



MEMORANDUM

To: City Planning Commission

FROM: Chris Cheng, City Planner

DATE: June 13, 2023

SUBJECT: PUD Pre-Petition Conference
120 Packard PUD

A pre-petition conference is a required step to applying and receiving approval for a new PUD Zoning District or an amendment to existing PUD Supplemental Regulations. Tonight's conference discusses the request to rezone 120 Packard Street site from R4C (Multiple-Family Residential) to PUD (Planned Unit Development).

Background

The existing house was constructed in 1848 and was the home of Elizabeth Dean, who contributed to the city for trees, which is the genesis of the Dean Fund that exists today. This house was once protected by the IHP Historic District before that district was negated by a court ruling in 2001. The house is currently used as a rental duplex totaling 12 bedrooms on approximately 0.4 acres. It is located just east of Baker Commons at 106 Packard, which is zoned D2 (Downtown Interface District).

The petitioner, Mr. Satch Chada, proposes rezoning this site to allow an 8-story student housing complex with below- and at-grade parking totaling 24 spaces. The proposed first floor consists of a lobby, management office, amenity spaces, fire command room and indoor bicycle parking room. Floors two through eight consist of 90-100 proposed rental units (~180 beds). The roof level would include solar panels, mechanical equipment, and resident amenities such as a pickleball court, patio and pool. Total proposed floor area of the building is approximately 90,000 sq. ft. or 552% Floor Area Ratio (FAR).

This proposal cannot be constructed in the R4C District as the maximum height is 30 feet and would require additional side and rear setbacks based on the height and building length. This PUD requests modifications from the area, height and placement regulations to allow for 90-100 residential units, an 85-foot height limit, 0 and 10-foot side setbacks with a 10-foot rear setback.

The petitioner is prepared to make the required affordable housing fee in lieu contribution as part of this PUD proposal. The initial contribution range is approximately \$1.1 - 1.8 million.

The applicant has supplied staff with attachments included in this packet referencing their PUD request form, Standards for PUD, Concept Plan, Site Data Chart and Pre-PUD Petition summary.

For discussion purposes, the R4E does not have a height restriction and allows for up to 26 units on this site and likely needs modifications to the building layout to comply with the additional side and rear setback increases due to building height and length. The D2 allows 200% FAR (32,520 sq ft for this site) and up to 400% with premiums (65,040 sq ft. for this site). Available premiums in the D2 district include Affordable Housing, Green Building and Pedestrian Amenity options.

PUD Process

As provided in Section 5.29.11 of the Unified Development Code, the PUD process involves five steps: citizen participation, a pre-application conference with staff, a pre-petition conference with Planning Commission, PUD zoning district review and PUD site plan review. Staff began working with the applicant several months ago and continue to guide them through the application preparation, submittal, review, and approval process.

At pre-petition conferences with the Planning Commission, applicants present the proposed conceptual plan and development program. The Planning Commission may offer “their comments regarding the appropriateness of the proposed land uses, the proposal’s conformance with adopted master plan and policies, and the beneficial effects to be achieved.”

Staff Comments

The “Master Plan: Land Use Element” map recommends multiple-family residential uses for this site. Staff recommend that the Planning Commission consider other rezoning alternatives to a proposed PUD. Two districts which appear most appropriate for this site according to the Comprehensive Plan are R4E (Multiple-Family Residential) or D2 (Downtown Interface). These districts follow adopted plans and adjacent zoning.

Beneficial Effect

- Per Section 5.29.11.F, Standards for PUD Zoning District Review, the district must have a beneficial effect for the City. These are repeated below in Figure 1.
- The beneficial effect that warrants a PUD zoning should be such that it “could not be achieved under any other zoning classification and shall be one that is not required to be provided under any existing standard, regulation or ordinance of any local, state or federal agency.”
- According to materials provided by the applicant, benefits to the city are encompassed by the following:
 - LEED Silver certification, rooftop solar panels, an all-electric building,
 - A contribution fee in lieu of providing affordable housing units on site.
- It is staff's position that the contribution fee in lieu is a requirement of the PUD, and therefore should not be factored into an assessment of beneficial effect. The proposed beneficial effect is to warrant a PUD rezoning is then limited to the proposed energy improvements to the building. At this time, staff would like to see a more robust proposal of beneficial effect to warrant this rezoning.

F. Standards for PUD Zoning District Review⁶⁹

The Planning Commission shall recommend approval, approval with conditions, or denial, and City Council shall approve or deny the proposed PUD zoning district based on the following standards:

1. The use(s), physical characteristics, design features, or amenities proposed shall have a beneficial effect for the City, in terms of public health, safety, welfare, aesthetics, or convenience, or any combination of those impacts, on present and potential surrounding land uses. The beneficial effects for the City that warrant the zoning include, but are not limited to, features such as:
 - a. Innovation in land use and variety in design, layout and type of Structures that furthers the stated design goals and physical character of adopted land use plans and policies.
 - b. Economy and efficiency of land use, natural resources, energy, and provision of public services and utilities.
 - c. Provision of Open Space.
 - d. Preservation and protection of Natural Features that exceeds the requirements of this chapter, especially for those features prioritized in this chapter as being of highest concern, or that preserves existing conditions instead of merely providing mitigation.
 - e. Employment and shopping opportunities particularly suited to the needs of the residents of the City.
 - f. Expansion of the supply of Affordable Housing Dwelling Units.
 - g. The use and reuse of existing Sites and Buildings that contributes to the desired character and form of an established neighborhood.

Figure 1 - UDC section 5.29.11.F