TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND
COMMUNITY ENVIRONMENT

DATE: OCTOBER 4, 2004

CMR: 438:04

SUBJECT: PRELIMINARY RECOMMENDATIONS FOR REVISIONS TO THE LOW DENSITY RESIDENTIAL (R-E, R-2, AND RMD) ZONING DISTRICTS (CHAPTER 18.10 OF THE ZONING ORDINANCE)

RECOMMENDATION
Staff recommends that City Council accept the Planning and Transportation Commission’s preliminary recommendations to approve the attached revisions to the current R-E, 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
On April 11, 2004, the Planning and Transportation Commission (P&TC) reviewed and discussed preliminary recommendations regarding proposed uses, standards, and issues related to the three Low Density Residential (LDR) districts, along with the Neighborhood Preservation Combining District. On August 4, 2004, the P&TC recommended to the Council approval of a stand-alone chapter of the Zoning Ordinance to encompass regulations for the R-1 districts and subdistricts (a separate item on this agenda). Many of the revisions to the LDR zones, including changes to relevant definitions, had already been addressed during the R-1 deliberations, so the process was much less complex for these zones.

ZOU staff met with the Commission’s LDR Working Group to discuss the proposed changes prior to meeting with the full P&TC. ZOU staff also met with Current Planning staff to review potential changes to the ordinance. Revisions to the R-1 ordinance were incorporated where pertinent into the LDR chapter as well.

DISCUSSION
The revised ordinance (Attachment A) reflects the changes recommended by the P&TC. Revisions from existing ordinance language and requirements are highlighted in a strikethrough/underlined format. Also included is a Summary of Key Revisions (Attachment B) that outlines all of the changes from current requirements and highlights...
those areas where changes are different than those already discussed and recommended in
the R-1 chapter. The P&TC staff report (Attachment C) provides more detailed
background and discussion on the key issues. The P&TC minutes from August 11, 2004
are also included as Attachment D. A summary of the number of lots (and lot sizes) in
each of the zones is provided in Attachment E.

**Planning and Transportation Commission Action**

The P&TC agreed with most of staff’s proposed revisions without modification. Outlined
below are a list of those items approved as presented followed by discussion of two
issues where the P&TC further modified the proposed ordinance provisions.

1. **Consensus Revisions by P&TC**

   The following suggested staff revisions for the LDR chapter were approved by the
   Commission with little or no changes (P&TC vote is shown for each item):

   a) Incorporation of the Neighborhood Preservation (NP) Combining District
      into the LDR chapter, since it applies only to the RMD District (7-0 vote).
   b) Revised criteria for substandard lots in the R-2 District, similar to those for
      R-1, to allow second stories, subject to Individual Review, and to increase
      site coverage to 40% for two-story development (6-1 vote).
   c) Revised standards for flag lots in the R-2 District to allow a 10 foot front
      setback, rather than the current 20 foot setback requirement (7-0 vote).
   d) Increased allowance of 40% site coverage for single-story development in
      the R-2 District, to better accommodate single-story structures (7-0 vote).
   e) Allowance for small (450 square feet or less) second units in the R-2
      District on lots of 6,000 to 7,500 square feet, consistent with R-1 lots of
      that size (6-1 vote). Second units would still have to meet all setback and
daylight plane requirements of the R-2 District.

2. **Maximum House Size in the RMD District**

   The P&TC (7-0 vote) added a requirement for a maximum house size of 6,000
   square feet in the RMD District. Currently, there is such a requirement for the R-E
   and R-2 Districts, but not in the RMD. While the chance of having a lot large
   enough to accommodate such a residence is highly unlikely, the Commission
   preferred to limit the RMD accordingly. The restriction would only apply to
   single-family residences, not to duplexes, which are also an allowable use in the
   RMD District.
3. Second Units in the R-E District

The P&TC was concerned that staff’s proposed second unit maximum size (1,200 square feet) in the R-E District was too large but that additional opportunity exists for second units on lots smaller than one acre. The Commission voted (7-0) to retain the maximum 900 square foot second unit size in R-E and to allow small second units (450 square feet or less) on lots smaller than one acre in size, but larger than 7,500 square feet.

The P&TC was also concerned with staff’s proposal to allow second story second units in the R-E District, since there is no discretionary review process available comparable to the Individual Review process for R-1. The Commission referred this issue back to the LDR Working Group for consideration. The Working Group (Commissioners Cassel, Holman and Burt) met on September 1, 2004 and unanimously recommended limiting detached second units to 17 feet and one story, as is the current requirement. They also recommended that parking for second units be maintained outside of the front setback. The draft ordinance reflects the Working Group’s recommendation on these issues.

The P&TC also discussed whether there is a need for some enhanced standards or review process for single-family homes in the R-E zone, but referred that issue to the Working Group as well. The Working Group’s decision at this time is to consider the issue upon its review of the Open Space (OS) district and to determine if some of the guidelines of that zone are appropriate to apply to R-E as well. If so, those would be incorporated into the final version of the ZOU.

Potential for 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.). If the Council so directs, staff would prepare an ordinance for review and hearing by the Planning Commission incorporating those additional changes and return to the Council for final action to make Chapter 18.10 effective 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
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 P&TC’s August 11, 2004 staff report.

NEXT STEPS
The Zoning Ordinance Update work program has involved intense efforts in several key areas in the past months, including:

• Recommendation by the Planning Commission of a stand-alone R-1 chapter of the ordinance, also scheduled for the Council’s October 4, 2004 meeting. This review included revisions to second unit requirements, modifications required to implement adopted Housing Element policies and programs, a few remaining R-1 issues not resolved in the Single Family Neighborhoods discussions in 2001, and modifications to the Individual Review and Home Improvement Exception processes.

• Recommendation by the Planning Commission of updated recommendations for the Office Research and Industrial zoning districts, also scheduled for discussion by the City Council on October 4, 2004.

• Extensive review of the “context-based design” (form code) components of the Ordinance, especially the development of graphics and standards for multi-family, village residential, mixed use, and transit-oriented development. The design consultants presented a “context-based design” format to the P&TC on July 28, 2004, and on August 25, 2004 followed with a review of some of the basic criteria under consideration for village residential and mixed-use development. A presentation of the format to the Council will be scheduled in the fall.

• Evaluation of possible revisions to the City’s parking criteria, including parking ratios, shared parking potential, and parking lot design. Staff has worked with a parking consultant and a Working Group of the P&TC to develop initial recommendations for revisions to the Parking chapter of the Zoning Ordinance. An initial approach to parking for the new land use types is in process. Some preliminary concepts were presented to the P&TC on September 1, 2004 and staff will refine the
chapter with the Working Group. A revised Parking chapter will be presented to the Commission in late October.

The LDR Chapter of the ZOU will be revisited upon development of all of the other chapters of the Ordinance. Alternatively, the Council may direct staff to develop an ordinance to implement the LDR Chapter ahead of the remainder of the ZOU. Such an effort would likely result in Council consideration of the ordinance in November or December of 2004. Otherwise, the proposed project is scheduled to result in a draft ZOU for distribution by January 2005. Public hearings would then follow and are anticipated to take another three to six months.

ATTACHMENTS
Attachment A:  Low Density Residential Districts: Draft Chapter 18.10
Attachment B:  Summary of Key Revisions
Attachment C:  August 11, 2004 Planning and Transportation Commission Staff Report
Attachment D:  August 11, 2004 Planning and Transportation Commission Minutes
Attachment E:  Table of Lot Sizes for R-E, R-2, and RMD Districts

COURTESY COPIES

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