



PLANNING DIVISION

4

STAFF REPORT

TO: PLANNING & TRANSPORTATION COMMISSION

FROM: Susan Mickelsen, Planner **DEPARTMENT:** Planning & Community Environment

DATE: August 31, 2005

SUBJECT: Zoning Ordinance Update: Planning & Transportation Commission recommendation to City Council for the adoption of an ordinance to amend PAMC 18.04.030 (65) Gross Floor Area (Adopted Low Density Residential Definition) and related reference in the Single Family Residential Chapter 18.12.040 Table 3: Summary of Gross Floor Area for Low Density Residential Districts requiring that carports, including those that are completely open on three or more sides shall count towards gross floor area for a single family home.

RECOMMENDATION:

Staff recommends that the Planning and Transportation Commission (P&TC) recommend that City Council adopt the ordinance (Attachment A) to amend PAMC 18.04.030 (65) Gross Floor Area (Adopted Low Density Residential Definition) and related reference in the Single Family Residential Chapter 18.12.040 Table 3: Summary of Gross Floor Area for Low Density Residential Districts requiring that carports, including those that are completely open on three or more sides, shall count towards gross floor area for a single family home.

BACKGROUND:

The Palo Alto City Council adopted the Single Family Residential (R-1) Chapter and related Low Density Residential Definitions on April 11, 2005 and the ordinance and definitions became effective on May 26, 2005. On August 8, 2005, a Colleagues Memo (Attachment B) was introduced by Mayor Burch, Councilmember's Morton and Ojakian, responding to the concerns from residents to direct staff to return to P&TC to reconsider the "carport that is open on three or more sides" floor area exclusion. Reasons mentioned in the Colleagues memo included concerns from residents, historical code enforcement issues and corrective actions when carports were previously excluded from gross floor area, that this additional floor area would likely result in slightly larger houses (the square footage of the carport being placed into the house), and concern that these carports could be more than one or two parking spaces, and therefore significant structures.

DISCUSSION:

Staff has attached the Colleagues Memo, and a section of the August 4, 2004 PTC minutes (Attachment C) related to this item. Staff recommends P&TC discuss and recommend City Council approval of the ordinance to require that carports, including those that are completely open on three or more sides count towards gross floor area for a single family home.

Staff has researched current applications and found 4 examples that were taking advantage of this floor area exclusion. Other potential applicants have expressed interest in utilizing this exception. The carports in these applications range in size from 170 to 580 sf, with one of the applications using more than one carport "completely open on three or more sides". The resulting square footage is sometimes being added to the floor area of the main residence, or into accessory structures, or in one case an entry feature. In two of these cases the exclusion was decided upon after initial design submittal, when the applicant was determined to be over the allowable floor area.

There has been concerns by the community regarding 3rd story additions/remodels in association with the transfer of carport floor area. Staff is aware of one application where carport floor area was excluded (approximately 580 square feet) and this was utilized (in part to convert attic space into a playroom (raising roof as well) and to build a small (approximately 200 sf) pool house. However, the project is under the required maximum height limit of 33' (roof pitch is 12:12). It should be noted that when the new R-1 Ordinance was adopted; the maximum height limitations were not changed, and therefore remain at 30' and 33' (with 12:12 or more pitch). Provided as a separate attachment, due to its size, please find the submitted letter from a neighbor of the aforementioned project, with attached to it over 100 letters/emails. The IR application referenced in the many emails is still under review. Also, letters in support received are not included here. The project does not require a variance with the project (as mentioned in some of the emails), and is being built to established height and daylight plane limits within R-1 zoning district. A majority of the letters were submitted to City Council prior to the August 8th Council Memorandum at which the City Council directed staff to readdress the carport gross floor area exclusion. Staff is following Council direction at this time, and therefore building height or 3rd floor issues are not on the PTC agenda.

ENVIRONMENTAL REVIEW:

The proposed revision to the low-density residential definition for Gross Floor Area is consistent with the environmental analysis that was conducted for the adoption of the Comprehensive Plan. The Comprehensive Plan Environmental Impact Report (EIR) was certified by the City Council on July 20, 1998. It is staff's determination that the proposed revision relating to carport square footage does not have significant environmental impacts and does not extend beyond those already analyzed in the Comprehensive Plan EIR.

NEXT STEPS:

Staff will proceed to Council on September 26th with Commission's recommendation on this item.

ATTACHMENTS:

- A. Ordinance
- B. August 4, 2005 City Council Colleagues Memo
- C. P&TC Minutes on this item
- D. Correspondence with Attachments re: 455 Santa Rita IR application (Commission Only)

COURTESY COPIES:

City Council
Zoning Ordinance Update Binder
Nancy Alexander, resident

Prepared by: Susan Mickelsen, Planner

Reviewed by: John Lusardi, ZOU Planning Manager

Department/Division Head Approval:


John Lusardi, ZOU Planning Manager

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO UPDATING THE R-1 ZONE DISTRICT REGULATIONS, THE R-1 INDIVIDUAL REVIEW PROCESS, AND THE HOME IMPROVEMENT EXCEPTION PROCESS OF TITLE 18 [ZONING] OF THE PALO ALTO MUNICIPAL CODE BY AMENDING CHAPTERS 18.04 [DEFINITIONS] AND 18.12 [R-1 SINGLE-FAMILY RESIDENCE DISTRICT REGULATIONS]

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

(a) With the preference of homeowners toward garages and maximizing the size of their home, exclusion of carports from gross floor area would likely result in more code enforcement actions.

(b) This excluded floor area would likely be added to the residence resulting in a bigger house that would not have previously been allowed.

(c) Excluded carports would be larger than one space and a 3-carport structure of approximately 490 square feet, even if completely open, is a significant structure.

SECTION 2. Subparagraph (iii) of subparagraph (C) of Paragraph (65) of section 18.04.030 (Definitions) of Title 18 [Zoning] of the Palo Alto Municipal Code is hereby amended to read as follows:

(iii) Carports and garages ~~enclosed on more than one side~~ shall be included in gross floor area;

SECTION 3. Subparagraph (vi) of subparagraph (D) of Paragraph (65) of Section 18.04.030 (Definitions of Title 18 [Zoning] of the Palo Alto Municipal Code is hereby amended to read as follows:

(vi) ~~Porte-cocheres and carports completely open on three or more sides~~ shall be excluded from the calculation of gross floor area.

NOT YET APPROVED

SECTION 4. Table 3: Summary of Gross Floor Area for Low Density Residential Districts of Chapter 18.12 (R-1 Single Family Residence District Regulations) of Title 18 [Zoning] of the Palo Alto Municipal Code is hereby amended to read as follows:

Table 3: Summary of Gross Floor Area for Low Density Residential Districts

Description	Included in GFA	Excluded from GFA
Accessory structures greater than 120 square feet	✓	
Second floor equivalent: areas with heights >17'	✓ (counted twice)	
Third floor equivalent: areas with heights > 26'	✓ (counted three times)	
Third floor equivalent, where roof pitch is >4:12		✓ , up to 200 sf of unusable space
Garages and carports enclosed on more than one side	✓	
Porte cocheres and carports with three or more sides completely open		✓
Entry feature ≤ 12' in height	✓ (counted once)	
Vaulted entry > 12' in height	✓ (footprint counted twice)	
Fireplace footprint	✓ (counted once)	
First floor roofed or unenclosed porches		✓
First floor recessed porches <10' in depth and open on exterior side		✓
Second floor roofed or enclosed porches, arcades, balconies, porticos, breezeways	✓	
Basements (complying with patio & lightwell requirements described in 18.12.070)		✓
Attic space where floor to roof distance is ≤5'		✓
Attic space where floor to roof distance is >5'	✓	
Bay windows (if at least 18" above interior floor, does not project more than 2', and more than 50% is covered by windows)		✓
Basement area for Category 1 & 2 Historic Homes or contributing structure within a historic district (even if greater than 3')		✓
Unusable attic space for Category 1 & 2 Historic Homes		✓ (up to 500 sf)

NOT YET APPROVED

SECTION 5. The City Council finds that the changes effected by this ordinance are exempt from the provisions of the California Environmental Quality Act (CEQA), per section 15061 of CEQA Guidelines, because it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

SECTION 6. This ordinance shall be effective 30 days after the date of its adoption. Notwithstanding any other provision of this ordinance or the Palo Alto Municipal Code, all applications submitted prior to the effective date of this ordinance shall be subject to the PAMC Title 18 Zoning Regulations in effect on the date the application is received by the City.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Deputy City Attorney

City Manager

Director of Planning &
Community Environment

OFFICE OF THE CITY COUNCIL
CITY OF PALO ALTO

10B

M E M O R A N D U M

TO: City Council

FROM: Mayor Burch, Council Member Jack Morton and Council Member Vic Ojakian

DATE: August 4, 2005

SUBJECT: CARPORTS AND R1 GROSS FLOOR AREA

Due to the expressed concern of several residents, we'd like to revisit the notion of carports and how they count toward the R1 gross floor area.

In April 2005, the City Council approved the Single Family Residential (R-1) zoning district Zoning Ordinance Update changes which included the modification of the definition of "Gross Floor Area" for all Low Density Residential (R-1, RE, R-2, RMD) zoning districts. Staff and the Planning and Transportation Commission recommended a comprehensive set of revisions. While much of the community and Council attention was focused on development standards for second dwelling units and substandard lots, numerous other changes, including revisions to the definition of gross floor area were also included in the recommendation. Since the adoption of the R-1 chapter and related definitions, some members of the community have expressed specific concerns regarding one change to gross floor area, specifically excluding "carports (that are) completely open on three or more sides" from the calculation from gross floor area calculations.

During its August 6, 2004 meeting, the Planning and Transportation Commission motioned to exclude counting carports that are completely open on three or more sides toward residential gross floor area. This occurred during the Commissions' discussion of porte-cocheres and how they are typically excluded from gross floor area calculations in low-density residential zoning districts. The idea that carports, particularly "completely open" carports should also not be counted toward gross floor area was discussed by the Commissioners with the reasoning that these are open structures and therefore, do not add to the mass of a structure, similar to open porches on the first story. Additionally, some Commissioners felt that the original change of counting carports perhaps resulted more from "enforcement issues" rather than code or design issues.

During the Commission's meeting staff pointed out some background and reasoning for the historical change that resulted in including carport floor area in the gross floor area calculations. Many of the arguments discussed by staff are ones that should be considered in reversing this decision and therefore include carport floor area in gross floor area calculations.

- Staff indicated that historically when carports (if were 50% or less enclosed) were not included in the gross floor area, there were code enforcement issues and corrective actions that occurred
- With the preference of homeowners toward garages and maximizing the size of their home, the adopted "completely open" carport exclusion from gross floor area will likely result in more code enforcement actions
- This excluded floor area will likely be added to the residence resulting in a bigger house that would not have previously been allowed.
- These excluded carports could be larger than one space and a 3-car carport structure of approximately 490 square feet, even if completely open, is a significant structure

Therefore, for these reasons, we recommend that Council direct the Planning and Transportation Commission to reconsider the exclusion of carports that are completely open on three or more sides from the calculation of gross floor area.

1 [REDACTED]

3 [REDACTED]

5 [REDACTED]

7 [REDACTED] think we have probably discussed it enough. Would Commissioner [REDACTED]
8 on this item? [REDACTED] All in favor of Pat's motion saying [REDACTED] Oppose [REDACTED] We've got the light

10 Now we are on the second of five items here. We have another definition of a good French word
11 porte-cochere. If we can have a definition of that and how it is counted in gross floor area
12 calculation especially relating to carports. Curtis.

14 Mr. Williams: We did provide for you some suggested language that says a porte-cochere means
15 a covered structure attached to a residence or erected over a driveway. It is open on two or more
16 sides and used either for the required covered onsite parking or for temporary vehicular parking
17 for loading and unloading. The implication of gross floor area that we would provide is that
18 where gross floor area says that car garages and carports are included to add to that including
19 porte-cocheres when used to comply with the onsite covered parking requirement. And under
20 the exclusion where things are excluded from gross floor area it would say this includes porte-
21 cocheres when not used to comply with the onsite covered parking requirement. So essentially if
22 they are covered and they are used to satisfy the onsite parking requirements they become
23 carports and if they are not they are porches and they aren't counted.

25 Chair Griffin: Say that again because what you are specifying here is that a porte-cochere is a
26 carport if it is used on a driveway.

28 Mr. Williams: Not just if it is used on a driveway. If it is used to satisfy your covered parking
29 requirements.

31 Chair Griffin: Then it is a carport.

33 Mr. Williams: Right. Otherwise it is treated like a porch would be treated.

35 Chair Griffin: Karen.

37 Commissioner Holman: I have one clarification on the definition just to preclude something
38 from happening that we might not want to have happen is covered structure attached to a
39 residence or erected over a driveway adjacent to a residence. That is to keep somebody from
40 erecting something still behind the front setback but... because it really wouldn't be a porte-
41 cochere at that point but there is nothing definitionally that would preclude them from doing that
42 and calling it a porte-cochere. So that would that be advisable or not? I am also used to porte-
43 cocheres being open on three sides.

45 Mr. Williams: Steve is saying that I think they are attached. I think at least the term has been
46 used for some that I have seen that are not that close but it is just covered as you come through
47 the driveway. What was your language?

1 Commissioner Holman: Erected over a driveway adjacent to a residence would be in addition to
2 attached to a residence. My experience also has been attached but I guess they don't absolutely
3 have to be but I don't want them moving forward and then they just become some sort of free
4 form out there in front of the house.

5
6 Mr. Williams: I think that language is fine with us. The intent generally is that it is a place that
7 you can get out of the car and get into the house. So for the most part the image is of something
8 that is attached theoretically. It might be a couple of feet away or something and not have the
9 cover attaching. I think that language works.

10
11 Chair Griffin: Pat.

12
13 Commissioner Burt: Call me old fashioned but is there some reason we can't call it a carport?
14

15 Mr. Williams: Carports count as floor area but that is because they are part of the covered
16 parking requirement and these are not. They generally do not have, whereas carports for the
17 most part have cars under them, these are not intended for that purpose as far as not having them
18 for longer than a very sort period of time. If they do have them and they are using them for the
19 covered parking requirement then yes they are carports but there is a distinction in that it is
20 generally sort of a drop off spot not for housing the cars.

21
22 Chair Griffin: And yet I have seen it done.

23
24 Mr. Williams: Yes. Again if it is done and it is satisfying the covered parking requirement then
25 it is going to count as floor area even though it looks just the same it is not.

26
27 Chair Griffin: What if it is in effect a third covered parking spot. In other words you have a
28 two-car garage and a porte-cochere?
29

30 Ms. Grote: All covered parking is counted in the floor area. So if someone were to come in and
31 identify this as a permanent covered parking spot it would be counted as FAR. Whereas if they
32 identify it as kind of a pass through something that is used for drop off, they don't park a car
33 under this permanently then we wouldn't count it.
34

35 Chair Griffin: Lee.

36
37 Commissioner Lippert: I don't think anybody is going to like what I have to say. I was pretty
38 irritated when the City started counting how shall we say carports as floor area. I think that
39 really the way this should have been structured and I think the porte-cocheres should be included
40 in this as well is that porte-cocheres and carports should not count towards floor area but it
41 should count towards lot coverage. The reason being that it is just like a porch. It is an element
42 that is added to a building but there is no real mass associated with it. Back when we had
43 carports and they really didn't count towards the floor area and it allowed people some flexibility
44 in the floor area of their houses. It is not a popular approach to it but I think it is a credible
45 approach to dealing with this issue.
46

47 Ms. Grote: Just as a matter of experience what we were running into with carports is that they
48 became virtually just like garages. It was very difficult to differentiate between a carport and a

1 garage so we went back to kind of an original intention or intent in the wording of FAR that it
2 would include all covered parking whether it was a garage or a carport. We might recommend
3 that we would change what we put before you tonight to include all porte-cocheres just like we
4 include all carports in FAR.

5
6 Vice-Chair Cassel: But I can remember that discussion that we had and why we changed it
7 because there were indeed a lot of problems that came with that. We finally decided we had to
8 count two car parking spaces period because they were being filled in and all other kinds of
9 reasons. This comment about counting it as if it was a porch for the ground coverage is probably
10 a wise one.

11
12 Ms. Grote: Yes and we had every intention of counting as lot coverage no matter what.

13
14 Chair Griffin: Karen.

15
16 Commissioner Holman: The reason that I don't think it should be counted as FAR and I am
17 sympathetic to Lee's comments it is not so unpopular as you might think but I have also had the
18 experience that Lisa has as they were quickly becoming just like garages. I think you are
19 familiar with that too but my heart is where your comments came from.

20
21 I don't think porte-cocheres should be counted as FAR because, and I am familiar with porte-
22 cocheres being open on three sides and that would be one question that I would put to Staff is
23 they should be open on three side if the other Commissioners agree. What they do do is they
24 provide buffer to the neighbor on one side, the side that the porte-cochere is on, and they are
25 basically a see-through structure. So I don't think we want to penalize people for putting. There
26 is a brand new house on Forest I mentioned I think at our last meeting here upstairs with the
27 subcommittee and it is great because there is buffer to the neighbor, it is see-through, it is really
28 no harm-no foul. So I don't think it should be counted as FAR. One concern that I did just have
29 though is that it shouldn't just become another porch over which you put a lot of structure, which
30 means that we are adding mass up and next to the neighbor. So porte-cocheres also don't usually
31 have structure on top of them from my experience and Staff can comment on that as well.
32 Maybe that ought to be in the definition too.

33
34 Chair Griffin: I will also throw this out to Staff. I agree with almost all of the comments that
35 Commissioner Holman has made. I am wondering about again daylight plane implications here.
36 would the roof of the porte-cochere, I am thinking what is the ramification of that if your
37 driveway is on the extreme edge of the house and you have a roof that exceeds ten feet in height
38 I guess you start penetrating that daylight plane unless you have a driveway that is inset
39 somewhat from the edge of the property.

40
41 Mr. Williams: You would have either limited to ten feet or have to have it however many feet in
42 for how much taller it would be. It would have to be setback some to meet the daylight plane
43 requirement.

44
45 Chair Griffin: Phyllis.

46
47 Vice-Chair Cassel: So this has to meet all the height limits and all the other descriptions of a
48 porch or something similar to this so they are just not going to put in a 15 or 18 foot high piece

1 without having it be double counted and if it is over so many feet and all of those rules. They
2 will all apply to this.

3
4 So then can I see if we can combine what we said and try a motion?

5
6 Commissioner Burt: I would like to go back a moment to this carport issue. I guess it was six to
7 eight years ago that there was a community discussion on it as there were some carport
8 problems. Here we are in the ZOU and we are kind of just saying this is a non-issue. Six or
9 eight years ago a certain decision was made in reaction to some problems. I would like to have a
10 little bit more discussion here on this and make sure that we are in concurrence with what was
11 decided that long ago. That's a long time and was it the best resolution to the problem that
12 existed at the time. Lisa, you mentioned and I just have this vague recollection of the discussion
13 in the community at the time, there were carports that were getting filled with goods and
14 essentially turning into non-enclosed garages for storage or as we treat our garages as storage
15 sheds they became non-enclosed storage shed of sorts. Was that the problem?

16
17 Ms. Grote: Actually, carports were defined as 50% or less enclosed and so what we were seeing
18 is people coming in that would have half walls along most of what would ordinarily be an open
19 side and then they would have the opening that the car goes through kind of in an arch shape. So
20 it would look essentially like a garage. There were all kinds of designs that were put forward on
21 some of the houses that you couldn't tell from the front that this was not a garage. Sometimes
22 they would have a garage door and then 50% of the sidewall would be enclosed and then
23 somehow it would be kind of offset from the main house and so the back of the "carport" was
24 open. So from the street it looked like a garage.

25
26 Commissioner Burt: Okay, so it sounds like there were several ways in which people were
27 pushing the envelope and instead of us tweaking the regulation and addressing those issues in a
28 way that didn't allow that envelope to be pushed so much we just kind of took a sledge hammer
29 to it and said we won't allow carports to be excluded from FAR. I would at least like to look at
30 whether there are ways to address the prior issues and if it was a true carport, an open structure
31 similar to what we are describing in this porte-cochere but a car actually parks under it should it
32 be counted against the FAR or not?

33
34 Chair Griffin: Lee.

35
36 Commissioner Lippert: It sounds like these individuals that did this were actually doing
37 everybody a favor. If they were renovating their houses carports might not stylistically fit in
38 with the style of house that they were building. I am talking clearly off the top of my head here
39 by creating something that looked like a garage might have in fact been a way of having an
40 existing carport and a mess comply with the style of house.

41
42 Ms. Grote: Actually, most of these occurred not on renovations but on new houses. People were
43 using the FAR that they would have had to have counted in the carport in the house itself. So
44 what we were getting were bigger houses and then something attached to it that looked like a
45 garage but wasn't counted as FAR. So you were filling up more of the lot with mass and bulk
46 and that was seen as something that wasn't desirable.

1 Commissioner Lippert: Why not just simply state then that anything that has a garage door
2 counts as garage?
3

4 Ms. Grote: There were other examples. Even very substantial looking carports that didn't have
5 garage doors. A couple of them did but many of them did not and they were still substantial
6 looking.
7

8 Chair Griffin: Okay. Phyllis.
9

10 Vice-Chair Cassel: I was here through that discussion and there was a lot of discussion and it
11 took us a long time to look at these issues. It wasn't just oh gee! we will solve this by making it
12 FAR. We were looking at mass. This was a time when we were looking at very large houses
13 that had a lot of mass and how we were going to deal with this mass. Part of the problem was
14 that people were putting in carports so they wouldn't be counted, put a roof over it, put a garage
15 door on the front, put a wall up along the side and then enclose it later. So it wasn't just a case of
16 it being a carport so it was open and felt open in some way and you parked your car under it but
17 rather it was actually getting enclosed later on after everything was being done. Some of these
18 were quite large. So there were issues of how much of the site was covered and how it was
19 getting filled in but they were literally being filled in and people were concerned about the mass.
20 So the solution was you have a garage and you have two parking spaces. You could have it
21 inside or outside or partially covered or however you wanted to do it but it was counting towards
22 the FAR.
23

24 Chair Griffin: Pat.
25

26 Commissioner Burt: It seems like if the problem was illegal construction after the fact we have a
27 lot of things that could go wrong in the community if that is allowed but that aspect seems like it
28 is an enforcement issue and not a code and a design issue. The other thing that I think about is
29 that at the time this issue was addressed in the way it was we did not have the IR guidelines. So
30 it sounds to me like some of these issues about mass and scale that were coming about as a result
31 of this carport issue in some way have another mechanism to address them today that wasn't at
32 our disposal before. So I still haven't heard anything that if we go back to the original problem
33 of six or eight years ago I haven't yet heard ways in which those problems couldn't be addressed
34 in more reasonable ways. It sounds to me like Karen is talking about on the porte-cochere that if
35 it is more appropriate that it be open on three sides that that might apply to a carport as well and
36 that it would still be subject to, well the IR guidelines are on second story, but we are talking
37 about throwing some other things in the future under IR review and basically looking at things in
38 a form code context. Here we have had this discussion about form code and it seems like we
39 keep lapsing back to something other than a form code approach to what we are doing.
40

41 Chair Griffin: Karen, I did see you.
42

43 Commissioner Holman: Like Lee's comments my thoughts go with where Pat is too the
44 difficulty is that when people would and Staff is of course free to comment on this as anything
45 else but sometimes I think what happened too is besides as Phyllis said people would come in
46 later and then fill in the other wall or put on a garage door so it really became a garage so the
47 houses were getting bigger and it is really totally illegal is that then if they did get busted, so to
48 speak, then they would come in and ask for a variance and get a variance then they were still

1 getting away with, and maybe now with our new variance findings that wouldn't happen but is
2 the City really in a position, does the City really want to be telling people to tear out stuff. I
3 don't know if you want to be there or not. The other thing that is different about porte-cocheres
4 than carports is carports can be located anywhere on the property. Porte-cochere is a very
5 obvious because of access it has to be very accessible to the streetscape. So it would be pretty
6 darn hard to cheat on it. You are not going to have a porte-cochere in your backyard that you
7 then fill in and make it into a garage so you would be cheating with it. So it is quite a bit easier
8 to regulate. I don't know if that is helpful or not but those are my comments.

9
10 Chair Griffin: I am wondering if we could bring this to a head and either have a motion on it to
11 change what Staff is currently showing or move on to the next item. Phyllis.

12
13 MOTION

14
15 Vice-Chair Cassel: Let me try a motion and see what happens to it. We were working on a
16 definition of porte-cochere so lets start with that. It looks like the suggestion here from Karen is
17 that we make this open on three or more sides used either for the required covered parking that it
18 should count towards the lot coverage in addition to these explanations here and that it is our
19 understanding that this structure will comply with all of the other regulations that go with like
20 structures on the site.

21
22 Commissioner Holman: There was one more which was, and I would like Staff's impression of
23 this if it would satisfy, attached to a residence or erected over a driveway adjacent to a residence.

24
25 Vice-Chair Cassel: Fine.

26
27 SECOND

28
29 Commissioner Holman: I will second that.

30
31 Chair Griffin: Is there further discussion? Lee.

32
33 Commissioner Lippert: I think that unless we apply this to carports that are open on three or
34 more sides I can't support this. This is not logical. I think that if you follow it through and you
35 allow for carports that distinctly follow these criteria and might be separate and open on three
36 sides they should be entitled to the same definition as a porte-cochere and the entitlement there.
37 I don't support the motion the way it is.

38
39 Chair Griffin: Karen.

40
41 Commissioner Holman: Can I make a suggestion to help move this along? Maybe this doesn't
42 help with Lee's concern but to vote on the porte-cochere motion and then address if there are
43 other Commissioners that want to address carport separately. Maybe that would help us move
44 along.

45
46 Chair Griffin: Pat.

1 Commissioner Burt: Well, I am inclined to go in the same direction that Commissioner Lippert
2 is advocating but I would like to ask the maker and the seconder of the motion if they are
3 envisioning any important distinctions between what we have just defined as the porte-cochere
4 requirements and what should be permissible for a carport.
5

6 Vice-Chair Cassel: I was going to let us go back to the carport.
7

8 Commissioner Burt: But my question is what do you see as different between the two as we
9 have now defined porte-cochere?
10

11 Vice-Chair Cassel: I see it more like a porch that someone drives through. If I had my
12 preference I would not do anything with this but we seem to be talking about it. This seems to
13 be a structure that seems to be appearing in our community.
14

15 Chair Griffin: I agree it is a drive-through porch. Karen.
16

17 Commissioner Holman: The distinction is and I think there is some language that could be
18 changed in the definition which is from my experience the purpose of a porte-cochere if we make
19 one more change, if the maker would be amenable to this, that it is open on three sides and not
20 used for required covered onsite parking but for temporary vehicular parking. That is the
21 purpose really.
22

23 Vice-Chair Cassel: I think you only need half of that one way or the other. Use for temporary
24 parking?
25

26 Chair Griffin: Are you going to accept her suggestion?
27

28 Vice-Chair Cassel: Yes.
29

30 Chair Griffin: Pat.
31

32 Commissioner Burt: That wasn't really what I was asking. I was asking with the rest of the
33 description of porte-cochere why shouldn't that same description apply to carports? What are
34 you seeing as different about a carport now that we have done a better definition of a porte-
35 cochere? It has to be open on three sides. Why can't that apply to carports?
36

37 Chair Griffin: Curtis, would you care to enter in on this at all?
38

39 Mr. Williams: I don't have a strong feeling one way or the other. I think there is logic to that as
40 far as if it is open on three sides. Carport is defined currently as open on two or more sides. If it
41 is completely open on three sides or more then...I don't know, Lisa, do you have a problem with
42 excluding that from floor area?
43

44 Chair Griffin: All right then we have a motion.
45

46 Commissioner Burt: With that clarification I would like to attempt a friendly amendment to
47 include carports in the same definition as porte-cocheres provided they are open on three or more

1 sides and they would not be counted against FAR just like porte-cochere's would not be counted
2 against FAR not seeing any real distinction between the two.

3
4 Ms. Grote: I would ask that you make it very clear that it is completely open on all of those
5 sides, 100% open on all of those sides, so we don't get into this situation where people are
6 putting in half walls or archways or decorative features that all of sudden become enclosed.

7
8 Mr. Williams: Actually let me suggest a slight modification to that. What that does is it leaves
9 kind of a gap for things that are open on two sides and enclosed on two sides. They are not
10 defined anymore. They are not a garage and they are not a carport if you define it that way. So
11 my suggestion would be that we leave the carport definition the way it is with two or more but
12 then when we get to gross floor area we essentially exclude carports that are open on three or
13 more sides from gross floor area.

14
15 Vice-Chair Cassel: Is that satisfactory with everyone?

16
17 Commissioner Burt: I could live with that.

18
19 Commissioner Lippert: Yes, but I would like to see that incorporated into this motion.

20
21 Vice-Chair Cassel: I am just kind of looking around to see if we are getting some sense of
22 comfort with that.

23
24 Chair Griffin: Karen.

25
26 Commissioner Holman: As the seconder of the motion I think we are mixing two things here. I
27 think we need a motion about porte-cochere and then we need a separate motion about carports if
28 we are going to make changes about that otherwise we are mixing apples and oranges here. I
29 think we ought to finish our motion with porte-cochere and then address carports.

30
31 Commissioner Lippert: All that I am suggesting is that as part of this motion we just say that
32 carports are completely open on three or more sides do not count as floor area and will be
33 defined during our discussion of carports and garages.

34
35 Commissioner Holman: But what our motion is is to address the definition of porte-cochere. So
36 we can't address carports in the definition of porte-cochere.

37
38 Vice-Chair Cassel: Let's keep it simple then we can go back and do that. We'll do one and then
39 we will do the next.

40
41 Chair Griffin: So then we will have a motion on one of the items and we will deal with porte-
42 cocheres on this motion now.

43
44 Vice-Chair Cassel: Then we can make another motion right after it.

45
46 Chair Griffin: Then let's clean that up then. Maker?

1 Vice-Chair Cassel: You want me to redo it? Okay. We are going to define porte-cochere, we
2 are going to add three or more sides open or erected over a driveway into that first sentence,
3 adjacent to a residence, not used for required parking, it should count towards the lot coverage
4 and it meets the other definitions that need to be met for height and daylight plane and all those
5 other good items, standard setbacks for porches.

6
7 Mr. Williams: That is understood but doesn't I don't think need to be in the definition.

8
9 Vice-Chair Cassel: No, it doesn't need to be in the definition it just needs to be...

10
11 Mr. Williams: Are you still excluding it from being used for required onsite parking?

12
13 Vice-Chair Cassel: Yes.

14
15 Mr. Williams: Okay.

16
17 Vice-Chair Cassel: Unless....

18
19 Mr. Williams: No, that's fine because I think I know where you are going with the carport thing
20 and so if it is used for that then it becomes a carport and if it is open on three sides then it is not
21 going to count.

22
23 Vice-Chair Cassel: Then we will just do the next one.

24
25 Chair Griffin: Secunder.

26
27 Commissioner Holman: I will still second that.

28
29 MOTION PASSED (5-0-0-2, Commissioners Bialson and Packer absent)

30
31 Chair Griffin: Can we vote this one then? All in favor of this smaller motion, Phyllis's, on
32 porte-cocheres say aye. (ayes) Opposed? That carries unanimously.

33
34 Now then the second motion on carports. Is there any interest in pursuing that and would you
35 like to make that motion?

36
37 MOTION

38
39 Commissioner Burt: Okay. I will make the motion that a carport, if I can recall what Curtis said
40 correctly, a carport that is fully open on three sides and Karen is pointing out the appropriate
41 definition section, let me make an attempt to say it the way we understood it and then we will
42 look at how it intertwines with the definitions that are already in Attachment C. So basically a
43 carport that is open on three sides would not count against floor area ratio. I believe it is as
44 simple as that, three or more fully open sides would not count against floor area ratio.

45
46 SECOND

47
48 Commissioner Lippert: I will second that.

1
2 Chair Griffin: Discussion?
3

4 Commissioner Burt: I will just say that from what I recall and what has been recaptured tonight
5 on what was the basis six or eight years ago for the change we made on carports I think that this
6 motion still addresses the issues that existed at that time and would not allow the sorts of
7 violations of the essence of the carport that brought about the changes that we did at that time. It
8 is a reasonable approach, I think.
9

10 Chair Griffin: Second.

11
12 Commissioner Lippert: I think we have said it all.
13

14 Chair Griffin: Karen.
15

16 Commissioner Holman: I have one question because this was an abuse before. Is there anything
17 that we can put not in the definition but is there anything that we can put elsewhere such that
18 fully enclosing these will not be subject to a variance for compliance? Is there any way that we
19 can, I don't know of any way we can do that, so what do you do if this happens? Is the City
20 really willing to, I am in support of the concept but I also don't want to leave ourselves open to
21 the abuses that we had before and is there anyway we can deal with that? I just don't want it to
22 end up where people come in for variances, get them and then it is like, okay, got that.
23

24 Ms. Grote: Well, Dan may want to weigh in on this as well. I don't think there is anything that
25 could prevent someone from applying for a variance, however, I don't think in most cases
26 variance findings would be able to be made. I don't know what the unique circumstances would
27 be and I don't think they could make a case for reduced property right or any of the other
28 findings. So I don't think that we could prevent them from applying but I also think it would be
29 very difficult to make findings after the fact.
30

31 Commissioner Holman: You are on record.
32

33 MOTION PASSED (5-0-0-2, Commissioners Bialson and Packer absent)
34

35 Chair Griffin: All in favor of Pat's motion say aye. (ayes) Opposed? That carries unanimously.
36

37 We are now at a good break point so let's take seven minutes.
38

39 It is now 20 minutes past nine and what we have still ahead on the agenda I would like to solicit
40 a motion from colleagues to continue the second item on Low Density to a date certain if you
41 have such a date. Staff.
42

43 **NEW BUSINESS:**

44 **Public Hearings.**
45

46 2. Zoning Ordinance Update: Low-Density Residential. Revisions to Low Density
47 Residential (R-E, R-2, and RMD) Zoning Districts, including the Neighborhood
48 Preservation (NP) Combining District. Commission's review and recommendation to the