

City of Piedmont
COUNCIL AGENDA REPORT

DATE: April 16, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Introduction and First Reading of Ord. 743 N.S., Adopting Revisions to City Code Chapter 17, Planning and Land Use, to Implement Various Technical Refinements and Corrections.

RECOMMENDATION:

Conduct the first reading of Ordinance 743 N.S. (Attachment A, pages 9-16), which does the following:

- A. Determines that the proposed revisions to the City Code are exempt from CEQA; and
- B. Amends the following sections and subsections of Chapter 17, Planning and Land Use: 17.20.040, 17.28.040, 17.30.050, 17.32.010, 17.36.040.C.2.b, 17.38.060.B.5.a, 17.48.010, 17.48.060, 17.48.070, 17.62.030.C.1, 17.62.030.E, 17.64.010.B, 17.64.020.B, and 17.90.020 *Floor area*.

EXECUTIVE SUMMARY:

This report concerns various recommended technical corrections and refinements throughout City Code Chapter 17, Planning and Land Use. As staff has implemented the comprehensive update to City Code Chapter 17, Planning and Land Use, which went into effect on April 19, 2017, a number of inconsistencies and minor errors have revealed themselves. In addition, putting the regulations into practice has revealed the need for the refinement of a few sections and subsections to add clarity. This is expected with such a comprehensive update.

The recommended refinements address the following issues:

Parking space size and specifications

Requiring 12 inches between the side of a parking space and the nearest wall or similar obstruction so that drivers and passengers have adequate room to maneuver into and out of a car parked in a garage or carport.

Sign Design Review Permit

Reinstituting a design review permit and design standards specific to signs on private nonresidential properties.

Parking requirements related to Accessory Dwelling Units

Making Piedmont's Accessory Dwelling Unit Ordinance consistent with state laws by deleting the prohibition of replacement parking spaces within the 20-foot street yard setback.

- Section 17.90.020—changes to the definition of floor area to include non-habitable basement and attic areas that could easily be converted to habitable area.
- Sections 17.48.010, 17.48.060, and 17.48.070—a correction to substitute the word division for the word chapter.

In response to Commissioners' questions, Director Jackson explained that the change to Section 17.30.050 returns the dimension of parking spaces close to the prior dimensions if the space is adjacent to a wall. Allowing up to four bedrooms in a home without addressing nonconforming parking is a more effective relaxing of the regulations than this size change. The additional foot of space will not be applied to open space between two adjacent cars. Proposed revisions have been published and available for public review for the past 14 days. Proposed sign criteria do not stipulate a percentage of overall linear footage or area of a sign relative to the facade or plane. The text for sign design review is extensive to facilitate the public's understanding of the goals of sign design. Under current state law for accessory dwelling units, a concrete pad for parking can be placed in any configuration in any location on the property, including within the 20-foot front setback. Director Jackson believes that the Commission could continue to limit the size of parking areas in the front yard, but not prohibit them. The City Attorney had recommended the provision of at least 45 days to present an appeal to the City Council to allow for the preparation of a response to the appeal. With respect to floor area ratio, building and planning staff attempted to develop a definition for non-habitable space, but each attempt conflicted with requirements of the Building Code. A prelude to the exemption from the floor area limit for Zones A and E could state "in order to encourage development within the building envelope rather than building outwards, the floor area ratio standard is not applied."

Chair Ramsey noted the Commission's two concerns were further clarification of floor area ratio and parking within the 20-foot front setback. Commissioner Jajodia suggested Commissioners could condition parking to be made of pervious paving or consider during design review whether reasonable efforts had been made to locate parking outside the front setback. Commissioner Behrens recalled the statements of principle about the importance of the front yard and suggested the text contain general language referring to existing policies and guidelines.

Director Jackson recommended the Commission approve the revisions with the amendment for floor area ratio. Separately staff will consult with the City Attorney to determine whether language regarding location of parking can be changed in the accessory dwelling unit ordinance.

Resolution 9-PL-18

RESOLVED that the Planning Commission recommends that the City Council approve the proposed revisions to Chapter 17 of the City Code with an amendment to clarify an exception to floor area ratio in Zones A and E as discussed.

Moved by Jajodia, seconded by Ode

Ayes: Behrens, Jajodia, Ode, Ramsey

Noes: None

Recused: None

Absent: Levine, Thiel