

Agenda Report

TO: CITY COUNCIL

DATE: MARCH 6, 2006

FROM: CITY MANAGER

SUBJECT: FLOOR AREA RATIO ADJUSTMENT FOR "FLAT LOTS" IN THE HILLSIDE OVERLAY DISTRICT

RECOMMENDATION

It is recommended that the City Council:

1. Acknowledge the Initial Environmental Study and Negative Declaration approved by City Council on December 5, 2005;
2. Approve an amendment to Section 17.29.080 of the Zoning Code, related to floor area ratio calculations on flat lots in the Hillside Overlay District (Attachment A) with the recommended criteria included in the Agenda Report; and
3. Direct the City Attorney to prepare an ordinance that establishes criteria to allow adjustments to floor area ratio for flat lots and return within 60 days.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed floor area ratio adjustment as part of the overall Hillside Rezoning Study on September 21, 2005. Following public testimony, the Planning Commission recommended approval of the Hillside Rezoning Study with the proposed floor area ratio adjustment. The vote on this action was 5-2 in favor of the staff recommendation.

BACKGROUND

In order to provide an option for flat lots in the Hillside District, the City Council requested that staff research potential modifications to the Hillside Overlay District. Staff recommended a proposed modification to Chapter 17.29 of the Zoning Code that would enable the Hillside Development Permit process to be used to allow additional floor area on lots that meet certain characteristics. At the City Council meeting of January 23, 2006 the City Council asked how the proposed adjustment would impact several specific lots and requested that staff recommend criteria that could be applied when considering a request for additional floor area. Additional information on the impact of the adjustment on specific lots is shown in the table on page 2 and the recommended criteria to be met prior to approving such an adjustment are listed on page 3.

ANALYSIS

Within the Hillside Overlay District, there are numerous individual lots or small areas that are considered flat (less than 15% average slope) and do not exhibit hillside traits. Nearly all of these areas are zoned either RS-4-HD or RS-6-HD. Lots in these zones tend to be smaller in size than the RS-1 or RS-2 zones. Because developable area is a function of lot size, the allowable building area for these lots is more affected by floor area ratio requirements. Regardless of slope, hillside lots are subject to more stringent development standards, discretionary review requirements, submittal of technical studies and topographic information, and potential conditions of approval. The floor area ratios in the RS-4 and RS-6 HD areas are 5 to 7.5% less than in the non-hillside areas (e.g. 25% vs. 30% of the lot size). For example, a "flat land" floor area ratio on a 10,000 square foot lot would allow 3,500 square feet to be built. A lot in the RS-4 HD zone (25% + 500) would allow 3,000 square feet, a difference of 500 square feet. As the lot size increases, the difference between the allowable floor area increases. This is consistently mentioned by applicants as a significant reduction.

Under the proposal, if a lot was verified to have an average slope of less than 15%, a Hillside Development Permit could include a request for an adjustment to the floor area requirements, up to the permitted floor area of the base zone. This would be an increase in floor area of between 5 and 7.5% under current zoning requirements. The project would be subject to all other requirements in the Hillside Overlay, including height, view protection, neighborhood compatibility, etc. Further, a public hearing would be held and the neighborhood notified of the proposal. The text of the proposed change is included as Attachment A. The following table shows the impact of the adjustment on two specific lots. Following the table, several potential guidelines are provided for consideration.

	Lot 1	Lot 2
Lot Size	12,000	12,006
Floor Area Ratio allowed	3,500 s.f.	3,501 s.f.
Existing Home	2,901 s.f. (per owner)	2,528 s.f. (per assessor)
Existing Garage	567 s.f. (per owner)	400 s. f. (per permit)
TOTAL	3,468 s.f.	2,928 s.f.
Current FAR allowed	3,500 s.f.	3501 s.f.
Remaining floor area available on lot	32 s.f.	573 s.f.
FAR under proposed amendment	4,100 s.f.	4,101 s.f.
Remaining floor area available on lot under proposed amendment	632 s.f.	1,173 s.f.
Slope Reduction	n/a (under 15% average)	n/a (under 15% average)
Neighborhood Compatibility (no garage)	70 lots within radius. 3,412 s.f. allowed	68 lots within radius. 3,492 s.f. allowed
Allowed floor area (no garage) to meet compatibility guideline	511 s.f.	964 s.f.

Criteria to Approve a Floor Area Ratio Adjustment

To recommend approval of an adjustment to floor area ratio for flat lots in the Hillside, all of the following criteria must be met. In no case could floor area exceed that of the base zone.

- Compliance with the remainder of the Hillside Ordinance development standards (i.e. no Variances to the Hillside Overlay District).
- Compliance with the tree protection ordinance.
- Project meets the Neighborhood Compatibility requirements of the Hillside Ordinance as approved by the review authority.

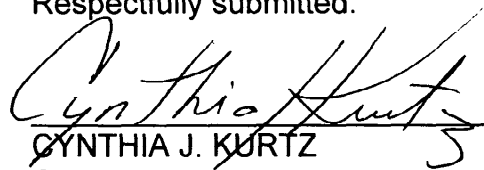
ENVIRONMENTAL DETERMINATION

An Initial Environmental Study and a Negative Declaration was approved for this project. The proposed code amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Initial Study was completed on August 31, 2005. The public review period for the environmental documentation was from August 31, 2005 through September 21, 2005. Comments on the environmental analysis may also be received at the public hearing.

FISCAL IMPACT

The proposed modification to the Zoning Code would not change the process of collecting building fees and development impact fees.

Respectfully submitted:


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City Manager

Prepared by:


Jason Kruckeberg
Senior Planner

Approved by:


Richard J. Bruckner
Director of Planning and Development

Attachments

A. Zoning Code Amendment

ATTACHMENT A

The following is a proposed amendment to the text of the Zoning Code (Chapter 17 of the Municipal Code). This correction would be added to the Hillside Ordinance, under the Hillside Development Permit regulations.

Section 17.29.080.J – Floor Area Ratio Adjustment for Flat Lots

Through the Hillside Development Permit process, lots in the RS-4-HD and RS-6-HD zones with an average slope of less than 15% may apply for an adjustment to the floor area ratio requirements for their lot. If approved, the maximum permissible floor area ratio for such lots is the same as the base single family non-hillside zones (30% of lot size + 500 square feet).