

- 5 [14-0891](#) Approve Design Guidelines for multi-family residential projects to address size, bulk and scale; Find that the project is exempt under CEQA pursuant to Guideline 15061(b)(3). (Study Issue original title: City Policies Governing Housing Density)

Andrew Miner, Principal Planner, presented the staff report.

Comm. Harrison commented on the appropriateness of the concept to provide variety and visual diversity among buildings, to which staff responded that it is a guiding principle and not a requirement for all developments.

Vice Chair Olevson confirmed with Mr. Miner that the guidelines do not require multi-level, below-grade parking for larger projects, and discussed the intent of stoop entries in the guidelines for high-density projects. Vice Chair Olevson also confirmed with Mr. Miner that the guidelines were not written with the Lawrence Station Area Plan (LSAP) in mind, and that mixed-use design guidelines will be reviewed in the future. Vice Chair Olevson and Mr. Miner also discussed the use of comparing multi-family density to floor area.

Comm. Rheaume and Mr. Miner discussed the reasons the design guidelines are not applied to the R-3 zoning designation. Trudi Ryan, Planning Officer, added that if City Council approves the guidelines information could be collected in the future to demonstrate how the guidelines work and better define the numbers being used.

Comm. Klein noted a specific residential project that was approved and had issues with massing, and discussed with staff whether the guidelines would have constrained the massing and solved that problem. Ms. Ryan added City Council was concerned with the density of that project. Comm. Klein and Ms. Ryan also discussed the potential for developers to meet the suggested guidelines to reduce the bulk of a building and then requesting a Variance for setback and/or between-building space requirements.

Comm. Durham discussed with Mr. Miner the definition of mixed use, and commented on the potential for the guidelines to reduce what could be used as community open space by trying to reduce the bulk of a building.

Comm. Simons discussed with Mr. Miner a timeline for collecting data for further development of zoning tools.

Comm. Klein and Mr. Miner discussed the addition of rooftop gardens as open space for developments, and Mr. Miner added that bird-safe concerns would need to be addressed.

Chair Melton opened the public hearing.

Jonathan Fearn, Senior Director of Development with SummerHill Housing Group, discussed the challenges that guidelines present for developers and suggested they be broad enough to accommodate different areas of the City.

Pat Sausedo, Government Affairs Consultant for the Building Industry Association - Bay Area, said this is a good process and is in favor of collecting data.

Chair Melton closed the public hearing.

Comm. Harrison and Mr. Miner discussed shared commercial and residential parking in high-density mixed use areas.

Comm. Durham moved to recommend to City Council Alternatives:

- 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3);
- 2) Approve design guidelines for high density multi-family residential and mixed use projects in the R-4, R-5, C-1, C-2 and DSP zoning districts; and
- 4) Direct staff to return within three years with data collected from upcoming planning applications to further evaluate appropriate zoning tools to address the issue.

Comm. Klein seconded.

Comm. Durham said he appreciates the hard work of staff, and that this is a comprehensive document on how to deal with high-density problems, which is where we are going with a lot of projects in this town. He said this is a good document, that it will be nice to get data later, and he hopes we do not become slaves to the guidelines and can allow newer and more aggressive approaches in the future.

Comm. Klein offered a friendly amendment to have staff evaluate the use of rooftop gardens for possible open space.

Comm. Durham accepted.

Comm. Klein offered a friendly amendment to rework the mixed use parking guidelines.

Comm. Durham accepted.

Comm. Klein said he can support the motion, and that the guidelines are one step toward trying to better recommend guidelines to developers to better design a project, especially larger projects in the R-4 and R-5 zoning districts, and hopefully deal with issues seen in the past. He said a lot of this has to do with massing and we are looking at improving projects, and these guidelines work in that process. He said a lot of the core problems resulted from the number of units or Floor Area Ratio, and hopefully the data collected within the next few years will help manage that and solve the problem or determine whether there is indeed a problem. He said that a lot of this also has to do with a developer standpoint and what the appropriate and going market need is, which is best evaluated by developers in the long run. He said when it comes to the final design and approval it is important that staff has the tools to guide developers to a better project when a project makes a left turn and is not in the best interest of the City. He said the guidelines are a good first step in trying to encompass a tool bag of good things that a project should have and when the design goes astray these will be some tools that staff can point to and say here is how you can improve this project and here is the guideline you are not meeting. He added that they will help the Planning Commission and City Council say this is what I do not like about the project and needs to be fixed, and that they are a good addition to the tool bag for planning in general.

Comm. Rheume said he will be supporting the motion and congratulated staff for a well done job putting the guidelines together. He said the guidelines help to demonstrate the City's expectations for developers when putting a project together and are a good tool to help them put together a good design. He said with regard to some of the projects recently reviewed, without these design guidelines developers might want to play it safe and build what the guy down the street built because it is not very clear other than dimensions or setbacks, which in the end do not leave us with a good looking building or a good design. He added that the guidelines can help to achieve a better end product.

Vice Chair Olevson said he will be supporting the motion and that writing new standards from the get-go is a difficult job. He said it is clear from comments from the developer community that there was sufficient outreach to show that the guidelines were not being written from a mount on high, but instead staff got down into the nitty gritty and put something together that the people could support and live with. He said he particularly likes the addition in the motion to come back in three years to evaluate how we did, and that too often we pass a new program and then think that is the end of it and do not go back to evaluate it to see if it is

worthwhile.

Comm. Simons said he will be supporting the motion, is happy about the outreach effort, and that staff has done a great job. He thanked the maker and seconder of the motion for doing an excellent job of collecting the zeitgeist of the evening that was going on and appreciates that they have pulled it all together.

Chair Melton said he will be supporting the motion, and that staff and the consultant did a great job putting together a good document. He also thanked the members of the public for staying late for a lengthy public hearing and providing comments, which is a testament to their passion and desire to share their comments with the Planning Commission. He said it is interesting, and only City Council can answer this question, that the original triggering event in 2013 was a hearing of a project that some on Council may have found troubling in the way it played out, and which may not be specifically addressed by these new design guidelines. He said he finds that they are high-quality design guidelines that will ultimately get us to a better place in terms of providing clarity to the developer community on what we expect in the City. He added that he likes the built-in three year clock to revisit this with additional data, and he is sure that if it becomes clear that there are some issues with the design guidelines staff would bring it back to the Commission well in advance of the three years.

MOTION: Comm. Durham moved to recommend to City Council Alternatives:

- 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3);
- 2) Approve design guidelines (Attachment 2) for high density multi-family residential and mixed use projects in the R-4, R-5, C-1, C-2 and DSP zoning districts, with modifications:
 - a) Staff evaluate the use of rooftop gardens as potential open space; and
 - b) Rework the mixed use parking guidelines to encourage unbundled parking for mixed use projects.
- 4) Direct staff to return within three years with data collected from upcoming planning applications to further evaluate appropriate zoning tools to address the issue.

Comm. Klein seconded. The motion carried by the following vote:

Yes: 7 - Chair Melton
Vice Chair Olevson
Commissioner Durham
Commissioner Harrison
Commissioner Klein
Commissioner Rheaume
Commissioner Simons

No: 0

6 Select and Rank Potential 2015 Study Issues

Trudi Ryan, Planning Officer, said this item is the opportunity for the public to share comments on potential study issues.

Chair Melton opened the public hearing, and upon seeing no speakers for this item, closed the public hearing.

Chair Melton closed this agenda item.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Comm. Simons thanked and congratulated Kathy Berry, Senior Assistant City Attorney, on her retirement.

Chair Melton said it has been an honor and pleasure to work with Ms. Berry and wished her the best in her retirement.

Vice Chair Olevson thanked Ms. Berry for her support of the Commission.

-Staff Comments

Ms. Ryan complimented Ms. Berry on her advice to staff, and provided the Commission with an overview of upcoming items going to, and those recently heard by, City Council.

INFORMATION ONLY ITEMS

None.

ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM

Chair Melton adjourned the public hearing to the West Conference Room at 11:40 p.m.