



## STAFF REPORT

### To the Honorable Mayor and City Council From the City Manager

**DATE:** August 26, 2019

#### **SUBJECT**

Floor Area Ratio (FAR) Ordinance for Single-Family Homes

#### **RECOMMENDATION**

Waive the first reading and introduce an ordinance approving new Zoning Ordinance Article 48 (Floor Area Ratio) limiting the Floor Area Ratio of single family homes to 40 percent or 2,500 sq. ft., whichever is greater, and approving amendments to various Zoning Ordinance Articles regarding definitions and residential and mixed use districts.

OPTION: The City Council may also consider adoption of an urgency ordinance (effective immediately) for the Zoning Ordinance Amendments introducing a Floor Area Ratio and related amendments to various articles of the Zoning Ordinance (Requires an affirmative vote of six Councilmembers). See "Alternatives" section.

#### **STRATEGIC INITIATIVE**

Housing

#### **BACKGROUND**

The City of Redwood City receives numerous requests to improve single-family homes every year. Most of these improvements are relatively minor, and include kitchen remodels, new roofs, window replacements and other interior renovations. There are also other larger projects including ground floor additions, second story additions, or complete tear downs and rebuilds of homes. Some of these projects have generated concerns regarding architectural compatibility, floor area, and massing compared to existing neighboring homes that may have been built many years ago. Many of the concerns originated in the Mt. Carmel neighborhood where neighbors were concerned that existing smaller homes were being

demolished, and larger incompatible homes constructed in their place. Table 1 below shows the applications received for new homes and second story additions from the beginning of 2017 to the end of 2018, and the Mt. Carmel neighborhood received the most applications. An unusually high number of applications have been initiated by developers, as opposed to homeowners, in recent months.

**Table 1 – 2017 – 2018 ARCHITECTURAL PERMITS BY NEIGHBORHOOD  
(LISTED BY AVERAGE FLOOR AREA RATIO FOR HOME)**

| Neighborhood        | Projects  | Average Lot Size     | Average Home Size    | Average FAR |
|---------------------|-----------|----------------------|----------------------|-------------|
| Redwood Oaks        | 8         | 5,759 sq. ft.        | 3,160 sq. ft.        | 0.56        |
| Stambaugh-Heller    | 3         | 3,133 sq. ft.        | 1,442 sq. ft.        | 0.56        |
| Friendly Acres      | 2         | 6,250 sq. ft.        | 3,329 sq. ft.        | 0.54        |
| Redwood Village     | 1         | 6,100 sq. ft.        | 3,221 sq. ft.        | 0.53        |
| Roosevelt           | 8         | 6,059 sq. ft.        | 2,975 sq. ft.        | 0.52        |
| Redwood Shores      | 7         | 6,415 sq. ft.        | 3,107 sq. ft.        | 0.49        |
| Woodside Plaza      | 6         | 7,498 sq. ft.        | 3,502 sq. ft.        | 0.47        |
| Palm                | 1         | 6,550 sq. ft.        | 2,955 sq. ft.        | 0.45        |
| Eagle Hill          | 9         | 6,753 sq. ft.        | 2,917 sq. ft.        | 0.44        |
| Edgewood Park       | 6         | 9,285 sq. ft.        | 3,443 sq. ft.        | 0.43        |
| Central             | 5         | 4,976 sq. ft.        | 2,070 sq. ft.        | 0.42        |
| Mt. Carmel          | 21        | 7,035 sq. ft.        | 2,931 sq. ft.        | 0.42        |
| Canyon              | 5         | 9,210 sq. ft.        | 3,692 sq. ft.        | 0.40        |
| Centennial          | 2         | 5,058 sq. ft.        | 2,005 sq. ft.        | 0.40        |
| Farm Hill           | 14        | 13,051 sq. ft.       | 3,589 sq. ft.        | 0.32        |
| <b>ALL PROJECTS</b> | <b>98</b> | <b>6,687 sq. ft.</b> | <b>2,956 sq. ft.</b> | <b>0.46</b> |

In response to these concerns, the City Council held two study sessions on [July 23, 2018](#) and on [November 19, 2018](#) to consider additional tools and development regulations when reviewing new homes or second story additions. At the time, staff presented short-term and long-term ideas for consideration. On [December 3, 2018](#), the City Council approved a set of [Guiding Principles for Neighborhood Compatibility](#) to be used when evaluating neighborhood compatibility for homes.

The City Council also directed staff to evaluate a Floor Area Ratio (FAR) Ordinance for single-family homes in Redwood City. The idea at the time was that the ordinance would provide a short-term mechanism for additional review by the Planning Commission for projects that exceed a specific floor area threshold while the work continues on the long-term strategy of establishing City-wide Residential Design Guidelines. It was anticipated that the design guidelines would be accompanied by various Zoning Ordinance updates, including the evaluation of development standards and the Architectural Permit findings. The City has initiated the development of Residential Design Guidelines study, with anticipated completion by summer of 2020.

*Current Process* - An Architectural Permit (AP) is required for construction of new or expanded second-story additions, or construction of a new two-story home. As part of the AP review, staff evaluates the

objective development standards provided in the Zoning Ordinance, as well as evaluates the project for consistency with the AP findings. Objective development standards are typically numerical, and can be measured and applied consistently across a variety of contexts. The objective standards may vary slightly between residential zoning districts. Staff applies the following objective standards during the review of a single-family home project:

- **Lot Coverage:** A ratio of the amount a lot can be covered by structures. Does not include second stories
- **Setbacks:** Distance a structure must be located from the property line
- **Maximum height:** Total height of the structure as measured from the nearest adjacent grade
- **Parking:** Minimum number of parking spaces required on a lot
- **Minimum pervious surfaces:** A ratio of the amount of the lot that is permeable

Currently, Redwood City has no floor area limits for single family homes. A floor area standard is used to control the mass of a building, particularly above the first story. FAR is the ratio of the total building size in proportion to the lot size. For example, if a lot size is 5,000 square feet and the FAR was 0.50, then the maximum home size would be 2,500 square feet. A FAR is commonly used in other jurisdictions to evaluate home size. The FAR established in communities varies (See Table 2 for comparison from nearby cities). Once set, the FAR is a numerical standard that can be easily measured, but there is no objective standard across communities for a reasonable FAR; it is a matter of opinion and typically balances many factors including preserving homeowner flexibility and moderating impacts on adjacent neighbors.

**Table 2 – FAR USED BY NEARBY CITIES**

| City                 | FAR                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Burlingame</b>    | By Lot Configuration: <ul style="list-style-type: none"> <li>• <b>Interior lot (attached garage):</b> 0.32 + 1,100 sq. ft.</li> <li>• <b>Interior lot (detached garage):</b> 0.32 + 1,100 sq. ft. (up to 400 sq. ft. garage exempt)</li> <li>• <b>Corner lot (attached garage):</b> 0.32 + 900 sq. ft.</li> <li>• <b>Corner lot (detached garage):</b> 0.32 + 900 sq. ft. (up to 350 sq. ft. garage exempt)</li> </ul> |
| <b>Menlo Park</b>    | By Lot Size: <ul style="list-style-type: none"> <li>• <b>Less than 5,000 sq. ft.:</b> Determined by Use Permit</li> <li>• <b>5,000 – 7,000 sq. ft.:</b> 2,800 sq. ft. max.</li> <li>• <b>Over 7,000 sq. ft.:</b> Additional 0.25 for every 1,000 sq. ft. of lot area</li> </ul>                                                                                                                                        |
| <b>Mountain View</b> | By Lot Size: <ul style="list-style-type: none"> <li>• <b>5,000 sq. ft. or less:</b> 0.45</li> <li>• <b>5,001 – 9,999 sq. ft.:</b> 0.50 – (0.000001 x Lot Area)</li> </ul>                                                                                                                                                                                                                                              |

| City       | FAR                                                                                                                                                                                                                                                                          |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <ul style="list-style-type: none"> <li>Over 10,000 sq. ft.: 0.40</li> </ul>                                                                                                                                                                                                  |
| Palo Alto  | By Lot Size: <ul style="list-style-type: none"> <li>5,000 sq. ft.: 0.45</li> <li>Over 5,000 sq. ft.: Additional 0.30 for each 1,000 sq. ft.</li> </ul>                                                                                                                       |
| San Carlos | By Lot Size: <ul style="list-style-type: none"> <li>7,500 sq. ft. or less: 0.35 + 1,100 sq. ft. or 0.50 whichever is larger (up to 450 sq. ft. detached garage exempt)</li> </ul> Over 7,500 sq. ft.: 0.50 (up to 450 sq. ft. detached garage exempt)                        |
| San Mateo  | By Zoning: <ul style="list-style-type: none"> <li>R1-A: 0.40 for lots up to 10,000 sq. ft. (additional 200 sq. ft. for every 1,000 sq. ft. of area)</li> </ul> R1-B and R1-C: 0.50 for lots up to 6,000 sq. ft. (additional 200 sq. ft. for every 1,000 sq. ft. of lot area) |

*Planning Commission* - On [May 21, 2019](#), staff presented data from Architectural Permit (AP) projects from 2017-2018 and recommended a soft-cap FAR threshold for Planning Commission (PC) consideration. This strategy would require single-family home projects that are under a 0.50 FAR to be reviewed by the Zoning Administrator (current process), and projects over 0.50 FAR would be reviewed by the Planning Commission and require an additional set of findings for approval. The soft-cap threshold approach seemed suitable because FAR has never been utilized as an objective standard for single-family development in Redwood City, and consideration of a hard-cap FAR (a maximum floor area regardless of design considerations) may have required a longer study and public review process. The soft-cap threshold would provide some flexibility, have additional public engagement, and would be utilized temporarily as a short-term tool prior to the adoption of Residential Design Guidelines. The additional findings required to approve the project would act similarly to a design review process if design guidelines were in place.

The Planning Commission requested additional data for existing homes and requested staff present options for a hard-cap FAR to provide certainty to applicants. On [June 18, 2019](#), staff provided the requested information to the PC as well as presenting three different hard-cap FAR options to consider. The options were:

- Option 1: FAR of 0.45 for all single-family homes in Redwood City
- Option 2: Sliding scale FAR based on lot area with the highest FAR for smaller lots, and smallest FAR for larger lots

| Lot Size                     | Max. FAR |
|------------------------------|----------|
| Less than 5,000 sq. ft.      | 0.55     |
| 5,000 – 5,999 sq. ft.        | 0.50     |
| 6,000 – 7,5000 sq. ft.       | 0.45     |
| 7,501 – 10,000 sq. ft.       | 0.40     |
| Greater than 10,0000 sq. ft. | 0.35     |

- Option 3: Maximum 3,000 sq. ft. home size, or 0.40 FAR of lot size whichever is greater

Below is a table showing how each option would correspond to lot sizes:

**TABLE 3 – FAR SCENARIOS PRESENTED DURING JUNE 18, 2019 PLANNING COMMISSION MEETING**

| Lot Size       | Allowed Home Size    |                           |                          |
|----------------|----------------------|---------------------------|--------------------------|
|                | Option 1<br>Hard-cap | Option 2<br>Sliding scale | Option 3<br>Max. Sq. ft. |
| 3,000 sq. ft.  | 1,350                | 1,650                     | 3,000                    |
| 4,000 sq. ft.  | 1,800                | 2,200                     | 3,000                    |
| 4,500 sq. ft.  | 2,025                | 2,475                     | 3,000                    |
| 4,999 sq. ft.  | 2,249                | 2,749                     | 3,000                    |
| 5,000 sq. ft.  | 2,250                | 2,500                     | 3,000                    |
| 5,500 sq. ft.  | 2,475                | 2,750                     | 3,000                    |
| 6,000 sq. ft.  | 2,700                | 2,700                     | 3,000                    |
| 6,500 sq. ft.  | 2,925                | 2,925                     | 3,000                    |
| 7,000 sq. ft.  | 3,150                | 3,150                     | 3,000                    |
| 8,000 sq. ft.  | 3,600                | 3,200                     | 3,200                    |
| 9,0000 sq. ft. | 4,050                | 3,600                     | 3,600                    |
| 10,000 sq. ft. | 4,500                | 3,500                     | 4,000                    |

All of the data presented to the Planning Commission can be found in the staff reports, but has also been consolidated in [Attachment D](#). The Commission considered all of the data and options, and recommended a modified Option 3 that would set a maximum home size of 2,500 sq. ft., or a 0.40 FAR of lot size, whichever is greater. Table 4 below shows the corresponding home size allowed utilizing the Planning Commission’s recommendation.

**TABLE 4 – JUNE 18, 2019 PLANNING COMMISSION RECOMMENDATION**

| Lot size       | Home Size* |
|----------------|------------|
| 3,000 sq. ft.  | 2,500      |
| 4,000 sq. ft.  | 2,500      |
| 4,500 sq. ft.  | 2,500      |
| 4,999 sq. ft.  | 2,500      |
| 5,000 sq. ft.  | 2,500      |
| 5,500 sq. ft.  | 2,500      |
| 6,000 sq. ft.  | 2,500      |
| 6,500 sq. ft.  | 2,600      |
| 7,000 sq. ft.  | 2,800      |
| 8,000 sq. ft.  | 3,200      |
| 9,0000 sq. ft. | 3,600      |
| 10,000 sq. ft. | 4,000      |

*\*While 2,500 sq. ft. is the maximum allowed, other development standards and lot constraints including lot coverage, lot width, setbacks, second story setbacks, etc. would also limit home size.*

## DISCUSSION

There are several elements of the proposed ordinance which the City Council may wish to consider.

*Interim vs. Permanent Ordinance* – The FAR Ordinance was originally intended to be utilized on a temporary basis until the adoption of Residential Design Guidelines. Staff anticipated (and currently is initiating) a robust community engagement process to obtain community input related to future Residential Design Guidelines. Staff recommended a soft-cap approach that was intended to help address community concerns about larger remodeling or tear down projects prior to the community engagement process for Residential Design Guidelines. Because an additional level of review and findings would be required for a larger home, the soft-cap approach would operate similarly to a design review process if design guidelines were in place. While the soft-cap approach would have also required a new zoning ordinance section, it did not require many changes to other portions of the Zoning Ordinance.

Establishing a hard-cap FAR would create a maximum floor area based on lot size regardless of a design review process and would be considered a permanent change, unless staff is directed by the City Council to revisit it at some point in the future. Because of the amendments to the Zoning Ordinance, a hard-cap FAR would not only affect Architectural Permit applications for new homes and second story additions, but it would also affect ground floor additions and building permits applications. A ground floor addition for a single-family home does not require an Architectural Permit, but would still be subject to the required development standards, including FAR. The City Council could provide a specific timeframe to revisit the FAR Ordinance to evaluate whether it is working as intended and to amend it as needed.

*Proposed Exceptions to FAR* - Staff and the Planning Commission recommend including exceptions to what is included in the calculation of floor area:

- Basements that are no more than 24 inches above average finished grade
- Detached structures including accessory buildings and Accessory Dwelling Units (ADUs). This includes second story ADUs over a detached garage.
- Architectural features as described in Article [32.3 E](#) (e.g. bay windows, unenclosed decks, balconies)

Basements and detached structures do not contribute to the massing from the streetscape. Detached structures are typically located in the rear of the lot, while basements that are no more than 24" above average finish grade are mainly underground and not visible so neither would visually impact the neighborhood streetscape or contribute to the perception of size. In addition, if exempted from FAR, detached garages would be incentivized to promote neighborhood compatibility and ADUs for additional housing units. The same would be true of architectural features, which should be encouraged as part of the design of a home for architectural interest, articulation, and neighborhood compatibility.

*Proposed Hard-Cap FAR* – There are multiple approaches to a hard-cap FAR, and all nearby cities approach a hard-cap FAR differently. A hard-cap creates clear expectations for applicants and neighbors, and reduces additional City review process associated with a soft-cap approach. Establishing hard-cap FAR usually requires an extensive public engagement process prior to adoption, however it may be warranted in this case with the increased development pressure. A drawback of the hard-cap FAR is the lack of flexibility: even small additions such as adding or enlarging bathrooms or extending a kitchen would be

prohibited for homes that meet (or already exceed) the FAR limit, even if they pose little impact to neighborhood compatibility.

Of all the hard-cap options evaluated, the Planning Commission’s recommendation provides the most flexibility. In many cases, smaller lots would not be able to meet the maximum home size allowances due to constraints with lot width, setbacks, lot coverage, and second story setbacks, however allowing a house of up to 2,500 sq. ft. on all lots would provide the ability to achieve reasonable size homes for otherwise constrained lots. For a larger lot, namely those greater than around 6,300 sq. ft., application of the 0.40 ratio would result in homes greater than 2,500 square feet and would help provide flexibility to develop a larger home on a larger lot where it may be appropriate. Table 2 above shows the allowable home size on certain lots.

*Nonconforming Homes* - The Planning Commission’s recommendation also creates the least amount of non-conforming homes due to exceeding FAR. With a hard-cap of 0.40 FAR (Option 1), the existing square footage data indicates that approximately 2,083 or 17% of all Redwood City homes would become nonconforming. With the Planning Commission recommendation, the greater of .40 FAR or 2,500 sq. ft., the amount of nonconforming homes is 731 or 6%. A home that is non-conforming due to exceeding FAR would not be allowed to add any square footage no matter how small, though the property owner could remodel the existing home. This is a significant change as there are homes today that are considered non-conforming due to setbacks that do not meet the current regulations, however these homes still have the ability to expand provided the new addition meets the required setbacks. Table 5 below shows the number of homes that would be non-conforming due to FAR by neighborhood.

**Table 5 - NUMBER OF NON-CONFORMING HOMES WITH RECOMMENDED FAR  
(LISTED FROM HIGHEST PERCENTAGE PER NEIGHBORHOOD TO LOWEST)**

| Neighborhood             | Total Lots    | Homes above FAR | Percentage |
|--------------------------|---------------|-----------------|------------|
| Redwood Shores           | 2,244         | 414             | 18.5%      |
| Mt. Carmel               | 1,030         | 62              | 6%         |
| Edgewood Park            | 558           | 28              | 5%         |
| Canyon                   | 410           | 19              | 4.6%       |
| Redwood Oaks             | 904           | 34              | 3.8%       |
| Farm Hill                | 1,906         | 69              | 3.6%       |
| Eagle Hill               | 778           | 22              | 2.8%       |
| Woodside Plaza           | 1,430         | 39              | 2.7%       |
| Roosevelt                | 1,118         | 21              | 1.9%       |
| Stambaugh-Heller         | 188           | 3               | 1.6%       |
| Friendly Acres           | 655           | 6               | 1%         |
| Central                  | 785           | 8               | 1%         |
| Redwood Village          | 280           | 2               | 0.7%       |
| Palm                     | 362           | 2               | 0.5%       |
| Centennial               | 458           | 2               | 0.4%       |
| <b>ALL NEIGHBORHOODS</b> | <b>12,106</b> | <b>731</b>      | <b>6%</b>  |

*Impact on Applications Currently Being Reviewed* – As of August 22, 2019, the City has 17 Architectural Permit applications that are either deemed incomplete or have not been reviewed yet for completeness. Of these applications, 13 would not meet the Planning Commission’s recommended FAR: six are in the Woodside Plaza neighborhood, four are in the Mt. Carmel neighborhood, two are in Eagle Hill neighborhood, and one is in the Roosevelt neighborhood. These applications would not be deemed complete if an Urgency Ordinance is adopted, however may be complete by the time a regular ordinance process occurs. Applications that have not been deemed complete by the time that the Ordinance is in effect would have to revise their applications to reduce the proposed square footage, in compliance with the new FAR.

## **FISCAL IMPACT**

No fiscal impacts to the City have been identified.

## **ENVIRONMENTAL REVIEW**

The proposed Floor Area Ratio Ordinance is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines 15061 (b) (3). This activity is covered by the common sense exemption that CEQA only applies to projects which have the potential for causing significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It can be seen with certainty that this project does not have the potential to create a significant impact. The project is an ordinance that will only add an additional objective standard for reviewing single-family homes. Single-family homes are permitted uses in Residential Zoning Districts within Redwood City, and two-story additions as well as additions on sloping lots would still be subject to an Architectural Permit application that would have its own CEQA review as part of the project.

## **PUBLIC NOTICE**

On August 14, 2019, notice of the City Council public hearing was published on the City’s website and in the *San Mateo Daily Journal*. The City Council meeting notice was emailed to interested parties as well as Neighborhood Association chairpersons. Additional notice and information was posted on City public service counters, shared with the San Mateo County Association of Realtors and distributed through the City’s print newsletter mailed to each household, social media outlets, and the City’s weekly e-news publication. Information regarding the FAR Ordinance is located on the City’s website: <https://www.redwoodcity.org/FAR>

Public Notification was also achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

In addition to the public notice provided for this City Council hearing, the home size limits and FAR discussions for past hearings and study sessions were also noticed on the City’s website and social media outlets, published in the *San Mateo Daily Journal*, included in various City newsletters, and sent to interested parties.

The City has received written comment on this topic, which is in Attachment D.

## **ALTERNATIVES**

The proposed Zoning Ordinance amendment in Attachment A implements the Planning Commission recommended a maximum home size of 2,500 sq. ft., or a 0.40 floor area ratio, whichever is greater. There are six alternatives presented below for consideration under “Alternatives for Standard Ordinance Adoption” and briefly listed following this paragraph. These six alternatives are changes to the recommended action. There are also alternatives listed under “Alternatives for Urgency Ordinance Adoption” (i.e. an urgency adoption of FAR regulations).

1. Adjusting the Planning Commission’s recommendation of either the 2,500 sq. ft. maximum, or the 0.40 ratio
2. Hard cap of 0.40 or 0.45 FAR for all single-family homes in the City
3. Sliding Scale based on lot area
4. Soft Cap
5. No FAR regulations
6. Small Addition and Sloping Lot Exceptions

The Council may consider introducing Alternatives 1-4 at this meeting as they were presented to the Planning Commission. Acting on these alternatives would require modifications to the proposed ordinance by motion, or by directing staff to return to the City Council at a future meeting with an updated ordinance, depending on the extent of the modification. Should the City Council wish to consider Alternative 6, the Council would need to direct staff to return to the Planning Commission for evaluation, prior to City Council action.

The Council could approve an ordinance through a standard process (first and second readings, with an effective date 30 days later) or adopt an urgency ordinance that would be effective immediately.

This Alternatives discussion below addresses each option.

### **Alternatives for Standard Ordinance Adoption**

Alternative 1: Adjusting the Planning Commission’s recommendation of either the 2,500 sq. ft. maximum, or the 0.40 ratio. The maximum house size or floor area ratio, as recommended by the Planning Commission, may be adjusted to standards deemed appropriate by City Council.

#### Alternative 2: Hard-cap only

Instead of adopting the Planning Commission’s recommendation of 2,500 sq. ft., or a 0.40 ratio, whichever is greater, the City Council may consider other options to a hard-cap FAR including a strict 0.40 or 0.45 for all single-family homes in Redwood City.

Considering the City consists of a wide variety of neighborhood types and lot sizes that make it difficult to utilize one ratio for all homes in the City, setting a maximum 0.40 FAR or 0.45 would have negative implications for smaller lots and some neighborhoods where homes already exceed these limits. In addition, lot coverage is already 0.40 in four of the six residential zoning districts and 0.60 in the two residential zoning districts. As discussed above, non-conforming homes due to FAR would have no ability to expand, even for a small addition, on either on the ground floor or second story.

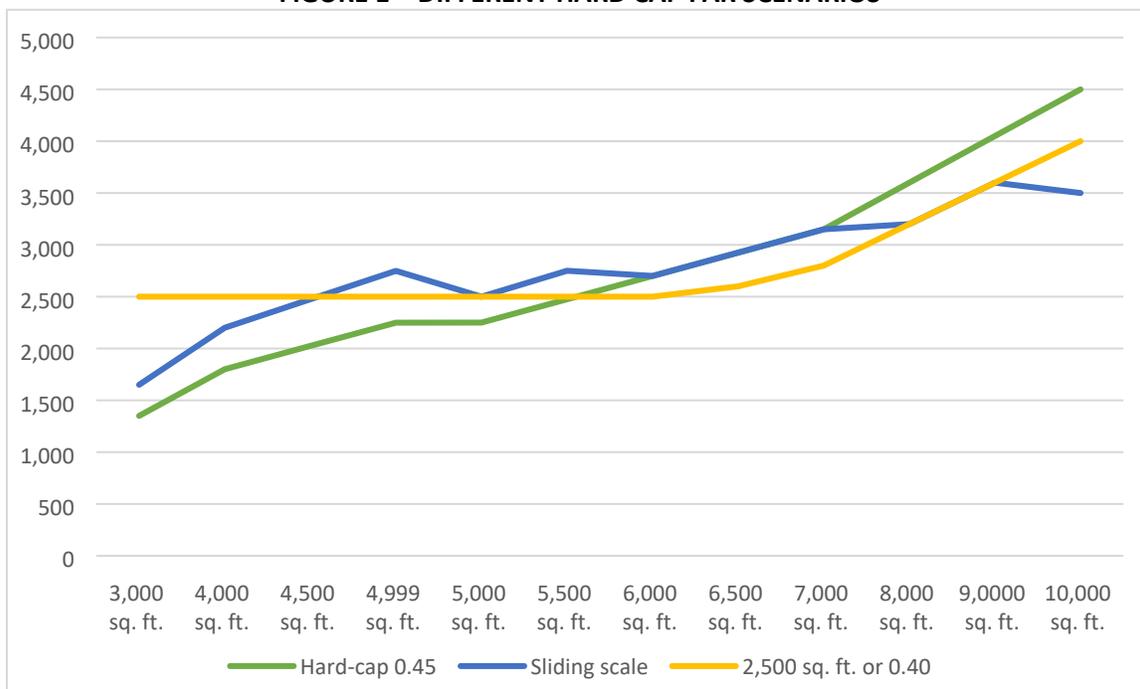
Alternative 3: Sliding scale based on lot size

Another approach to a hard-cap FAR is a sliding scale based on lot area with highest FAR for smaller lots, and smallest FAR for larger lots. One approach could look like this:

| Lot Size                     | Max. FAR |
|------------------------------|----------|
| Less than 5,000 sq. ft.      | 0.55     |
| 5,000 – 5,999 sq. ft.        | 0.50     |
| 6,000 – 7,5000 sq. ft.       | 0.45     |
| 7,501 – 10,000 sq. ft.       | 0.40     |
| Greater than 10,0000 sq. ft. | 0.35     |

A sliding scale approach slightly accounts for differences in lot size, however, determining the lot size ranges would create situations where a lot that is 4,999 sq. ft. could build more than a lot at 5,000 sq. ft. Figure 1 below shows this relationship between different FAR options.

**FIGURE 1 – DIFFERENT HARD CAP FAR SCENARIOS**



Alternative 4: Soft Cap: The City Council may also consider a soft-cap approach (addressed earlier in this report)

### Alternative 5: Do not adopt the FAR Ordinance/take no action

### Alternative 6: Exceptions for Small Additions and Sloped Lots

In addition to the above alternatives for different FAR options, City Council may also direct staff to prepare zoning text for the following exceptions to be included in an FAR Ordinance, either of which would need to be first considered by the Planning Commission:

*Small Addition Exception* - The City Council may be interested in allowing small additions that exceed the approved FAR to allow some flexibility to homeowners. One-time exceptions could be provided for additions of a limited size, or percentage of the home. While a floor area exception could be a method of adding flexibility, it also adds some implementation challenges that would reduce the benefit of clarity that a hard cap provides.

*Sloped Lots* - Staff is not currently providing any additional FAR adjustments for sloped lots. A sloped lot is generally larger than standard lots, and would be able to utilize the 0.40 maximum FAR. While proposed homes may be larger, the Zoning Ordinance already includes provisions for additional review on sloped lots. A home that is over 3,000 sq. ft. on a sloped lot or any project on a site that has an average slope greater than 30% requires additional findings for approval and a Zoning Administrator public hearing (Zoning Ordinance, Article [45.5](#)). The intent of the additional review is to ensure that the home minimizes massing, has appropriate design considerations for a slope, avoids excessive grading, and preservation of existing open space.

In addition to these alternatives, the City Council could provide a specific timeframe to revisit the FAR Ordinance to evaluate whether it is working as intended and to amend it as needed.

### **Alternatives for Urgency Ordinance Adoption**

There are three alternatives regarding an urgency ordinance that can be summarized as follows:

Urgency Alternative 1: Hard cap of 2,500 square feet or 0.40 FAR, whichever is greater (Attachment B)

Urgency Alternative 2: Hard cap of 3,000 square feet or 0.40 FAR, whichever is greater (draft ordinance to be provided).

Urgency Alternative 3: Soft cap whereby homes of 3,000 square feet or 0.40 FAR, whichever is greater, would require review by the Planning Commission (draft ordinance to be provided).

If the City Council chooses to adopt the Planning Commission's recommendation, a second reading of the ordinance changes would occur at the regularly scheduled September 9, 2019 Council meeting. The effective date would be October 9, 2019, which is 30 days after the second reading. The ordinance would not apply to Architectural Permit applications deemed complete (or if no Architectural Permit is required, then building permit applications submitted) for single-family home projects prior to October 9, 2019. The public record for this item includes facts, evidence, and comments from members of the public stating that continuing to issue APs for new homes or second story additions without FAR poses an immediate threat to public peace, health and safety, because where such projects have been approved, their size,

scale and massing has been injurious to the equal rights of the neighboring property owners. Specifically, comments from the public state that these approvals resulted in much larger homes that were incompatible with neighborhood character.

In order to provide protection from new homes that may pose an immediate threat to public peace, health and safety under existing regulations, Council may adopt the staff recommended ordinance and an urgency ordinance that would make the regulations in the adopted ordinance effective immediately. All existing Architectural Permit applications that have not been deemed complete as of the urgency ordinance adoption date would be subject to the new FAR limits. Currently, the City has 17 Architectural Permit applications that are either deemed incomplete or have not been reviewed yet for completeness. Of these applications, 13 would not meet the Planning Commission's recommended FAR. If an urgency ordinance is adopted, project applicants would have to revise their projects to reduce the proposed square footage, in compliance with the FAR. In order to adopt the urgency ordinance, six out of seven councilmembers must vote in favor of adoption.

Urgency Alternative 1: Staff has provided an urgency ordinance for Council consideration in Attachment B; this urgency ordinance would be in addition to the standard ordinance subject to a first and second reading.

*Modifications to Urgency Ordinance*: If adopted, the urgency ordinance would implement a maximum home size of 2,500 sq. ft. or a 0.40 FAR, whichever is greater. However, the City Council may also consider modifying the urgency ordinance to apply only to certain projects.

Like the draft urgency ordinance included as Attachment B, both alternatives below would only apply to Architectural Permit applications that have not been deemed complete (or if no Architectural Permit is required then to building permits submitted) as of August 26, 2019.

Urgency Alternative 2: The urgency ordinance would establish a "hard cap" of 3,000 square feet or 0.40 FAR, whichever is greater. It would "sunset" if and when the primary ordinance (setting a hard cap of 2,500 square feet or 0.40 FAR, whichever is greater) goes into effect.

Urgency Alternative 3: The urgency ordinance would not establish a "hard cap" but would instead establish a process under which single family homes that were 3,000 square feet or had a FAR of 0.40, whichever is greater, would be reviewed by the Planning Commission. This is a similar approach to staff's original recommendation to the Planning Commission, as provided in Attachment E.

Under both Urgency Alternatives 2 and 3 above, there are 13 applications that have been submitted but not deemed complete that would be affected. Six are in the Woodside Plaza neighborhood, four are in the Mt. Carmel neighborhood, two are in Eagle Hill neighborhood, and one is in the Roosevelt neighborhood.

## **ATTACHMENTS**

- A. Zoning Ordinance adding Article 48 (Floor Area Ratio), and related amendments
- B. Urgency Zoning Ordinance adding new Zoning Ordinance Article 48 (Floor Area Ratio), and related amendments

- C. Data on Recent Architectural Permits and Existing Home and Lot Characteristics
- D. Public Comment
- E. Staff Recommended Planning Commission Resolution Establishing Planning Commission Review Authority for Single Family Homes that Exceed a 50% Floor Area Ratio (not adopted by the Planning Commission)

**FILES AVAILABLE ON THE WEBSITE**

1. [PC Staff Report 05.21.19](#)
  - a. [Draft Resolution](#)
2. [PC Staff Report 06.18.19](#)
  - a. [Draft Resolution](#)
3. [Signed Planning Commission Resolution](#)

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