

Single Family Standards in Multi-Family Zoning Districts: Proposed Amendments

Planning Commission Subcommittee follow-up from July 28, 2011 meeting: Annotations of Rex/Butler June 7 "Further Consideration of Alternatives" and additional Staff Comments

Comment [LS1]: Staff Comments, Questions and Suggestions are indicated in the balloons below:

For all Parcels in Multi-Family Zoning Districts:

- ~~Adopt an Ordinance to legalize existing accessory dwelling units.~~
- ~~Adopt an Ordinance to allow new accessory dwelling units.~~

Comment [LS2]: Staff suggests that this be removed from this Zoning Ordinance amendment effort. This issue will be addressed with the Housing Element Update.

1. Amendment to Development Standards (Table 10.22-1, and potentially a new Section in Chapter 10.44) for Multi-Family Parcels (R-2-2.5 And R-3) Which Provide Only One Unit Per Parcel.

Comment [LS3]: Staff Question: This issue needs to be resolved. Does the amendment apply to parcels between 3,000- <5,000 square feet or are they exempt?

A. Parcels under 3,000 sq.ft.:

Exempt from Zoning Amendment

What about parking considerations? Two units on a 3,000 square foot parcel would need to provide 4 parking spaces. This may be infeasible for such a small lot while still trying to provide 2-bedroom units.

B. Parcels with one unit between 3,000 and < 5,000 sq.ft.:

Exempt from Zoning Amendment

OR

Subject to Zoning Amendment

- FAR limited to 0.45 (R-1-6 standard)
- Building Coverage limited to ~~40~~ 35% (R-1-6 standard)
- CUP available for parcels that can demonstrate two or more units is infeasible

Comment [LS4]: Staff suggests that the building coverage be limited to the R-1-6 standard, similar to the FAR.

Comment [LS5]: Staff suggests that if the 3,000- <5,000 square feet parcels are not exempt from this amendment allow for an exception process that is more relaxed than a Variance process. Perhaps if the applicant can demonstrate that two or more units is not feasible (i.e., parking, geologic, topographic, etc., constraints), then they may be allowed to receive a Conditional Use Permit (at the Planning Commission's discretion) to allow for a single-family dwelling which would be allowed the standard development regulations for the Zoning District.

C. Parcels with one unit in the R-2-2.5 Zoning District:

i. Parcel Size 5,000 to < 9,000 sq.ft. limit:

- FAR to 0.45 (existing R-1-6 standard)
- Building Coverage to ~~40~~ 35% (R-1-6 standard)

ii. Parcel Size 9,000 sq.ft. & greater limit:

- FAR to 0.40 (existing R-1-8 standard)
- Building Coverage to ~~40~~ 30% (R-1-8 standard)

Comment [LS6]: Staff suggests that the building coverage be limited to the R-1-6 standard, similar to the FAR.

Comment [LS7]: The Rex/Butler alternatives did not differentiate between parcel sizes for building coverage (i.e., the building coverage maximums were the same for the 5,000-9,000 square foot as the 9,000+ square foot parcels). Staff asserts that as the FAR has been reduced the building coverage allowance should be reduced for the larger parcels.

D. Parcels with one unit in the R-3 Zoning District:

i. Parcel Size 5,000 to < 7,000 sq.ft. limit:

- FAR to 0.45 (existing R-1-6 standard)
- Building Coverage to ~~40~~ 35% (R-1-6 standard)

ii. 7,000 sq.ft. & greater limit:

- FAR to 0.40 (existing R-1-8 standard)
- Building Coverage to ~~40~~ 30% (R-1-8 standard)

Comment [LS8]: Staff suggests that the building coverage be limited to the R-1-6 standard, similar to the FAR.

Comment [LS9]: Staff suggests that the building coverage be limited to the R-1-6 standard, similar to the FAR.

Comment [LS10]: The Rex/Butler alternatives did not differentiate between parcel sizes for building coverage (i.e., the building coverage maximums were the same for the 5,000-9,000 square foot as the 9,000+ square foot parcels). Staff asserts that as the FAR has been reduced the building coverage allowance should be reduced for the larger parcels.

Comment [LS11]: Staff suggests that the building coverage be limited to the R-1-8 standard, similar to the FAR.

2. Amendment to Design Review Chapter to Strengthen Existing Findings (add Findings to 10.54.050.D):

- A. “The project demonstrates feasibility to construct the maximum number allowed on the project site in the future by illustrating their possible location as well as required on-site parking and access. [This finding is applicable only to projects in the R-2, R-3, and PR residential zoning districts which result in a project site developed at less than the maximum density allowed on the respective site.]”
- B. “The project has been designed to ensure the on-site structures do not crowd or overwhelm neighboring properties or loom over the street.”

Comment [LS12]: As discussed, these findings would be added to the required Design Review Permit Findings, and not be tied to Heightened Design Review. The language has been massaged per 7-28-11 meeting.

3. Amendment to Design Review Chapter to Add Submittal Requirement for Schematic Design (add requirement to Section 10.54.060):

- A. A schematic design that demonstrates the feasibility to construct the maximum number allowed on the project site in the future by illustrating their possible location on the parcel as well as required on-site parking and access. [This submittal is applicable only to Design Review Permit projects in the R-2, R-3, and PR residential zoning districts which result in a project site developed at less than the maximum density allowed on the respective site.]

Comment [LS13]: Staff Question: What level of Design Review would be required for this? Administrative Design Review (small additions, a deck addition), Design Review for an addition?

4. Amendments to Various Zoning Ordinance Chapters to Provide Incentives to Provide Multiple Units:

- A. When a project proposes the maximum number of units allowed for a parcel in the R-2, R-3, or PR residential zoning districts, the project shall be exempt from Heightened Design Review. [add language to Section 10.54.050.E]
- B. The normal 30-day application completeness period will be shortened and multiple unit projects will be given priority, moving to the top of the submittal stack. [add language to Section 10.50.060]
- C. Plan Check will be expedited without an additional fee.
- D. Parking will be in accordance with a new parking standard adopted specifically for projects which propose the maximum number of units allowed for parcels in the R-2, R-3, or PR residential zoning districts [revisions to Table 10.40-1]:

Comment [LS14]: Language modified to exempt only project that propose the maximum number of units.
Note that this would exempt projects from the higher standard for protection of primary views.

Comment [LS15]: This would result in a financial subsidy by the City. Plans are not checked in-house, but sent to an outside service. Staff does not support this.

Comment [LS16]: Language modified to allow exemption for those project that propose the maximum number of units.

No. of Units	Size of Unit	Current Parking Standard	New Parking Standard
1	All	2 spaces	No change. 2 spaces, both must be on-site.
2	750 s.f. of less	4 spaces	3 spaces (2 for first unit and 1 space per additional unit). Parking can be on site, or off site if street parking is available nearby.

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No. of Units	Size of Unit	Current Parking Standard	New Parking Standard
	>750-1,200 s.f.	4 spaces	3 spaces (2 for first unit and 1 space per additional unit). Parking must be on-site.
	>1,200 s.f.	4 spaces	4 spaces (2 per unit). Both must be on-site.
3	All	2 per unit for 2 bedroom+ 1.5 for 1 bedroom and less	5 spaces (1.5 spaces per unit)

Additional Parking Suggestions:

- ~~Parking space size per Marin County Standards which are 8' - 6" x 18' with 24' backup space~~
- ~~More than 2 units, one compact space measuring 7' - 6" x 17' is permitted for every third unit~~

Comment [LS17]: Removed. These suggestions are beyond the scope of this discussion and have implications that are further-reaching. If desired, this policy question should be moved to the "major" Omnibus Zoning Ordinance amendment list.

E. ~~Tandem parking will be a permitted use without a CUP for projects which propose the maximum number of units allowed for parcels in the R-2, R-3, or PR residential zoning districts (revise Section 10.40.120.B.1).~~

Comment [LS18]: Language modified to allow exemption for those project that propose the maximum number of units.

F. ~~As a disincentive to provide only one unit, when only one unit is proposed on a parcel within a multi unit Zoning District, require a schematic design for the site that demonstrates the feasibility to construct additional units in the future by illustrating their possible location, parking and access.~~

Comment [LS19]: Removed. This is not necessary--taken care of with #3

G.F. ~~_____ Parking serving additional units beyond the parking required for a single unit will not be counted as a building coverage or impervious surface: "The minimum area for parking and circulation required by Section 10.40.110 and 10.40.120 for additional units beyond the parking required for a single unit shall not be counted as building coverage or impervious surface" (add to Section 10.40.040.B and C and Section 10.40.50.B and C).~~

H. ~~When an additional unit(s) is provided within an accessory building, the accessory building can be used for sleeping purposes.~~

I. ~~When an additional unit(s) is provided above or below a detached garage, an exception to the 15 ft. maximum building height standard for accessory buildings will be allowed.~~

J. ~~Allow a one time additional 200 sq.ft. of Floor Area beyond the maximum allowed when adding an additional unit.~~

K. ~~To allow for additional units in Accessory Structures, amend Section 10.44.020 C.4. Structure Size as follows:~~

- a. ~~"No such building shall be used for sleeping quarters", except when approved for a dwelling unit; and~~
- b. ~~"The height of any such building at the property line shall not exceed six feet (6'). Such building or structure may then be increased one foot (1') in height of each foot such building or structure is set back from the property line", up to the required setback line, at which point the maximum allowable building height is 15 ft. measured from the average level of the natural ground surface under the building."~~

Comment [LS20]: Removed. These items will be addressed with the Housing Element update.

5. Amendment to Design Review Chapter—Guiding Principles of Design—to Provide Guidelines for Preferred Sizes for Various Unit Types (Amend Section 10.54.030 to add language about preferred unit sizes):

- A. Efficiency Units - Studios (As defined by existing State standards) 500 sq.ft.
- B. Accessory Dwelling Units (ADU) – 1 Bedroom 750 or 800 sq.ft.
- C. Small Dwelling Unit – 2 Bedrooms 1,200 sq.ft.
- D. Standard size Unit – 3 or more Bedrooms ~~2,700~~3,000 sq.ft.

6. Other Suggestions:

~~A. Preserve Nonconformity Permit Process~~

~~Continue to allow without a variance alterations between 52% and a something less than a full demolition, but amend this Chapter of the Zoning Ordinance to remove ambiguity.~~

Comment [LS21]: This will be addressed with Non-Conformity Zoning Ordinance Amendment/Clean-up

~~B.A. Grace Period for Projects Currently being Considered or Planned~~

- ~~a. To allow for projects currently being considered, or currently in the planning stage, the new Zoning Amendment would not go into effect until 6 months after it is adopted.~~

Comment [LS22]: Section 10.12.070 of the Zoning Ordinance describes the effect that amendments to the Zoning Ordinance have on projects. If the project has been deemed complete before the effective date of the amendment, then the project would be subject to the “old” regulations. Modifications to approved projects would be subject to the “old” regulations. Staff has concluded that this language is sufficient and does not support this suggestion.

~~C.B. Minor Exception After Zoning Amendment is Adopted~~

- ~~a. To avoid encouraging home owners to move and the Zoning Amendment from being overly restrictive, allow a one time 200 sq.ft. exception to expand an existing single family home in multi-unit Zoning Districts beyond the new Floor Area or Building Coverage standards, particularly when the proposed extra Floor Area is within the existing building envelope, and/or is part of an application to add an additional unit. number of Marin towns provide such an exception. For example, San Anselmo adopted such an exception when implementing a few years ago a stricter Floor Area limitation on homes in the flat portions of town. Staff could check with other municipalities for examples of the wording for such exceptions.~~

Comment [LS23]: The Subcommittee should discuss this

~~D.C. Review Zoning Amendment Annually for First Three Years~~

- ~~a. Annually, for three years following the adoption of the Zoning Amendment, the Planning Commission shall hold a public hearing to learn what is working and what needs fine tuning.~~

Comment [LS24]: Language modified per Subcommittee