

**CITY COUNCIL  
STAFF REPORT**

Agenda Item: G-4  
Date: December 21, 2010  
Department: City Clerk

**AGENDA TITLE:** Adoption of Ordinance 10-11: An Ordinance Revising portions of Title 17, "Planning and Zoning Code" and Amending the Zoning Map to Designate 2 Irwin Way "Residential Medium-Density District" and to Apply the "Senior Housing Overlay District" to 2 and 20 Irwin Way

**STAFF RECOMMENDATION:** Waive the full reading of the text of the ordinance and adopt Ordinance 10-11: An Ordinance Revising portions of Title 17, "Planning and Zoning Code" and Amending the Zoning Map to Designate 2 Irwin Way "Residential Medium-Density District" and to Apply the "Senior Housing Overlay District" to 2 and 20 Irwin Way

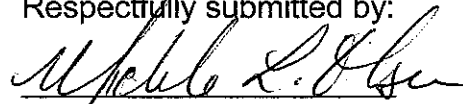
**SUMMARY:** At the November 29, 2010 Special City Council Meeting, the City Council approved the introduction of Ordinance 10-11. The City Council may now consider the adoption of this ordinance. A summary of Ordinance 10-11 will be published in accordance with state law. Following adoption, the Ordinance will take effect in 30 days.

**FISCAL IMPACT:** Not Applicable

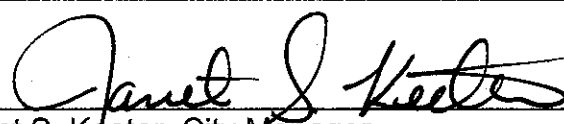
**ATTACHMENTS:**

Attachment A: Ordinance 10-11: An Ordinance Revising portions of Title 17, "Planning and Zoning Code" and Amending the Zoning Map to Designate 2 Irwin Way "Residential Medium-Density District" and to Apply the "Senior Housing Overlay District" to 2 and 20 Irwin Way

Respectfully submitted by:

  
Michele L. Olsen, City Clerk

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Approved By: Janet S. Keeter, City Manager



BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the Matter of:

An Ordinance Revising portions of Title 17, )  
"Planning and Zoning Code" and Amending )  
the Zoning Map to Designate 2 Irwin Way )  
"Residential Medium-Density District" and to )  
Apply the "Senior Housing Overlay District" )  
to 2 and 20 Irwin Way )

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Ordinance 10-11

The City Council of the City of Orinda does ordain as follows:

**Section 1.** The City Council of the City of Orinda intends, by adopting this Ordinance No. 10-11, to add a new zoning overlay district to Title 17 of the Municipal Code. This new district, called the "Senior Housing Overlay District," provides special development standards that may be applied to qualifying senior housing facilities. A qualifying senior housing facility is an age-restricted residential development for seniors that complies with state and federal fair housing law. Only senior housing facilities that satisfy state and federal requirements for permissible "housing for older persons" or "housing for senior citizens" may utilize the modified development standards of the new Senior Housing Overlay District. An applicant proposing a senior housing facility project may proceed under the design standards applicable to multifamily residential projects, if those standards are preferred.

The modified development standards of the Senior Housing Overlay District are designed to facilitate the development of senior housing facilities while recognizing the special needs of seniors. For example, these standards require such features as pedestrian access to neighboring streets and parks while reducing the off-street parking requirements typically required of non-age restricted multifamily housing. The modified development standards permit additional density (38 units per acre) for senior housing facilities in the Senior Housing Overlay District, but require additional design elements and features to ensure that the facilities fit in aesthetically with neighboring structures.

These modified development standards are consistent with the design guidelines set forth in California Civil Code section 51.2 for meeting the physical and social needs of seniors. See, e.g., Civ. Code § 51.2(d)(5) ("The development shall be designed to encourage social contact by providing at least one common room and at least some common open space."). They also assist the City in implementing its affordable housing incentive program, which seeks "to reduce production costs in projects containing affordable units by adjusting design standards for setbacks, lot coverage, street width, unit size and parking, for senior projects." Orinda General Plan, Housing Element, Implementation Measure 1-4.

The Senior Housing Overlay District does not prohibit the development of non-age restricted housing within the district's boundaries. However, non-age restricted

residential developments will be subject to the general development standards set forth in Title 17 of the Municipal Code, rather than the special standards for senior housing facilities.

This ordinance also intends to amend the Zoning Map to designate 2 Irwin Way "Residential Medium-Density District" and to apply the Senior Housing Overlay District to 2 and 20 Irwin Way.

**Section 2.** Under Section 17.2.3 of the Municipal Code, add the following definition between the definitions of "senior citizen" and "service station":

"Senior Housing Facilities" are housing facilities that qualify as "housing for older persons" ("HOP") under the federal Fair Housing Act, 42. U.S.C. § 3607(b), and as "housing for senior citizens" ("HSC") under the Unruh Civil Rights Act, Civil Code Sections 51.2 and 51.3.

**Section 3.** Section 17.4.33, entitled Senior Housing Overlay District (SH-Overlay) Development Standards," is added as follows:

17.4.33 Senior Housing Overlay District (SH-Overlay) Development Standards. Senior Housing Facilities, as defined in section 17.2.3, in the SH-Overlay District may apply the standards of this section in lieu of the underlying multifamily district standards. Non-age restricted development in the underlying multifamily district shall be developed in compliance with the multifamily development standards of section 17.4.32, and all other applicable development standards.

- A. Allowed by right. Multi-family Senior Housing Facilities, as defined in section 17.2.3, are allowed by right in the RM district subject to the design review requirements of Chapter 17.30, the development standards of this section and other applicable city ordinances.
- B. Off-Street Parking. Parking spaces for each dwelling unit shall be provided consistent with the requirements of Chapter 17.16 of this title.
- C. Shared Open Space. Outdoor common area(s) of at least 100 square feet per dwelling unit shall be provided for active and passive group recreation. Each outdoor area shall have a dimension no less than eight feet and shall not include driveways, parking areas or required street fronting yards.
- D. Laundry Facilities. Adequate laundry facilities shall be provided by:
  - 1. Constructing a laundry room with the equivalent of one standard washing machine for each 15 dwelling units and an equivalent capacity in automatic clothes dryers; or
  - 2. Provide properly designed and plumbed areas within each dwelling unit for washing and drying clothes.

E. Lighting and Security. Night and security lighting and security measures shall be provided as necessary to ensure safe and convenient access and use of senior housing development. All outdoor lighting shall be shielded to prevent glare and outdoor light fixtures more than three feet above the ground shall be shielded to prevent direct illumination off-site.

F. Landscaping. All development shall include landscape plans as required in Chapter 17.17 of this title. In addition, landscaping shall provide substantial landscape screening from off-site vantage points and, as appropriate, side and rear yard landscaping. Landscaping shall blend with the design of the development and enhance the visual quality of the streetscape, and to help achieve design consistency with the character of the neighborhood.

G. Permitted Density. Multifamily senior housing in the RM district shall be developed at no more than 38 units per acre.

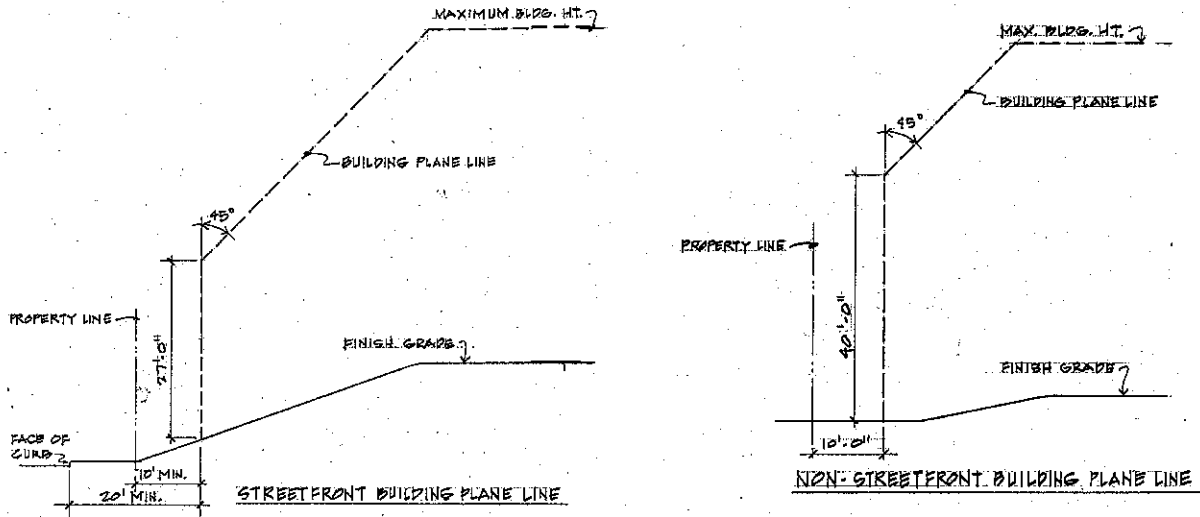
H. Story Limit. The maximum number of stories shall be as required by the closest adjoining residential or downtown district base regulations or as established by the Planning Commission by conditions imposed at the time of review for approvals required by this title.

I. Building Height Limit. The maximum building height shall be as required by the closest adjoining residential or downtown district base regulations or as established by the Planning Commission by conditions imposed at the time of review for approvals required by this title.

J. Building Setbacks. Buildings shall be set back 20 feet from the face of curb on all street fronting property lines, but in no case less than 10 feet from the property line and a 10-foot setback shall be provided from all other property lines.

K. Building Plane Line. Except as provided in subparagraph 12, no portion of a building shall project beyond the building plane line. The building plane line for facades with street frontage is a plumb line drawn 27 feet high at the setback line then inward on the lot at a 45-degree angle to the maximum building height. At interior property lines the building plane line is a plumb line 40 feet high at the setback line then inward on the lot at a 45-degree angle. For purposes of this requirement, the vertical measurements are taken from finish grade.

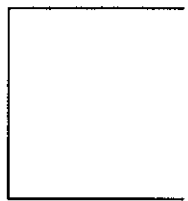
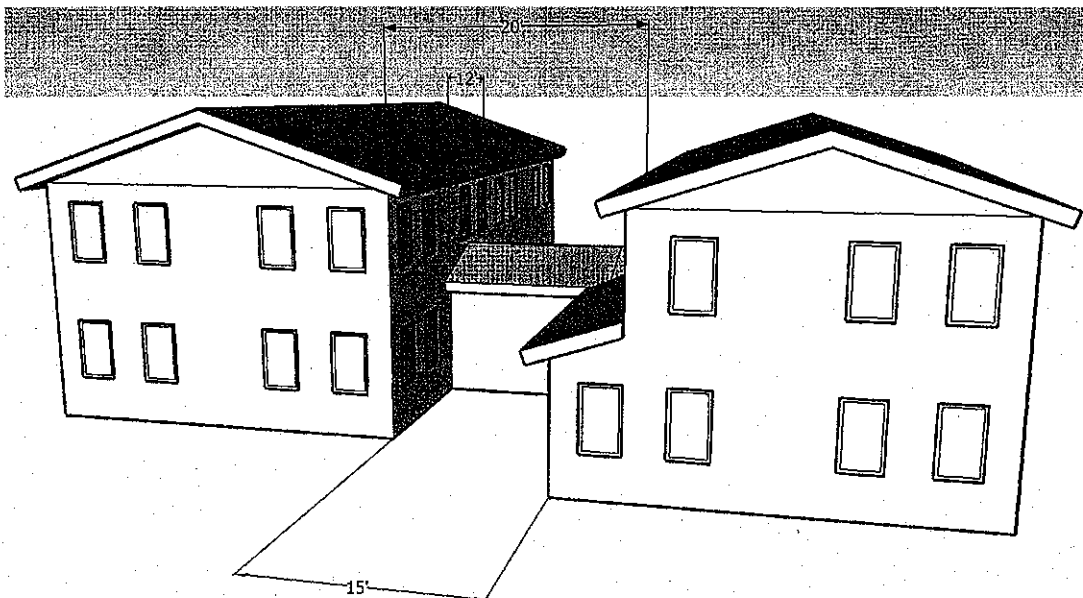
**Section 17.4.33 K Graphics**



L. Building Projections. Projections described permitted in section 17.4.18 also apply to the building setbacks and building plane line of this section.

M. Building Separation. Separate buildings on the same parcel shall be no closer than 20 feet. Buildings with common walls less than 12 feet in length shall be considered separate buildings for the purposes of this requirement. This requirement shall apply to each story separately as illustrated below.

**Section 17.4.33 M Graphic**



N. **Trash Enclosures.** Trash and recycling enclosures shall be located conveniently for residents, and out of vehicular circulation areas. Trash and recycling enclosures may not be located within five feet of interior property lines or within the street fronting setbacks. Trash and recycling enclosures shall be of a design which is compatible with the development.

O. **Gathering Rooms.** Projects with eight or more units shall include adequate gathering rooms or locations for facility residents, based on a requirement of at least ten square feet per dwelling unit. Areas devoted to kitchen areas and restrooms in such community facilities shall not count toward meeting this requirement.

P. **Pedestrian access.** Direct pedestrian access to abutting public streets and parks shall be provided.

Q. **Mechanical Equipment:**

1. **General Requirement.** Exterior mechanical equipment (except solar collectors) and operating mechanical equipment must be screened from off-site views. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing line, ductwork and transformers. Placement of mechanical equipment is limited by the setback requirements of the base zoning district, unless otherwise provided for within this title.

2. **Utility Meters.** A utility meter must be screened from view from the public right-of-way. A meter or transformer in a required front yard or in a corner side yard must be enclosed in a subsurface vault.

3. **Screening Specifications.** Screening material may have evenly distributed openings or perforations not exceeding fifty (50) percent of the surface area and must effectively screen mechanical equipment so that it is not directly visible from off-site. Heavy, evergreen landscaping may be used to meet these requirements.

**Section 4.** Under section 17.16.4, Schedule 17.16.4A is amended as follows:

**Schedule 17.16.4A**

**Off-street Parking and Loading Spaces Required**

Use Classifications	Schedule A Off-Street Parking Spaces	Off-Street Loading Spaces per Group Classification on Schedule B
<b>Residential</b>		
Congregate Care	0.5 per sleeping room, or as specified by use permit	

Day Care, Limited	One per six children; maximum enrollment based on maximum occupancy load	
Group Residential	One per sleeping room plus one per 100 sq. ft. used for assembly purposes or for common sleeping areas	
Multifamily Residential:		
Studio	One covered/unit	
One Bedroom	1.5 covered/unit	
2+ Bedrooms	Two covered/unit	
Guest Parking	0.25/unit	
Single-family Dwelling and Manufactured Home on Individual Lot	Four: two enclosed/two unenclosed	
Second Dwelling Unit	Two: one enclosed/one unenclosed	
Residential Care	One per three licensed beds	
<u>Multifamily Senior Housing Facility:</u>		
<u>Senior occupied unit</u>	<u>0.5 covered per unit</u>	
<u>On-site manager's unit</u>	<u>1 covered per unit</u>	
<u>Guest</u>	<u>1 space per 10 units</u>	
Commercial		
Adult Businesses	As specified by use permit	A
Animal Services	One per 400 sq. ft.	A
Commercial Recreation:		
Electronic Game Centers	One per 400 sq. ft.	
Theaters	One per four fixed seats, or one per 35 sq. ft. seating area if there are no fixed seats.	B
Restaurants	One per three seats	
Restaurants, Take-out	One per 150 sq. ft.	A
Bar/Tavern	One per 50 sq. ft. of seating area	A
Bar with Live Entertainment/Dancing	One per 50 sq. ft. of seating area; plus one per 50 sq. ft. of dance floor	A
Home Improvement Sales and Service	One per 500 sq. ft. plus one per 1,000 sq. ft. of outdoor sales and storage area	
Laboratory, Limited	One per 500 sq. ft.	A



Maintenance and Repair Services	One per 400 sq. ft.	A
<b>Use Classifications</b>	<b>Schedule A Off-Street Parking Spaces</b>	<b>Off-Street Loading Spaces per Group Classification on Schedule B</b>
Nursery	One per 1,000 sq. ft. lot area for first 10,000 sq. ft.; one per 5,000 sq. ft. thereafter, plus one per 250 sq. ft. sales floor area	
Offices, Business and Professional, including Medical and Dental	One per 250 sq. ft.	B
Personal Services (Barber, Beauty Shop)	Two spaces per chair	
Retail Sales, General	One per 250 sq. ft.	A
Bank and Savings and Loan	One per 200 sq. ft., plus three spaces for each walk-up teller window and ATM	B
With Drive-Through Service	Queue space for five cars per teller	
Vehicles Sales and Service:		
Automobile Repair, Limited	One per 200, but not less than five	
Auto Rentals	One per 400 sq. ft.; plus two vehicle drop-off spaces	A
Auto Washing	One per 200 sq. ft. of sales, office, or waiting area; plus on-site queue for three cars	
Service Stations	One per 2,500 sq. ft. of lot area; plus one per 500 sq. ft. of service bay and storage area (Pump spaces are not counted)	
Vehicle Equipment Sales and Service	One per 1,000 sq. ft. of lot area	
Visitor Accommodations	One per guest room; plus one per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule	A
<b>Public and Semi-Public</b>		
Cemetery	As specified by permit	

Club and Lodge	One per 50 sq. ft. used for assembly purposes	C
College, Public or Private	One per three classroom seats, or as specified by use permit	
Congregate Care	Per use permit	
Convalescent Hospital	As specified by use permit	A
Cultural Institution	One per 300 sq. ft.	C
Day Care, General	Three plus one per ten children	C
Government Office	One per 200 sq. ft.	C
Hospitals	One per two licensed beds	A
Park and Recreation Facilities	As specified by use permit	
Public Safety Facility	As specified by use permit	A
Religious Assembly	One per 50 sq. ft. seating area	
Schools, public and private	As specified by use permit	
Utilities, Major	As specified by use permit	
Vocational Schools	As specified by use permit	

**Section 5.** Under section 17.30.5, entitled “Basic Design Review Standards,” subsection (D) is added as follows:

D. Inapplicability to Senior Housing Facilities. The above basic design review standards shall not apply to a Senior Housing Facility (as that term is defined in section 17.2.3) proposed in a Senior Housing Overlay District (SH-Overlay). Design review of such a proposal shall instead be governed by the standards contained in section 17.30.11.

**Section 6.** Section 17.30.11 is renumbered as Section 17.30.12.

**Section 7.** Section 17.30.11, entitled “Senior Housing Facility Design Review,” is added as follows:

17.30.11 Senior Housing Facility Design Review.

A. Standards. To approve or approve with conditions a Senior Housing Project, as defined in section 17.2.3, located within a Senior Housing Overlay District, the Planning Commission shall make findings of fact to support each of the following standards:

1. Development is designed to respect the scale, privacy, views and tranquility of nearby properties.
2. The development is pedestrian oriented with pedestrian connections to adjoining public streets and parks and vehicular parking does not overwhelm the character of development.
3. The visible mass of the building is minimized and facades highly visible from nearby off-site vantage points are designed to reduce the blocky or massive features of building surfaces and provide articulation and visual interest.
4. Primary landscaping elements consist mainly of locally native species and complement and are appropriate for the structure, the site, and the neighborhood.
5. The development is designed to relate to the natural and man-made context of the site including on- and off-site views of the hills and open space areas; solar access for on-site common areas and adjacent properties; creek preservation, restoration and orientation; and preservation of street trees.
6. Development on parcels in excess of one acre is designed to avoid monolithic undifferentiated building masses.

B. Conditions. The decisionmaker may impose conditions of approval including changes to development standards in Chapter 17.4, subject to making findings for the applicable variance or exception, if applicable, or may deny the application.

**Section 8.** Zoning Map is amended to designate the 2 Irwin Way "Residential Medium-Density District and to apply the Senior Housing Overlay District to 2 and 20 Irwin Way.

**Section 9.** This ordinance will not have a significant impact on the environment as defined by the California Environmental Quality Act (CEQA). The City Council has certified a mitigated negative declaration analyzing the potential environmental impacts of this ordinance and adopted a Mitigation Monitoring and Reporting Program in Resolution 68-10.

**Section 10.** This ordinance becomes effective 30 days after adoption.

**Section 11.** The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again within 15 days after adoption.

The foregoing ordinance was introduced at a special meeting of the City Council of the City of Orinda held on November 29, 2010 and was adopted and ordered published at a regular meeting held on December 21, 2010, by the following vote:

AYES:            COUNCILMEMBERS:

NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

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Victoria R. Smith, Mayor

ATTEST:

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Michele Olsen, City Clerk