STAFF PERSON: **Andy Reitelbach**
PLANNING COMMISSION: **March 2, 2021**
BOARD OF SUPERVISORS: **TBD**

Staff Report for Special Exception SE202000003 to waive the requirement for a minimum stepback of 15 feet for each story that begins above 40 feet in height or for each story above the third story, whichever is less, in the Planned Residential Development zoning district, in association with ZMA202000007, RST Residences. (§ 18-4.19.5)

WAIVERS AND MODIFICATIONS FOR PLANNED DEVELOPMENTS

The applicant is requesting to waive the requirement for a minimum stepback of 15 feet for each story that begins above 40 feet in height or for each story above the third story, whichever is less, in a PRD, Planned Residential Development. According to County Code § 18-4.19.5, the Zoning Ordinance, all buildings on the property must meet the requirement that each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet. County Code § 18-8.2(b) permits any planned district regulation to be modified or waived by the Board of Supervisors as a Special Exception under County Code § 18-33.43 through §18-33.51. In addition, § 18-4.19.5 specifically allows the Board of Supervisors to waive the requirement for a minimum stepback of 15 feet. The applicant has provided a request and justification for this special exception, which can be found in Attachment 6. Staff analysis for County Code § 18-8.2(b)(3) and § 18-4.19.5 is provided below:

3. *Findings.* In addition to making the findings required for the granting of a waiver or modification in sections 4, 5, 21, 26, or 32, a waiver or modification may be granted only if it is also found:

(No modifications or waivers are requested under sections 5, 21, 26, or 32. There are no specific findings required for the granting of a waiver or modification as listed in § 18-4.19.5.)

i. to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8;

Staff has reviewed the intent and purposes of the Planned Districts generally, and the Planned Residential Development district in particular, and found that the proposal would allow design flexibility that does not contribute to implementing the goals and objectives of the comprehensive plan, including the Places29 Master Plan. The master plan recommends that residential buildings in the Urban Density Residential land use designation be a maximum of four stories. The applicant has depicted two of the proposed buildings on this property (the two central multi-family apartment buildings) as being five stories, exceeding the recommended maximum. The application plan for ZMA202000007 also does not specify a proposed maximum height of the buildings, only identifying the height permitted in the PRD, which is 65 feet, twenty feet greater than recommended in Urban Density Residential areas.

At five stories, the two central buildings of the development already are proposed to exceed the maximum recommended height for the land use designation in the master plan. Waiving the requirement for a stepback would further reduce the ability to create

buildings and spaces of human scale, as recommended in the Neighborhood Model Principles of the comprehensive plan.

ii. to be consistent with planned development design principles;

The application has been reviewed under the Neighborhood Model Principles and has been found to partially meet those principles, especially Principle #8, Buildings and Space of Human Scale, which is the most applicable to this special exception request. (See Attachment 5 for a more detailed analysis of this project's consistency with the Neighborhood Model Principles.)

iii. that the waiver or modification would not adversely affect the public health, safety or general welfare;

Staff has found that the public health, safety, and general welfare generally will not be adversely affected by the waiver of the requirement for a stepback of at least 15 feet for buildings that exceed three stories, or 40 feet, whichever is less. However, such a waiver does not contribute to creating buildings and spaces of human scale in the public realm of the development.

iv. in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.

A purpose of the regulation is to create buildings and spaces of human scale that prevent structures from overwhelming people who are nearby and to contribute to the comfort of pedestrians, as reflected in the Neighborhood Model Principles, especially #8, outlined in the comprehensive plan. Waiving this requirement would not satisfy the purpose of this regulation to an equivalent degree, especially since the height of some of the proposed buildings already exceeds the maximum recommended by the Places29 Master Plan.

At this time, staff is unable to recommend approval of Special Exception request SE202000003.