TO:  HONORABLE CITY COUNCIL
FROM:  CITY MANAGER  DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT
DATE:  APRIL 11, 2005  CMR: 212:05
SUBJECT:  PRELIMINARY RECOMMENDATIONS FOR REVISIONS TO THE LOW DENSITY RESIDENTIAL (RE, R-2, AND RMD) ZONING DISTRICTS (CHAPTER 18.10 OF THE ZONING ORDINANCE)

RECOMMENDATION
Staff recommends that the City Council accept the Planning and Transportation Commission’s (PTC) preliminary recommendations to approve the attached revisions to the current RE, R-2 and RMD zoning districts, and to incorporate the revisions into the Zoning Ordinance Update (ZOU) as a single chapter (18.10) comprising all three districts and the Neighborhood Preservation (NP) Combining District.

BACKGROUND
ZOU staff presented the preliminary recommendations for the Low Density Residential (RE, R-2, and RMD) districts to the Council on October 4, 2004 (CMR 438:04) and March 14, 2005 (CMR 179:05). At the March 14 meeting, Council heard public testimony from approximately 55 speakers and continued the agenda items to April 11, 2005. There was no testimony that addressed proposed revisions to the Low Density Residential (LDR) districts. At the conclusion of this meeting, the Council closed the public Hearing and continued the item to April 11, 2005.

DISCUSSION
As outlined in the previous staff report, many of the revisions to the LDR zones, including changes to relevant definitions, mirror those made in the single family (R-1) zoning districts. Changes resulting from the discussion of applicable R-1 issues would also be reflected in the LDR chapter. In particular, the following issues in the LDR zones should be modified pursuant to the R-1 discussions:
- Second Stories on Substandard Lots
- Second Dwelling Units in R-2 and RE Districts
- Maximum Lot Sizes/Lot Mergers

Second Dwelling Units in R-2 and RE Districts
Staff is not recommending that the LDR Ordinance have a limit on the number of small (up to 450 square feet) second units allowed in a year. The staff recommendation for the five year limit is only for the R-1 Chapter. In the R-2 district, small units would be allowed for R-2 lots of 6,000 to 7,500 square feet and RE lots of 7,500 square feet to 1 acre in size. Because the LDR districts are essentially two-unit zoning, staff believes that provisions for small second units do not require limits in number of units per year. Staff will include development of new units in these zones as part of the annual reporting to the PTC and Council.
Potential for Adoption of a Stand-Alone LDR Chapter
The R-1 District (Chapter 18.12) is being presented to the Council as a stand-alone chapter that would be adopted ahead of the remainder of the ZOU to facilitate early implementation. The LDR Chapter (18.10) could similarly be adopted ahead of the rest of the ZOU, but would require some minor modifications to other sections of the Zoning Ordinance related to setback exceptions, accessory structures, etc. Staff will prepare an ordinance for review and hearing by the Planning Commission incorporating those additional changes, reflect any related changes made to the R-1 chapter and return to the Council for final action on Chapter 18.10 as soon as possible.

RESOURCE IMPACT
The implementation of the proposed ordinance amendments is not expected to impact staff resources or the City’s budget. Staff anticipates that the clarifications and reformatting of the regulations will result in an ordinance that is more readily accessible and understood by applicants and staff, with no increase in the time or resources required for staff review.

POLICY IMPLICATIONS
The Zoning Ordinance Update is intended to bring the Zoning Ordinance into compliance with the 1998-2010 Comprehensive Plan. Staff and the Commission believe that the proposed LDR Chapter amendments are a significant step in that direction, particularly to implement Housing Element programs regarding second units and preservation of existing housing, as well as policies to facilitate understanding of the Ordinance by the public, officials, and staff. A more detailed comparison of the revisions with the relevant Comprehensive Plan policies and programs is provided in the PTC’s August 11, 2004 staff report.

ATTACHMENTS
Attachment A: Low Density Residential Districts: Draft Chapter 18.10

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