

Docket Item #11
Text Amendment 2007-0007
INFILL REGULATIONS

Planning Commission Meeting
December 4, 2007

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 on an interim basis for 12 months or until the City Council adopts alternate regulations in response to the comprehensive recommendations from the Infill Task Force, whichever comes first.

DISCUSSION

On December 16, 2006, City Council approved an extension of the interim infill regulations regarding front door threshold height and subdivisions. The interim regulations were first approved by City Council on June 17, 2006 as a measure to more immediately address infill issues until a task force was established to study the issue and recommend a more comprehensive strategy. In April 2007, City Council adopted a resolution to establish an Infill Task Force, which was created and has been meeting since August. The Task Force is scheduled to meet for the next several months, and expects to have recommendations on potential regulatory changes by June of 2008.

The mission of the Infill Task Force as established by the City Council is to:

- Study the impact of large new housing construction and major residential additions in existing, established single-family neighborhoods.
- Analyze existing City regulations that pertain to limiting infill impacts and make recommendations to the Planning Commission and City Council for any regulatory changes.
- Keep the public informed about the study, briefing the community at large on the progress of the infill study, and briefing the Planning Commission and City Council on their analysis and recommendations.

The Infill Task Force has met three times and has also facilitated a Community Forum on Infill. The group has reviewed the issue of teardowns on substandard lots, the legal parameters of potential infill tools, the existing regulations in Alexandria, and the initiatives being pursued in surrounding jurisdictions. Staff also organized a tour of infill sites around the City so the Task Force could see first hand the various homes in their contextual setting. The Task Force will continue meeting for the next several months to discuss potential bulk regulations, design solutions, and other strategies.

Community Forum on Infill

On November 15, 2007 a Community Forum on Infill was held, with approximately 30 citizens in attendance. The objective of the forum was to continue aggressive outreach to the public about the process, and hear community issues about infill in the city. Public input is essential to the Task Force mission, and will guide the direction of the process. Staff provided a presentation on the issue of infill, and included an overview of existing regulations, potential tools, and the work of the Infill Task Force so far. Citizens broke in to small groups facilitated by Infill Task Force members and discussed and commented on several infill examples.

At their meeting on October 16, 2007, the Infill Task Force considered whether to support the continuation of the interim infill regulations. At this meeting, they voted to recommend approval of extending the interim infill regulations. The Task Force stated that there should be flexibility to reconsider the regulations in the context of the more comprehensive strategy that they are working toward. Staff agrees with the Infill Task Force and recommends that the regulations be

readopted on an interim basis for 12 months or until the City Council adopts alternate regulations in response to the comprehensive recommendations from the Infill Task Force, whichever comes first.

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.

PROPOSED INFILL REGULATIONS

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, which includes the first floor construction, 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 first floor 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. 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.

Cases since the adoption of the threshold ordinance

Since the interim regulations were adopted, there have been 24 cases of significant additions or new construction where the interim regulations applied. Out of those 24, 12 cases complied with the requirement upon submission, eight cases did not affect the existing threshold and front door height, two cases had to be revised to meet the threshold requirement, and two were withdrawn for unrelated reasons.

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 regard to the original subdivision for the area. At section 11-

1710(B), the zoning ordinance provides that re-subdivided 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.

Cases since the adoption of the new subdivision language

There have been seven subdivision cases since the adoption of the new subdivision language. The case that best demonstrates the usefulness of the new language was SUB#2006-0090, denied by the Planning Commission on December 5, 2006. The case involved the subdivision of a lot in Del Ray, where the owner intended to tear down a single family-four square home built in 1912 to build a semi-detached structure. Although Del Ray was originally subdivided with 25 foot wide lots, which would allow semi-detached dwellings, the area around the subject property had developed over time with single family homes, combining the lots of the original subdivision. The prior subdivision regulations would have allowed the subdivision of the lot as the criteria required that a new subdivision be in character with the original subdivision. However, the new regulations require that new subdivisions be in character with how the subdivision has *developed over time*, which allowed for consideration that land for semi-detached dwellings would not be appropriate.

PROPOSED TEXT CHANGES:

Staff is proposing no changes to the previously adopted language of the interim infill regulations, which is 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. 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.

CONCLUSION

Staff recommends approval of the proposed text amendment to extend an interim infill regulation relating to threshold height and subdivisions.

Attachments: 1) Text Amendment 2006-0003, Interim Infill Regulations
2) Ordinance No. 4457
3) Infill Task Force Tentative Schedule

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