

1 – NEW DEVELOPMENT STANDARDS: “Option 3” selected, see follow-up table and draft ordinance

2 – CONDITIONAL USE PERMIT EXCEPTION: Removed from draft ordinance, see follow-up table

3 – 200 SQUARE FOOT EXCEPTION: Kept in draft ordinance with 10 year sunset; see follow-up table and draft ordinance

4 – HISTORIC EXCEPTION: not yet discussed

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: not yet discussed

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: not yet discussed

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