

ORDINANCE AMENDMENT REVIEW SHEET

Amendment:

C20-2022-015 - Consider an ordinance amending City Code Title 25 to amend the North Burnet/Gateway Regulating Plan to modify the Gateway and Midway Zones, within the Transit Oriented Development Subdistrict, to increase the maximum floor-to-area ratio and building height when using a development bonus.

Summary of proposed code amendment

TOD-Gateway Zone and TOD-Midway Zone will increase the maximum FAR and building height when using a development bonus as follows:

1. For the TOD-Gateway Zone, modify the maximum FAR from 8:1 to 12:1.
2. For the TOD-Gateway Zone, modify the maximum building height from 360 feet to 491 feet.
3. For the TOD-Midway Zone, modify the maximum FAR from 5:1 to 7.5:1.
4. For the TOD-Midway Zone, modify the maximum building height from 240 feet to 327 feet.
5. Revise Figure 4-3: Maximum FAR with Development Bonus, of the North Burnet/Gateway Regulating Plan as described above. (See Attachment “A”).
6. Revise Figure 4-5: Maximum Height with Development Bonus, of the North Burnet/Gateway Regulating Plan as described above. (See Attachment “B”).

Background:

Initiated by the Planning Commission on September 27, 2022. Co-Sponsors: Commissioner Azhar and Commissioner Anderson.

On May 19, 2022, via [Resolution No. 20220519-040](#), City Council initiated amendments to the Commercial Mixed-Use (CMU) Gateway Zone of the North Burnet/Gateway Regulating Plan to increase FAR and building height when using a development bonus via [Ordinance No. 20221027-044](#). With this action, the maximum FAR increased from 8:1 to 12:1 (a 50% increase) and the maximum building height increased from 308ft to 420 ft. (a 36% increase). As the CMU-Gateway entitlements increased, the development entitlements became more intense than the TOD-Gateway Subdistrict. The North Burnet Gateway Regulating Plan designated the TOD district as the highest density subdistrict in the North Burnet/Gateway area with the greatest focus on providing active pedestrian-oriented uses at the ground level of buildings. Density is enabled to the highest degree in the TOD-Gateway Zone area closest to the rail stations and to a lesser degree elsewhere. To preserve the goals of the Regulating Plan, the City Council and Planning Commission asked Staff to analyze possible increases to the entitlements of the TOD-Gateway and TOD-Midway Zones to accurately calibrate development entitlements.

Given the TOD-Gateway and TOD-Midway Zone entitlement modifications were impacted by the CMU-Gateway Zone increases, Staff analyzed proportional increases to the CMU-Gateway and how those modifications affected other subdistricts. With the CMU-Gateway modifications, there was a 50% increase in maximum FAR and a 36% increase in building height when using a development bonus. Therefore, without a development economic study, Staff followed the Council policy direction and used the proportional increase to CMU-Gateway to arrive at the FAR and building height increases as described above. There are no overlays that would prevent increases to entitlements and neither subdistrict is subject to LDC Article 10 - Compatibility Standards.

Staff Recommendation:

Staff recommends **APPROVAL** of the proposed Code Amendment as described above.

Board and Commission actions and next steps:

1. **September 27, 2022:** Planning Commission initiated Code Amendment to TOD Subdistricts of the North Burnet/Gateway Regulating Plan.
2. **December 8, 2022:** City Council set a public hearing for the subject Code Amendment for January 26, 2023.
3. **December 21, 2022:** Codes and Ordinances Subcommittee.
A motion was made by commissioner Anderson and seconded by commissioner Hempel to recommend the item to the Planning Commission with a max bonus of 491' and FAR 12:1 in both the Gateway and Midway zones. Vote: 6-0, Kiolbassa absent.
4. **January 10, 2023:** Planning Commission postponed public hearing to January 24, 2023.
5. **January 26, 2023:** Staff to ask for a postponement of the public hearing at City Council to February 23, 2023.

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Figure 4-3 : Maximum Floor - to - Area- Ratio (FAR) with Development Bonus

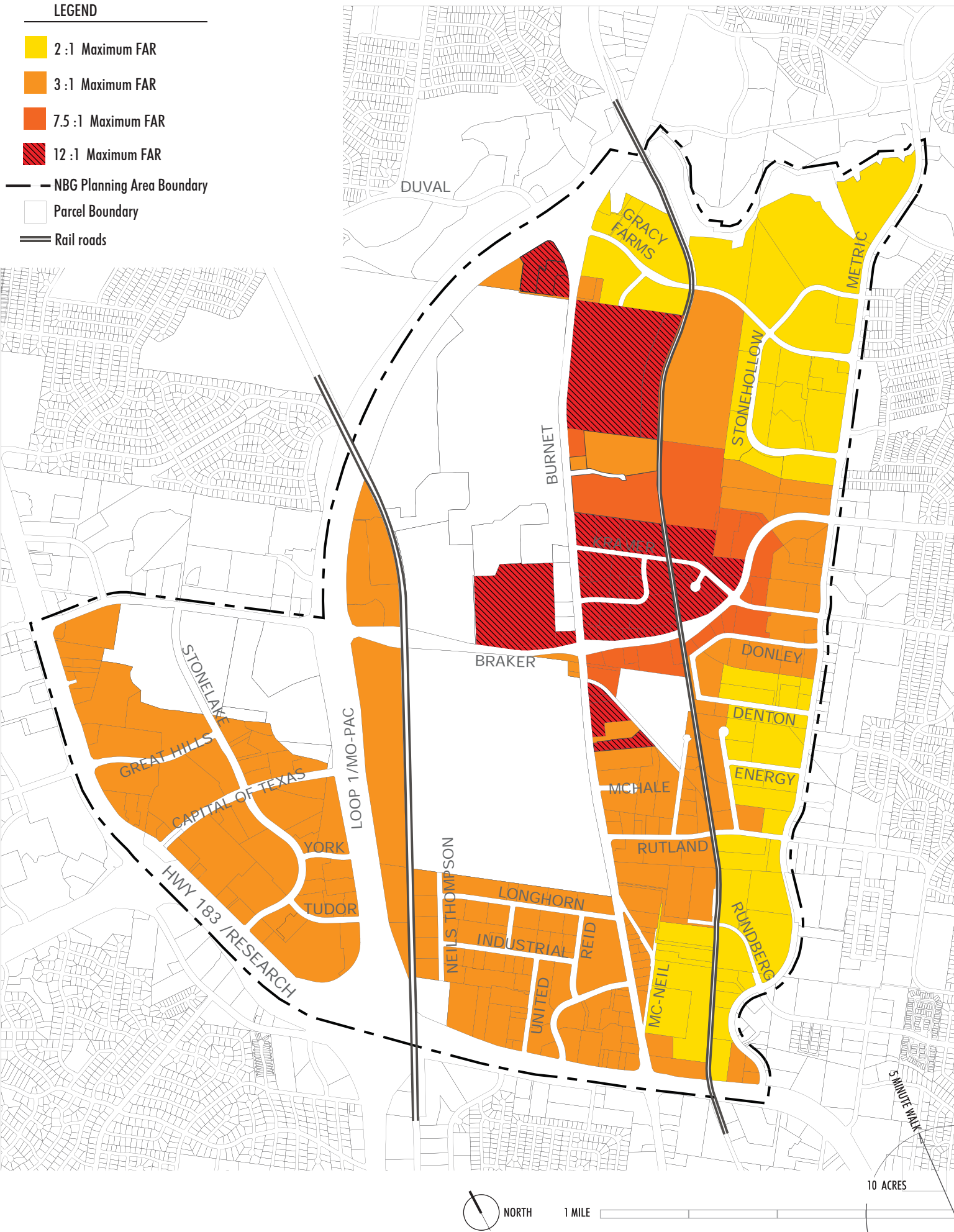
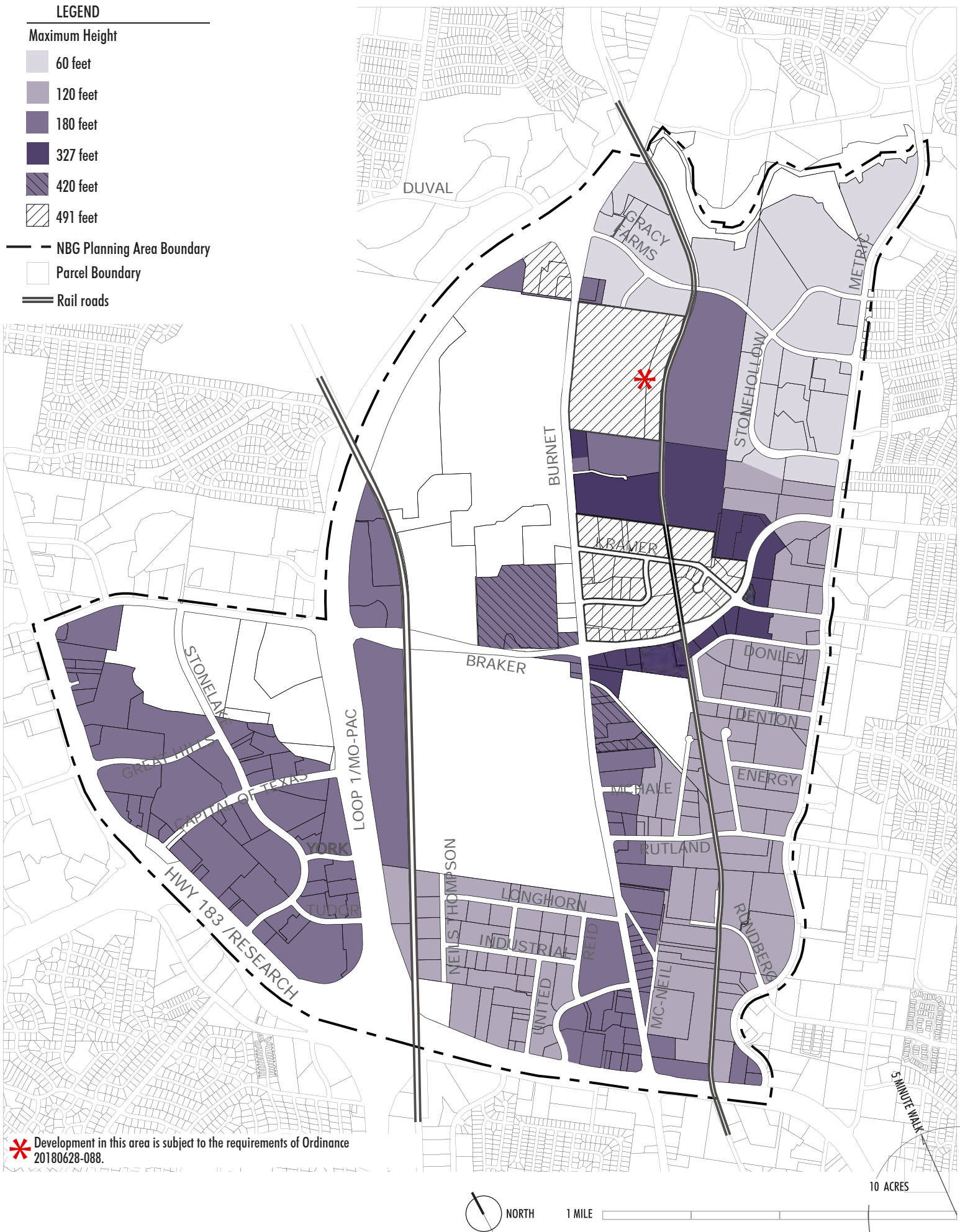


Figure 4-5: Maximum Height with Development Bonus

21



LOT SIZE	
Minimum Lot Size	2,500 SF
Minimum Lot Width	20 Feet

MINIMUM SETBACKS	
Front Yard and Street Side Yard*:	
No ground-level front yard or street side yard setbacks are required. Instead, development must meet the building placement standards in Section 4.3.	
Front and Street Side Upper-Story Building Facade Stepbacks:	
The building facade at the 6th story and above must be stepped back 30 feet from the ground-level building facade line.	
Interior Side Yard:	0 Feet
Rear Yard:	0 Feet
* If the street right-of-way is less than 60 feet in width, the minimum front yard and street side yard setbacks for buildings three or more stories in height shall be 30 feet from the center line of the street to ensure fire access.	

MAXIMUM IMPERVIOUS COVER	
If located in an urban watershed (Shoal or Little Walnut Creek) :	
Established on Figure 4-6 (Based on the maximum impervious cover allowed by the property’s zoning prior to adoption of the this Document.)	
If located in a suburban watershed (Walnut Creek)*: 80%	
* This requirement supersedes impervious cover requirements of Section 25-8-394(C) of the LDC.	

FLOOR TO AREA RATIO	
Maximum Floor-to-Area Ratio (FAR) by Right:	
Established on Figure 4-2 (Based on the maximum FAR allowed by the property’s zoning prior to adoption of this Document)	
Maximum Floor-to-Area Ratio (FAR) with Development Bonus:	
<u>TOD Gateway Zone</u>	<u>12:1</u>
<u>TOD Midway Zone</u>	<u>7.5:1</u>
This FAR may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	



BUILDING HEIGHT	
Minimum Building Height:	
2 Stories	
Maximum Building Height by Right:	
Established on Figure 4-4 (Based on the maximum height allowed by the property’s zoning prior to adoption of this Document.)	
Maximum Building Height with Development Bonus*	
<u>TOD Gateway</u>	<u>491 Feet</u>
<u>TOD Midway</u>	<u>327 Feet</u>
This building height may be granted in exchange for the provision of public benefits. The development bonus criteria and standards are detailed in Article 6.	
*Exception: If adjacent to or across the street from NR subdistrict maximum height is 120 feet.	

Typical example of buildings in the Transit Oriented Development Subdistrict.

