

DISCUSSION OF ORDINANCE REVIEWED AT THE 7/9/13 CITY COUNCIL MEETING

REVIEW OF ORDINANCE COMPONENT

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1- NEW DEVELOPMENT STANDARDS

The proposed regulations modify the development standards to cap the size of any single 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.

Concern Identified at Council Meeting:

None noted; Legislative Committee should discuss if desired.

Affected Development Standard	Modification to Development Standards in the R-2-2.5 and R-3 Zoning Districts	Today's Standard in the 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 building coverage 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)

Exceptions. There are four exceptions to the new regulations regarding development standards for parcels in the R-2-2.5 and R-3 Zoning Districts.

- *Less than 3,000 Square Foot Parcel.* All parcels less than 3,000 are exempted from the new regulations. As parcels less than 3,000 square feet are not legally allowed to provide more than one dwelling unit, they should be excepted from the ordinance.

Concern Identified at Council Meeting:

None noted; Legislative Committee should discuss if desired.

Exceptions, continued

- **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).

Concern Identified at Council Meeting:

1. 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., 0.65 for R-2-2.5 and 0.80 for R-3)

Perhaps we could identify a threshold at which the Planning Commission may approve an exception to the development standards, similar to the exception process for the development standards of an Accessory Dwelling Unit? This would not allow a parcel to fully build out one unit, but would allow for some flexibility for those physically constrained lots.

For example, a single unit may exceed the Floor Area Ratio limitations of the new development standards by up to 20% of the standard (i.e., instead of being held to a FAR of 0.45, a single unit would be get a 20% of the 0.45 allowance, for a total FAR of 0.54 [0.45*.2=0.09; 0.09+0.45=0.54]). *The 20% is just an example.*

Here's how the numbers would work out per zoning district, given an example 5,000 square foot parcel and the **example 20%** exception (with reference to what the numbers would be without the exception):

5,000 square foot parcel with 20% exception	Single Unit with 0.45 FAR (no exception)	Remainder for add'l units (no exception)	Single Unit with 0.54 FAR (with exception threshold)	Remainder for add'l units (with exception threshold)
R-2-2.5	2,250 unit	1,000 unit	2,700 unit	550 unit
R-3	2,250 unit	1,750 unit	2,700 unit	1,300 unit

The Legislative Committee should discuss pros/cons.

2. Additional Findings should be required

Legislative Committee should discuss. Nine Conditional Use Permit findings would be required plus one additional finding regarding physical site constraints.

- *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 to be reviewed by the Planning Commission, **and four special findings will be required for this exception:**

- 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.*

- *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.

Concern Identified at Council Meeting:

3. More discussion needed

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

Concern Identified at Council Meeting:

4. More discussion needed

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

Perhaps we could add language that would make it clear that the exemption applies only properties on the local historic register, where no increase in floor area is proposed.

2- STRENGTHEN DESIGN REVIEW PERMIT FINDINGS

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.

- **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.

- **Ensuring Appropriate Massing.** The second new finding would apply to all Design Review projects and require that the project has been designed to ensure the on-site structures do not crowd or overwhelm neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating façade articulations and divisions (such as building wall offsets) and using varying rooflines. This was included to ensure that even if the site is being built out, there would be care and thought in the design process regarding the massing of the structures.

14. The project has been designed to ensure on-site structures do not crowd or overwhelm structures on neighboring properties. Design techniques to achieve this may include, but are not limited to: stepping upper levels back from the first level, incorporating façade articulations and divisions (such as building wall offsets), and using varying rooflines.

Concern Identified at Council Meeting:

None noted; Legislative Committee should discuss if desired.

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None noted; Legislative Committee should discuss if desired.

3- SUBMITTAL REQUIREMENT FOR A SCHEMATIC DESIGN

The ordinance also adds a submittal requirement for a conceptual site diagram to show possibility of additional future units. This item would be required 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 and for the purposes of this requirement, Accessory Dwelling Units would count towards fulfilling the density requirement.

4- NEW PARKING STANDARDS

The ordinance includes a parking exception which was to be consistent with the Accessory Dwelling Unit (ADU) parking exceptions. The ADU parking exceptions allow a unit which is less than 700 square feet to only provide one on-site parking space (as opposed to two spaces) and that the on-site requirement could be relieved with a CUP and a parking study showing the availability of daytime and nighttime parking. There is an identical exception in the proposed ordinance.

5- TANDEM PARKING EXCEPTIONS

Typically, tandem parking (two vehicles parked so that one is behind the other) is allowed with a Conditional Use Permit for two and multiple family dwellings where both parking spaces are intended to serve one and the same dwelling unit. The ordinance relaxes this requirement by removing the requirement for a Conditional Use Permit for tandem parking for projects which propose the maximum number of units allowed for parcels in the R-2 and R-3 residential zoning districts.

Concern Identified at Council Meeting:

5. Concern from public about this being onerous on property owners.

The conceptual site diagram would be conceptual in nature and require the 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.

Concern Identified at Council Meeting:

None noted; Legislative Committee should discuss if desired.

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None noted; Legislative Committee should discuss if desired.

6- ANNUAL REVIEW BY THE PLANNING COMMISSION

The Planning Commission directed staff to prepare a resolution of the Planning Commission stating that annually for three years the Commission would review the effectiveness of the ordinance to ensure that is working as anticipated and that no unintended negative consequences arise.

7- PURPOSE AND INTENT SECTION

“Purpose and Intent. In addition to the general purposes of this Chapter, the specific purposes of this section regulating units in the Two Family and Multiple Family Zoning Districts include the following:

1. To discourage the development of large single family residences located in the Two Family and Multiple Family Zoning Districts which leave no further development potential for future dwelling units.
2. To discourage the conversion of existing two and multi-family housing to single family housing.
3. **To allow the preservation of development potential for the number of units appropriate to the Zoning District in which the parcel is located.**
4. To benefit homeowners in a variety of ways, such as by providing flexibility on sites and within structures; to provide additional revenue from adding a rental unit; to provide smaller units for residents seeking to downsize in their existing neighborhood; to help extended family members who wish to live in close proximity to each other.
5. To ensure the compatibility of infill development in the context of Sausalito’s historic resources.

Concern Identified at Council Meeting:

None noted; Legislative Committee should discuss if desired.

Concern Identified at Council Meeting:

6. The word “appropriate” in No. 3 should be removed.

No. 3 could be revised to state the following (just ideas):

- “To allow the preservation of development potential for underdeveloped parcels”
- “To allow the preservation of development potential for parcels in two and multi-family zoning districts”