

Meeting Notes
Infill Task Force
Thursday, January 17, 2008
City Hall Room 2000
7:00 p.m.

Members Present

Stew Dunn (Chair)
Mary Konsoulis
Gaver Nichols
Stephen Koenig
Lee Weber
David Brown
Lisa Vierse May
Maria Wasowski

City Staff Present

Richard Josephson (Planning and Zoning)
Richard Baier (Transportation and Environmental Services)
Jill Schaub (City Attorney's Office)
Emily Baker (Transportation and Environmental Services)
Stephen Milone (Planning and Zoning)
Peter Leiberg (Planning and Zoning)
Valerie Peterson (Planning and Zoning)
Mary Christesen (Planning and Zoning)
Gregory Tate (Code Enforcement)
Hal Phipps (Consultant)

Welcome

Stew Dunn welcomed everyone to the Infill Task Force meeting. He asked whether the Task Force would prefer attempting to get through all of the items on the agenda or it would prefer scheduling another meeting. Most members preferred to schedule a follow-up meeting if the evening's agenda went beyond 9:30 p.m. He also announced that members will need to attend the worksession scheduled with the City Council and Planning Commission on April 8. He then introduced T&ES, informing members that the City Council requested that before its next meeting, the Task Force comment on the T&ES proposal being heard this evening.

Presentation and Discussion on City Code Amendment for Grading Plans (T&ES)

Rich Baier and Emily Baker from T&ES made a presentation on the proposed amendment to establish additional criteria for requiring grading plans. A large number of

new homes and large additions have been developed in recent years, and the significant development has led to drainage issues and impacts to surrounding properties. Currently, the only trigger for a grading plan that is in the City code is the Chesapeake Bay ordinance, which is for land disturbance of 2,500 square feet. There are a number of projects that disturb less, but create significant grade changes and impact water runoff, and without a grading plan the department lacks the technical data to determine whether there is adequate drainage and whether neighboring properties will be impacted. While T&ES has discretion for requiring drainage information, T&ES is proposing to standardize the requirements for grading plans in the Code, establishing the following additional criteria:

- New home;
- Additions which increase the footprint of a home by 100% or more;
- An addition that results in less than 50% of the existing exterior walls; remaining (essentially demolishing most of the house to construct a new house);
- Changes to the grade on the property by one foot or greater; or
- Changes to the existing drainage patterns on the property.

In addition, a \$500 fee is proposed for the review and processing of the plans. A certified grading plan can cost an applicant approximately \$5,000 to \$10,000 to have prepared. T&ES staff pointed out that Arlington and Fairfax have similar requirements. The staff clarified that the criteria required in grading plans cannot be prepared by an architect, and requires an engineer.

Members of the task force asked several questions and had a number of concerns. Concerns included the cost of plan preparation and the application, which may create an undue burden on homeowners doing smaller improvement projects. Some members suggested that a less rigorous and lower cost plan be required initially, one that could be prepared by an architect and would include basic topographical information for staff to make technical judgments about drainage issues and then determine whether a full grading plan should be submitted. Some found the need for more flexibility in the requirements, and perhaps a discretionary exemption from the requirement. Some members argued that smaller projects may change the drainage pattern on a property without impacting drainage on the neighboring property, and questioned whether a full grading plan should be required in all such cases. Some members found the new criteria were still too subjective. Members were generally supportive of the T&ES proposal, finding that the criteria will address burdens currently incurred by neighbors as a result of drainage issues on infill projects not currently required to submit technical drainage information for analysis.

A member of the public discussed concerns with the proposal, including that a preliminary plan with more basic information that could be prepared for less cost should precede the requirement for a full grading plan under the proposed criteria. He suggested that architects could provide preliminary information on topography. He also suggested that the filing fee was too high. Another member of the public spoke suggesting that projects disturbing less than 2,500 square feet should not require a grading plan.

After considerable discussion with staff, the task force ultimately supported the proposed grading plan requirement as proposed by T&ES, with the recommendation that language be added that grading plan submission may be waived at the discretion of the Director of T&ES under regulations promulgated by the director if triggered by criteria two through four (bullets three through five above). Emily Baker agreed that T&ES could develop a memo with guidelines to potential waivers and the minimum information that would be required to support the waiver request. Five of the eight members present were in support of the above.

Presentation and Discussion of Floor Area Ratio

Valerie Peterson began the presentation, discussing the meaning of floor area and defining floor area ratio as the ratio of the building floor area to the lot area. For example, a lot measuring 8,000 square feet in an R-8 with a .35 floor area ratio requirement would mean that up to 2,200 square feet could be built on the property. The FAR reduces the allowable square footage that can be built on a lot beyond what the setbacks and height regulate.

Hal Phipps discussed the detailed points of the definition of floor area ratio (FAR), discussing the allowable deductions when calculating floor area. Deductions included in the current definition are:

- Elevator and stair bulkheads
- Accessory water tanks
- Cooling towers
- And similar construction not susceptible to storage or occupancy

Hal explained that the definition also states that only areas above 7'6" are included in the FAR, which causes significant confusion in how to handle rooms that measure less than 7'6".

He then discussed how FAR is used to determine how intensively a lot may be built upon, and it is somewhat of a proxy for a volume measure. There are two ways to view FAR standards, one is from the interior perspective, measuring the habitable and usable areas inside a dwelling, and the other is from an exterior point of view, as a measure of bulk or volume from the neighborhood's perspective. The issue of significant deductions is that areas that add volume are being deducted for reasons of how they are used from an interior perspective.

Because of the ambiguity of the ordinance text regarding areas above 7'6", it has been susceptible to various interpretations over time and among staff, architects, homeowners, and neighbors. The uncertainty of the text leads to multiple submissions of permit applications in order to calculate the deductions, taking valuable staff and applicant time.

Peter Leiberg discussed the history of FAR in the city, discussing how FAR regulations were first adopted with the City zoning ordinance in 1951, and the regulations have not changed since. When the zoning ordinance was updated in 1992, there was an attempt to

change the floor area definition to be a gross rather than net measurement, but that effort failed. In 1998, the then Director of Planning and Zoning again attempted to amend the definition to clarify the deductions, but there was no support at that time. Currently, staff counts all occupiable space regardless of ceiling height, which is likely the spirit of the language, but is not what the definition literally says.

Hal Phipps presented examples, showing real building plans that identify deducted spaces. Some are obvious and straightforward, such as a stairway, but others are less clear, such as a clearly livable third story attic space that was deducted because it measured 7'5.75".

Hal then reviewed the analysis conducted on all 2007 permits for infill projects, which looked at the amount of deductions in each case. The analysis found that for the 18 new construction and major addition projects, the average percent of deductions was 10% (excluding the basement deduction). For the 97 small and medium addition cases, the average percent of deductions was 6% (excluding basements).

Hal reviewed the suggested ways that the FAR definition could be amended to clarify deductions, which were:

- Take no deductions—Count all floor space except basements (gross measure).
- Deduct only those areas specified in the ordinance (delete the 7'6" reference)—elevator and stair bulkheads, accessory water tanks, cooling towers, and similar construction not susceptible to storage or occupancy.
- Deduct only those areas specified in the ordinance (delete the 7'6" reference) AND establish criteria for deducting areas of attic spaces—Deduct items identified in above bullet, and identify potential deductions for attic spaces.

Another potential amendment to consider that may lower the overall height of a structure, is reducing the allowable exposure of a basement that can be deducted. A basement four feet above grade or less can currently be deducted, and could be lowered to three feet.

The following are advantages and disadvantages for each potential change:

Take no deductions:

Advantages:

- Property owners would likely maximize useable basement floor space
- From the community perspective, houses would be smaller because all floor space is counted
- Easy to calculate

Disadvantages:

- Houses might tend to have flat roofs because all attic floor space is counted

- For the homeowner, houses would be smaller because all floor space is counted
- Homeowners subject to more strict standards after the rules change

Hal noted that the because of the controversy that resulted in the last attempt to use a gross calculation, the Task Force could consider increasing the allowable FARs to compensate for some of the deductions that were normally used. In calculating the average deductions from the 2007 permits, an average of 8% deductions were calculated. Adding that percentage to the FAR equation would result in an increase in FAR of .03 in the R-8 zone and an increase in .04 in the R-5 zone.

Deduct only those areas specified in the ordinance

Advantages:

- Property owners would likely maximize useable basement floor space
- From the community perspective, houses would be smaller because less floor area would be deducted
- Easy to calculate

Disadvantages:

- Houses might tend to have flat roofs because all attic floor space not used for stairs & HVAC would be counted
- For the homeowner, houses would be smaller because all floor space less than 7' 6" high is counted
- Homeowners subject to more strict standards after the rules change

Deduct only those areas specified in the ordinance AND establish criteria for deducting areas of attic spaces

Advantages:

- Creates specific legislative guidance on how to count floor area for the space under the roof (whether third floor or attic)
- Reasonable way to encourage roofs that are not flat

Disadvantages:

- The 7' 6" provision allows for floor area over 7' 6" to be counted for FAR purposes (therefore, space with ceiling height less than 7' 6" would not be counted)

There are other tools that can be considered to measure bulk. The advantages for using a floor area measure is that it is a common way to measure space, can be calculated with minimal technical tools, and can be effective at measuring bulk. Some disadvantages are that the current definition does not result in a true measure of bulk, and there are problems with how to address attic space, basements and other deductions.

Other tools that will be talked about at the next meeting are cubic volume, lot coverage and open space. The next meeting will be on January 30 at 7:00 pm.