

## Memorandum



To: Councilor Deborah Crossley, Chair, Zoning and Planning Committee

From: Councilor Pam Wright

Subject: Building components by right on new builds

Date: June 15, 2020

Cc: City Council, Barney Heath, Planning Director, Jennifer Caira, Planning Deputy Director, Zack LeMel

The context goal for the new zoning code is to “*Preserve and protect what we like in our neighborhoods. Encourage new development to fit in the context of our neighborhoods and villages.*” ([ZAP report](#) dated 4/27/20). One aspect of this important goal is to minimize teardowns and maintain our existing housing stock. This will also help preserve our naturally affordable homes. Bigger setbacks and smaller house footprints are one way to help reach that goal. In the Feb 14, 2020 Planning Department (PD) memo to ZAP [here](#), on page 4 the planning department states

“...A property was considered vulnerable to a tear down if a speculative builder could build at least 3,800 square feet (inclusive of an attached 2-3 car garage) and the resulting new construction could be sold for 2.4-2.5 times the purchase price of the property.”

This statement has been repeated frequently by the PD for over a year. One may argue that 3800 sf is too big, including data I'm collecting from recent sales, but it's a starting point. The PD used this data to set the largest house by right in R2 (which is 56% of residential lots) below the teardown sweet spot to the currently proposed 3500 sf.

On June 1<sup>st</sup> the PD presented building components. In the new zoning code version 2 dated 2/28/20 [here](#), the complete list of building components are bays, balconies, porches, projecting front entry, and turrets. These building components have dimension controls in the draft code and are *included* in the house footprint. After the PD spoke with groups of architects, builders, and developers, a meeting from which I was excluded from the discussions, the PD has come back with other ideas, most a complete reversal from what was originally proposed.

1. Building components are now proposed to be built by right.
2. Building components will not count towards the allowable maximum footprint. This will allow a much bigger house by right.
3. Many components like 2<sup>nd</sup> floor additions, side additions, and rear additions are added to the list without dimensional controls.
4. Any increase to the building footprint via a rear or side additions will no longer require a special permit. The size of these additions will be controlled more generally by lot coverage and setbacks.

Per the ZAP report dated June 5, 2020 [here](#) “*Staff takeaways from the meeting include general support for the Building Component goals, objectives, and proposed changes laid out within the meeting presentation.*” It's an erroneous conclusion to say there was general support to Building Component goals, objectives, and proposed changes. This was all new to us and we were just trying to understand the concepts. I don't think everyone realized this would allow a much bigger house built by right. My perspective there was no general support for building components by right.

The new 6/1 proposal will allow a by right house on most lots in R2 to be much bigger (5000+ sf). According to PD for the past year, allowing houses larger than 3800 sf to be built by right will incentivize tear downs, not decrease it. After speaking to architects, builders, etc. the PD is now proposing something that will increase teardowns. This will reduce the naturally affordable housing stock in the city. In our 6/1 meeting, PD stated that by right components will decrease the pressure and slow down teardowns. This does not make sense to me; allowing a larger build by right will only increase not decrease teardowns.

I am concerned that the important point of allowing large building components “by right” and therefore resulting in a house larger than the 3800 sf teardown sweet spot was not captured in the ZAP report. I request that this point be added to a corrected ZAP report.

In the meeting I asked what are the dimensional controls for additions. PD stated that lot coverage controls it. Well, for example on a 20,000 R2 lot in a R2 district a 15,000 sf House B could be built (2.5 times the 6000 sf building footprint with 30% lot coverage). I said that doesn't seem right. PD didn't put forth dimensional controls on the new components but said they will present case studies at a later date to show how they are limited. To me this exemplifies how rushed the new zoning code is being presented to ZAP. I am concerned as many important details are not being included or thought out thoroughly.

I'm reaching out independently to architects. In our discussions I believe a better solution to reduce tear downs and promote the preservation of existing housing stock and older homes is **by allowing building components to be added to existing homes outside the footprint requirements. New homes would only be allowed to the proposed maximum footprint.** A new house would be a maximum 3500 sf in R2. This is below the teardown sweet spot of 3800 sf. A remodeled house could be larger by adding components like rear or side additions, porches, etc up to a set maximum. This is also a much greener option since the original house is not torn down and discarded in a landfill. More work needs to be done to determine the correct dimensional controls and other details including what should be built by right and what should be built by special permit but I believe this will provide a starting point to a better solution.

Thank you for the consideration.