

LDC FIRST READING

December 9, 2019

CM Casar

MOTION SHEET 1

Additional Policy Direction: I move to amend the base motion to include the following additional and amended policy directions:

I. RESIDENTIAL

[CASAR] RES1 Compliant Properties

If changes to the code cause properties in RM1 zones and below to be non-conforming, allow existing residential uses to be compliant and allow such residential uses to expand to current code site development standards. New site development standards from R1 to RM1 should only apply to new builds.

[CASAR] RES2 Site Development Standards

To incentivize smaller housing types, R-zones should allow for increased allowable size of structures only as the number of units increases. This would mean a fourplex would be allowed to be a bigger size than a triplex, a triplex would be allowed to be a bigger size than a duplex, and a duplex would be allowed to be a bigger size than a single family house. Also, staff should continue to explore having a different graduated FAR for large lots compared to small lots to keep with the goal of incentivizing moderate size, family friendly housing. Here is an illustration of FAR requirements that would incentivize family friendly, but modest size, homes without prescription:

- (1) 0.35 FAR for one unit
- (2) 0.5 FAR or for two units
- (3) 0.65 FAR for three units
- (4) 0.8 FAR for four units

[CASAR] RES3 AMEND PC R22:

[PC] R22 [~~Garage~~] FAR Exemptions

In calculating FAR (Floor Area Ratio), allow a partial attic and partial garage / carport exemption [~~of 200 sqft per unit~~].

[CASAR] RES4 Preservation Bonus

Amend the preservation bonus as follows:

- (1) Allow the preserved unit(s) to be expanded and remodeled up to the allowable FAR for the unit(s).

- (2) Limit the size of a single preservation unit ADU to be larger than the current allowable size (e.g., 1,600 sqft) and two-unit preservation bonus to 0.5 FAR (or whichever graduated FARs are adopted).
- (3) Allow lots utilizing the preservation bonus to utilize a simple subdivision process and allow them to waive minimum lot sizes upon subdivision.
- (4) Clarify that preserving only the existing ADU does not qualify as preservation.
- (5) Reduce the required age of a qualifying home to be preserved from 30 to 15 years.
- (6) Increase impervious cover from 45% to 50% if preservation bonus is used.
Reduce impervious cover in R2 zones by 5% for developments of only one unit (as recommended by the Planning Commission) or an amount that negates the increase in impervious cover, and potentially reduce a small percentage the impervious cover for R2 zones generally to negate any increase in impervious cover.
- (7) Waive parking requirements for preservation bonus units.
- (8) To utilize the preservation bonus, there must be an increase in units.

[CASAR] RES5 ADU

Allow mobile homes, RVs, tiny homes, and airstreams to be utilized as dwelling units and staff should include requirements for health and safety.

II. TRANSITION AREAS

[CASAR] TA1 R4 Site Development Standards

Increase impervious cover from 50% to 55%. Reduce impervious cover in R2 zones to mitigate the increase in impervious cover.

[CASAR] TA2 RM1 Site Development Standards

- (1) Allow an affordable housing height bonus to reach 45', the bonus height in R4.
- (2) More easily allow stacked row homes and create a new RM1 zone that focuses on row homes.

III. CENTERS AND CORRIDORS

[CASAR] CC1 University Neighborhood Overlay

Increase affordable housing bonus capacity in Inner and Outer West Campus.

[CASAR] CC2 Downtown

- (1) Prohibit new curb cuts onto pedestrian streets, and expand pedestrian streets in the downtown plan to include the remainder of 2nd street from the Central Library to I-35, the length of the protected bike lane on 3rd street, and the bike lane on 5th street to the downtown station.

- (2) Consider eliminating the capitol dominance overlay while maintaining capitol view corridors in the area around the most frequent transit service.

[CASAR] CC4 Uses

- (1) Allow temporary uses to serve or sell alcohol if they receive appropriate permitting.
- (2) Allow the Director to permit evidence of the temporary use to stay (such as art, landscaping etc)
- (3) Allow temporary uses to have portable toilets.
- (4) Allow indoor crop production to be allowed anywhere commercial warehouses are allowed, not just on AG land.
- (5) Eliminate commercial blood plasma as a discrete use, and combine it with medical office.
- (6) Allow transfer stations to have composting services to transfer compostables to a facility.
- (7) Add meditation, philosophy, and theology to definitions of religious assembly, instead of just religious services.
- (8) Remove Transitional and Supportive Housing as a use and allow them to be treated just as other residential uses.
- (9) For any corridor, change personal storage to a CUP if it is a P or MUP. Create a new minimum distance requirement from other personal storage uses. Create findings for Council to incorporate into the LDC related to the impact of Personal Storage on transit service.
- (10) For MU zones, change alcohol sales from unpermitted to CUP.
- (11) Allow government uses as a MUP in all zones where it is not permitted.
- (12) Permit RVs and manufactured homes on AG zoning as the primary dwelling unit.
- (13) Increase the number of allowed employees from one to two for home occupation and from two to five for live/work.
- (14) For home occupation, increase trips per day from 4 to 16 (to allow for an 8 hour day with 30 minute appointments).
- (15) Change definition of "multifamily" use for small multifamily (4-10) and multifamily (11+), and define 3 units as residential.

[PC] NR10 MICROBREWERY TASTING ROOM RIGHT-SIZING

Intent: Increase the allowed size of microbrewery tasting rooms on smaller sites.

Staff Response: Staff agrees that on-site tasting areas should be enlarged to accommodate smaller breweries/micro-breweries, but the floor area should not exceed 50%

[PC] NR17 ALLOW MOBILE FOOD TRUCKS IN ALL RM, MS, MU ZONES (AND AMENDED AS FOLLOWS)

Intent: Allow mobile food trucks in all RM 2 and above zones with CUP and MU1 and MU2 with a Minor Use Permit (where they are currently prohibited)

Staff Response: Staff supports some level of heightened review for food trucks in MS and MU zones, but is opposed to allowing food trucks in RM zones, which are solely residential.

[PC] NR22 CREATE AN MS1 ZONE

Intent: Create a new MS1 zone for 3-story commercial with MS uses.

Staff Response: While staff regards the currently proposed zoning spectrum sufficient to meet Council directives and capacity goals, establishing additional zones for future use may be prudent.

IV. AFFORDABLE HOUSING

[CASAR] AH1 Existing VMU

Keep the affordability requirements of VMU for currently zoned VMU lots. Set the base heights and residential densities for currently zoned VMU lots at the base height and densities of the current VMU lot.

[CASAR] AH2 Density Bonus Calibration

- (1) Recalibration: Require NHCD to set goals, report quarterly, and recalibrate set-asides and fees-in-lieu every year during the budget process. When recalibrating, explore ways to account for the increase in total value, not just the bonus value.
- (2) Affordable Homeownership: Include a condo or HOA fee in the maximum sale price for homeownership. Assess a reasonable assumption based on local trends for condo fees and increases over time. (e.g., 80% MFI homeowner may only be able to afford a home valued at 70% MFI plus condo fees)
- (3) Allocation of Bonus Funds: Create a process so that NHCD can easily assign bonus dollars to create on-site affordable homes during the development review process.

[CASAR] AH3 Enforcement

Applicants may lease on-site affordable units as follows:

- (1) Accept tenants from the City's waitlist, when one is established. Staff should fast-track the development of the waitlist program. Contract with a third-party nonprofit to manage service providers and the waitlist; and income-qualify, lease, and manage tenants for affordable housing units created through density bonuses; or

- (2) Applicant may contract with a third-party non-profit to manage the affordable units created through density bonuses, if the third-party nonprofit is on a list approved by the city.

[PC] I5 MONITORING AND COMPLIANCE FEE FOR AFFORDABLE HOUSING PROGRAM PARTICIPATION

Intent: Consider requiring a monitoring and compliance fee from all participants of the affordable housing bonus programs.

Staff Response: Because newly utilized land use restriction agreements address non-compliance with reporting/monitoring and affordability requirements, NHCD will wait to make a decision about monitoring fees or fines for non-compliance.

V. NON-ZONING

[CASAR] NZ1 Drainage

1. Review the plumbing code to clarify and strengthen mitigation for lot to lot flood risks in residential house scale and missing middle zones.
2. Explore expanding requirements for drainage management, including Regional Stormwater Management Program, to all newly built residential house scale homes based on impervious cover rather than just some zones.

[CASAR] NZ2 Water Quality

1. Do not disincentivize multifamily residential use with different impervious cover levels than equivalent commercial developments in suburban watersheds by averaging the impervious cover across uses.
2. Explore allowing staff the discretion to incorporate Green Stormwater Infrastructure into the City's rights-of-ways when it is appropriate and would not create future non-compliance issues.

[CASAR] NZ3 Landscaping

1. Clarify that irrigation requirements do not require irrigation when it is unnecessary, such as for landscaping that has low watering needs.

[CASAR] NZ4 Parking

1. Parking requirements for certain uses:
 - (a) For home occupations and live/work, eliminate the parking requirement for employees.
 - (b) Modify R2 parking requirements for Co-housing and Group Residential to be equivalent to normal residential use – "Other allowed Residential Use."

- (c) Change Senior/Retirement Housing parking requirement to .5 per unit from .8 per unit.
- (d) For commercial uses in MU, MS, and above, reduce the minimum parking requirements by a portion, such as by one-third.

[CASAR] NZ5 Transportation

- 1. Maintain the Director's current ability to deny a proposed development, instead of administratively reducing the density or intensity, if it presents a risk to public safety that cannot be reasonably mitigated.

[CASAR] NZ6 On-Premise Signs

- 1. In areas with a significant number of pedestrians, such as downtown, require on-premise signs to be focused for pedestrian use.

VI. PROCESS

[CASAR] P1 Limited Site Plans

Allow small developments of 4-10 units to utilize a limited site plan. Allow up to 3 units to utilize the building permit process.

[CASAR] P2 Criteria Manual

- 1. Require PC majority approval for the initial adoption of criteria manuals
- 2. Future changes may be appealed to PC; changes to the criteria manual go into effect until or unless the PC votes to reject the changes.
- 3. PC does not write or rewrite criteria manuals, only accepts or denies the original manual, and accepts or denies appeals to future changes. PC may make suggestions.
- 4. If there is a policy issue, PC can initiate code amendments for Council approval as currently allowed.

[CASAR] P3 Simple Subdivision

Create a simple subdivision process utilizing Residential Improvement Areas and reduced code requirements for:

- 1. Lots zoned R4 and RM1.
- 2. Lots utilizing the preservation bonus.

[CASAR] P4 Conservation Subdivision Code

Explore requiring greenfield developments to comply with a new conservation subdivision code that allows the same square footage of entitlements, but prioritizes the preservation of green

space that provides ecosystem services and natural flood mitigation. Incorporate into the LDC revision process if feasible, otherwise create a subsequent process.

[CASAR] P5 Zoning Change Reports

Include the following information in zoning change reports:

1. Mode Shift Impact
2. High Opportunity Impact
3. Displacement Impact

[CASAR] P6 ADU FEES

Reduce fees and/or costs for those who are not doing a full rebuild, but are instead just adding an ADU.