



## Land Use Code (LUC): First Reading

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# Purpose of the Land Use Code Updates:

To Align the LUC with Adopted City Plans and Policies with a focus on:

- Housing-related Changes
- Code Organization
- Equity



# FIVE GUIDING PRINCIPLES

Revisions to the code will continue to support the five guiding principles confirmed by City Council in November 2021 with an emphasis on Equity.

1. *Increase overall housing capacity* (market rate and affordable) and calibrate market-feasible incentives for deed restricted affordable housing
2. *Enable more affordability* especially near high frequency transit and growth areas
3. *Allow for more diverse housing choices* that fit in with the existing context
4. *Make the code easier to use and understand*
5. *Improve predictability* of the development permit review process, especially for housing



# Engagement Update

## Engagement to Date:

- 50+ meetings and events over the last 4 months
- 10+ updates to Council + Boards and Commissions
- 200+ emails and general comments received
- 60 attendees at the April Virtual Info Session
- 70 attendees at the April Deliberative Forum
- 175 attendees at the May 8th open house event
- 100+ attendees total at 13 neighborhood-specific walking tours and 1 general walking tour
- Spanish walking tour July 26th
- Alternatives Exhibit on August 9th



## Feedback & Recommendations

- Planning & Zoning Commission – September 27th
- Historic Preservation Commission – September 20th
- Affordable Housing Board
  - General support for Affordable Housing Incentives
  - Support for extended affordability term, up to 99 years
- Economic Advisory Board – September 20th

The attached summary focuses on the most referenced 12 Key Themes:

- Accessory Dwelling Units (ADUs)
- Transit and Transit Oriented Development
- Parking
- Protecting the Character of Neighborhoods
- Homeowners Associations (HOAs)
- U+2
- Compliments About the Walking Tours and Open House
- Supply and Demand Issues
- Review Process for Developments
- Multiplexes
- Growth
- Water and Additional Infrastructure

### Stage 1 (March - April)

- Begin outreach
- Identify areas for engagement and potential adjustment

### Stage 2 (April - June)

- Gather feedback through dialog
- Listen, Consult & Involve

### Stage 3 (June - July)

- Draft Potential Alternatives
- Analysis & Legal Review

### Stage 4 (August - October)

- Code drafting
- Recommendations & Adoption





Items that will Carry  
Forward from Existing  
Land Use Code

### No proposed changes to:

- Basic Development Review (BDR)
- Type 1 Review (Hearing Officer)
- Type 2 Review (Planning and Zoning Commission)
- Site Plan Advisory Review (SPAR)
- Existing 12-step review process
- Level of review required for residential development (except Affordable Housing)
- Non-residential uses
- Historic Preservation requirements
- Environmental/Natural Resources requirements
- Landscaping requirements
- Street design requirements
- Engineering requirements
- Planned Unit Development (PUD) requirements
- Addition of Permitted Use (APU) requirements
- Modification and Variance standards
- Adequate Public Facilities
- Occupancy Regulations (i.e., U+2)



# Summary of Code Changes

## Summary of Code Changes

1. *Increase overall housing capacity* (market rate and affordable) and calibrate market-feasible incentives for deed restricted affordable housing

- Increasing housing types and number of units allowed in residential, mixed-use, and commercial zones
- Reducing parking requirements for studio, one-, and two-bedroom units in multi-unit developments and for affordable housing developments with 7 or more units
- Requiring parking for ADUs

2. *Enable more affordability* especially near high frequency transit and growth areas

- Expanding Affordable housing incentives
- Updating and modifying Affordable housing definitions + requirements
- Requiring 60 years of deed restriction instead of the current 20 years

3. *Allow for more diverse housing choices* that fit in with the existing context

- Allowing ADUs in all residential and mixed-use zones (with some requirements)
- Creating a menu of building types with zone-specific standards
- Adding form-based regulations to enhance compatibility in RL, NCM, NCL, and NCB
- Clarifying language related to HOAs and private covenants

4. *Make the code easier to use* and understand

- Allowing Affordable Housing projects to be reviewed through a BDR process
- Using a consistent, graphic and form-based approach to code standards

5. *Improve predictability* of the development permit review process, especially for housing

- Reorganizing code content and sections to consolidate and simplify information
- Updating definitions and rules of measurement for consistency

## *#1: Increase overall housing capacity (market rate and affordable).*

### **Key Changes:**

- Target increases in housing capacity to zones in transit corridors and zones with the greatest amount of buildable land
- Increase maximum density in the LMN zone from 9 to approximately 12 dwelling units per acre
- Reduce parking requirements for studio, one- and two-bedroom units in multi-unit developments
- Regulate density through form standards and building types instead of dwelling units per acre

*#2: Enable more affordability, especially near high frequency transit and priority growth areas.*

**Key Changes:**

- Expand affordable housing incentives
- Modify income criteria to address the most critical shortages
- Raise the density bonus incentive in the LMN zone
- Create height bonus and parking reduction incentives in mixed use and commercial zones
- Require 60 years of deed restriction instead of the current 20 years
- Continue to require a minimum 10% of units to be affordable for development seeking incentives

*#3: Allow for more diverse housing choices that fit in with the existing context and/or future priority place types.*

**Key Changes:**

- Allow ADUs in all residential and mixed-use zones
- Create a menu of building types and form standards to guide compatibility
- Update Land Use Table to permit more housing types
- Adjust standards to enable more small-lot infill development and “missing middle” housing types.
- Update use standards, rules of measurement, and definitions to align with new building types and standards.

*#4: Make the code easier to use and understand.*

*#5: Improve predictability of the development review process.*

**Key Changes:**

- Introduce more Graphics and tables to describe standards
- Reorganize content so the most used information is first in the Code
- Reformat zone districts with consistent graphics, tables, and illustrations
- Consolidate form standards in new *Article 3 – Building Types*
- Consolidate use standards into table in new *Article 4 – Use Standards*
- Update definitions and rules of measurement for consistency
- Rename some zones and create subdistricts to consolidate standards





## Items for Discussion

## Items for Council Discussion

In RL, Allow duplexes under one of the following site-specific conditions:

1.
  - 100ft wide lots
  - Duplex integrates an existing structure
  - Duplex includes one unit of deed-restricted affordable housing
  - Lot located within 1/4 mile of current or future high-frequency transit
2. In OT-A (NCL), allow three units on lots 6,000 sf or larger under one the following site-specific conditions:
  - Combination of a duplex + ADU
  - Triplex integrates an existing structure
  - Triplex includes one deed-restricted affordable housing unit
  - A 3-unit Cottage Court includes one deed-restricted affordable housing unit
3. In OT-B (NCM), allow six units on lots 6,000sf or larger under the following site-specific condition:
  - Approved building types that both integrate with the existing structure and includes a deed restricted affordable housing unit.
4. In OT-B (NCM), allow six units on lots 9,000sf or larger with under the following site-specific condition:
  - A six-unit Cottage Court includes one deed-restricted affordable housing unit
5. Allow a Private Covenant/HOA to regulate site placement of all structures (additional setbacks, separation requirements)
6. Require properties with a new ADU to have a resident manager.

## Integrate With Existing Structure

*Integrate with existing structure* shall mean using the existing structure to achieve a new use and/or using the existing structure to achieve an increase in the number of dwelling units at an existing use. In order to meet the definition of *integrate existing structure*, the following requirements must be met:

(A) Exterior walls must remain and cannot be demolished except for the following:

- (1) New windows, doors, or entry features may be added and only the area of the new features may be removed from the existing wall;
- (2) 0% of front walls, 25% of side walls, and 100% of rear walls may be removed; and
- (3) Exterior finishes may be maintained or replaced without increasing the footprint.

(B) In conjunction with the demolition exceptions in (A), additions to existing structure may occur. Additions shall be subordinate to the existing structure by satisfying all of the following requirements:

The addition must be the same height as the existing structure or lower;

- (1) (2) The addition must be placed to the rear of the existing structure;
- (3) The addition must be designed to be compatible with defining features including but not limited to materials, finishes, windows, doors, entries, porches, decks, and balconies of the existing structure; and
- (4) The addition may not increase the footprint of the existing structure by more than 50%.

(C) Any allowed demolition or additions shall be identified in the building permit submittal.

## Items for Council Discussion

1.

In the RL allow duplexes under one of the following site-specific conditions:

- 100ft wide lots
- One unit is deed-restricted affordable housing
- Converts and integrates an existing structure
- Lots within 1/4 mile of current or future high-frequency transit



Duplex	2 max.	6000 ft <sup>2</sup> min.	<b>MUST MEET ONE OF THE BELOW REQUIREMENTS</b>
			At least 100' Lot Width
			Integrates existing structure**
			Within 1/4 Mile of High Frequency transit or higher***
			Affordable Housing Development

## Items for Council Discussion

2.

In OT-A (NCL) allow three units on lots 6,000 sf or larger under one the following site-specific conditions:

- Combination of a duplex + ADU
- Triplex integrates with the existing structure
- Triplex with a deed restricted affordable housing unit
- Cottage Court with a is deed restricted affordable housing unit



Building Type	Units	Lot Area	Additional Site Requirement
Duplex + ADU	3 units max.	6,000sf min.	N/A
Triplex	3 units max.	6,000 sf min.	<b>Must meet one of the following two requirements</b>
			Integrate with existing structure
			Affordable Housing Development
Cottage Court	3 units max.	9,000 sf min.	Affordable Housing Development

**Items for Council Discussion**

3.

- In the OT-B (NCM) allow six units on lots 6,000sf or larger under the following site-specific condition:
  - Approved building types that both integrate with the existing structure and includes a deed restricted affordable housing unit.

*ADU in backyard for 6th unit*



Old Town – B (OT-B)			
Building Type	Units	Lot Area	Site Specific Requirement
			<b>Must Meet Both of the requirement below</b>
5-plex + ADU; or	3 units min. and 6 units max.	9,000 sf min.	Integrate with existing structure
6-plex			Affordable Housing Development

## Items for Council Discussion

4. In the OT-B (NCM) allow six units on lots 9,000 sf or larger under the following site-specific condition:
- Cottage Court that includes a deed restricted affordable housing unit



Old Town – B (OT-B)		
Building Type	Units	Lot Area
Cottage Court	3 units min. and 6 units max.	9,000 sf min.

## Items for Council Discussion

5. Allow a Private Covenant/HOA to regulate site placement (additional setbacks, separation requirements).

### 1.3.3 CONFLICTS WITH PRIVATE HOUSING COVENANTS

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any contract or restrictive covenant that prohibits or has the effect of prohibiting the number and/or type of dwelling units permitted on a lot when such number and/or type of dwelling unit(s) would otherwise be permitted by the City's zoning regulations. A Homeowner's Association may enforce private covenants which reasonably regulate external aesthetics including, but not limited to, site placement/setbacks, color, window placement, height, and materials with the intent of furthering compatibility with the existing neighborhood.

No person shall create, cause to be created, enforce or seek to enforce any provision contained in any contract or restrictive covenant that prohibits or has the effect of prohibiting subdivision of property when such subdivision would otherwise be permitted by the City's zoning regulations.



## Items for Council Discussion

### 6. Require properties with a new ADU to have a resident manager.

(1) Accessory dwelling units shall have a resident manager residing on the property in the ADU or primary building, when the owner does not reside on the property.

(a) The resident manager shall have one (1) primary residence and shall reside on the property for nine (9) months of the calendar year.

(b) If the designated resident manager no longer resides on the property, a new one shall be established by the property owner.

(c) If the resident manager shall be authorized by the property owner to manage the property and all dwelling units.

(d) Before the Certificate of Occupancy is issued for an ADU the property owner shall provide the name, address, and the resident manager's authorization to manage the property and dwelling units. Any ongoing verification of such information shall be provided by the owner upon request of the City.

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  - Lot located within 1/4 mile of current or future high-frequency transit

In OT-A (NCL), allow three units on lots 6,000 sf or larger under one the following site-specific conditions:

2.
  - Combination of a duplex + ADU
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5. Allow a Private Covenant/HOA to regulate site placement of all structures (additional setbacks, separation requirements)

6. Require properties with a new ADU to have a resident manager.

Does Council wish to adopt Ordinance Nos. 136, 2023;  
137, 2023; and 138, 2023, for the proposed Land Use  
Code updates on First Reading?



