



Memorandum

From: Daniel Pauly AICP, Planning Manager
To: Planning Commission
Date: October 9, 2024
RE: Additional Edits to Frog Pond East and South Master Plan Implementing Development Code Amendments, Resolution No. LP24-0003

Below are additional edits recommended by staff after additional review and discussion of waiver language specific to Frog Pond East and South. These edits, if recommended by the Planning Commission, will be part of the recommendation to City Council and incorporated into the draft going forward to City Council.

Edits to Proposed Subsection 4.127 (.22) B. 1., add additional specifics about how Chapter 6 of the Master Plan will be used to evaluate waivers in Frog Pond East and South. Added language is highlighted.

(.22) Consideration of Waivers in the Frog Pond East and South Neighborhoods.

- A. Applicants for development in the Frog Pond East and South Neighborhoods may request waivers to applicable development and design standards in Section 4.127 pursuant to Section 4.118 (.03), provided the criteria in subsection B. are met. Waivers are typically applied for with a Stage II final plan. However, when a Stage I approval is requested prior to submission of a Stage II final plan in the Frog Pond East and South Neighborhoods, the applicant may elect to request a waiver or waivers related to standards impacting lot size or dimension, housing variety, the size or location of parks or open space, or the location of streets or pathways in conjunction with the Stage I approval, if the applicant can demonstrate each requested waiver would directly impact site layout. In such case, a Stage II final plan for the same development area may not be applied for until there is a final decision on the Stage I and associated waivers. Each approved Stage I waiver shall expire unless a Stage II final plan consistent with the approved Stage I waiver is submitted within two years.**
- B. In addition to the waiver criteria in Sections 4.118 and 4.140 and applicable Site Design Review standards, when reviewing a waiver for development within the Frog Pond East and South Neighborhoods the Development Review Board’s decision shall be based on the following criteria, which reflects guidance in the Frog Pond East and South Master Plan:**
 - 1. The development enabled by the waiver is complementary and compatible with development that would typically be built within the subject Urban Form Type as described in Chapter 6 of the Frog Pond East and South Master Plan including structures that match the relevant urban form descriptions on pages 57-59 of the Master Plan and maintaining the transect of urban form shown in Figure 15. Land Use and Urban Form Plan.**

- a. In making findings regarding the waiver criteria in Section 4.140, further direction from Chapter 6 of the Master Plan to be considered includes, but is not limited to, increasing opportunities for affordable housing choices with a focus on exceeding minimum requirements for middle housing, mobility-ready units, and small units as established in Table 6B; improving transitions between different urban forms; and maximizing amenities available to residents and visitors (e.g., additional plazas, active recreation spaces, green focal points, and other gathering opportunities).**
- 2. The waiver continues to support a wide variety of housing throughout the Frog Pond East and South Neighborhoods including not reducing the Minimum Number of Units of any requirement in Table 6B by the greater of 5 units or 20 percent.**

 - a. Except as indicated in b. and c. below, the number on which the greater of 5 units or 20 percent is calculated shall be the number as written in Table 6B and shall not include any modification, combination, or summation of the number.**
 - b. Where an application includes two or more adjacent tax lots within the same subdistrict, the number on which the greater of 5 units or 20 percent is calculated shall be the sum of the requirements for those tax lots, as allowed in Footnote I. of Table 6B.**
 - c. Where a requirement in Table 6B is adjusted pursuant to Subsection, 4.127 (.06) C. 1., the number on which the greater of 5 units or 20 percent is calculated shall be the adjusted number.**

Rationale for Additional Text: Since publication of the packet City staff has continued to look for ways to increase clarity about applicable waiver criteria and factors within the scope of the current project and published notice.

Without the additional text Subsection 4.127 (.22) B. 1. generally points an applicant to Chapter 6 of the Master Plan for what to consider to remain complementary compatible with mapped urban forms. However, Chapter 6 covers land use in general and not just urban form. The added language in B. 1. provides specific reference to key urban form language to reference in determining compatibility, which is a required criterion for proposed waivers in Frog Pond East and South

In addition, the new text acknowledges Chapter 6 does have other key information that would be helpful to consider during waiver listed in Section 4.140. Section 4.140 includes a variety of broad purpose statement type language which serve as factors to consider during a waiver request rather than mandatory criteria. Examples include allowing a development better than one that would result without the waiver and more efficient use of a site due to size and shape. New Subsection B. 1. a. calls out specific items in Chapter 6, beyond the required urban form findings, that applicants should consider in making findings for whichever factors they are using from Section 4.140 to support a waiver request.