



MEMORANDUM

TO: Mayor and City Council Members

FROM: Dan McNabb, Deputy Building Official, Manager, Building Inspections

DATE: December 9, 2013

SUBJECT: Visitability Lot Size exemption

This memo is to clarify the waivers proposed by staff in the draft ordinance for visitability. Staff's original proposal, presented at the May 23, 2013 City Council meeting, applied to all new construction and did not include any waiver options for lot size or lot slope as a prerequisite for non-compliance.

On May 23, 2013 City Council approved the draft ordinance for first reading and directed staff to continue to work with stakeholders and bring back a waiver process. Council also suggested that staff make the requirements less stringent than the existing SMART Housing requirement. At the Stakeholder meeting on October 29, 2013, a waiver process was discussed to include extreme terrain, and that switchback ramps would not be required. One of the Stakeholders, Stuart Hersh, suggested that a lot size of 3600 square foot (SF-4A zoned) could be used as a compromise for determining a waiver, because SMART Housing currently uses 3600 square foot (40 ft x 90 ft) size lot as a waiver. At that time there was consensus from all stakeholders except Harry Savio of the Home Builders Association. Staff moved on with the meeting, so that all other Stakeholder's would have the opportunity to voice concerns about all components of the draft ordinance. Staff believes that this was accomplished. It is fair to say that these topics had been discussed at many of the previous stakeholder meetings and public hearings throughout the year leading up to the Council meeting held on May 23, 2013.

The meeting then began to adjourn because some of the ADAPT Stakeholders had to leave. After the meeting ended, discussion of the lot size issue came up again. There was a quick conversation among several Staff members, Stuart Hersh and Harry Savio about the lot size waiver. At that time without all Stakeholder involvement, the idea of using an SF3 lot size of 5750 square feet came up in the conversation. There was no objection or consensus between stakeholders to use the 5750 square foot lot waiver at this meeting. During this meeting, the

ADAPT stakeholders were insistent on having no waivers and having mandatory visitability. Therefore, to Staff's knowledge, consensus about the lot size waiver was never gained at this meeting with all stakeholders.

The lot size and slope proposed in the ordinance to be presented on December 12, 2013 evolved from the existing Land Development Code SMART Housing requirement which includes the 3600 square foot lot size. This criteria has been used since inception of SMART Housing in 2000.

Finally, staff points out that with proper planning, the proposed ordinance is consistent with lot sizes currently reviewed under the SMART Housing program where it has been shown to be possible to construct more than 6,800 visitable homes since 2000, with less than ten total waivers approved by the Building Official in the jurisdiction based on the use of a waiver that includes the use of the 3600 square foot lot size as one of the waiver allowances.

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