EXHIBIT NO. 1

6
12-16-06

Docket Item #6
Text Amendment 2006-0004
INFILL REGULATIONS

Planning Commission Meeting
December 5, 2006

ISSUE: Consideration of a text amendment to extend interim regulations on threshold height and the subdivision criteria.

STAFF: Department of Planning and Zoning

PLANNING COMMISSION ACTION, DECEMBER 5, 2006: On a motion by Mr. Leibach, seconded by Mr. Jennings, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 5 to 0. Mr. Dunn and Mr. Robinson were absent.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: That the Planning Commission recommend **approval** of an extension of the previously adopted interim regulations relating to threshold height and the subdivision criteria.

PROPOSED TEXT CHANGES:

Staff presented interim infill regulations to the Planning Commission on June 6, 2006. (See the attachment, TA #2006-0003, Interim Infill Regulations.) One proposed regulatory change required that the owner go through an SUP process if the front door threshold exceeded by 20% the average threshold of existing homes on the block. The second regulatory change was to modify the subdivision regulations to be sure that new subdivisions maintained the neighborhood character.

The Planning Commission was supportive of the proposed interim infill regulations and approved the proposed text amendment with minor modifications. The Council agreed with Planning Commission recommendations and approved the regulations on June 17, 2006. The Council adopted the appropriate ordinance on June 27, 2006 as an emergency measure with an expiration date of December 31, 2006.

Staff is now proposing that the previously adopted regulations affecting threshold height and subdivision be extended for one year (with revisions as noted below).

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 June 27,2006, 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. For the purposes of this section, height of the front door threshold is defined as the vertical distance between the average existing grade along the front of the building to the top of the threshold. The front door threshold should be a true reflection of the location of the first floor of the building. For new construction/alterations, the front door threshold shall be measured to the top of the threshold or the top of the finished first floor, whichever is greater.

(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.

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 a ~~strikethrough~~.

DISCUSSION

The proposed regulatory changes are rules to protect neighborhoods from overly large and incompatible new houses and additions. They focus on extending for another year interim regulations on the height of door thresholds in residential alterations and new construction, as well as the regulations on the subdivision of land for new homes. Additional regulatory changes will be recommended as part of an infill study program involving the participation of the community that will address infill options and the resultant neighborhood impacts.

PROPOSED INFILL REGULATIONS

Planning and Zoning staff is proposing that the interim zoning text amendment pertaining to front door threshold height and subdivision requirements be continued as an interim regulation for another year.

Front Door Threshold Height

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.

Section 7-1002(B) requires that the front door threshold be less than 20% higher than the average height of other front door thresholds on a blockface, otherwise an 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 is measured from the existing grade on the lot.

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.

Over the past 5 months with the interim front door threshold regulation in place there have been seven applications for new infill homes that have been reviewed by staff. Of that number, one property owner lowered its home so it would not be subject to an SUP. The City surveyor has been able to check all of these infill cases for staff to be sure that the calculations prepared by the property owner were accurate. There are six additional cases currently pending. Staff feels that this is a good regulation to have in place because it provides another tool to encourage property owners to build in character with the neighborhood.

Staff is recommending that this regulation be continued as an interim regulation for another year and not be made permanent because there may be better tools that would accomplish the same thing.

Staff is recommending two changes to this threshold height interim regulation to help clarify the regulation and ease administration of the rules.

It should be clear in the regulation that height of the threshold should be measured from average existing grade along the front of the house. At least one property owner has come into the office with plans to raise the grade surrounding his proposed new home and suggested that the height of the threshold should be measured from the average finished grade. Staff believes that it is the purpose of the regulation to keep homes in character with the existing homes along the block and that any measurement of threshold height should be from the existing grade.

The other change that the staff is recommending is to clarify that the purpose of the regulation is not just to keep the front threshold at less than 20% of the average threshold height along the block, but that the first floor construction should be at the same level as the threshold. One enterprising property owner was looking at keeping the threshold height at the required height, but then construct interior steps leading up to a first floor that would be two to four feet higher than the threshold. The problem with allowing this is that neighbors on both sides and the rear would be faced with a first floor that is higher above the ground than what it appears to be from the front.

Subdivision Regulation

In addition to technical requirements for subdivision regulations found in Section 11-700 of the zoning ordinance, the subdivision regulations also recognize the importance of maintaining neighborhood character, at least in regards to 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.

Additional text was added in June in the interim regulation to help clarify what is meant by character and what land area is relevant to the question. Specifically, the interim regulation 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 interim language allows 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. There has only been one subdivision case for which to apply the new regulations since the approval of the interim regulations. Therefore, staff

is recommending that this regulation also be continued as an interim regulation for another year to provide the opportunity to apply it to more cases.

Short Term Infill Initiatives

As described in the infill worksession in March 2006 and the briefings prepared for the Planning Commission, City Council, and the community leading up to the passage of the interim infill regulations in June 2006, the City has many tools available to deal with infill issues. But it is important to look at other measures to control overdevelopment in single family residential neighborhoods to be sure to preserve the unique neighborhood character in the City.

Two initiatives are particularly important to begin immediately:

- Establish an Infill Task Force to study the infill issue and make recommendations to the City on other measures to control mansionization in single-family, two-family or townhouse residential neighborhoods. Members would consist of a cross section of citizens, architects, lawyers, and City staff – maybe chaired by a Planning Commission member. P&Z would provide staff support to the Task Force. Staff suggests that the City Manager appoint the members.

- Develop a scope of work and hire a design firm to begin preparation of a residential conservation design pattern book, similar to Norfolk's, with design guidelines for builders, architects, and civic associations.

Other short-term initiatives that may be considered within six to 12 months include:

- Consider regulations to require that tear-downs/new construction or substantial redevelopment on a lot that is substandard as to lot size would require an SUP. Currently, construction on vacant lots that are substandard in size requires an SUP.

- Consider steep slope regulations for new development as well as building additions to existing residential property.

- Consider legislation that allows land used for alleys and drives to count as part of residential lot area. This would reverse a change to the zoning ordinance and make it easier for developers to design townhouses with rear parking and garages.

Long Term Infill Initiatives

These are among the options that could be considered and discussed by the Infill Task Force:

- Study <u>FAR and other measures of bulk control</u> in single family residential zones. Clarify that FAR controls are regulations of visual bulk and not density (density would deal with habitable area only). Options include:

  - Consider the FAR a gross measurement of bulk;

- Substitute a measure of building volume rather than the FAR square foot rules to regulate bulk;
- Use a lot coverage ratio, along with setbacks and height measures to regulate bulk rather than FAR; and,
- Change the requirement that basements will be counted as floor area if they are 3 feet (or 2 feet) or more below the bottom of first floor construction (rather than the current 4 feet).

- Study building height controls in single family residential zones. Options include:

  - An average building height limit based on existing houses along a block that would be similar to the average threshold height;
  - For certain neighborhood conservation areas, an overlay district that would have a lower height limit than that permitted by the underlying zone;
  - Lower the height limit in certain zones; and,
  - Change the way height is measured or clarify the way height is determined with complex roof structures.

- Study design review requirements for infill situations in single family residential zones. Options include:

  - Use a design review overlay district to require a review and approval of compatible design in a neighborhood infill situation; and,
  - Develop exceptions to strict bulk requirements to encourage good design. For example, Arlington County does not count freestanding garages as part of the lot coverage ratio if the garages are located in the rear yard. If the City wants to encourage covered front porches, they could be exempted from FAR calculations.

CONCLUSION

Staff recommends approval of the proposed text amendment to extend an interim infill regulation relating to threshold height and make permanent an interim subdivision regulation. Staff also recommends support for the formation of the Infill Task Force to study infill issues.

Attachments: 1) Text Amendment 2006-0003, Interim Infill Regulations
2) Ordinance No. 4457

STAFF: Richard Josephson, Acting Director
Stephen Milone, Division Chief, Zoning & Land Use Services
Peter Leiberg, Zoning Manager
Valerie Peterson, Urban Planner

Attachment #1

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

CITY COUNCIL ACTION, JUNE 17, 2006: 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.

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.

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 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.

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. The 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

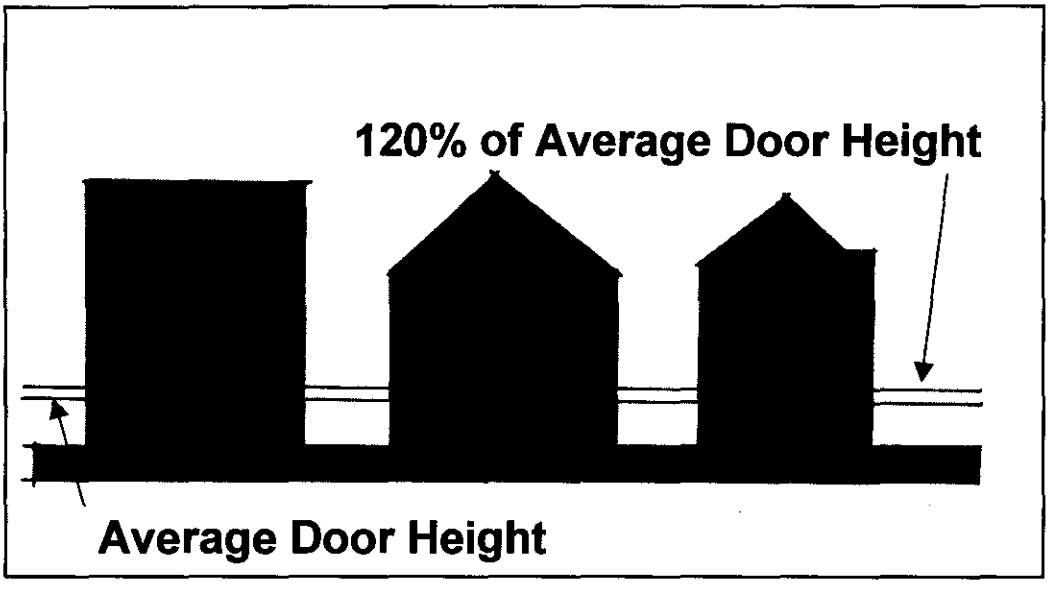
Many new houses have increased the height of the front door threshold, throwing off the pattern of front elevations on a block, and adding to the perception of larger, out of scale, buildings. In some instances, it is a new and taller basement that increases the height of the first floor of the house. 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.

Attachment #2

ORDINANCE NO. 4457

AN EMERGENCY ORDINANCE to adopt interim residential infill development regulations as part of Section 7-1002 (RESIDENTIAL SETBACK IN LINE WITH EXISTING DEVELOPMENT), and Subsection (B) of Section 11-1710 (SUBDIVISION REQUIREMENTS-RESUBDIVISIONS), of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2006-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2006-0003, the planning commission initiated an amendment to adopt interim residential infill development regulations, and

2. The City Council has approved the adoption of Text Amendment No. 2006-0003, and

3. An emergency exists by virtue of the fact that established residential neighborhoods in the City, which constitute a vital part of the City's character, are threatened by the development of overly large new houses and additions which are out of scale with the neighborhood, disrupt and harm the established neighborhood character, and adversely impact the neighboring properties, and, absent the adoption of this emergency ordinance, this threat will continue unabated during the Council's summer recess.

4. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-1002 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

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 June 27, 2006, 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 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.

Section 2. That Subsection (B) of Section 11-1710 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(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.

Section 3. That Section 7-1002 and Subsection (B) of Section 11-1710, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all

such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance; provided, however, that this emergency ordinance shall expire on December 31, 2006.

WILLIAM D. EUILLE
Mayor

Final Passage: June 27, 2006

TEXT AMENDMENT # 2006-0004

ISSUE DESCRIPTION: Consideration of a text amendment to extend interim infill regulations on threshold height and the subdivision criteria.

ZONING ORDINANCE SECTION: Section 7-1002

CITY DEPARTMENT: Planning and Zoning

PLANNING COMMISSION ACTION Recommended Approval December 5,2006 5-0

CITY COUNCIL ACTION 12/16/06 - City Council approved the Planning Commission recommendation 6-1