1 – NEW DEVELOPMENT STANDARDS

Direction from City Council: Review the Fixed Percentage/Sliding Scale options to determine a formula that works. A step function is not desirable. Exempting parcels under 3,000 square feet should be considered.

Fixed Percentage

The fixed percentage option modifies the development standards to cap the size of any single unit on a multifamily parcel to the size allowed for a single family dwelling in the R-1-6 Zoning District (with the exception of impervious surfaces). The remaining development potential would be held "in reserve" for future units on the parcel.

Affected Development Standard	Modification to Development Standards in R-2-2.5 and R-3 Zoning Districts	Today's Standard in R-2-2.5 and R-3 Zoning Districts
Floor Area	No single unit may exceed the maximum floor area ratio of **0.45** of the parcel (the **R-1-6 standard**). The total maximum 0.65 FAR for the parcel as a whole still applies.	**0.65 FAR** total (can be split however the property owner wants among one unit or multiple units)
Building Coverage	No single unit may exceed the maximum building coverage percentage of **35%** of the parcel (the **R-1-6 standard**). The total maximum 50% building coverage for the parcel as a whole still applies.	**50% Building Coverage** total (can be split however the property owner wants among one unit or multiple units)
Impervious Surface	No single unit may exceed the maximum impervious surface percentage of **52%** of the parcel for the R-2-2.5 Zoning District and **42%** in the R-3 Zoning District (**the "adjusted" R-1-6 standard**). The total maximum 75% impervious surface for the parcel as a whole still applies.	**75% Impervious Surface** total (can be split however the property owner wants among one unit or multiple units)

Sliding Scale (Irwin/Mark)

The sliding scale is ratio option where the Floor Area Ratio, building coverage and impervious surface percentages for single units on parcels under 3,000 sf would be fixed, parcels between 3,000 to 6,000 sf would be adjusted using a ratio and parcels 6,000 sf and greater would be fixed.

Affected Development Standard	Irwin/Mark Suggested Modification to Development Standards in R-2-2.5 and R-3 Zoning Districts
Floor Area	No single unit may exceed the maximum floor area ratio of the following: Parcel Size / FAR 6,000 sf and greater / 0.45 3,000- <6,000 sf / 0.55-(((Total Parcel Size -3,000)/3,000)*0.10) Less than 3,000 sf / 0.55 The total maximum 0.65 FAR for the parcel as a whole still applies.
Building Coverage	No single unit may exceed the maximum building coverage of the following: Parcel Size / Building Coverage Percentage 35% / 35% 3,000- <6,000 sf / 0.425-(((Total Parcel Size-3,000)/3,000)*(0.425-0.35)) Less than 3,000 sf / 42.5% The total maximum 50% building coverage for the parcel as a whole still applies.
Impervious Surface	No single unit may exceed the maximum impervious surface percentage of the following: Parcel Size / Impervious Surface Percentage 6,000 sf and greater / 67.5% 3,000- <6,000 sf / 0.675-(((Total Parcel Size-3,000)/3,000)*(0.713-0.675)) Less than 3,000 sf / 71.3% The total maximum 75% impervious surfaces for the parcel as a whole still applies.

1 – NEW DEVELOPMENT STANDARDS

Comparing Fixed Percentage Option vs. Ratio Option: Floor Area

***Note: This Table is provided as an example only of how the proposed options would affect parcels. The percentage/ratio in the revised draft ordinance (Option 1 or Option 2) would be applied to a particular parcel.**

	Maximum Floor Area Ratio		**Maximum Floor Area Allowance for Single Unit**		**Floor Area Reminaing for Add'l Units**			
	Fixed Percentage Option	*Ratio Option*			Fixed Percentage Option		*Ratio Option*	
Parcel Size			Fixed Percentage Option	*Ratio Option*	R-2-2.5	R-3	*R-2-2.5*	*R-3*
1,500	0.65	*0.550000*	975	*825*	0	0	*150*	*375*
1,750	0.65	*0.550000*	1,138	*963*	0	0	*175*	*438*
2,000	0.65	*0.550000*	1,300	*1,100*	0	0	*200*	*500*
2,250	0.65	*0.550000*	1,463	*1,238*	0	0	*225*	*563*
2,500	0.65	*0.550000*	1,625	*1,375*	0	0	*250*	*625*
2,750	0.65	*0.550000*	1,788	*1,513*	0	0	*275*	*688*
3,000	0.45	*0.550000*	1,350	*1,650*	600	1,200	*300*	*750*
3,250	0.45	*0.541667*	1,463	*1,760*	650	1,300	*352*	*840*
3,500	0.45	*0.533333*	1,575	*1,867*	700	1,400	*408*	*933*
3,750	0.45	*0.525000*	1,688	*1,969*	750	1,500	*469*	*1,031*
4,000	0.45	*0.516667*	1,800	*2,067*	800	1,600	*533*	*1,133*
4,250	0.45	*0.508333*	1,913	*2,160*	850	1,700	*602*	*1,240*
4,500	0.45	*0.500000*	2,025	*2,250*	900	1,800	*675*	*1,350*
4,750	0.45	*0.491667*	2,138	*2,335*	950	1,900	*752*	*1,465*
5,000	0.45	*0.483333*	2,250	*2,417*	1,000	2,000	*833*	*1,583*
5,250	0.45	*0.475000*	2,363	*2,494*	1,050	2,100	*919*	*1,706*
5,500	0.45	*0.466667*	2,475	*2,567*	1,100	2,200	*1,008*	*1,833*
5,750	0.45	*0.458333*	2,588	*2,635*	1,150	2,300	*1,102*	*1,965*
6,000	0.45	*0.450000*	2,700	*2,700*	1,200	2,400	*1,200*	*2,100*
6,250	0.45	*0.450000*	2,813	*2,813*	1,250	2,500	*1,250*	*2,188*
6,500	0.45	*0.450000*	2,925	*2,925*	1,300	2,600	*1,300*	*2,275*
6,750	0.45	*0.450000*	3,038	*3,038*	1,350	2,700	*1,350*	*2,363*
7,000	0.45	*0.450000*	3,150	*3,150*	1,400	2,800	*1,400*	*2,450*
7,250	0.45	*0.450000*	3,263	*3,263*	1,450	2,900	*1,450*	*2,538*
7,500	0.45	*0.450000*	3,375	*3,375*	1,500	3,000	*1,500*	*2,625*
7,750	0.45	*0.450000*	3,488	*3,488*	1,550	3,100	*1,550*	*2,713*
8,000	0.45	*0.450000*	3,600	*3,600*	1,600	3,200	*1,600*	*2,800*

Prepared: 9/6/13

1 – NEW DEVELOPMENT STANDARDS

Comparing Fixed Percentage Option vs. Ratio Option: Building Coverage

***Note: This Table is provided as an example only of how the proposed options would affect parcels. The percentage/ratio in the revised draft ordinance (Option 1 or Option 2) would be applied to a particular parcel.**

Parcel Size	Maximum Building Coverage Allowance		Maximum Building Coverage Allowance for Single Unit		Building Coverage Reminaing for Add'l Units			
	Fixed Percentage Option	*Ratio Option*	Fixed Percentage Option	*Ratio Option*	Fixed Percentage Option		*Ratio Option*	
					R-2-2.5	R-3	*R-2-2.5*	*R-3*
1,500	50%	*42.5%*	750	*638*	0	0	*113*	*113*
1,750	50%	*42.5%*	875	*744*	0	0	*131*	*131*
2,000	50%	*42.5%*	1,000	*850*	0	0	*150*	*150*
2,250	50%	*42.5%*	1,125	*956*	0	0	*169*	*169*
2,500	50%	*42.5%*	1,250	*1,063*	0	0	*188*	*188*
2,750	50%	*42.5%*	1,375	*1,169*	0	0	*206*	*206*
3,000	0.35	*42.5%*	1,050	*1,275*	900	1,500	*225*	*225*
3,250	0.35	*41.9%*	1,138	*1,361*	975	1,625	*264*	*264*
3,500	0.35	*41.3%*	1,225	*1,444*	1,050	1,750	*306*	*306*
3,750	0.35	*40.6%*	1,313	*1,523*	1,125	1,875	*352*	*352*
4,000	0.35	*40.0%*	1,400	*1,600*	1,200	2,000	*400*	*400*
4,250	0.35	*39.4%*	1,488	*1,673*	1,275	2,125	*452*	*452*
4,500	0.35	*38.8%*	1,575	*1,744*	1,350	2,250	*506*	*506*
4,750	0.35	*38.1%*	1,663	*1,811*	1,425	2,375	*564*	*564*
5,000	0.35	*37.5%*	1,750	*1,875*	1,500	2,500	*625*	*625*
5,250	0.35	*36.9%*	1,838	*1,936*	1,575	2,625	*689*	*689*
5,500	0.35	*36.3%*	1,925	*1,994*	1,650	2,750	*756*	*756*
5,750	0.35	*35.6%*	2,013	*2,048*	1,725	2,875	*827*	*827*
6,000	0.35	*35%*	2,100	*2,100*	1,800	3,000	*900*	*900*
6,250	0.35	*35%*	2,188	*2,188*	1,875	3,125	*938*	*938*
6,500	0.35	*35%*	2,275	*2,275*	1,950	3,250	*975*	*975*
6,750	0.35	*35%*	2,363	*2,363*	2,025	3,375	*1,013*	*1,013*
7,000	0.35	*35%*	2,450	*2,450*	2,100	3,500	*1,050*	*1,050*
7,250	0.35	*35%*	2,538	*2,538*	2,175	3,625	*1,088*	*1,088*
7,500	0.35	*35%*	2,625	*2,625*	2,250	3,750	*1,125*	*1,125*
7,750	0.35	*35%*	2,713	*2,713*	2,325	3,875	*1,163*	*1,163*
8,000	0.35	*35%*	2,800	*2,800*	2,400	4,000	*1,200*	*1,200*

Prepared: 9/6/13

1 – NEW DEVELOPMENT STANDARDS

Comparing Fixed Percentage Option vs. Ratio Option: Impervious Surfaces

***Note: This Table is provided as an example only of how the proposed options would affect parcels. The percentage/ratio in the revised draft ordinance (Option 1 or Option 2) would be applied to a particular parcel.**

Parcel Size	Maximum Impervious Surface Coverage Allowance			Maximum Impervious Surface Allowance for Single Unit			Impervious SurfaceReminaing for Add'l Units			
	Fixed Percentage Option		*Ratio*	Fixed Percentage Option		*Ratio*	Fixed Percentage		*Ratio Option*	
	R-2-2.5	*R-3*	*Option*	*R-2-2.5*	*R-3*	*Option*	R-2-2.5	R-3	*R-2-2.5*	*R-3*
1,500	75%	75%	*71.3%*	1,125	1,125	*1,070*	0	0	*56*	*56*
1,750	75%	75%	*71.3%*	1,313	1,313	*1,248*	0	0	*65*	*65*
2,000	75%	75%	*71.3%*	1,500	1,500	*1,426*	0	0	*74*	*74*
2,250	75%	75%	*71.3%*	1,688	1,688	*1,604*	0	0	*83*	*83*
2,500	75%	75%	*71.3%*	1,875	1,875	*1,783*	0	0	*93*	*93*
2,750	75%	75%	*71.3%*	2,063	2,063	*1,961*	0	0	*102*	*102*
3,000	52%	42%	*67.5%*	1,560	1,260	*2,025*	690	990	*225*	*225*
3,250	52%	42%	*67.2%*	1,690	1,365	*2,183*	748	1,073	*254*	*254*
3,500	52%	42%	*66.9%*	1,820	1,470	*2,340*	805	1,155	*285*	*285*
3,750	52%	42%	*66.6%*	1,950	1,575	*2,496*	863	1,238	*317*	*317*
4,000	52%	42%	*66.2%*	2,080	1,680	*2,649*	920	1,320	*351*	*351*
4,250	52%	42%	*65.9%*	2,210	1,785	*2,801*	978	1,403	*386*	*386*
4,500	52%	42%	*65.6%*	2,340	1,890	*2,952*	1,035	1,485	*423*	*423*
4,750	52%	42%	*65.3%*	2,470	1,995	*3,101*	1,093	1,568	*462*	*462*
5,000	52%	42%	*65.0%*	2,600	2,100	*3,248*	1,150	1,650	*502*	*502*
5,250	52%	42%	*64.7%*	2,730	2,205	*3,394*	1,208	1,733	*543*	*543*
5,500	52%	42%	*64.3%*	2,860	2,310	*3,538*	1,265	1,815	*587*	*587*
5,750	52%	42%	*64.0%*	2,990	2,415	*3,681*	1,323	1,898	*632*	*632*
6,000	52%	42%	*67.5%*	3,120	2,520	*4,050*	1,380	1,980	*450*	*450*
6,250	52%	42%	*67.5%*	3,250	2,625	*4,219*	1,438	2,063	*469*	*469*
6,500	52%	42%	*67.5%*	3,380	2,730	*4,388*	1,495	2,145	*488*	*488*
6,750	52%	42%	*67.5%*	3,510	2,835	*4,556*	1,553	2,228	*506*	*506*
7,000	52%	42%	*67.5%*	3,640	2,940	*4,725*	1,610	2,310	*525*	*525*
7,250	52%	42%	*67.5%*	3,770	3,045	*4,894*	1,668	2,393	*544*	*544*
7,500	52%	42%	*67.5%*	3,900	3,150	*5,063*	1,725	2,475	*563*	*563*
7,750	52%	42%	*67.5%*	4,030	3,255	*5,231*	1,783	2,558	*581*	*581*
8,000	52%	42%	*67.5%*	4,160	3,360	*5,400*	1,840	2,640	*600*	*600*

Prepared: 9/6/13

2 – CONDITIONAL USE PERMIT EXCEPTION

DESCRIPTION (9/10/13 VERSION)

Conditional Use Permit Option. In order to recognize the fact that some parcels will not be able to comply with the new regulations due to parcel configuration, topography and other physical constraints, the proposed ordinance includes a process whereby the property owner can apply for a Conditional Use Permit to exempt their property from the new regulations (i.e., a single unit could be built out to "today's" standards). Findings Required: In addition to the 9 required Conditional Use Permit findings, one special finding will be required for this exception:

It has been adequately demonstrated that there are physical site constraints that preclude the property from being restricted to the development standards limitations for the R-2-2.5 and R-3 Zoning Districts. Examples of potential site constraints include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep slopes (e.g., greater than 50%), presence of a naturally-occurring environmental factor (e.g., a creek running through the parcel) and/or the configuration of existing development (e.g., the location of an existing residence).

ANALYSIS / OPTIONS

Concern Identified at 7/9/13 Council Meeting:

This exception may be too broad. Completely waiving the new development standard could allow the Planning Commission to permit a single unit to be built at 100% of the allowable development standards (i.e., FAR of 0.65 for R-2-2.5 and 0.80 for R-3), which would defeat the purpose of ordinance.

Background on Exception:

This exception was included to mainly address smaller parcels that may be so constrained by physical site conditions that only one unit makes sense (e.g., there is no additional space for required parking) or expansion of smaller units on a parcel is not feasible (e.g., due to the location of the existing units).

Legislative Committee Direction (8/21/13):

Identify more stringent criteria for a parcel to qualify for this exception.

Options for Consideration (can choose one, several, all or none):

Option 3- Add stronger language:

Option 3a. Add additional finding: "The additional development allowed by the relaxed development standards maintains consistency with other conforming dwelling units in the neighborhood" [**This provides the Planning Commission with a measuring stick to know how big is appropriate in the neighborhood context.]**

Option 3b. Add to criteria of special finding: "the infeasibility of additional unit development including required on-site parking)" [**This adds criteria which would allow a property owner to demonstrate that additional units are not feasible, and therefore additional development of the main unit could be considered.**]

Option 3c. Add to language in "D": "A Conditional Use Permit should only be approved in extremely limited situations." [**This further limits the scope of the exception.]**

Option 3d. Add to language in "D": The amount of an appropriate exception is at the sole discretion of the Planning Commission and shall consider the context of the neighborhood." [**This reiterates that this exception is not a guarantee, but subject to discretion.]**

Option 4- Restrict the Conditional Use Permit option to parcels under 6,000 square feet. 6,000 square feet is the minimum parcel size for parcels in the R-1-6 Zoning District, so this is a logical cut-off point for not allowing an exception for single units in the R-2-2.5 and R-3 Districts.

3 – 200 SQUARE FOOT EXCEPTION

DESCRIPTION (9/10/13 VERSION)

One-Time 200 Square Foot Maximum Floor Area Exception. To account for existing single family dwelling property owners who may intend to add a modest addition but otherwise would be capped out on floor area under the new regulations, the proposed ordinance includes a small exception that would allow floor area to exceed the cap. The purpose of the exception would be to allow a 200 square foot allowance to expand an existing single-family residence in R-2-2.5 and R-3 Zoning Districts, not to exceed the maximum Floor Area Ratio allowed in the respective Zoning District. To receive the exception a Design Review Permit (and the required 11 Findings) would be required from the Planning Commission, and four special additional findings would be required:

1- The unit was built prior to the effective date of this ordinance;

2- The improvements are functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area;

3- The improvements are of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood; and

4- The project employs mass-reducing design such that the additional square footage over the maximum Floor Area is reasonably mitigated and does not result in overbuilding of the lot.

ANALYSIS / OPTIONS

Concern Identified at 7/9/13 Council Meeting:

Some discussion related to this exception was expressed at the Council meeting but no specific direction given.

Background on Exception:

This exception was included to address those property owners who have been informally planning modest additions to their homes (e.g., an extra bedroom for an additional child) and may be capped out on floor area due to the new regulations. 200 square feet (a 10’x20’ room) is a small addition of living space that was not anticipated to appreciably alter the massing of the existing home. For example, a 3,500 square foot parcel in an R-2-2.5 Zoning District would be restricted to 1,575 square feet. An existing 1,400 square foot home on that parcel would be allowed to expand with a requirement for a Design Review Permit to 1,775 square feet (375 square feet greater than the existing home and 200 square feet above the new floor area maximum).

Legislative Committee Direction (8/21/13):

The Legislative Committee considered the concept of a “more equitable” percentage system for this exception. This was abandoned for the universal “200 square feet” as the percentage system would allow larger parcels a greater exception and smaller parcel a negligible exception.

The Legislative Committee discussed the concept of a sunset clause on this exception. The purpose of the sunset clause would be to allow for a period of time whereby property owners could utilize the exception, specifically with consideration of those who may be in the beginning stages of planning for an addition. Therefore, after the expiration of the sunset period the exception would not apply (and would not need to, because enough time had been given for those planning for an addition to move through the process).

Option for Consideration:

Option 5- Staff is recommending that the 200 square foot exception have a **ten year sunset clause**. This should give adequate time for property owners to firm up plans and submit appropriate applications to the City for remodels.

4 – 200 SQUARE FOOT EXCEPTION

DESCRIPTION (9/10/13 VERSION)

Local Historic Register. To recognize that being able to make improvements to a historic home is important, there is a provision which would exempt properties on the Local Historic Register from the new development standards requirements.

ANALYSIS / OPTIONS

Background on Exception:

This exception was added to recognize that older homes, which may exceed the new "cap" on the size of single family homes, may need extensive renovations. Extensive renovations may require "substantial demolition" which would require that the home now conform to the size limitations (i.e., the home's size would be required to be reduced). Removing portions of older homes that may be historic was not the intent of this ordinance, so an exception was given for homes on the Local Historic Register.

Concern Identified at 7/9/13 Council Meeting:

Concern was registered that this exception may allow these homes to expand, which was not the intent.

Legislative Committee Direction (8/21/13):

The Legislative Committee requested the list of properties currently on the local historic register along with some of the criteria for being included on the Local Historic Register. See **Attachment 10** for this information.

Options for Consideration (presented 9/10/13):

Option 6-Add language that would make it clear that the exemption applies only properties *where no increase in floor area*, *building coverage or impervious surfaces are proposed.*

Option 7- Expand the exception to those properties on the National Register and California Register.

5 – STRENGTHEN DESIGN REVIEW PERMIT FINDINGS: FEASIBILITY OF DEVELOPMENT

DESCRIPTION (9/10/13 VERSION)

As a part of this Ordinance, two new Design Review Permit Findings are proposed to be added for the approval of a Design Review Permit.

A. Feasibility of Development. The first new finding would require that projects in the R-2 and R-3 residential zoning districts which result in a project site developed at less than the maximum density allowed on the respective site demonstrate feasibility of adding additional units on the parcel. For the purpose of this requirement, Accessory Dwelling Units would count toward fulfilling the density requirement. Demonstration of feasibility would include illustrating how the maximum number of units allowed on the project site including their possible location as well as required on-site parking and access would fit on the site or, alternatively, showing why the maximum number of units allowed is not practical for the project site.

13. The project demonstrates one of the following:

a. The feasibility to construct the maximum number of units allowed on the project site in the future by illustrating their possible location as well as required on-site parking and access; or

b. The maximum number of units allowed is not practical for the project site

This finding is applicable only to projects in the R-2 and R-3 residential zoning districts which result in a project site developed at less than the maximum density allowed on the respective site. For the purposes of this Section 10.54.050.D.13 Accessory Dwelling Units shall count towards fulfilling the density requirement.

ANALYSIS / OPTIONS

Background on Finding:

Housing Element Program 20 states: "encourage two-family and multi-family development on R-2-5, R-2-2.5 and R-3 residentially-zoned sites and discourage the development of single-family homes on such sites." This program was a part of the City's "infill strategy" during the Housing Element Update. This finding was developed to partially address Program 20. By requiring that property owners *consider* the siting of future units on their property during the design phase of their current project, this would open up the possibility of siting future units on the property at some later date. There would be no requirement to build the future units.

Concern Identified at 7/9/13 Council Meeting:

None noted

Legislative Committee Direction (8/21/13):

None noted

Options for Consideration (presented 9/10/13):

The public has suggested that the criteria in this finding be strengthened similar to the CUP exception criteria. The Irwin/Mark letter suggests using consistent language and staff supports modifying the language to reduce the ambiguity in language.

Option 8- Change the term "feasibility" in 13.a to "practicality".

Option 9- Add the following criteria to the finding in Section 4:

"Examples of potential site constraints that may inhibit practicality include, but are not limited to: irregular parcel shapes (e.g., triangular), very steep slopes (e.g., greater than 50%), presence of a naturally-occurring environmental factor (e.g., a creek running through the parcel), infeasibility in providing required on-site parking, and/or the configuration of existing development (e.g., the location of an existing residence)."

6 – SUBMITTAL REQUIREMENT FOR A SCHEMATIC DESIGN

DESCRIPTION (9/10/13 VERSION)

The ordinance requires a "conceptual site diagram" to be submitted as a part of an application for a Design Review Permit. The conceptual site diagram would need to demonstrate the feasibility to construct the maximum number of dwelling units allowed on the project site by illustrating their possible location on the parcel as well as required on-site parking and access. The conceptual site diagram may help to illustrate why the maximum number of units on the site cannot be practically accommodated in the future. This submittal would be applicable only to Planning Commission Design Review Permit projects which result in a project site developed at less than the maximum density allowed on the respective site. For the purposes of this requirement, Accessory Dwelling Units would count towards fulfilling the density requirement.

ANALYSIS / OPTIONS

Concern Identified at 7/9/13 Council Meeting:

The public expressed concern that this would be onerous on property owners.

Background on Finding:

The conceptual site diagram would be conceptual in nature and require thought of where additional units could be accommodated in the future, so that the unit which is being worked on at the time is designed in such a way that may not preclude additional future units. The diagram could also be used to show that there is no room for additional units on the parcel. This would only be applicable to Planning Commission projects, and therefore, there is a presumption that the property owner has retained an architect or design professional for that purpose who would be able to provide the diagram. The conceptual diagram would not serve as a promise for any additional units on the parcel.

Legislative Committee Direction (8/21/13):

None noted