TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING & COMMUNITY ENVIRONMENT

DATE: SEPTEMBER 26, 2005

CMR: 389:05

SUBJECT: ZONING ORDINANCE UPDATE: RECOMMENDATION BY THE PLANNING AND TRANSPORTATION COMMISSION FOR CITY COUNCIL 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.

RECOMMENDATION
The Planning and Transportation Commission (PTC) recommends that Council adopt an ordinance (Attachment A) to amend to the Low Density Residential definition of “gross floor area” and related reference in the Single Family Residential Chapter to limit the exclusion for carports that are completely open on three or more sides to 200 square feet.

As an alternative for Council consideration, staff’s recommendation to the PTC was to amend the Low Density Residential definition of “gross floor area” and related reference in the Single Family Residential chapter, eliminating the floor area exclusion for carports that are completely open on three or more sides.

DISCUSSION
On August 8, 2005 Council directed staff to return to the Planning and Transportation Commission to review a proposal to remove the exclusion of carport area completely open on three or more sides from the calculation of gross floor area for a single family home. The Planning and Transportation Commission heard the item on August 31, 2005 (Attachment B: PTC staff report and Attachment C: PTC meeting minutes).

COMMISSION REVIEW AND RECOMMENDATION
Public testimony presented at the PTC meeting was both in favor and in opposition to the recommendation to completely recall the gross floor area exclusion for carports. Some speakers recommended a limitation while others preferred eliminating the carport exclusion altogether before more problems surface. Other speakers felt the potential code
enforcement problems were not sufficient reason to recall the open carport floor area exclusion. The Commission received similarly mixed correspondence (Attachment D) in opposition and in favor of the existing completely open on three or more sides carport floor area exclusion. Included with this PTC correspondence was a letter that included as attachments many emails that were previously submitted to Council for the August 8 discussion of the colleagues memo. Staff has included with this report those emails that Council did not previously receive. Many of these attached emails do not relate specifically to the carport gross floor area exclusion under discussion. The attached correspondence (Attachment D) also includes a petition supporting the carport floor area exclusion and several letters on both sides of the issue that were submitted at the PTC meeting.

The Commission discussed the original intent of the exclusion as being to add some flexibility for these smaller structures, which, as being completely open, do not add mass to a site. It was not anticipated that larger, 2 to 3-car carports would be built to utilize this floor area exclusion. Some Commission Members did still see a potential code enforcement problem. After some discussion, a motion to support the staff recommendation (of counting all carports toward gross floor area) was not seconded. Instead, the Commission passed on a 4-2-0-1 vote a motion to limit this exception on carports that are completely open on three or more sides to a maximum of 200 square feet per lot. Carport area (for carports that are open on three or more sides) beyond this would be counted towards the calculation of gross floor area. Carports that are enclosed on more than one side and garages would continue to count toward gross floor area.

**RESOURCE IMPACT**

The implementation of the proposed ordinance amendments is not expected to impact staff resources or the City’s budget. Some time will also be required to educate staff and the public regarding the revision.

**POLICY IMPLICATIONS**

The Zoning Ordinance Update is intended to bring the Zoning Ordinance into compliance with the 1998-2010 Comprehensive Plan.

**ENVIRONMENTAL REVIEW**

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. The Comprehensive Plan Environmental Impact Report (EIR) was certified by the City Council on July 20, 1998. The Addendum to the Comprehensive Plan EIR was adopted by the City Council on December 2, 2002 with the update to the Housing Element policies and programs.

**PREPARED BY:**

JOHN LUSARDI
Planning Manager
DEPARTMENT HEAD: ____________________________
STEVE EMSLIE
Director of Planning & Community Environment

CITY MANAGER APPROVAL: ____________________________
EMILY HARRISON
Assistant City Manager

ATTACHMENTS
Attachment A: Ordinance
Attachment B: P&TC August 31, 2005 Staff Report with Attachments
Attachment C: P&TC August 31, 2005 Meeting Minutes
Attachment D: Correspondence submitted for P&TC meeting
Attachment E: Correspondence received by Planning Staff prior to CMR distribution