

Docket Item #12
Text Amendment 2006-0003
INTERIM INFILL REGULATIONS

Planning Commission Meeting
June 6, 2006

ISSUE: Consideration of a text amendment to add interim infill regulations to the zoning ordinance.

STAFF: Department of Planning and Zoning

PLANNING COMMISSION ACTION, JUNE 6, 2006: On a motion by Mr. Komoroske, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the proposed text amendment with the following changes to Section 7-1002(C):

- (C) For the purposes of this section 7-1002, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or where the distance between streets as specified above is less than 200 feet or where the number of buildings is greater than 15 or where the distance between streets as specified above is greater than 600 feet, the director may designate an appropriate block for purposes of calculating front door threshold height without regard to intersecting streets subject to an administrative protocol similar to that applied in substandard lot cases, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-1002.

The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

Reason: The Planning Commission agreed with the staff's analysis.

Speakers:

Katy Cannady, 20 East Oak Street, spoke in support of the proposed text amendments. She indicated that changes that quantified requirements with numbers were preferable to subjective criteria. She also indicated that taller homes should be required to set back further from the street and that lot coverage standards should be looked at.

Poul Hertel, 1217 Michigan Court, spoke in support of the proposed text amendments and indicated that staff should look at requirements that addressed how much volume of building could be placed on a lot.

TA #2006-0003
Interim Infill Regulations

Ellen Pickering, 103 Roberts Lane, questioned as to how interim regulations could be enforced and was advised that these regulations would be permanent until changed by the City Council and would be enforced in the same manner as other code requirements.

Amy Slack, 2307 East Randolph Avenue, announced that the Del Ray Civic Association would be meeting on Monday, June 12 and that Eileen Fogarty would be discussing the infill issue at this meeting.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of the proposed text amendment to add interim infill regulations to the zoning ordinance.

PROPOSED TEXT CHANGES:

1. *The following changes are proposed to ensure that new single family, two-family and townhouse residential buildings and alterations are similar in scale to existing development pattern.*

Sec. 7-1002 Residential setback and front door threshold height in line with existing development.

- (A) Unless a different rule is specified for average setbacks, wherever the major portion of a block is developed, and the majority of the buildings built on one side of a street between two intersecting streets or between one intersecting street and a street dead end have been built with a different minimum setback than prescribed for the zone in which such buildings are located, no residential building hereafter erected or altered shall project beyond the minimum setback line so established; provided, that no dwelling shall be required to set back a distance more than ten feet greater than the setback required by the regulations of the zone in which it is located.
- (B) Whenever the major portion of a block is developed, no front door threshold of a single family, two-family or townhouse residential building erected or altered after [effective date] shall exceed the average height of the front door threshold of the residential buildings built on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent; provided, that additional front door threshold height may be permitted if a special use permit is approved pursuant to section 11-500 of this ordinance, and city council determines that the proposed construction will not detract from the value of and will be of substantially the same residential character as adjacent and nearby properties.
- (C) For the purposes of this section 7-1002, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or less than 200 feet or greater than 15 or 600 feet, the director may designate an appropriate block for purposes of calculating front door threshold height without regard to intersecting streets subject to an administrative protocol similar to that applied in substandard lot cases, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-1002.

2. *The following additional language is added to clarify and amplify the requirement that new subdivision lots be “in character” with the remainder of the subdivision.*

Sec. 11-1710(B) No lot shall be resubdivided in such a manner as to detract from the value of adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision. In determining whether a proposed lot is of substantially the same character for purposes of complying with this provision, the Commission shall consider the established neighborhood created by the original subdivision, evidence of which may be shown by (1) subdivision plat documents, including amendments to the subdivision over time, as well as the development that has occurred within the subdivision; and (2) land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

Note: New text is underlined; deleted text is shown with ~~strikeout~~.

DISCUSSION

The proposed regulatory changes are interim rules to protect neighborhoods from overly large new houses and additions. They focus on the height of door thresholds in new residential construction, as well as on the subdivision of land for new homes. Additional regulatory suggestions will be recommended after additional study about how different rules affect individual neighborhoods, and determines, with the community, the best long term solutions to the thorny infill problem.

BACKGROUND

In March 2006, the Planning and Zoning staff, presented a series of preliminary findings and recommendations on residential infill development at a work session with the Planning Commission. Those findings included:

- Alexandria's older residential neighborhoods are a critical component of the City's identity and therefore it is critical that their character be maintained.
- When houses are built that are out of scale and character with a neighborhood, the impact on a neighborhood can be severe and especially traumatic for immediate neighbors.
- The design of new homes and building additions is the single most important factor in the success of new construction.
- The loss of open space, green areas, and trees, can be as harmful as the size of new residential buildings.
- Alexandria's zoning ordinance and review process has long included attention to the specific details of infill development.
- The City's decision makers – the Planning Commission, Boards of Architectural Review, Board of Zoning Appeals and City Council – all do a very good job of deciding individual cases, with extensive attention to the nuances of development and its effect on the surrounding neighborhood.
- It would be unwise to require discretionary review for every new or expanded single family home.
- Some of the City's regulatory tools that apply to infill situations can be improved to make the City's approach better, fairer, clearer, and more sensitive to neighborhood character issues.

Staff made the following specific recommendations, several of which require additional time and study:

1. Interim zoning regulations should be adopted to protect neighborhoods over the short term;
2. A series of difficult regulatory issues should be analyzed closely, in a serious, lengthy, and community-interactive study as part of the department's 2007 work program, with the goal of bringing forward amendments to the zoning ordinance, including:
 - ▶ floor area ratio
 - ▶ average building height
 - ▶ steep slope restrictions
 - ▶ subdivision regulations
 - ▶ lot coverage limitations; and
 - ▶ overlay zones
3. The City should consider creation of a residential conservation design pattern book, similar to Norfolk's, with design guidelines for builders, architects, and civic associations on infill projects.

In response to the Planning Commission's understandable concern about the infill issue, and its direction that staff address the matter as expediently as possible, staff is bringing forward now a series of recommended interim amendments to the zoning and hopes to complete more work over the summer, so that additional zoning amendments can be brought forward in the fall.

PROPOSED INTERIM INFILL REGULATIONS

The proposed interim zoning amendments focus on the height of the front door threshold for single family, two-family and townhouse dwellings. The interim regulations compare the height of the new front door threshold to the remaining homes on the same block. In addition to height issues, staff addresses the loss of land from subdivision, and is recommending revisions to the subdivision regulations in order to clarify how lots are determined to be "in character" with their surroundings.

1. Height of residential structures

There are many ways that buildings can be built so that the result is not in harmony with existing houses in an established neighborhood. Buildings may be larger and more massive, in size. They may be located on more or less land than others. They may be placed on a lot too close to their neighbors or too close or too far from the street. Their design may be incongruous with the style of nearby construction. They may include more paving for more cars on the lot. They may remove established green areas and trees. Each of these aspects of development is now addressed in a variety of existing zoning and city code regulations.

However, of all the aspects of building that affect the way new construction is compatible with existing buildings, staff found that the single most striking aspect of disharmony on an established block is *height*. Although already governed by a series of zoning regulations, when residential construction takes advantage of the maximum heights that are permitted, the result can be a house that towers over other houses on the block that were built long ago but not to the maximum zoning height allowed.

Staff is evaluating changes to height regulations for new and existing single family, two-family and townhouse dwellings. One possible change would be to limit the height above the average height of dwellings on a blockface, with additional height allowed only with a Special Use Permit. For example, where the average height of dwellings on a blockface is one story, should a SUP be required for a relatively small change in height (i.e. 5 feet) or should additional height up to a certain number of feet be allowed. A five foot change in height for a 15 foot high dwelling would amount to a 33 1/3 percent change, a seemingly significant change, yet one that may not have as significant an impact on a neighboring property as a 10 foot change in height.

SUP for 20% increase in height of the front door threshold

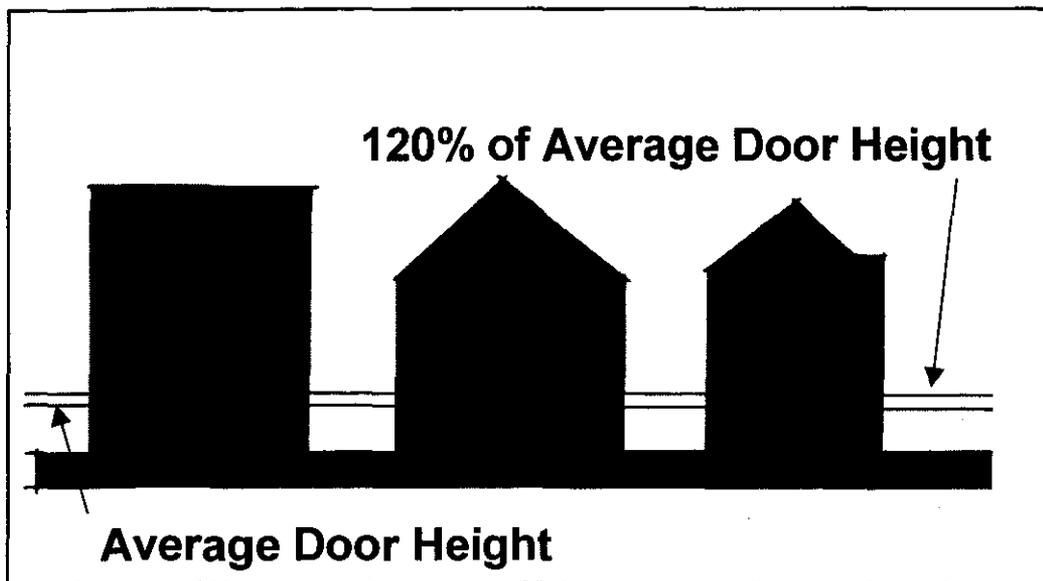
Many new houses have increased the height of the front door threshold, throwing off the pattern of front elevations on a block, and adding to the perception of larger, out of scale, buildings. In some instances, it is a new and taller basement that increases the height of the first floor of the house. In many cases, there are extensive and tall front steps, out of character with other front entrances on the street.

Therefore, as part of the interim infill regulatory approach, proposed section 7-1002(B) would require the front door threshold to be less than 20% higher than the average height of other front door thresholds on a blockface, otherwise a SUP would be required. In other words, without SUP approval, the height of the bottom of the front door may not be more than 20% taller than the average height of the bottom of front doors on the remaining houses on the block. Height will be measured from the average finished grade on the lot.

Again, in special circumstances, or where there are design solutions to allow taller front door thresholds without upsetting the built harmony of an established block, then the required SUP could be approved to allow the increased door height. On the other hand, the SUP requirement allows the City to deny a proposal where the excessively tall front door is harmful to the character of the block or the values of adjacent properties.

The proposed amendment creates a burden on homeowners and developers in that to establish the height of the new construction relative to the existing buildings requires measurement and calculations not now required of applicants for residential construction. A surveyor will have to be hired to measure the height of each house on the block and calculate the relation of the new construction to them. Planning and Zoning staff will be required to review building permit

applications differently and alert applicants to the new rules and requirements. The surveyor's findings, signed and sealed, will typically be conclusive; where there is reason to question the results, staff will verify them in the field. In addition to field checking, staff will require training and preparation, and will prepare a worksheet for counter staff, applicants and their surveyor so that everyone understands how the rule works, which properties require measuring, and how height is measured. The new regulations, and an SUP application, if one is filed, will add to the time it takes to achieve approval of new residential construction.



Block determination

With any infill regulation, where new construction is compared to an existing area, there is always the need to define with precision that area – the neighborhood, the block, the blockface, the group of houses – with which the proposal is to be compared. The proposed regulations work from existing law in section 7-1002, which defines the relevant area as a block, i.e., one side of a street between two intersecting streets (or between one intersecting street and a street dead end). Only those blocks which have a major portion (more than half) of the block already developed are included; blocks without more than half in development are excluded from the rule.

Section 7-1002(C) addresses the not uncommon situation in Alexandria where the block in question is smaller or larger than a typical block. Working with typical block figures derived from the extensive work that took place on substandard lots, the minimum and maximum figures are similar to those used to determine a “blockface” for substandard lot purposes. Although the substandard lot analysis uses a “block face” definition (section 2-122) which includes two sides of the street, staff has chosen to work here with the existing rule under section 7-1002 for setback which is based on a comparison with other houses on only one side of the street, for both ease and consistency and

because the major negative impact from radical height increases is experienced by the adjacent houses on either side. Nevertheless, as to the number of houses on a block, extrapolating from the substandard lot “blockface” provisions is helpful.

As with substandard lot analysis, section 7-1002 (C) directs that the Director of Planning and Zoning make a determination of the relevant “block” for comparison purposes when a typically sized block is not present. It also recognizes the helpful protocol developed to deal with Director determinations under section 12-402(D) (attached) with regard to substandard lots, and requires that a similar protocol be used for “block” purposes under section 7-1002.

These complex rules and protocols are already partially in place, and one of the reasons staff chose the language above for interim regulations.

2. Subdivision Character

The subdivision regulations are found at section 11-1700 of the zoning ordinance, and include a series of technical requirements for plats, a requirement that the subdivided lots comply with zoning, and several requirements for access. Each of these requirements helps assure that new lots for construction are similar to traditional Alexandria neighborhood homes, with houses facing public streets, adequate room for parking, and enough size to accommodate a house that meets zoning.

In addition to the technical requirements, the subdivision regulations also recognize the importance of maintaining neighborhood character, at least as regards the original subdivision for the area. At section 11-1710(B), the zoning ordinance provides that resubdivided, new lots must be of “substantially the same character” as other land within the “subdivision,” and especially as to “similarly situated lots” within “adjoining portions of the original subdivision.” This regulation, long a part of Alexandria’s subdivision regulations, seeks to maintain neighborhood integrity by proscribing lots that would be so large, so oddly shaped, or so positioned, as to detract from a neighborhood’s character.

Working with the existing language in section 11-1710(B), staff is proposing additional text to help clarify what is meant by character and what land area is relevant to the question. Specifically, the proposed amendment allows the “original subdivision,” with which the new lots are to be compared, to be shown not only by the original plat documents, but also by amendments to them, as well as by historical development within the subdivision, in order to bring the original land division up to date with current platted and development conditions. In addition, the new language would allow consideration of land beyond the original subdivision boundaries, provided it is “land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.” This language thus provides for a more general neighborhood consideration, where the boundaries of the original subdivision cut off pertinent but similar character-defining land areas.

This provision does not deal with the design or even character of the buildings proposed for the new lots that are the subject of the subdivision application. The new language deals only with the division of land and the resulting lots. Staff believes the new language will, however, make difficult subdivision cases less difficult, and the resulting development they bring more compatible with an established neighborhood character.

3. *Long Term Infill Solutions*

These interim regulations provide quick solutions for the City, and should address the most critical infill cases in the short term. If approved now, they will be in place while staff continues its work on the infill issue, and conducts the necessary outreach and analysis for additional long term measures. The Director of Planning and Zoning has met this spring with several neighborhood associations to discuss infill, including Northridge, Del Ray and Rosemont, where the proposed interim regulations received positive support. Staff anticipates that additional work will be done this summer, with neighborhood meetings in the early fall, on the following specific concepts:

- removing the below 7'6" exclusion from the definition of floor area for FAR purposes.
- requiring that tear downs on substandard lots receive SUP approval in order to build a new house, treating these cases in the same way as other substandard lot developments are now.
- designing steep slopes regulations, and determining exactly which zones and which grades should be treated and how.

Staff anticipates that it will bring forward zoning amendments on some or all of these concepts sometime in the fall, 2006. In addition, staff intends to study the following in even greater detail, with more extensive and more neighborhood specific analysis during fiscal 2007:

- Overlay zones; and
- Architectural neighborhood pattern handbook.

CONCLUSION

Staff recommends approval of the proposed interim infill zoning changes, while it proceeds to work on the above longer term solutions.

Attachments: 1) Section 12-402(D) of the Zoning Ordinance
2) Staff Guidance Memo #14, July 14, 1993; reissued January 4, 1995. *Criteria to be used in Determining Block Face in Evaluating Qualification of Substandard Lots for SUP.*

STAFF: Eileen Fogarty, Director;
Richard Josephson, Deputy Director;
Hal Phipps, Division Chief, Land Use Services;
Peter Leiberg, Zoning Manager;
Valerie Peterson, Urban Planner.

§ 12-400

ALEXANDRIA ZONING CODE

adequate supply of light and air to adjacent property, will not diminish or impair the established property value in the surrounding areas, and will be compatible with the existing neighborhood character.

- (D) Where the location of a substandard lot is such that the minimum number of lots or the minimum length of street frontage herein specified for a block face as defined in this ordinance is not present, the director may designate an appropriate block face for such substandard lot, if any there be, without regard to intersecting streets, subject to city council approval as part of the special use permit granted pursuant to this section 12-402. Where the street frontage, on either side of a street, within a block face contains more than 30 lots or is greater than 1,200 feet in length, as measured along the front lot lines, the director shall designate an appropriate block face comprised of the closest and most appropriate 30 lots or 1,200 feet lot frontage, whichever is less, on each side of the street, subject to city council approval as part of the special use permit granted pursuant to this section 12-402.

12-403 Nothing in this section 12-400 shall be deemed to authorize city council to approve a special use permit under the provisions of this section for a development which would exceed the maximum floor area ratio, density or height regulations of the zone or zones in which such development is located, or the maximum floor area ratio, density or height regulations otherwise provided in this ordinance.

12-404 In approving a special use permit under this section for a substandard lot meeting the requirements of section 12-401 or 12-402, city council may modify the minimum yard, coverage or other minimum requirements imposed by this ordinance, for the zone or zones in which the lot is located, or otherwise applicable to the lot or the development thereof, if the council determines that such a modification is necessary or desirable to develop the lot in conformity with the approved special use permit, and that such modification will not be detrimental to the public health, safety and general welfare.

12-405 From and after September 16, 1989, the remedy and procedure provided in this section 12-400 shall be exclusive remedy and procedure for the use and development of substandard lots in the zones herein designated, and any use or development of such lots in a manner not herein provided for and authorized shall be conclusively presumed to be contrary to the public interest and contrary to the intended spirit and purpose of this ordinance.

**Staff Guidance Memo
No. 14**

Subject: Criteria to Be Used in Determining Block Face in
Evaluating Qualification of Substandard Lots for Sup

Zoning Ordinance Section: 12-402(D)

Issue Date: July 14, 1993

Reissued: January 4, 1995

From: Sheldon Lynn, Director *SL*
Department of Planning and Zoning

Section 12-402 (D) states that where the minimum number of lots (10) or the minimum length of street frontage (400 feet) is not present, the zoning ordinance provides that the Director of Planning and Zoning may designate an appropriate block face for determining the qualification of a substandard lot to be considered by the Planning Commission and Council for approval with a SUP.

The Director's determination of the appropriate block face will be guided by the factors (several of which were suggested by City Council) listed below in order of priority:

Factors to be Used (In Order of Priority) in Determining Block Face
(See attached diagram)

- 1st Lots on the same block face as the subject lot and lots on the block face across the street from the subject lot
- 2nd Other lots on the same block touching the subject lot
- 3rd Lots on the same street within line of sight of the subject lot (i.e. the mid point of the front lot line)
- 4th Lots on the same block as subject lot but within line of sight of rear lot line of the subject lot
- 5th Lots on the same street as the subject lot located in adjacent blocks

In determining what lots shall be used in determining the appropriate block face, staff shall use all residential properties described by factor priority until there are 10-20 lots.

The purpose of these criteria is to make the determination of substandard lot as objective a process as possible. Staff will not "gerrymander" the lots in order to achieve a desired result.

If the results of this analysis are not as desired, the appropriate response is to ask City Council to change the zoning text or to modify the criteria used by staff in substandard lot determination.

Attachment: Substandard lot diagrams

This memo is for staff purposes only and is subject to change. The public should not rely on it. To receive a binding opinion, an application for a formal interpretation is required.

SUBSTANDARD LOT

MID BLOCK LOT

5	5	5	5	5	5

4	2	2	2	4	
1	1	X	1	1	1

5	5	5	5	5	5

5	5	5	5	5	5

1	1	1	1	1	1

3	3	5	5	5	5

CORNER LOT

					1
5	5	5	5	5	1

2	2	4			
X	1	1	1	1	1

5	5	5	5	5	5

5	5	5	3	3	1

1	1	1	1	1	1

5	5	5	5	5	5

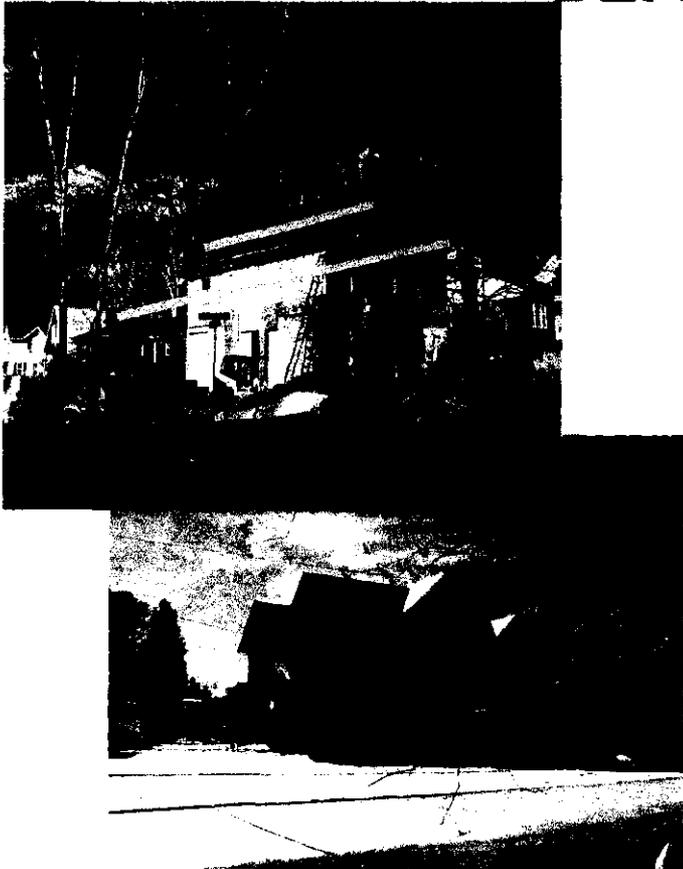


SUBJECT LOT

**NUMBERS ILLUSTRATE
CRITERIA IN ORDER
OF PRIORITY**

Infill Development

DEFINING THE ISSUE IN ALEXANDRIA



- Neighborhood is under-built for zoning
- Additions *comply* with R-8 zone; only building permits required

BUT

- Out of scale with neighbors

Alexandria

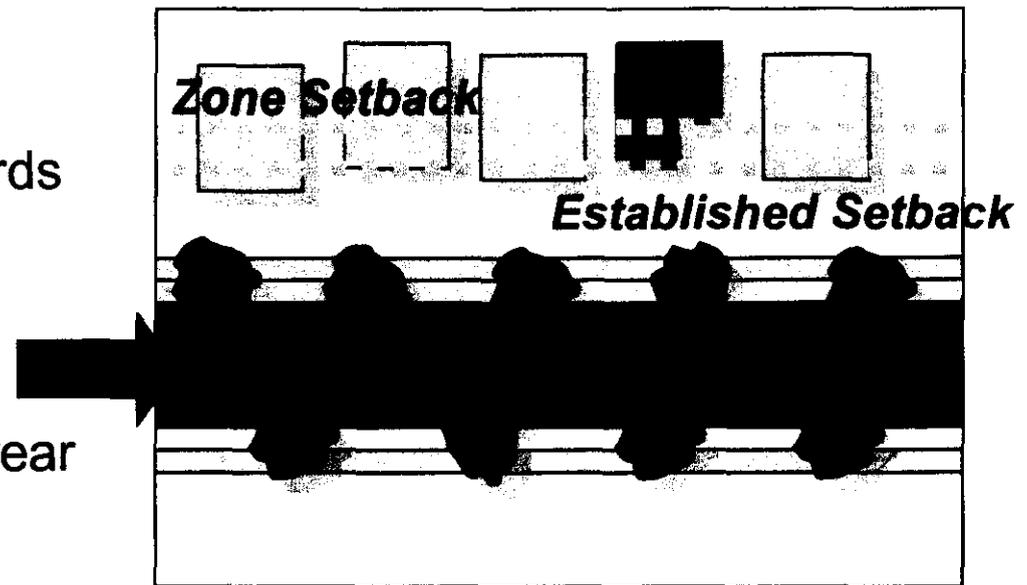
ALEXANDRIA REGULATORY DEPT

- **Zoning Regulates:**

- FAR
- Height
 - Based upon roof type/ orientation
- Parking/paving
 - no more than 50% parking/paving in yards
- Setbacks
 - May conform to average setback
 - Ratio between side/rear setbacks and height
- SUP's
 - Parking
 - Subdivided lots
 - Substandard lots

- **Subdivision Regulates:**

- Lot line changes
- Not lot consolidation

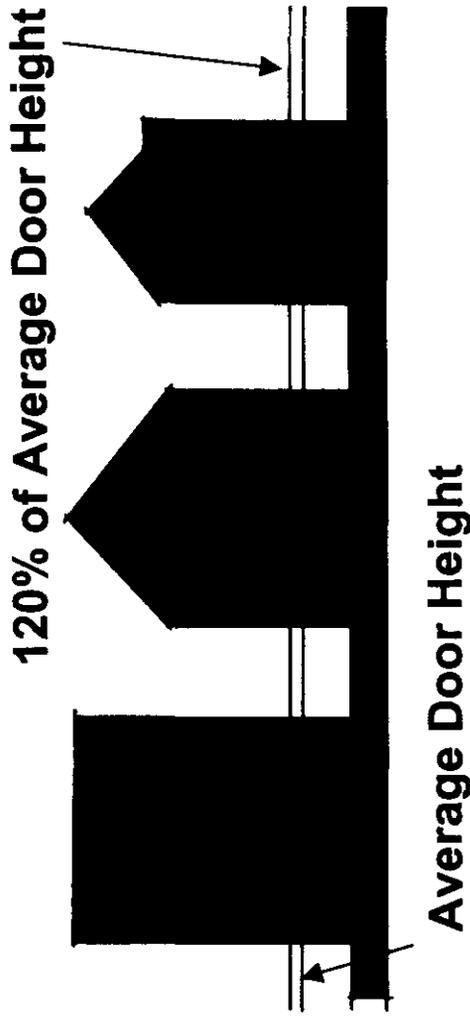


Alexandria

INTERIM REGULATIONS

BUILDING HEIGHT

- Height of bottom of front door no higher than 120% of the average height of the adjacent neighborhood, unless SUP approved



Alexandria

INTERIM REGULATIONS

SUBDIVISION REGULATION

Text Amendment to define "character"

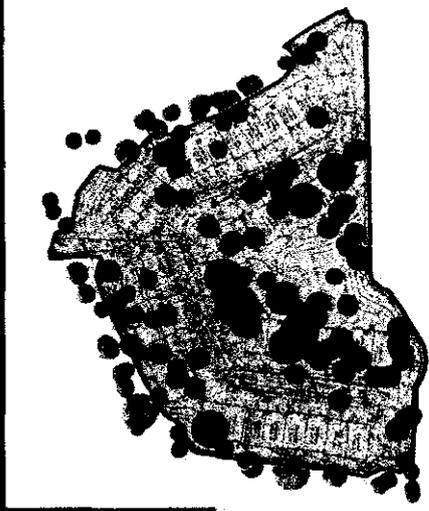
Proposed text amendment further defines *character* as the "established neighborhood", including amendments to the original subdivision, and development that has occurred within the subdivision over time.

Alexandria

INTERIM REGULATIONS--FALL

REGULATE DEVELOPMENT ON STEEP SLOPES

- Preserve Alexandria's environmental character
- Identify appropriate slopes for building, affected zones and areas targeted as specific development areas
- Create a Text Amendment



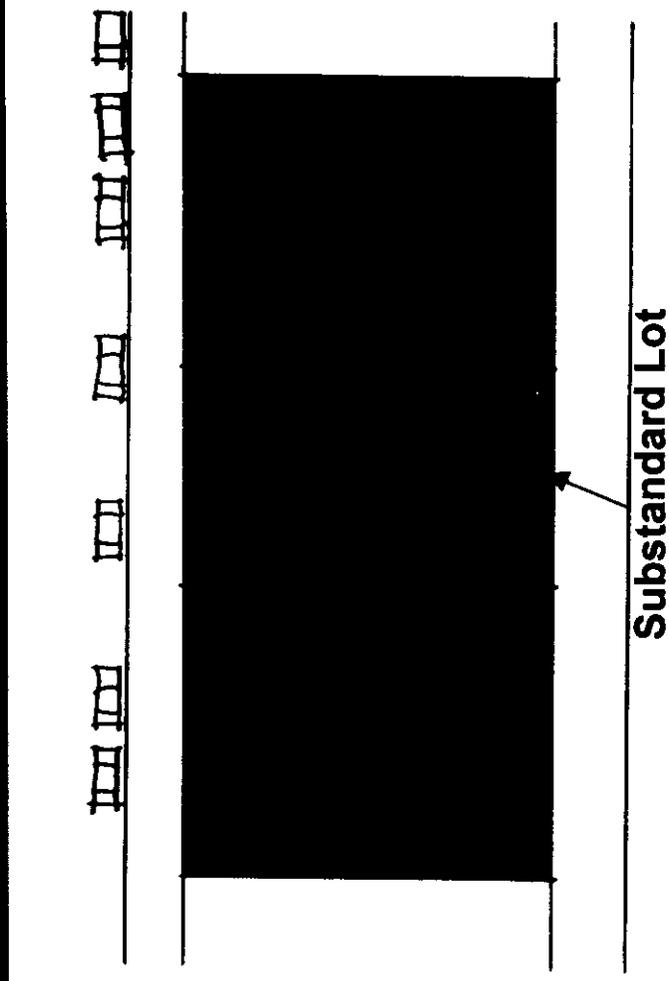
- Tree to be removed
- Tree to be saved
- Graded area
- Ungraded area

Alexandria

INTERIM REGULATIONS--FALL

SUBSTANDARD LOTS

- Change substandard lot regulation to include lots with existing houses

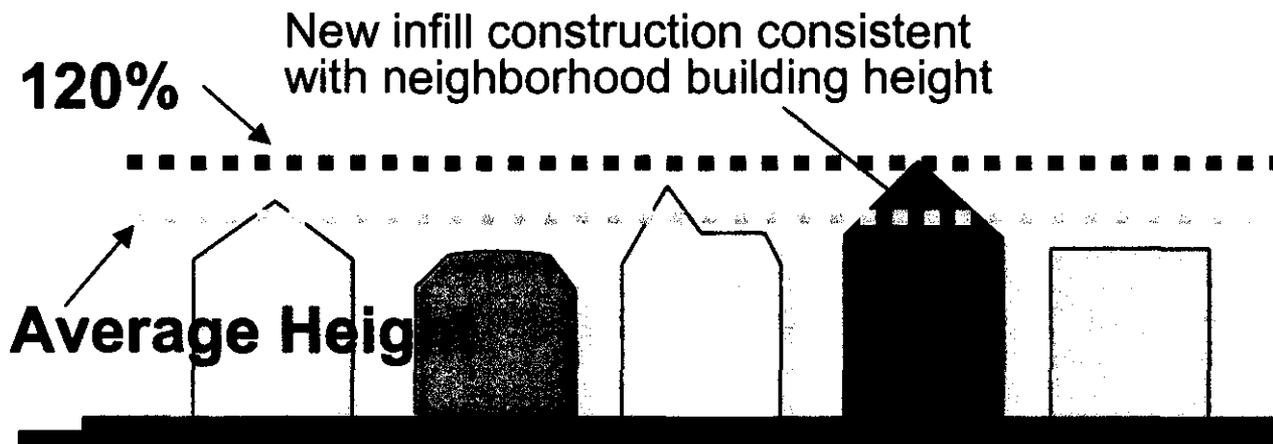
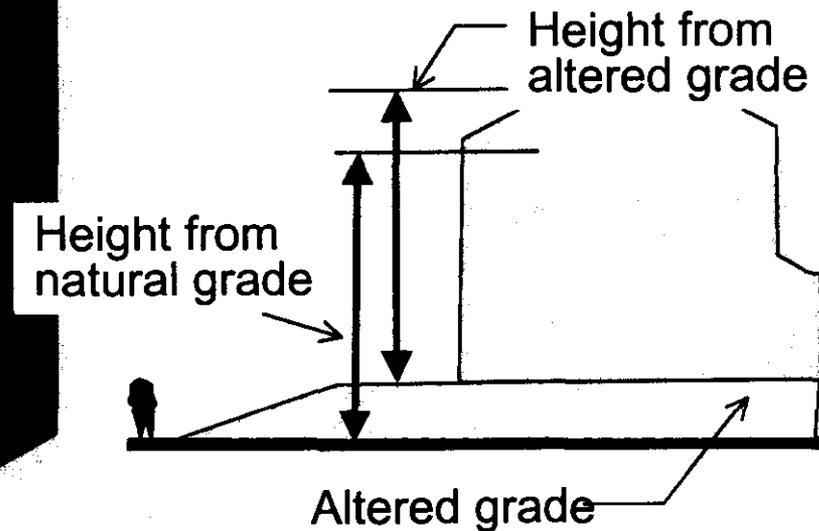


Alexandria

INFILL TOOLS

BUILDING HEIGHT

- Building height no higher than 120% of the average height of the adjacent neighborhood, unless SUP approved



Alexandria

INFILL TOOLS

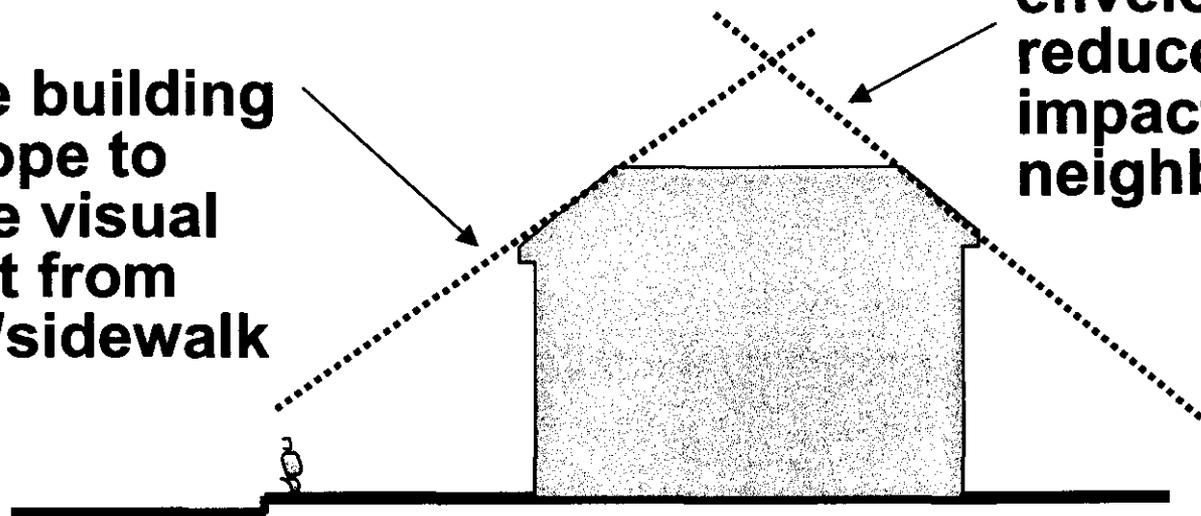
BUILDING ENVELOPES

Study Approach:

Consider:

Create building envelope to reduce visual impact from street/sidewalk

Create building envelope to reduce visual impact on neighbors



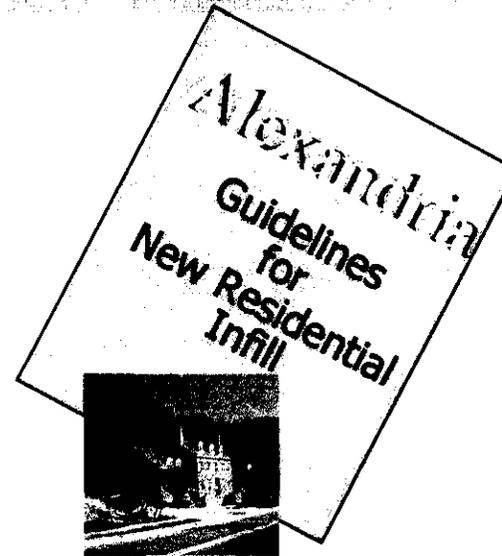
Alexandria

INFILL TOOLS

GUIDELINES AND INCENTIVES

Consider:

- Creating a document that outlines recommended guidelines for integrating new infill development into established neighborhoods
- Providing incentives for locating the building mass associated with the automobile (garage) located in the rear of the lot (away from the street)



Alexandria

City of Santa Cruz
WEST CLIFF DRIVE

17

6-17-06



WEST CLIFF DRIVE OVERLAY ZONE
SANTA CRUZ CITY COUNCIL
November 9, 2000

11/9/00

WEST CLIFF DRIVE

Findings and Guiding Principles as identified at Planning Commission and Council Workshops

- West Cliff Drive is an important social and environmental City and community space
- West Cliff Drive and its streetscape is an important part of the City's "Public Realm", therefore, it is important for the City to define the extent of its "Public Space" or "Public Realm" along West Cliff Drive. The architecture should be subordinate to the Public Space
- The residential development on the north side of West Cliff Drive has the potential to negatively impact the "Public Space" along West Cliff Drive
 - The development of a continuous "wall of buildings" constructed to the current zoning limits would be detrimental to the West Cliff experience
 - The size of recent proposals for new houses and additions to existing houses threatens the traditional residential pattern of development on West Cliff Drive
 - Provisions should be made to guide and control the massing, setbacks, height and visual impact of new development

WEST CLIFF DRIVE

Findings and Guiding Principles (continued)

- The residential development on the north side of West Cliff Drive should reinforce the character of a neighborhood street.
- The “public view” toward the ocean from the streets which intersect with West Cliff Drive should be protected.
- The impact of the automobile on the streetscape should be minimized
- Privacy between properties should be an issue in the design of upper level terraces and accessory buildings
- The City cannot guarantee the protection of existing or proposed “private views” from private property

City of Santa Cruz
WEST CLIFF DRIVE

APPLICABILITY

City of Santa Cruz
WEST CLIFF DRIVE

APPLICABILITY

The West Cliff Drive Overlay District shall apply to the areas designated on the official zoning map of the City and shall be combined with the underlying zone for such area. This district generally includes all properties with frontage along West Cliff Drive from Bay Street to Swanton Road and properties on intersecting streets lying within 100 feet of the northerly West Cliff Drive right-of-way.

All projects involving exterior construction or remodeling resulting in any increase of the floor area developed under this part will require a design permit.

<u>Design Permit Requirements</u>	No Public Hearing	Public Hearing
Substandard lots: new 2 story structures & 2nd story additions		●
Large Homes > 3,000 SF		●
New structures or improvements to existing structures within the WCD Overlay District which are exempt or excluded from Coastal Permit requirements	●	
New structures or improvements to existing structures within the WCD Overlay District that require a Coastal Permit		●

City of Santa Cruz
WEST CLIFF DRIVE

Applicability

Existing Requirements	Planning Commission Recommendation	West Cliff Community Recommendation
All large homes > 3,000 SF Substandard lots w/ two story construction	All new development or renovations resulting in an increase in area require a Design Permit	All large homes > 3,000 SF Substandard lots w/ two story construction

Discussion

Background

The Staff recommended to the Planning Commission that all all new development or renovations resulting in an increase in size require a design permit. A representative from the community indicated that there are 58 of the 114 lots that are substandard by area or lot dimension. The average lot is over 7,500 SF which would allow development of 3,465 SF. Given the importance of the street to the community and the fact that it appears that virtually all houses would be required to have a Design Permit under the existing law; it was recommended that the requirement be simplified to require all houses to have a Design Permit

The Planning Commission concurred with the Staff recommendation

The Community recommended that the existing requirements be maintained. If someone wanted to build a small, one-story cottage - under 3,000 SF they would not be required to go through the Design Permit process.

Staff recommends the support of the Planning Commission recommendation



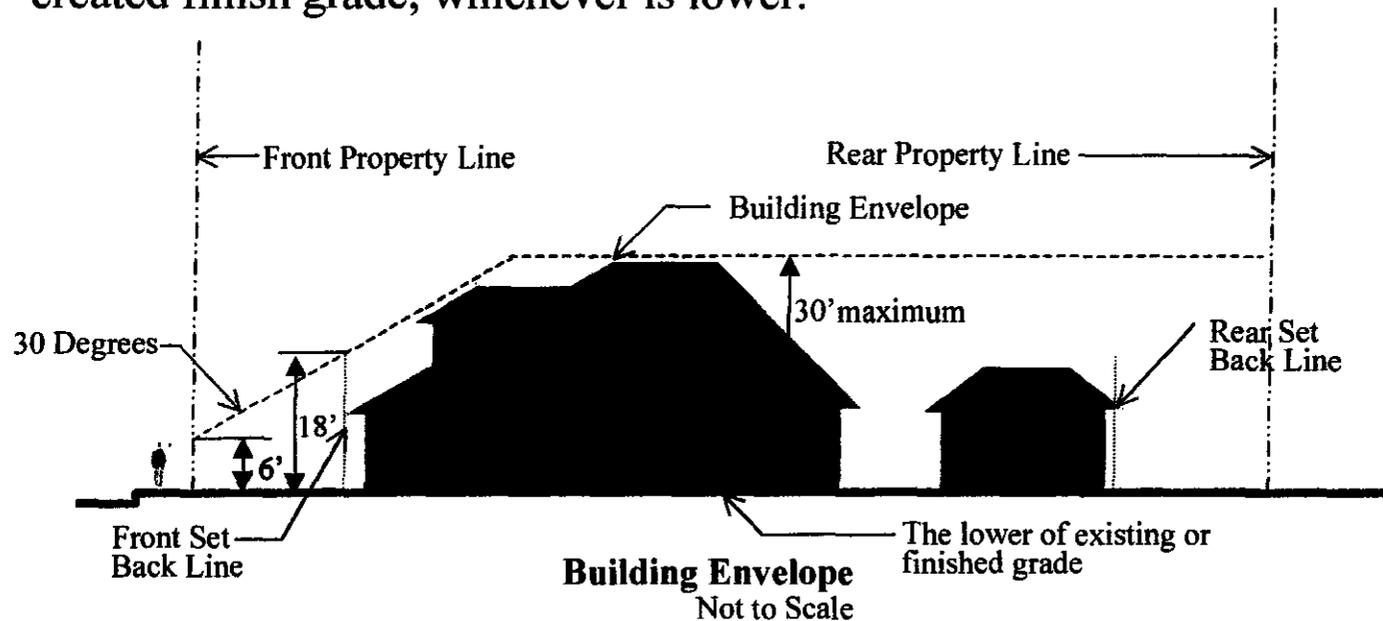
City of Santa Cruz
WEST CLIFF DRIVE

HIGHT

City of Santa Cruz WEST CLIFF DRIVE

BUILDING HEIGHT

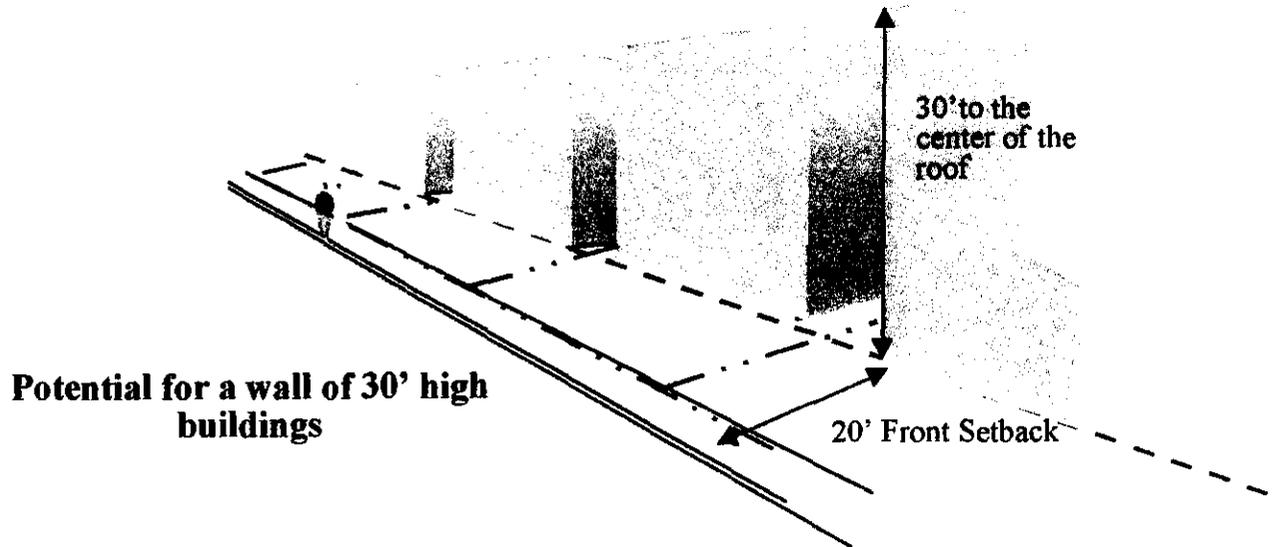
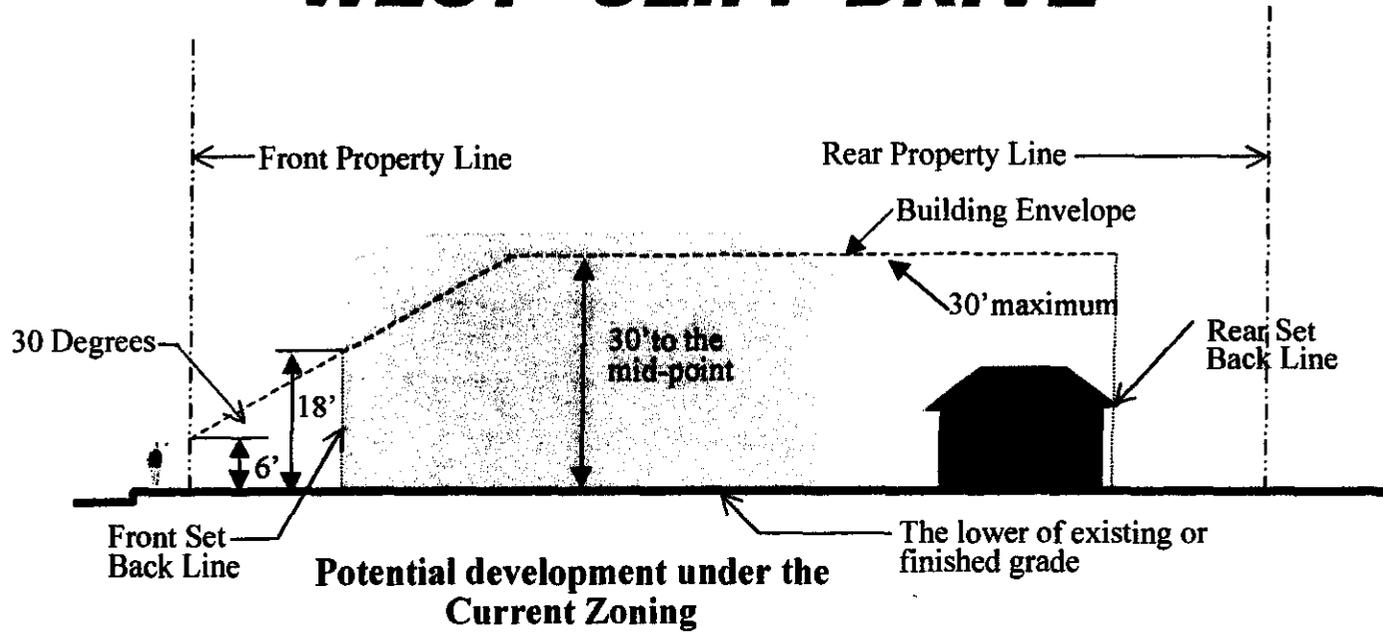
- The maximum permitted height of a building shall be two stories and thirty feet (30').
 - The height shall be measured from the top of the structure to the existing or created finish grade, whichever is lower.



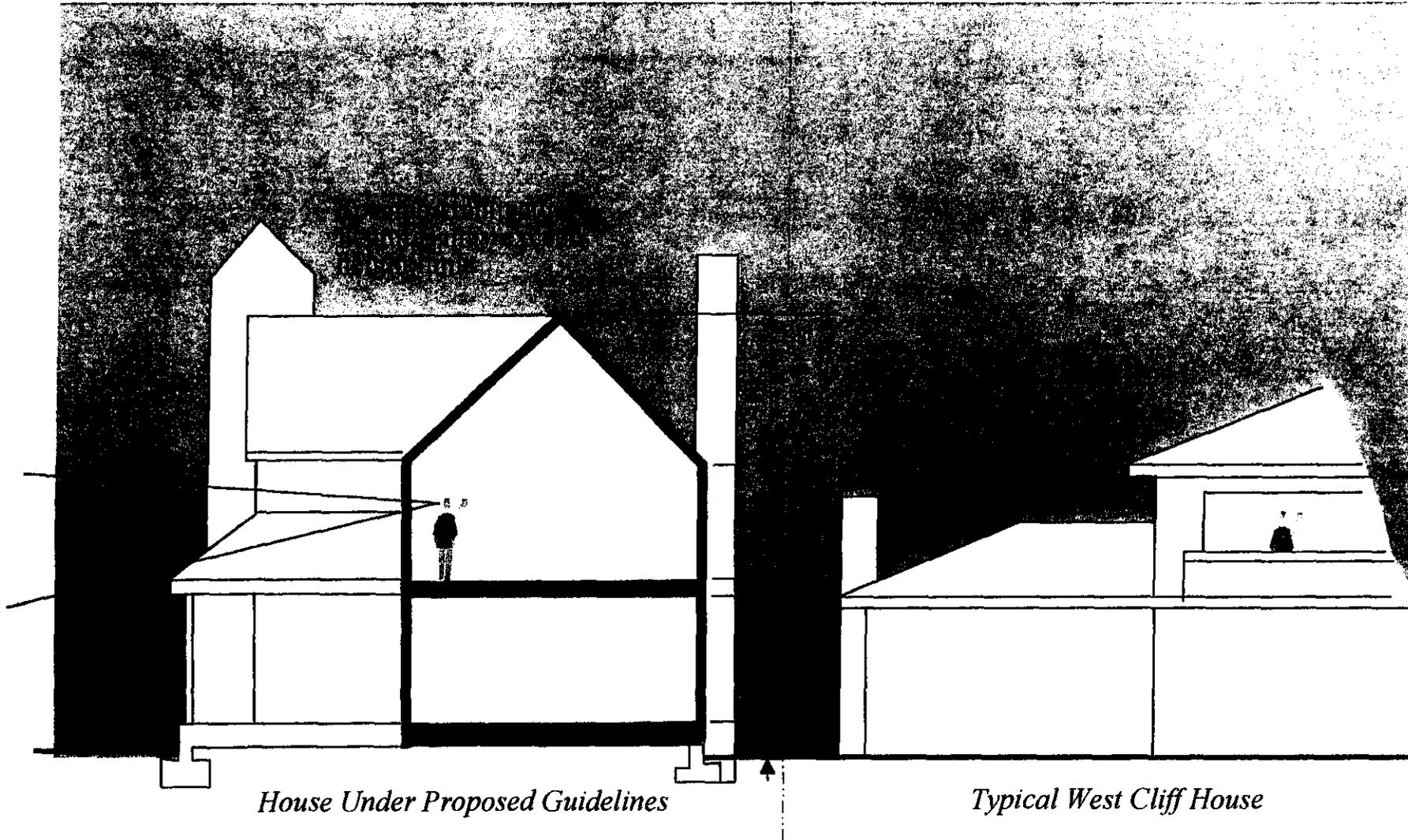
BUILDING ENVELOPE

- In addition to meeting the building height requirements, no portion of the principal or accessory buildings, with the exception of chimneys not more than six square feet in horizontal area (or other decorative architectural elements such as cupolas, towers or turrets) shall encroach on a building envelope plane defined by a line beginning at a point six feet (6') above the lowest point along the front property line and extending over the property at an angle of thirty degrees (30°) from the horizontal plane.

City of Santa Cruz WEST CLIFF DRIVE



City of Santa Cruz
WEST CLIFF DRIVE

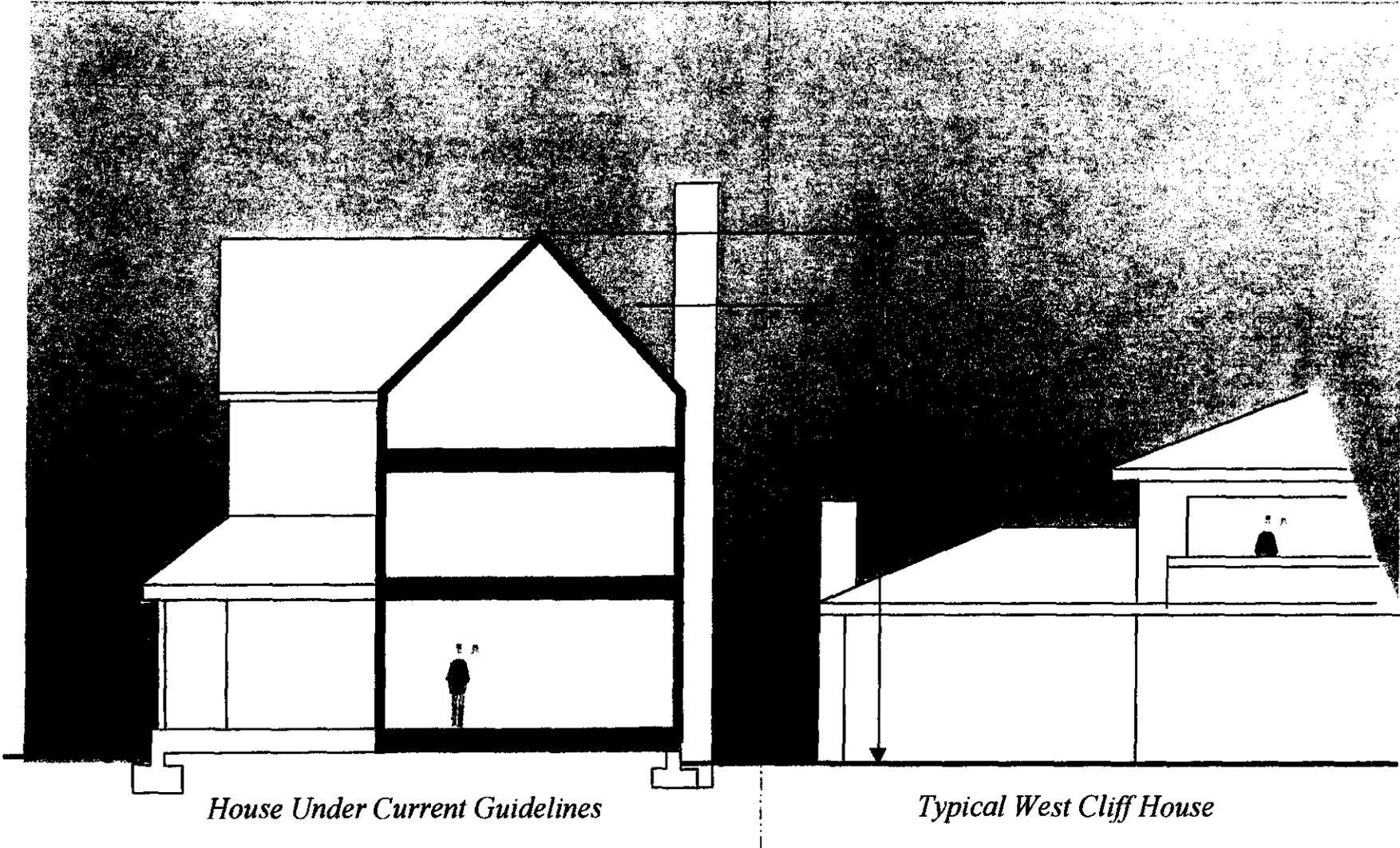


House Under Proposed Guidelines

Typical West Cliff House

Building Height under Proposed Guidelines

City of Santa Cruz
WEST CLIFF DRIVE



Potential Building Height under Current Code

City of Santa Cruz
WEST CLIFF DRIVE

Height

Existing Requirements

2 1/2 Stories - 30' measured to the mid point of the roof from the average finish grade

Planning Commission Recommendation

2 Stories - 30' measured to the top of the roof from the created finished or existing grade - whichever is lower.

West Cliff Community Recommendation

2 Stories - 35' measured to the top of the roof from the created finished or existing grade - whichever is lower.

Discussion

Background

The Staff recommended to the Planning Commission a reduction of height by measuring to the top of the roof rather than the midpoint. The staff position was that a measurement to the top of the roof was appropriate and more definitive, and would provide the necessary design flexibility.

The Planning Commission concurred with the 2 story/30' height limit; however, some on the Commission felt that the height should be reduced to 25'.

The West Cliff Community concurred with the reduction in the number of stories to 2, but felt that the maximum height should be 35' to the top of the roof to allow for more design flexibility and steep roof slopes.

City of Santa Cruz
WEST CLIFF DRIVE

Building Envelope

Existing Requirements

**Planning Commission
Recommendation**

**West Cliff Community
Recommendation**

None

No portion of the the principal or accessory buildings with the exception of chimneys not more than six square feet in horizontal area, shall encroach in a building envelope plan defined by a line beginning at a point six feet above the lowest point along the front property line and extending over the property at an angle of 30 degrees from the horizontal plane.

No portion of the the principal or accessory buildings with the exception of chimneys not more than six square feet in horizontal area, shall encroach in a building envelope plan defined by a line beginning at a point six feet above the lowest point along the front property line an extending over the property at an angle of 35 degrees from the horizontal plane.

Architectural elements such as bell towers, spires, turrets, widow walks, cupolas flag poles may extend 10' above

Community added gables and dormers to the list of items that may project.

Discussion

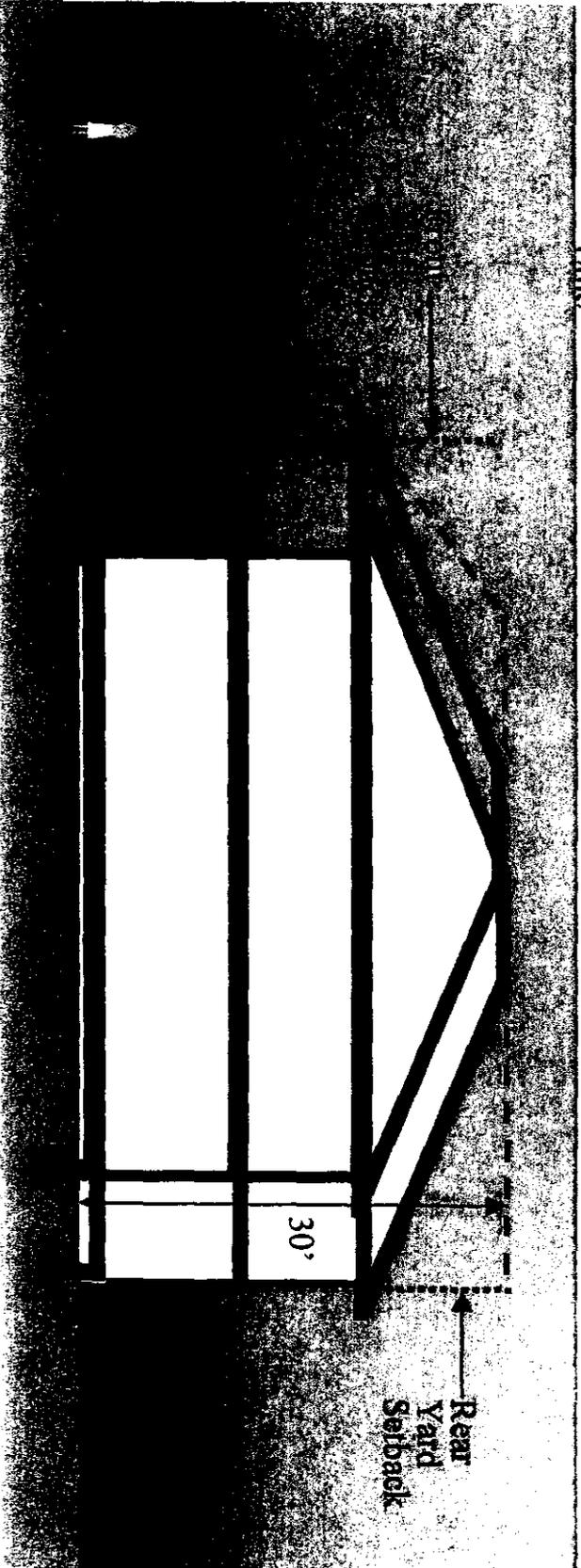
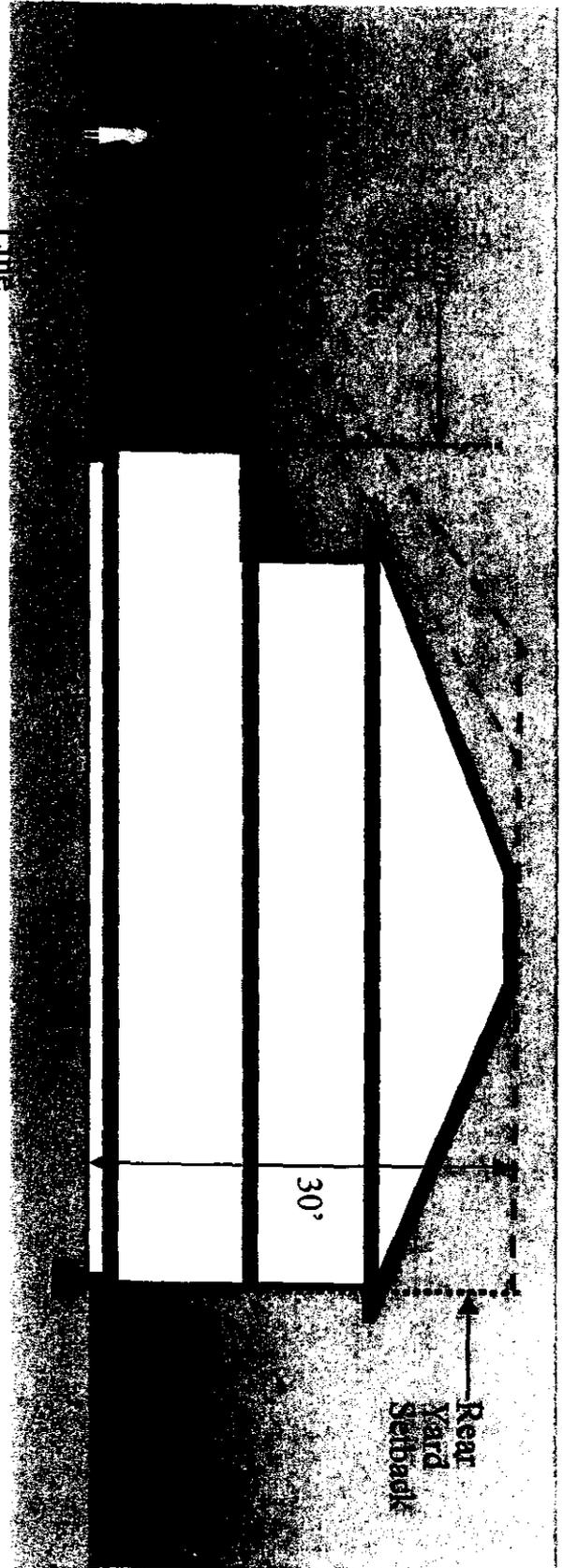
The Staff recommended a 30 degree angle as the complement of the 150 degree public viewshed recommended along West Cliff Drive. The 30 degree angle allows for a building height of 17.5' at the 20' setback. This dimension does not permit a full two-story wall at the 20' front setback line. A two story building would have to be set back an additional 6'-7'.

The Planning Commission concurred with the 30 degree angle.

The West Cliff Community recommended that the building envelope angle be increased to 35 degrees to allow for greater design flexibility and in particular to allow a two story façade (with a hip roof) at the set back line.

The Staff following a review believes that the 35 degree angle would not materially impact the public viewshed and would provide greater design flexibility. The Staff disagrees with the addition of gables as they are part of the roof, and disagrees with dormers where they are building appendages to add or augment livable space.

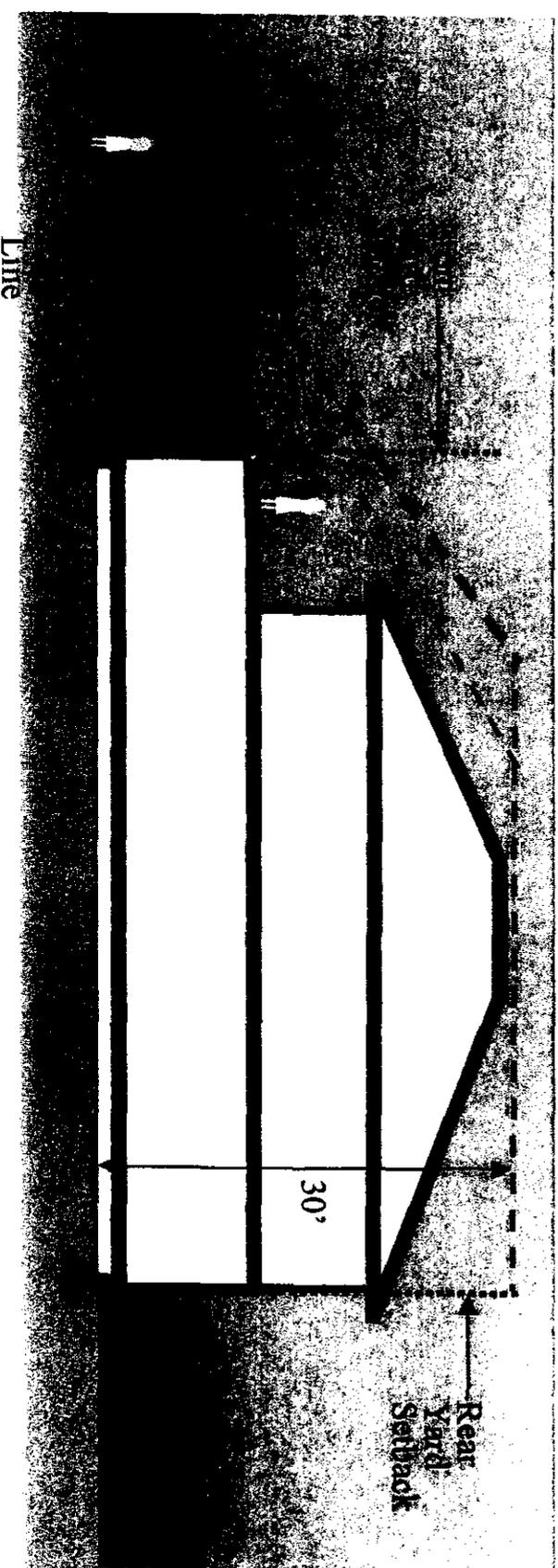
City of Santa Cruz
WEST CLIFF DRIVE



11/9/00

Cliff

City of Santa Cruz
WEST CLIFF DRIVE





City of Santa Cruz
WEST CLIFF DRIVE

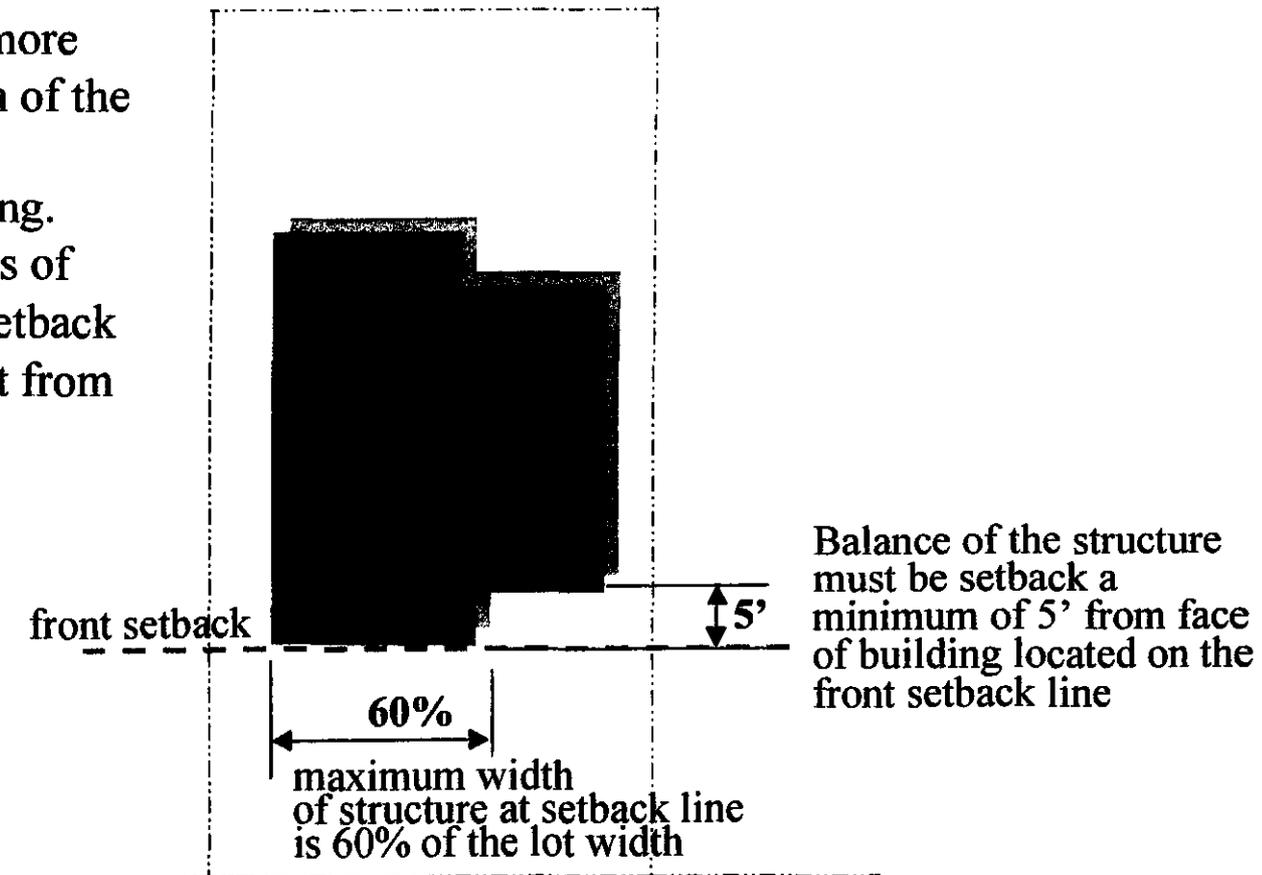
SETBACKS

City of Santa Cruz **WEST CLIFF DRIVE**

BUILDING SETBACKS

- **Front Yard Setback**

A 20 foot minimum front yard setback with no more than 60 % of the width of the lot at the setback line occupied by the building. The remaining portions of the building must be setback a minimum of five feet from the front setback line



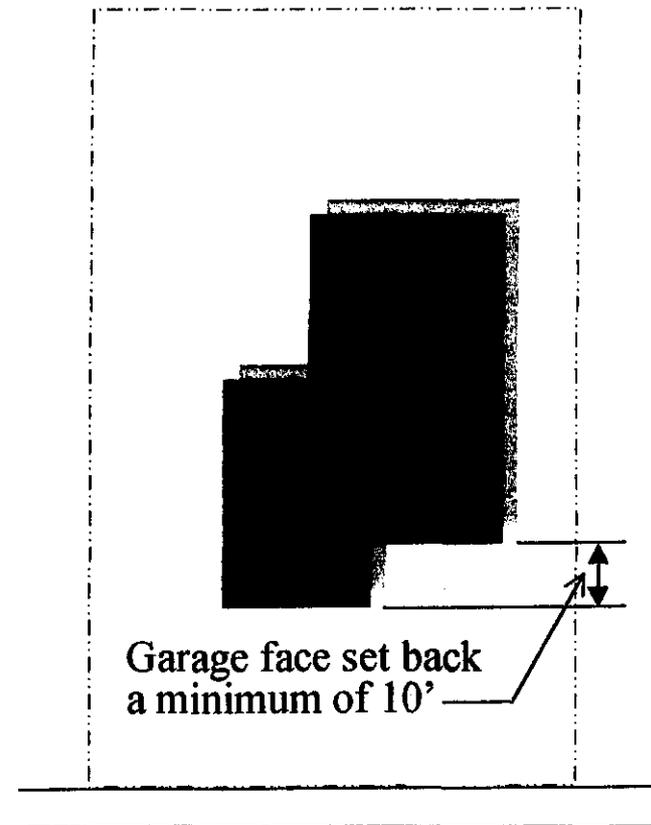
The West Cliff Community concurs

City of Santa Cruz
WEST CLIFF DRIVE

BUILDING SETBACKS

- Front Yard Setback

If a garage is provided within the front portion of the property, the face of the garage shall be setback a minimum of ten feet behind the closet front façade of the residential building toward the street.



The West Cliff Community concurs

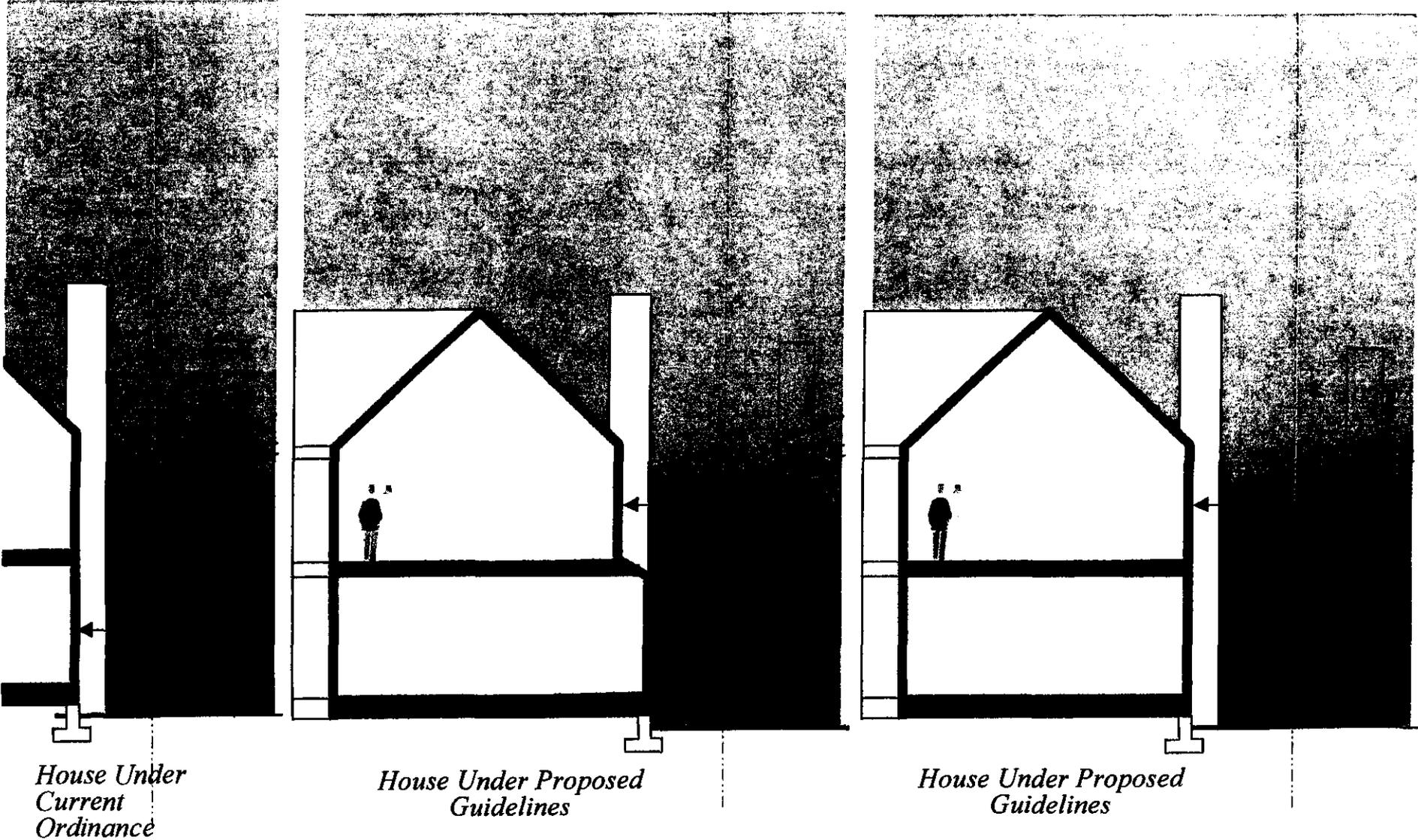
City of Santa Cruz
WEST CLIFF DRIVE

BUILDING SETBACKS (continued)

Side Yard Setback - Lots 50' to 100' in width

- First Floor - the combined width of the side yards shall be 20% of the lot width. The minimum interior sideyard setback shall be 5' and a minimum exterior side yard 8'.
- Second Floor and above - the combined width of the sideyards shall be a minimum of 30% of the lot width with a minimum interior sideyard setback of 7.5' and a minimum exterior sideyard setback of 10'.
- Accessory Building - Same as primary building
- **Side Yard Setback - Lots more than 100' in width**
 - First Floor - the combined width of the first floor sideyards shall be 30% of the lot width with a minimum interior sideyard setback 10' and a minimum exterior setback of 20'.
 - Second Floor and above - the combined width of the sideyards shall be a minimum of 35 % of the lot width. The minimum interior sideyard setback is 15' and a minimum exterior sideyard setback is 25'.
 - Accessory Building - Same as primary building
- **Rear Yard Set Back**
 - Primary Building - Twenty Feet (20')
 - Accessory Building - Fifteen Feet (15')

City of Santa Cruz
WEST CLIFF DRIVE



Side Yard Setback Guidelines

City of Santa Cruz
WEST CLIFF DRIVE

Side Yard Setback

Existing Requirements

5' Side Yard Setback

**Planning Commission
Recommendation**

- First Floor - the combined width of the side yards shall be 20% of the lot width. The minimum interior sideyard setback shall be 5' and a minimum exterior side yard 8'.
- Second Floor and above - the combined width of the sideyards shall be a minimum of 30% of the lot width with a minimum interior sideyard setback of 7.5' and a minimum exterior sideyard setback of 10'.
- Accessory Building - Same as primary building

**West Cliff Community
Recommendation**

Maintain 5' side yard setback

Maintain the rear setback for an Accessory Building at 10' as this is not an issue related to the West Cliff streetscape.

Discussion

The Staff recommended a larger setback (2.5' additional) for the second floor (or a 7.5' setback for a two story flat facade) to increase the light and air between buildings. Chimneys and overhangs reduce the existing setbacks to less than 5'..

The Planning Commission concurred with the staff proposal.

The West Cliff Community recommended that the side yard setback remain at 5' as per the current ordinance.

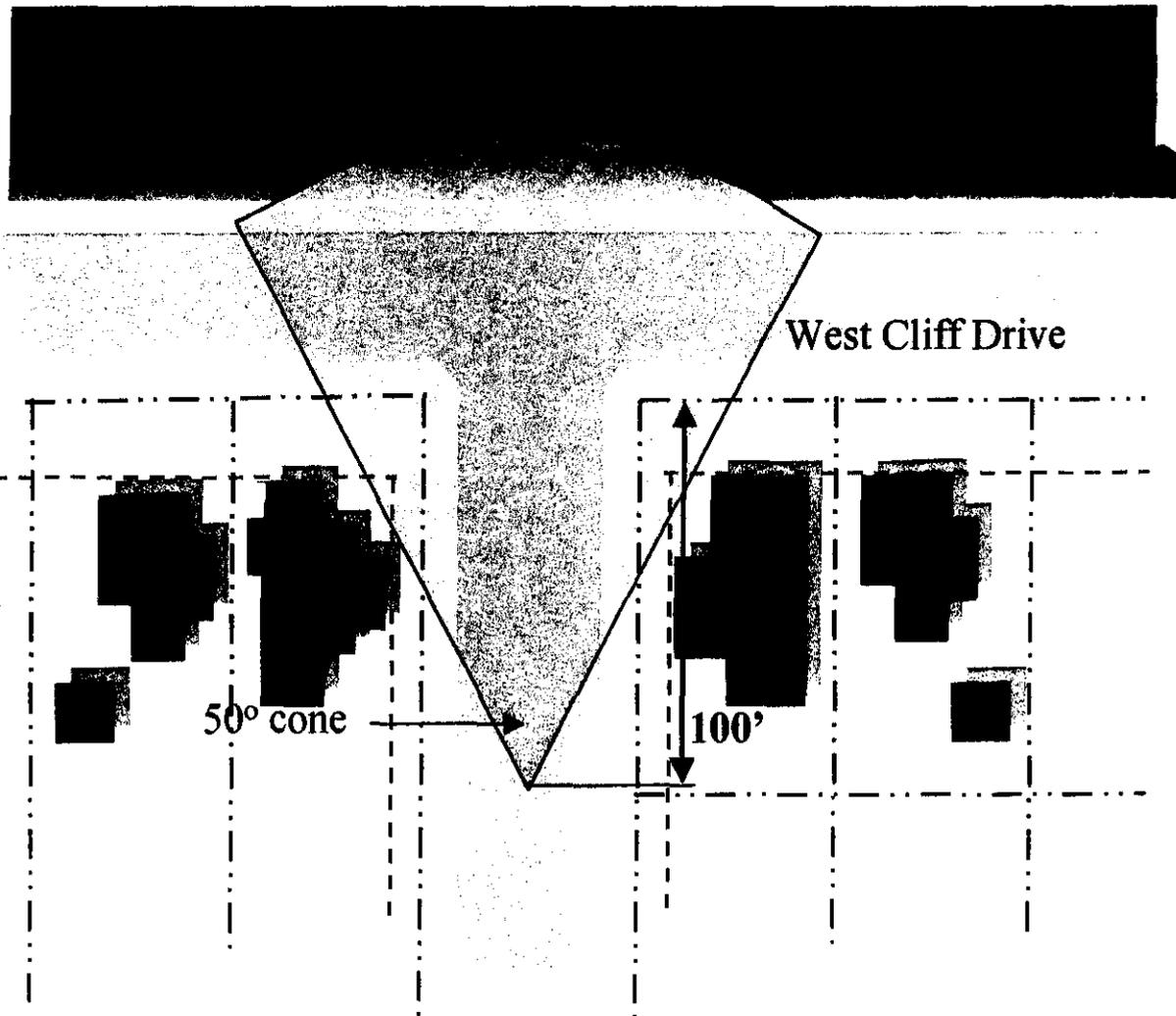
The Staff following a review believes that the additional setback for two story structures is a reasonable proposal to provide space for light and air between buildings and to mitigate a wall of buildings along the street.

The staff concurs with the community position on the rear setback for the Accessory Building

City of Santa Cruz **WEST CLIFF DRIVE**

VIEW PROTECTION SETBACK

For corner or exterior lots that intersect with West Cliff Drive, no development over three and a half feet (3.5') above the average existing grade shall be allowed within a 50 degree cone measured at the centerline of the intersecting road 100' from the intersection of the West Cliff Drive right-of-way with the front property line of the lot.



City of Santa Cruz **WEST CLIFF DRIVE**

View Protection Setbacks

Existing Requirements	Planning Commission Recommendation	West Cliff Community Recommendation
No current provisions	For corner or exterior lots that intersect with West Cliff Drive, no development over three and a half feet (3.5') above the average existing grade shall be allowed within a 50 degree cone measured at the centerline of the intersecting road 100' from the intersection of the West Cliff Drive right-of-way with the front property line of the lot.	Generally concurs with the proposal; however, they believe that the property owner should be recompensed through additional FAR for the "contribution" to the public view plane.

Discussion

The Staff recommended the proposed guideline

The Planning Commission concurred with the staff proposal.

The West Cliff Community recommended that some formula be established to recompense the property owner for the contribution of the view corridor.

The Staff believes that the the community proposal requires further evaluation to determine the impact. On wide streets (100') there would be no impact, on narrower streets there would be some impact - but, there has not been time to evaluate. The evaluation could include a site by site evaluation taking into consideration the width of the street, the potential impact of the view corridor relative to the size of the corner or exterior lot.



City of Santa Cruz
WEST CLIFF DRIVE

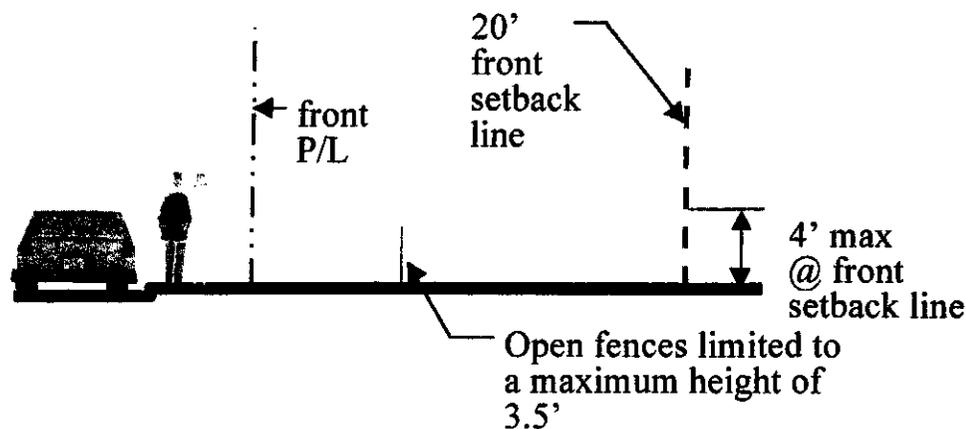
HEIGHT OF FIRST FLOOR

City of Santa Cruz **WEST CLIFF DRIVE**

HEIGHT OF FIRST FLOOR & FRONT YARD HEIGHT

The height of the first floor of any structure shall not be greater than four feet above the lowest elevation of the top of the curb parallel to the front yard property line

All fencing within the front setback shall be visually open (such as a picket or wrought iron fence) with a maximum height of 3.5 feet. No opaque walls are permitted within the front setback



City of Santa Cruz **WEST CLIFF DRIVE**

Height of the First Floor

Existing Requirements	Planning Commission Recommendation	West Cliff Community Recommendation
No provision	<p>The height of the first floor of any structure shall not be greater than four feet above the lowest elevation of the top of the curb parallel to the front yard property line</p> <p>All fencing within the front setback shall be visually open (such as a picket or wrought iron fence) with a maximum height of 3.5 feet. No opaque walls are permitted within the front setback</p>	<p>Increase the maximum height above the curb to 5'</p> <p>Change the curb elevation to the average height of the curb across the front of the lot</p> <p>Permit opaque walls of fences to 3.5' if they are set back from the property line a minimum of 6' and the space between the property line and the wall landscaped</p>

Discussion

The Staff originally recommended to the Planning Commission that the maximum height of the floor above the curb be 5' to limit the dominance of the house on the street. The original proposal also included a sloped plane from the property line to the building above which would control the grading in the front yard.

The Planning Commission felt that the the slope control in the front yard was too complex (staff concurred) and lowered the maximum height to 4'.

The West Cliff Community believes that the original 5' proposal is more reasonable, and to accommodate the few east-west sloping lots the curb elevation should be the average of the curb elevations along the front of the lot. Further, they believe that opaque fences or walls should be permitted if the setback from the property line and the space between the property line and the wall or fence is landscaped.

The Staff originally proposed the 5' maximum height, and therefore would concur with the community. Since the vast majority of the lots have an east-west slope, the change to the average curb grade would have little impact. The setback of opaque walls with a minimum of 6' of landscaping may meet the desire to create an open inviting landscape front along West Cliff Drive.



City of Santa Cruz
WEST CLIFF DRIVE

BUILDING BULK

City of Santa Cruz
WEST CLIFF DRIVE

BUILDING BULK (FAR)

The gross floor area ratio or lots 15,000 SF and less located in the West Cliff Drive Overlay District shall be as follows: To maintain the consistency of the overall size of buildings in the neighborhood, the general Floor Area Ratio (total building floor area divided by the lot area) for each lot shall not exceed the FAR based upon the following formula:

$$\text{Allowable FAR} = .5 - (A \times .02) / 1,000$$

Where "A" is the area of the lot in square feet over 5,000 SF

For lots greater than 15,000 SF the FAR shall be .30

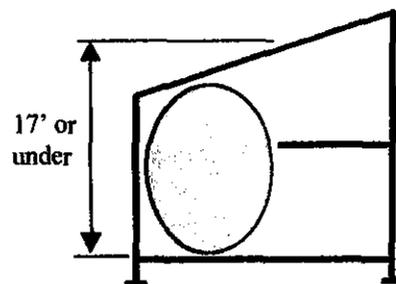
The following are examples of what the above formula the would allow:

5,000 SF lot	FAR = .5	Allowable SF = 2,500 SF
7,500 SF lot	FAR = .45	Allowable SF = 3,375 SF
10,000 SF lot	FAR = .4	Allowable SF = 4,000 SF
12,500 SF lot	FAR = .35	Allowable SF = 4,375 SF
15,000 SF lot	FAR = .30	Allowable SF = 4,500 SF

City of Santa Cruz **WEST CLIFF DRIVE**

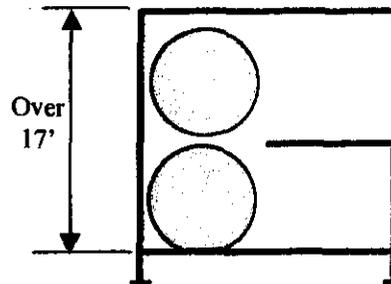
The Floor Area is defined as:

- The sum of the gross horizontal floor area within the perimeter of the outside walls of all buildings on a lot, including accessory buildings and accessory dwelling units, on a lot as measured from the exterior surface of the exterior walls with no deduction for hallways, stairs, closets wall thickness. The area includes covered residential parking and is the total for all stories. Stairways shall count only once for the floor area; however, any portions of buildings including stairwells over 17' in height in interior height are counted twice for purposes of computing floor area. Uncovered courtyards, or atriums at the second level which are open to the sky and enclosed on two sides and enclosed by a front wall shall count as floor area. Unenclosed porches, balconies decks, roof overhangs and similar architectural feature do not count as floor area, and non-habitable basements that are fully subterranean below finished grade do not count as floor area.



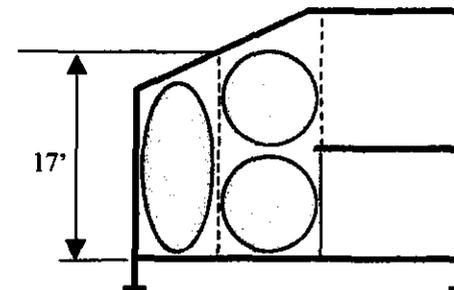
Example 1

If the height of a space is 17' or less the area is counted once



Example 2

If the height of a space is over 17' the area is counted twice



Example 3

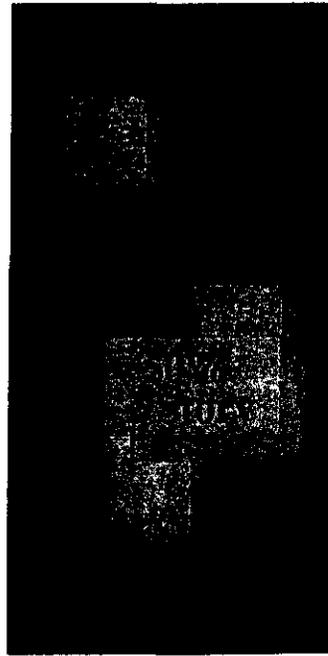
If the height of a part of a space is over 17' the area over 17' is counted twice

City of Santa Cruz
WEST CLIFF DRIVE

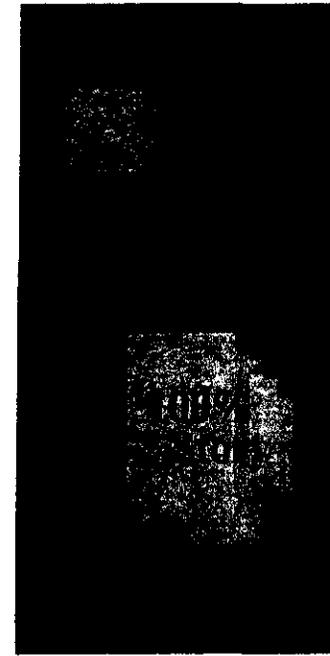
BUILDING BULK (FAR)



FAR .5
50% land coverage
50% open space



FAR .5
40.5% land coverage
59.5% open space



FAR .5
25% land coverage
75% open space

Garages located in the rear 50 percent of the lot shall be granted floor area ratio credit up to 400 square feet

City of Santa Cruz
WEST CLIFF DRIVE

Building Bulk

Existing Requirements

No provision

**Planning Commission
Recommendation**

The gross floor area ratio on lots 15,000 SF and less located in the West Cliff Drive Overlay District shall be as follows: To maintain the consistency of the overall size of buildings in the neighborhood, the general Floor Area Ratio (total building floor area divided by the lot area) for each lot shall not exceed the FAR based upon the following formula:

$$\text{Allowable FAR} = .5 - (A \times .02) / 1,000$$

Where "A" is the area of the lot in square feet over 5,000 SF- Lots greater than 15,000 SF the FAR shall be .30

Garages located in the rear 50 percent of the lot shall be granted floor area ratio credit up to 400 square feet

**West Cliff Community
Recommendation**

Agree with the basic formula

The reduction in FAR should be capped at lots exceeding 12,500 SF with an FAR of .75

The bonus for a garage in the rear 50% of the lot should be changed to a garage and/or an accessory dwelling unit with a credit up to 700 SF.

Discussion

The Staff proposed the FAR formula after a review of the variety of lot sizes on West Cliff Drive and an analysis of the sizes of existing houses compared to the lot sizes (FAR). The ordinances of other municipalities were also reviewed. The proposal was considered a reasonable proposal given the fact that FAR is but one part of a package of design guidelines rather than the only control.

The declining FAR formula was proposed to discourage the assembly of lots to create houses that were out of scale with the neighborhood, especially in the area west of the lighthouse.



City of Santa Cruz **WEST CLIFF DRIVE**

FAR Discussion (continued)

The Planning Commission after a good deal of discussion concurred with the FAR as a part of a total package of design guidelines; however, the Planning Commission reduced the credit for a rear garage to 400SF.

The West Cliff Community proposed that the FAR be increased to .6; however, following discussion the community determined that it would support the proposed FAR formula. With the following conditions:

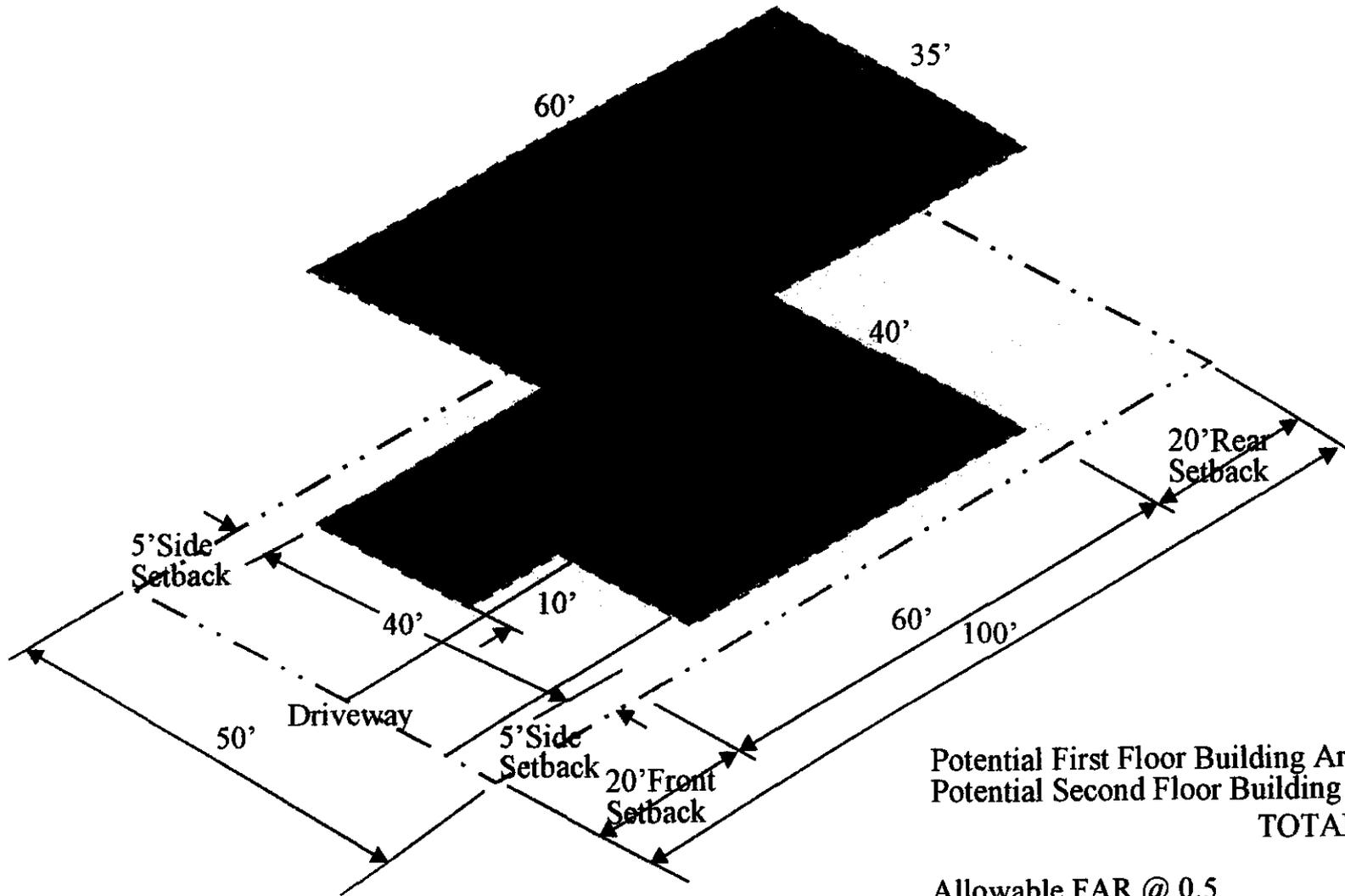
- The decline of the FAR should be capped at FAR .35 for lots 12,500 SF rather than at FAR .30 for lots of 15,000 or larger.
- The 400 SF credit for garages in the rear 50% of the lot should be increased to 700 SF and include credit for a garage in the rear 50% of the site or an Accessory Dwelling Unit anywhere on the site.

The Staff - An overview of the tax records indicates that there are eight lots that are 12,500 SF or more and include historic houses such as the Darling and the Epworth houses. The one lot that lies south of West Cliff Drive is also greater than 12,500 SF. Of the eight lots five are over 15,000 SF. The staff believes that the community proposal would have little impact on the overall West Cliff Drive streetscape.

The staff originally proposed a credit 500 SF for a garage in the rear 50% of the lot and would support that position. On a 5000 SF lot with an allowable FAR of 0.5 or a buildable area of 2500SF, the additional 500 SF would result in a buildable area of 3000 SF or an FAR of .6 (increase of 20%). The additional 700SF would result in a buildable area of 3200 SF and an FAR of .64 (increase of 28%).

As can be seen from the diagrams on the next two pages, the typical 50' X 100' lot with a garage in the front and the attendant setbacks would allow a maximum potential building area of 4,300 SF. The allowable building area of 0.5 X 5,000 SF = 2,500 SF or the building would occupy 58% of the potential building area. With the garage in an accessory building in the rear of the lot the potential maximum building area is 4,835SF. If the 500 SF credit is applied the maximum FAR would occupy 62% of the potential maximum building area. If a 700 SF credit is applied the maximum FAR would occupy 66% of the potential maximum building area.

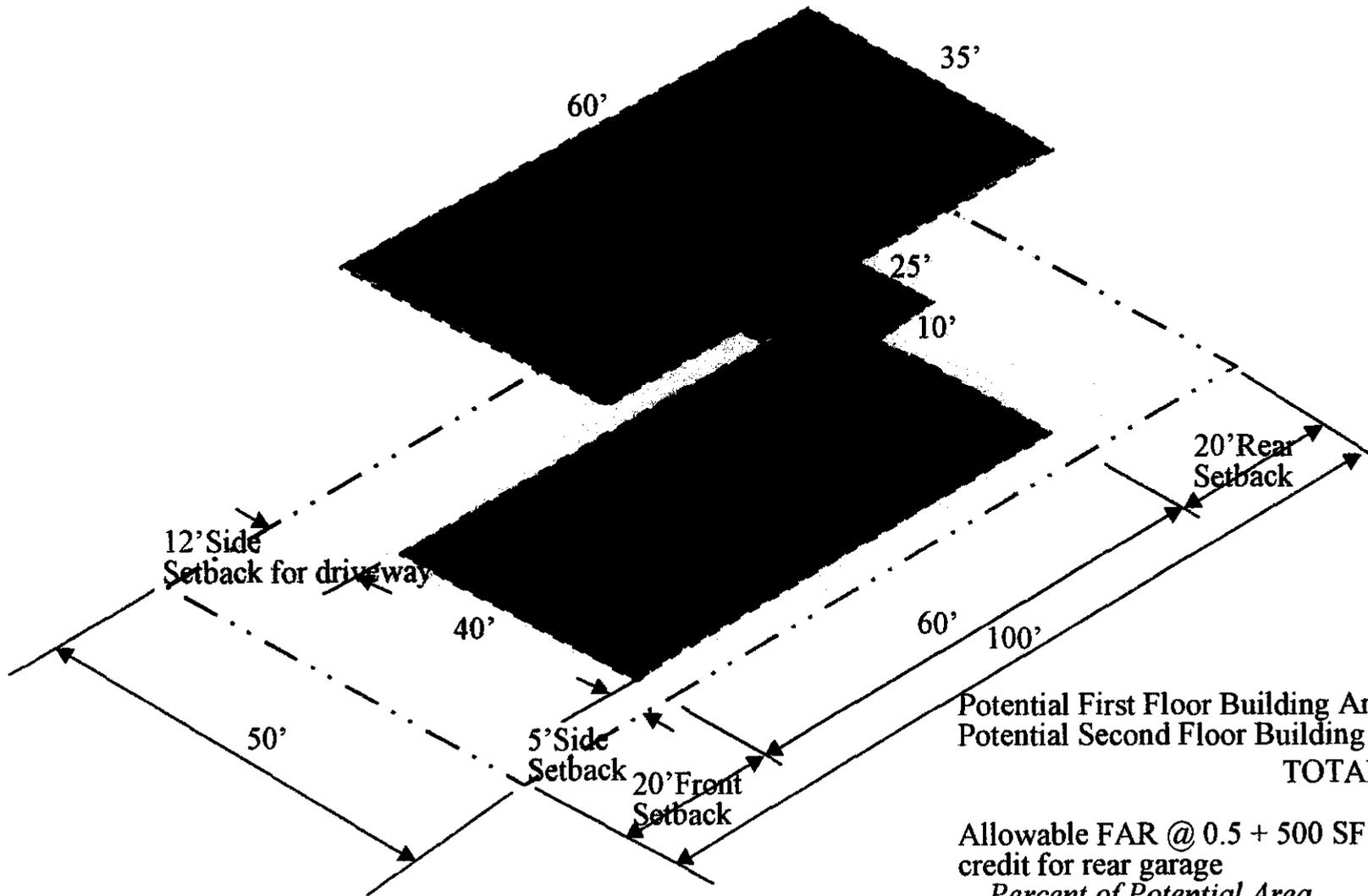
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Potential First Floor Building Area	2,200 SF
Potential Second Floor Building Area	2,100 SF
TOTAL	4,300 SF

Allowable FAR @ 0.5	2,500 SF
Percent of Potential Area	58 %

City of Santa Cruz WEST CLIFF DRIVE



Potential First Floor Building Area	2,735 SF
Potential Second Floor Building Area	2,100 SF
TOTAL	4,835 SF

Allowable FAR @ 0.5 + 500 SF credit for rear garage	3,000 SF
<i>Percent of Potential Area</i>	<i>62 %</i>

Allowable FAR @ 0.5 + 700 SF credit for rear garage or ADU	3,200 SF
<i>Percent of Potential Area</i>	<i>66%</i>



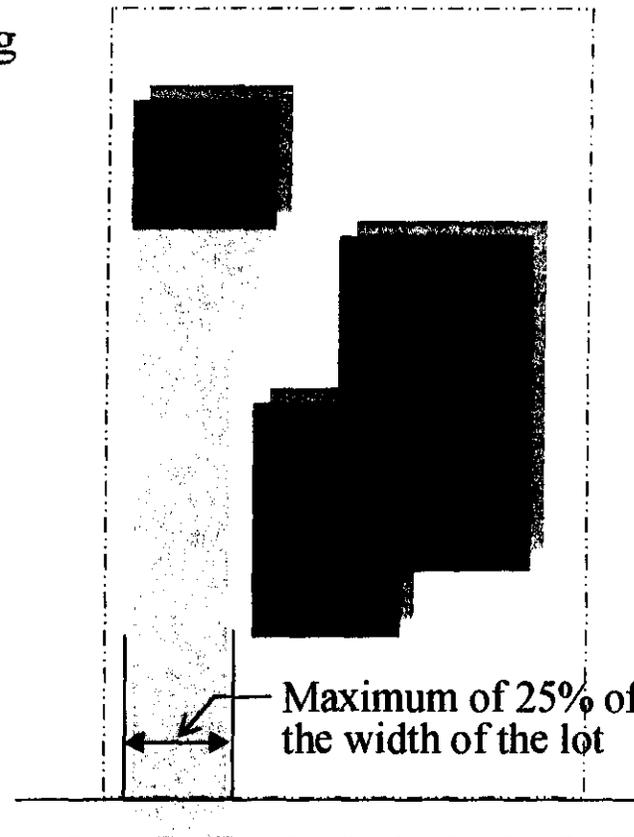
City of Santa Cruz
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OFF-STREET PARKING

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WEST CLIFF DRIVE

OFF STREET PARKING

- No more than 25% of the width of the front setback can be devoted to the the automobile, e.g. driveway access, and in no case shall the driveway access exceed 18' in width.
- All driveways shall lead to covered parking equipped with garage doors
- No carports are permitted that are visible from public right-of-way.



The West Cliff Community concurs



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WEST CLIFF DRIVE

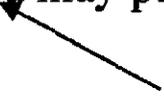
LANDSCAPING

City of Santa Cruz
WEST CLIFF DRIVE

FRONT YARD LANDSCAPING

All unpaved portions of the front and exterior side yards shall be improved and maintained with appropriate landscaping materials. Not more than 35 percent of the front and exterior side yard area may paved or developed in non-plant materials.

setbacks



The West Cliff Community concurs with the addition of the word setback as shown above. Staff concurs as this was the original intent.



City of Santa Cruz
WEST CLIFF DRIVE

REPLACEMENT HOUSING

The Community believes that the following “guarantees” should be stipulated in the ordinance.

- In the event of a dwelling destruction, 100% of the non-conforming replacement of in-kind construction will be allowed without a Design Permit. The proposed design guidelines would not pertain to replacement construction.

Staff clarified that the reconstruction exemption would apply if the building were rebuilt to the exact building envelope of the original building - If the design were changed, the design guidelines and a design permit would then come into effect.

- A stipulation that the current buildings are “grandfathered” in as legal, non-conforming structure and do not pertain to the proposed guidelines

TEXT AMENDMENT # 2006-0003

ISSUE DESCRIPTION: Consideration of a text amendment to add interim infill regulations to the zoning ordinance

ZONING ORDINANCE SECTION: Section 7-1002

CITY DEPARTMENT: Planning and Zoning

PLANNING COMMISSION ACTION Recommended Approval June 6, 2006 6-0

CITY COUNCIL ACTION 6/17/06 - City Council approved the Planning Commission recommendation and requested that the City Attorney present an emergency ordinance on infill regulations at the June 27 legislative meeting.
