



Memorandum

TO: Planning Commission

FROM: Chris Kerr, Senior Planner

DATE: September 24, 2010

SUBJECT: October 6, 2010 joint work session with the Residential Infill/PUD Task Force and Planning Commissioners

For the upcoming October 6, 2010 joint work session with the Planning Commissioners and Infill/PUD Task Force members, please find attached an 'Action List' which summarizes the Task Force's recommended strategic approach for this project. This will be the main topic for discussion at the work session. As you may recall, the work program for this project specifically recommends having members of the Task Force meet with the Planning Commissioners to discuss and finalize the strategic approach for the code amendments prior to the drafting of the specific amendments.

To open the work session, Staff will provide an overview of the Task Force meetings that have been held thus far and will introduce the items in the Action List. At the completion of the work session, the Planning Commissioners should agree upon any changes that they would like to see made to the Action List and provide clear direction to Staff and the Task Force on those changes.

The purpose of the work session is outlined in the work program:

"Task 2.8 Joint public worksession with Planning Commission for update and to review recommended approach: This joint work session has the dual purpose of providing the Planning Commission with a status report on the task force meetings thus far and to provide the Planning Commission with their recommended strategic approach. The work session will allow the Task Force members, public and Commissioners to openly discuss the advantages and disadvantages of the recommended approach." (Work program; pg. 7)

BACKGROUND AND SCOPE

For background purposes, included below are the parameters and stated purposes for the project. This information is included in the approved Work Program for this project.

Listed below are the overall parameters of the Infill/PUD project, as identified by the City Council and Planning Commission:

- It should amend the PUD provisions such that they will no longer be applicable to smaller residential developments;
- It should provide alternative regulatory approaches to address smaller sites It is to limited to small residential infill sites only,
- It should not be applicable to commercial, industrial or mixed use properties,
- It should not involve re-writing the environmental regulations,
- It will not involve rezoning individual properties or areas in the City; and
- It will not result in architectural reviews for single-family homes.

The Planning Commission also recommended that the final proposed code amendments address the following areas:

- Provides for clear unambiguous standards for development.
- Permits flexibility in design.
- Includes mechanisms for future enforcement of any conditions/restrictions.
- Provides for citizen involvement in the process with easy opportunities input
- Encourages beneficial development amenities/components.
- Specifies the certain thresholds for development; such as lot size, density, housing types, etc.
- Eliminates the current automatic entitlement to deviations from the code permitted under the PUD.
- Addresses public/private easement and maintenance issues.

attachement

Cc: Residential Infill Task /Force members (via email)

ACTION LIST

*Pursuant to the approved work program for this project, the Task Force has prepared the following “Action List” which outlines the recommended “strategic approach” for meeting the objectives of this project. It lists “Topic Areas”, a “Discussion” of the issue and a description of the likely or potential code “Amendments Being Considered” to resolve the issue. An additional column, called “Parking Lot” is included, under this field are recommendations/actions identified by the Task Force that, while outside the scope of this project, should be addressed in future code amendments by the Planning Commission and City Council. The work program requires Planning Commission review prior to the TF drafting the specific code amendments.
(amended 9-24-2010)*

ACTION LIST

TOPIC AREA	DISCUSSION	AMENDMENTS BEING CONSIDERED	"PARKING LOT"
1. Planned Unit Development (PUD) <i>Chapter 24 regulates PUD's</i>	Chapter 24 was intended for large residential subdivisions, but it is being applied (per CDC) to all developments with environmentally sensitive lands (<25%), to commercial, mixed use and industrial uses, as well as to small residential infill sites. The PC, in particular, has spent considerable time identifying the ineffectiveness of this chapter in terms of adequately protecting environmentally sensitive lands, addressing the unique aspects of smaller residential subdivisions, permitting greater design flexibility, and providing clear and objective standards for review. City does not receive adequate public benefit for permitting modifications to development standards under the PUD. PUD's are often perceived as offering too many 'giveaways' to developers and as increases in project density to the public.	Chapter 24 will be modified, in terms of applicability, to clarify obtuse criteria, to require more public amenities, and as follows: ▪ PUD not permitted on sites <3 acres; ▪ PUD no longer a requirement for sites with <25% Type I or II lands or for attached housing (as is currently the case) ▪ Require dedication of open space and preservation areas to COWL (if desired by City) ▪ Clarify/update density transfer table ▪ Require overall Master/Phasing Plan, as applicable. ▪ Make certain 'quality design features' required elements as part of the approval.	Council should have Staff create separate, <u>distinct</u> 'planned development' regulations for commercial, industrial, large residential developments. Emphasis should be on permitting more flexibility in conjunction with accompanying public benefits.

ACTION LIST

<i>TOPIC AREA</i>	<i>DISCUSSION</i>	<i>AMENDMENTS BEING CONSIDERED</i>	<i>“PARKING LOT”</i>
2. Compatibility issues with surrounding development: <i>Various CDC Chapters</i>	City does not have design review for single-family homes. In 2006 City adopted language to address compatibility; including maximum FAR’s and side yard transitions. These were originally to be much more expansive, but through the approval process, were abridged. Current Code effectively requires all new developments, even SFH’s, to construct sidewalks, curbs, etc. along frontage even when inappropriate to the surroundings.	Reviews of surrounding properties to establish and require similar massing, scale, building height, setbacks, or architectural character. Require ‘tiered’ setback approach (portions of building over a certain height must be set back further). Utilize elements of the recently adopted Historic District accessory dwelling unit language to address setbacks and heights of accessory units city-wide. Create specific regulations for garages regarding placement on lot, compatibility, and percentage of frontage in front yard. Adding landscaping requirements, both minimums and/or as part of a menu-based option for applicants. Requirement for architectural renderings at neighborhood association meetings. Allow flexibility to consider locational context for street improvements (sidewalks) for certain new developments. City could collect fee in-lieu of improvements if the improvement is not made. The fees collected would be allocated in vicinity of the development. Sliding scale for FAR’s and lot coverage requirements to encourage lower scale home or garage placement to be more consistent with surrounding homes.	Council should consider establishing design guidelines for areas of the City that have unique development characteristics. These guidelines would apply to developments in those areas. These guidelines should also include unique/desired streetscapes for distinct neighborhoods. The current “Mixed Use Transition” zone has never resulted in any mixed use developments and should be revisited.

ACTION LIST

TOPIC AREA	DISCUSSION	AMENDMENTS BEING CONSIDERED	"PARKING LOT"
3. Alternative housing types: <i>CDC does not provide specific language for alternative housing types</i>	For non-standard housing types and development techniques, the CDC requires applicants to process a PUD and request modifications, or receive a variance, to specific development regulations. This limitation is unnecessary. There are alternative housing types that could be more compatible, sustainable, equitable and affordable than the standard development permitted under the Code.	Establish clear and objective standards for specific housing types (e.g. zero lot lines, cottage housing, houseplexes) Each will likely have its own Code section, with criteria, applicability and procedures. This would provide for predictability to both neighbors and property owners which is not currently possible under the PUD. Create an 'a la carte' menu of specific housing types and building designs that can be utilized 'off the shelf' on smaller lots, possibly under an expedited review.	Council should consider adding Code provisions for alternative housing developments for larger sites (traditional neighborhood developments) as well as for mixed use and commercial areas (mixed-use, live-work units).
4. Environmentally constrained lands: <i>Typically regulated in Chapters 27, 28, and 32</i>	The majority of infill sites in the City include some environmentally constrained lands. Several recent development applications have resulted in less than desirable results when applying the current requirements. Issues included denials due to inability to meet CDC requirements, City purchase of property due to potential 'takings', and uncertainty about future maintenance of protected areas. The TF is not tasked with amending the environmental regulations, only how they are applied to small residential development applications.	Create new 'cluster housing' requirements for properties with environmentally constrained lands on them. They will specify appropriate clustering of housing on site to protect natural areas/open spaces. They will specify the permitted flexibility to provide compatibility with the surroundings while protecting natural features. They will address the preservation and maintenance of natural areas/open spaces.	Upcoming CDC amendments to Chapter 32 should review and evaluate recent WRA applications and applicability and impact on infill developments. Council should consider creating a new zoning district and review requirements for public facilities such as Schools and Parks.

ACTION LIST

<i>TOPIC AREA</i>	<i>DISCUSSION</i>	<i>AMENDMENTS BEING CONSIDERED</i>	<i>“PARKING LOT”</i>
5. Design flexibility: <i>Currently must use PUD, Design Review, or variance</i>	Variances under Chapter 75 are for unique sites and extraordinary circumstances on a site that create a hardship to the property owner. CDC lacks method to permit requests for alternative, superior design, other than the PUD chapter, which is not always appropriate. Some standards (access standards of infill lots) are not applicable for some housing types.	Opportunities for minor, prescribed deviations from the CDC (and engineering standards) that permit more creative, preferred designs should be provided for small residential sites without a need for a PUD or Chapter 75 variance. The exact sections of the CDC that can be modified will be identified and the limitations applied to the amount of deviation permitted. Most of these will be specified under the new regulations and criteria for alternative housing types. Possible ‘discretionary’ review process will permit greater design freedom for applicants.	Opportunity to request minor deviations from engineering standards should be considered for any development (commercial, mixed use, etc).
6. Flag Lots: <i>Chapter 85 regulates flag lots</i>	The TF recognizes a general public dissatisfaction with excessive number of flag lots. Flag lot developments can be incompatible in established neighborhoods due to building scale, locations and incongruous private driveways. They often intrude into the privacy of surrounding homes. Flag lot partitions are often noted in community surveys as representing an increase in density.	Review limiting the number of lots permitted from a flag lot. Specify the building orientation of new structures on flag lots. Apply more restrictive setbacks and height restrictions for homes on flag lots to address privacy issues. Pursue street connectivity on larger lots. Staff will provide a written report on the issues and ramifications of a prohibition on any future flag lot partitions as well as a review of the approach by other Cities.	Some areas of the City may have inappropriate zoning. If so, the Council should consider ‘downzoning’ those areas, alleviating pressure on these lots to be partitioned.

ACTION LIST

TOPIC AREA	DISCUSSION	AMENDMENTS BEING CONSIDERED	"PARKING LOT"
7. Steep Slopes: <i>Chapter 41 regulates development on steep slopes (< 25%).</i>	Many of the infill sites to be developed in the City are located on steeply sloped lots. Current Code application can result in 'towering', incompatible houses. Method of measuring building height on steep slopes can be confusing. TF believes excessive cut/fill takes place on steeply sloped lots.	Edit building height calculation and setback methodology for steeply sloped lots to encourage more flexibility in home design, minimize excavation, and lessen height variation on adjacent lots. Allow variation in building height based on the slope of the land. Clarify the CDC language on garage locations and setbacks on steep slopes to create more compatible development with surroundings. Consider limiting the amount of fill/cut permitted on a site.	Large, undesirable retaining walls are often required due to steep slopes.
8. Clear & objective standards <i>Various CDC Chapters</i>	Many Chapters in the CDC (e.g. PUD) have broad criteria that can be subject to interpretation. This creates uncertainty for staff, public and developers.	Modifications to the PUD, as discussed, will remove the need for small residential developments to have to meet the PUD regulations. New standards for any alternative housing types and cluster housing will include clear/objective criteria. Consider adding a two-tier approval process that would permit applicants to either; (1) meet clear standards under an expedited review; or (2) request modifications to regulations and undergo more detailed discretionary review. Provide 'design menu' of required amenities for developer to pick and choose (all or some).	The approval criteria and standards for other code sections should be audited for subjectivity and amended as well. Especially: ▪ Water Resource Area permits ▪ Variances ▪ Design Review

