or space within a building that is used jointly for commercial and residential purposes.

Recommendation: Live/Work could be carried forward in the FBC with standards for allowed percentage of residential/commercial space, maximum number of stories, building width/depth, allowed frontage types, and private open space.

- **Mixed Use Residential**

Existing Definition: A development project with both residential and commercial/office uses which are either 1) located together in a single building; or 2) in separate buildings on a single site of one or more contiguous properties.

Recommendation: Mixed Use Residential could be reworked in the FBC under the name “Main Street Building” or “Flex Building” with standards that help prescribe a vertical mixed-use environment, including maximum number of stories, minimum ground floor height (may be provided in the form-based zone standards), building width/depth, and pedestrian access.

- **Multi-Family Dwellings.**

Existing Definition: A building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Includes multi-family senior housing limited to occupancy by persons 55 years of age or older for residents who are independent and do not require assistance with everyday living (“independent living”).

Recommendation: Multi-Family Dwellings could be reworked in the FBC under the name “Townhouse,” “Multiplex,” “Courtyard Building,” and/or “Mansion Apartment” with standards for minimum/maximum number of units, maximum number of stories, building width/depth, allowed frontage types, and private open space. The proposed FBC development standards can be reviewed against the existing standards for Single-Family Attached Dwellings (Townhouse) and Multi-Family Dwellings (established in Chapter 18.40) and reconciled with the existing Code if necessary and appropriate.

Overall, LWC recommends that building type standards should be provided to establish objective development standards for a variety of housing types at varying intensities along the Corridor. These standards will provide the objective tools necessary to clearly implement SB2, leading to the potential for more efficient approvals of walkable housing projects that have desirable form and massing as well as a strong relationship with the public realm.

Provide a User-Friendly Organizational Structure

The FBC should be organized with the primary form-based zone development standards toward the beginning, followed by applicable land uses, frontage type standards, civic space standards, supplemental standards, and any administrative or procedural requirements, as necessary. A preamble should be provided prior to all standards, including a description and/or illustrations that explain how to use the FBC. The objective of this organization is to provide a user-friendly framework where City staff and community members can easily navigate the FBC and recognize the standards and requirements that apply to the applicable development site. The Regulating Plan or Zoning Map should be included separately so that changes to the mapped form-based zones can occur independent of an amendment to the FBC.

LWC proposes that the FBC be located within the existing Zoning Code as Chapter 18.20 Form-Based Zoning Districts and Standards. Depending on the nature of the draft supplemental standards and/or administrative requirements, it may become more effective to locate standards outside of Chapter 18.20 in a section that could apply citywide. LWC will refine this proposal and approach throughout the FBC process.

Create Objective Graphics and Illustrations

The FBC should include objective graphics and illustrations that clearly represent the standards and requirements. In many instances, graphics can communicate development standards more clearly and concisely than written regulations. The FBC can provide straightforward graphics that serve as a tool for City staff to use during project review, as well as aid in community member understanding of the outcome of the development standard. Graphics should convey specific provisions and be illustrated in section, plan, or axonometric view with no implicit design style represented. Call outs, labels, and dimensions should be included as necessary in the same font and style as the FBC.

19.09.050.E.020 T5 Main Street Zone (T5-MS)
 Figure 31 Building Types

City of Las Vegas Form-Based Code
 Figure 32 Building Types - Courtyard Building

Key for Diagrams

- Lot Line
- Building Area
- Building Line
- Courtyard Area

| D. Building Types | | | | |
|----------------------------------|----------------------------------------------------------------------------------------------------------|--------------|----------------|--------------|
| Building Type | Main Building Body | | Secondary Wing | |
| | Width (max.) | Depth (max.) | Width (max.) | Depth (max.) |
| Flex Mid-Rise | 100% of lot ¹ | 175 ft | 75 ft | 100 ft |
| Flex Low-Rise | 100% of lot ¹ | 150 ft | 70 ft | 70 ft |
| Courtyard Building | 175 ft ¹ | 175 ft | 40 ft | -- |
| Accessory Structure ² | -- | -- | -- | -- |
| Lined Building | Refer to building dimensions in Subsection D (Building Types, Additional Standards for a Lined Building) | | | |

Miscellaneous

The floorplate of any floor must not be larger than that of the floor below, except if an arcade frontage type is used.

Allowed frontage types are described in Table G (Frontages).

Notes:

- Buildings wider than 150 ft must be designed to read as a series of buildings no wider than 100 ft each.
- The total GFA of Accessory Structures must not exceed 20% of the GFA of the primary structure.

| D. Building Types (cont.) | | | |
|--------------------------------------------------------------------------------------------------------------------|-------------------------|--|----------|
| Additional Standards for a Courtyard Building Dimensions - Courtyard(s) | | | |
| Width | 20 ft min.; 100 ft max. | | E |
| Width-to-Height Ratio | 1:2 min.; 2:1 max. | | |
| Depth | 50 ft min.; 100 ft max. | | F |
| Percentage of width of building | 50% max. | | |
| Total Area | 400 sq ft min. | | |
| A minimum of two courtyard edges must be defined by the building. | | | |
| Courtyard edges not defined by the building must be defined by a wall min. 3 ft/max. 5 ft in height. | | | |
| The proportions and orientation of courtyards must be carefully considered for solar orientation and user comfort. | | | |
| Access Standards | | | |
| Pedestrian access to the building must be from the thoroughfare or courtyard. | | | |
| Each unit (residential or commercial) may have an individual entry from the courtyard. | | | |
| Multiple courtyards must be connected through and between buildings where feasible. | | | |
| Courtyards must be accessible from the primary thoroughfare where feasible. | | | |
| Key for Tables | | | |
| -- No Requirement | | | |

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Key for Diagrams

- Lot Line
- Parking Area
- Setback Line

E. Building Form

Each proposed building shall comply with the following building form standards:

1. Encroachments. The following encroachments are allowed within the UC Zone, subject to applicable frontage type standards (See Chapter 1139):

E Awnings, canopies, wall-mounted blade or hanging signs, and patios may encroach into the public right-of-way, subject to approval by the City Engineer and/or City Manager.

Stoops and balconies may encroach into a required setback, subject to applicable frontage type standards.

2. Height Limit. The height of the buildings shall not exceed the following limits. Minimum and maximum heights are measured from average finished grade at the front setback line:

| Code | Building | Height Limit |
|------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F | Building | No min. 5 stories max. |
| G | Required Upper Floor Stepback | Buildings located directly across the street from or within 70 feet of an adjacent single-family lot are limited to 3 stories for the applicable portion of the building. A fourth story may be stepped back from the applicable facade by a minimum of 15 feet. |
| H | Building first floor | Min. 16 ft., except 20 ft. for single story buildings. |

F. Parking Placement

Off-street parking shall be located in compliance with the following setback standards. See Chapter 1139 (Frontage Types) for applicability of frontage types associated with street-side parking:

| Code | Setback | Standard |
|------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I | Primary street | 10 ft., but not to be located forward of the front facade of the principal structure. |
| J | Side street | 5 ft., except that parking is not allowed between a building facade and side street. |
| K | Side | 5 ft. unless located adjacent to an adjoining parking area, in which case no minimum setback is required. |
| L | Rear | 5 ft. unless located adjacent to an adjoining parking area, in which case no minimum setback is required. 10 ft. if located adjacent to a single-family lot. |
| M | Vehicular Access | Vehicular access shall not be located on a primary street unless no alternative access point is available. Vehicular access must be provided from an alley, side street or shared driveway where such access is available. |

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Examples of pages from two different FBCs with straightforward graphics depicting the development standards on the page

Form-Based Code Study Area

Before developing a FBC, it is imperative to determine a clear boundary that defines where it will be applied within a city. Considering that the FBC will apply along the Corridor, LWC has evaluated two existing boundaries, the 2008 Priority Development Area (revised in 2019) established by Plan Bay Area and the 2017 Monterey Corridor Study Area established by LWC as part of the Market Analysis.

Priority Development Area Extension Boundary

The Downtown Priority Development Area (PDA) was established in 2008 as part of the state-mandated Plan Bay Area, a long-range transportation, land use, and housing plan that identifies infill development opportunity areas across the region. This 2008 boundary extended from Butterfield Boulevard to the east, Del Monte Avenue to the west, West Central Avenue to the north, and Bisceglia Avenue to the south.

In December 2019, the PDA was significantly extended to include all parcels bordering Monterey Road up to the railroad overcrossing to the north and East Edmundson Avenue to the south.

Monterey Corridor Market Analysis Boundary

LWC prepared the Monterey Corridor Market Analysis in 2017 to summarize the demographic and socio-economic conditions along Monterey Road (excluding Downtown). The 4.4-mile project area was divided into three corridors – North, Central, and South.

The North Corridor contains all parcels bordering Monterey Road to the northeast from the city limits at Tilton Avenue to Cochrane Road. It also includes a crescent-shaped group of parcels from where Monterey Road no longer parallels the railroad tracks to the railroad overcrossing.

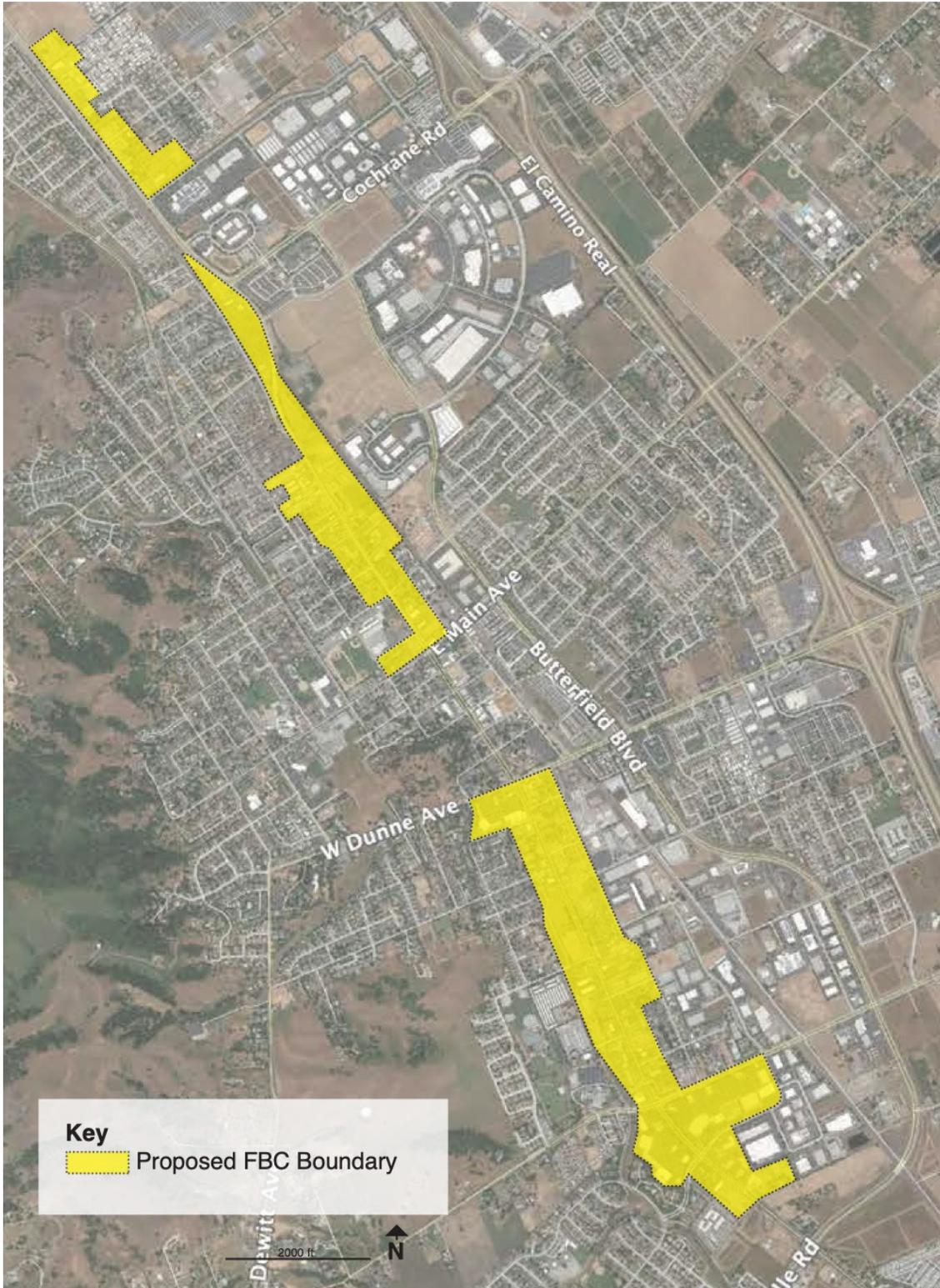
The Central Corridor contains all parcels between Monterey Road and the railroad tracks from the railroad overcrossing to East Main Avenue (except Villa Mira Monte and the homes along McLaughlin Court). It also includes all parcels bordering Monterey Road on the southwest, from Granada Street/Hill Haven Mobile Home Park to East Main Avenue.

The South Corridor contains all parcels bordering Monterey Road from East Dunne Avenue to Tennant Avenue (except the Morgan Hill Post Office). It also includes six parcels bordering Monterey Road to the southwest from roughly Rome Avenue to Watsonville Road.

Proposed Form-Based Code Study Area

After reviewing the Priority Development Area Extension and the study area established in the Monterey Corridor Market Analysis, LWC proposes a slightly adjusted FBC Study Area in order to account for existing contexts and to more effectively implement desired development patterns along Monterey Road (see figure below). The proposed boundary generally includes parcels adjacent to Monterey Road within the City limit, excluding the Downtown Specific Plan Area and parcels south of Watsonville Road.

The proposed boundary includes big box commercial centers at the intersection of Tennant Avenue and Monterey Road, which were excluded from the Priority Development Area Extension and the Monterey Corridor Market Analysis. While these big box commercial centers have the potential to be economically viable through adaptive reuse (e.g., distribution centers), the parcels are large and also have potential to provide space for moderate to high intensity housing development. The FBC can establish strong zoning tools that can help implement infill development on these sites, but, because of the size of the sites, additional master planning work (i.e., adoption of a Specific Plan) that is not associated with the FBC, may be required.



Proposed FBC Study Area map
Source: Google Earth

Conclusion

There are a range of impediments in the existing Zoning Code that preclude implementation of the General Plan's vision and the objectives of SB 2 and SB 330, including inconsistent and ineffective development standards, lack of objective housing type standards, and inadequate requirements related to open space, parking, and signs. A FBC with calibrated standards for housing and building types, civic spaces, and building frontages will provide the tools to efficiently develop context-sensitive housing and provide for mixed-use development along the Corridor. The next steps of the Monterey Corridor Form-Based Code include preparing a Style Guide and Annotated Outline for the FBC that will establish a structure and format for the document.