

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

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 FAR and other measures of bulk control 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

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