


# Review and Possible Amendments to Section 4.2.5.A



Docket #180-21  
Zoning & Planning Committee  
October 14, 2021

# Agenda

- Summary
- Current Language and Proposed Revisions
- Expected Outcomes
- Next steps

# Summary

## Docket Item Background Information

- Amendments proposed to Section 4.2.5.A, additional standards in the MU-4 district
  - Revise criteria for projects seeking Special Permit for building height and setback requirements in MU-4
  - Clarify how shadows and blocked views will be assessed
- Not a substantive change – bring zoning text into alignment with City Council application

# Summary

## Items from 9/13 ZAP Meeting

- Review language with other City Staff
- Research if further criteria to define adverse effects are needed within the zoning text

## Summary

### Special Permit Intent

- Waivers for setbacks and height restrictions appropriate if certain conditions are met
- Emphasis on flexibility and discretion
- Evaluate for “harmony and integration with their context, rather than just consistency with complex tables and numerical rules.”
- Shadows and blocked views are one element of review among others

# Summary

## Issues with the Existing Language

- Recent confusion from an interpretation that any creation of a shadow or blocked view is considered an adverse effect
- This recent interpretation is not consistent with intent of MU4, or past application of standards

# Sec. 4.2.5.A.1 Height

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## Existing Language

*Height.* Buildings in the Mixed Use 4 district shall be a minimum of 2 stories and shall conform to the limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 4 stories and 48 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not adversely affect its surroundings by creating shadows or blocking views**, and advances the purposes of this district.

## Proposed Revision

*Height.* Buildings in the Mixed Use 4 district shall be a minimum of 2 stories and shall conform to the limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 4 stories and 48 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not create shadows or blocked views that adversely affect its surroundings** ~~does not adversely affect its surroundings by creating shadows or blocking views~~, and advances the purposes of this district.

## Sec. 4.2.5.A.2 Mixed-Use Residential Incentive

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### Existing Language

***Mixed-Use Residential Incentive.*** Buildings that meet the definition of mixed-use residential buildings shall conform to the specific limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 5 stories and 60 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not adversely affect its surroundings by creating shadows or blocking views**, and advances the purposes of this district.

### Proposed Revision

***Mixed-Use Residential Incentive.*** Buildings that meet the definition of mixed-use residential buildings shall conform to the specific limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 5 stories and 60 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not create shadows or blocked views that adversely affect its surroundings** ~~does not adversely affect its surroundings by creating shadows or blocking views~~, and advances the purposes of this district.



## Sec. 4.2.5.A.4 Setbacks

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### Existing Language

*Setbacks.* The City Council may grant a special permit to waive the following setback requirements by finding **the proposed plan can better protect the surrounding community from shadows and blocked views**, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following Standards:

### Proposed Revision

*Setbacks.* The City Council may grant a special permit to waive the following setback requirements by finding the proposed plan does not create shadows or blocked views that adversely affect its surroundings ~~can better protect the surrounding community from shadows and blocked views~~, supports pedestrian vitality, and advances encourage the purposes of this district: ~~than strict compliance with the following Standards:~~

## Expected Outcomes

- Clarifying update / align with existing practice
- Impact of any shadows or blocked views will be analyzed through a shadow study (shadow extent, duration, seasonal reach, and the ground level uses it affects, among others)
- Standard Special Permit criteria remain, and Planning can bring in a peer-reviewer as needed
- Determination of adverse impact of shadows and blocked views can be specific to each site and project

## Next Steps

- Staff recommend setting a public hearing date for November 8