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Council and Planning Commission Review PPRTF Recommendations Neighbor Opt-In and FAR Changes Uncertain

By Andrea A. Firth

The City of Orinda set out to create a streamlined, objective, and user-friendly process for residential and commercial development--an admirable goal and herculean task. After 140 meetings and over a year of work by the eight members of the Planning Process Review Task Force (PPRTF), Council Members Tom McCormick and Amy Worth, and the City Planning Director Emmanuel Ursu, a 99-page draft report listing 61 ways to improve the City's planning process has been presented to the Planning Commission and City Council and for their review and input.

"I was a member of the Task Force and support everything in the draft report," stated Ted Urban at the start of the recent meeting of the Planning Commission and City Council. However, he noted that some of the recommendations in the report would require changing Orinda's General Plan and therefore necessitated careful scrutiny. And it looks like that scrutiny will take several more meeting hours before a final report can be generated for the City Council to adopt.

At the February 24th meeting, Planning Director Ursu carefully reviewed the recommendations and answered questions regarding the rationale behind and potential impact of the proposed changes. After three hours, the group had provided feedback on the first 18 of 61 recommendations. While most of the recommendations breezed through with a nod, smile, and praise from the Commission and Council, two of the proposed recommendations generated lengthy discussion and garnered equivocal feedback.

Neighbor Opt-In. The proposed Neighbor Opt-In recommendation would allow residential projects of 1,500 square feet or more to bypass the Planning Commission (as long as no requests for a public hearing are received) if the resident obtains the written consent of adjoining property owners. The consent process would require that the neighbors have the opportunity to review the project plans and design standards and that story poles be posted and viewed. "The intent of the recommendation is to improve communication in the community and to have neighbors build neighborhoods," stated McCormick. However, Council Member Smith and several members of the Planning Commission were reluctant to remove the Planning Commission from the approval mix and felt that the proposal tipped the balance too far toward the neighbors.

Dean Orr, the current Chair of the Planning Commission, expressed a general uneasiness with turning the planning process over to the community noting that the Commission's job is to view individual projects while keeping the community as a whole in mind. "We can all wrap our heads around a 1,000 to 1,500 square foot addition, but a project with no ends is not so easy," stated Orr. He also felt that the Neighbor-Opt In option might set up unrealistic expectations that neighbors' signatures would guarantee approval.

Planning Commissioner Louise Adamson concurred with Orr's concerns, but she added that the idea of neighbors communicating and working together was a component to the planning process that should be strongly encouraged. Adamson suggested some alternative incentives for gaining neighbors' consent that would

still include a review by the Planning Commission.

Floor Area Ratio. The current policy for floor area ratio (FAR) limits the size of a home based on the size of the parcel. The Task Force has recommended that the FAR standard no longer be an absolute limit on the maximum home size for a given parcel and instead serve as a trigger for design review. Ursu explained that the design review trigger would provide greater flexibility for small additions (50 to 300 square feet) on smaller lots (less than .5 acres). While currently these additions might put the home beyond the allowable FAR, the project might not have a negative impact on neighbors and could provide benefit to the homeowner.

"There are some small lots that have ridiculously low FARs and similarly there are huge lots with very large FARs," stated Orr, but he expressed uncertainty about the Task Force's change. "My concern is with lots in the 20,000 square foot range. I wish we could adjust the FAR more definitively versus asking for design review and obtaining a variance." Council Member Glazer also expressed doubt. "I have always had a problem with the FAR and felt it was an artificial number," he stated, "but I'm not sure this recommendation is an improvement."

The Planning Commission and City Council will continue to meet to review the remaining 43 recommendations of the PPRTF. These meetings are open to the public and will be noticed on the City website.

Neighbor Opt-In

Current Guideline: Residential projects that are 1,500 square feet or greater require a public hearing by the Planning Commission.

Why Change?: Many projects meet the applicable standards, undergo more scrutiny than necessary, and do not require a public hearing.

Proposed Change: Residential projects that are 1,500 square feet or greater can be approved by the Zoning Administrator (i.e., the City Planning Director) without a public hearing before the Planning Commission, if the adjoining neighbors provide written consent. Neighbors must be provided the plans and design standards for review and be able to see the project story poles in place. The Zoning Administrator can deny or refer a project to the Planning Commission at anytime.

Floor Area Ratio

Current Guideline: The floor area ratio (FAR) standard sets a maximum limit for the size of a home based on the size of the parcel.

Why Change?: The current FAR standard sets unrealistic expectations for the maximum size of homes on large lots and unnecessarily restricts the size of homes on smaller lots.

Proposed Change: Allow the FAR standard to serve as a trigger for design review versus an absolute limit. Re-evaluate the application of this more flexible FAR standard in two years or after 10 relevant projects are completed.

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