

DATE ISSUED: January 11, 2002

REPORT NO. 02-011

ATTENTION: Land Use and Housing Committee
Agenda of January 16, 2002

SUBJECT: Council Policy 600-42 - Limited and Controlled Access Development
(Gated Communities)

REFERENCE: Manager's Report No. 01-156, dated August 1, 2001
Planning Commission Report No. P-01-0210, dated December 20, 2001

SUMMARY

Issue - Should the Land Use and Housing Committee recommend that the City Council adopt the proposed amendments to Council Policy 600-42 Limited and Controlled Access Development (Gated Communities)?

Manager's Recommendation - Recommend that the City Council adopt the proposed amendments to Council Policy 600-42 Limited and Controlled Access Development (Gated Communities).

Other Recommendations - None.

Fiscal Impact - None.

BACKGROUND

On May 1, 2001, the City Council directed the City Manager to schedule Council Policy 600-42-Limited and Controlled Access Development (Gated Communities) for discussion before the Land Use and Housing Committee. The request was made by Councilmember Peters in response to a hearing involving a gated entry development within the Black Mountain Ranch Planning Area (Fairbanks Summit RZ/TM/PRD/RPO No. 99-1364).

Council Policy 600-42 is the first Council Policy adopted to provide guidance for consideration of applications for limited or controlled access to new or existing communities (Attachment 1). The policy was developed in conjunction with an amendment to the Progress Guide and General Plan designed to remove the prohibition of gated developments from the North City Future Urbanizing Area Framework Plan. Both the policy and the amendment were approved on November 26, 1996.

The current Council Policy provides criteria to be used when reviewing applications for limited and controlled access proposals. Limited access proposals utilize mechanisms such as bollards, curb pop-outs, and directional signs to control traffic flow on public streets without prohibiting it. Controlled access (gated entry) proposals require private streets and utilize gates to prevent

unauthorized public access and may be used for single family or multifamily projects.

The ten general criteria in Council Policy 600-42 are intended to be used as guidelines in reviewing applications for limited and controlled access proposals. Those criteria can be categorized as either tangible criteria, abstract criteria, or criteria open to interpretation.

Tangible criteria are straightforward standards for which determinations of compliance or noncompliance are conclusive. Examples of tangible criteria in the policy include: does the proposed gated entry comply with state and city ordinances; does it provide access for emergency vehicles, trash pick-up, and school buses; and does it grant general utility and access easements on private streets (600-42 criteria numbers 5 through 8)?

Abstract criteria relate to ethereal social ideals which are not quantifiable or qualifiable. Examples of abstract criteria in the policy include: does the gated entry proposal promote community cooperation; does it enhance the quality of life; and does it provide a community or internal benefit (600-42 criterion number 1)?

Criteria that are open to interpretation are debatable standards for which arguments can be made on behalf of compliance or noncompliance with the criteria. Examples of policy criteria that are open to interpretation include: does the gated entry proposal enhance community safety; does the proposal significantly displace traffic circulation or parking to adjacent areas; does the proposal deny public access to public facilities (i.e., parks, trails, transit, and open space); does the entry provide sufficient area for stacking; and do the walls/enclosures incorporate human scale (600-42 criteria numbers 1, 3, 4, 9, and 10)?

On August 1, 2001, the Land Use and Housing Committee considered Manager's Report #01-156 which summarized the criteria in Council Policy 600-42 and identified difficulties with implementation. The Committee directed the Planning Department to proceed with certain amendments that would result in more consistent implementation of the policy. Specifically, the direction was to separate criteria used for considering the appropriateness of a limited or controlled access from criteria used for implementation, to provide standards or measurements for compliance with abstract criteria, to clarify issues related to denial of access to public facilities, and to include new criteria reflecting recent policy changes related to development of urban villages and interconnected neighborhoods. The committee also directed that the policy not be revised to prohibit gated communities and that a pipeline provision be added for projects already under review. The committee recommended that the policy be sent to the Planning Commission for discussion and recommendations, and then returned to the committee for review prior to consideration by the City Council.

On December 20, 2001, the Planning Commission considered Planning Commission Report # P-01-0210 and a draft amended Council Policy 600-42. The Planning Commissioners focused their discussion on the issues of public access to public facilities, community character and compatibility, and controlled access proposals for existing neighborhoods. The Planning Commission unanimously recommended the City Council adopt the draft amended Council Policy 600-42 with minor revisions that provided additional clarification. Those revisions are

included in the attached draft amended Council Policy.

DISCUSSION

As directed by the Land Use and Housing Committee, staff is proposing certain amendments to Council Policy 600-42 (Attachment 2). The proposed modifications can be categorized into organizational changes, clarifications, and expansions of the policy.

Organizational Changes

The organizational changes proposed include a reorganization of the policy's criteria into two sections. The first section would contain criteria to be used to evaluate whether or not a proposal for a limited or controlled access should be considered. That criteria would be further organized into three subsections; limited access criteria, criteria for controlled access for single dwelling unit proposals, and criteria for controlled access for multiple dwelling unit proposals. If it is determined that a proposal meets the applicable criteria, then the second section, implementation standards, would be applied to the proposal.

Clarifications

As previously stated, consistent and predictable implementation of abstract criteria and criteria that is open to interpretation has been a challenge for staff, the public, and the applicant. Clarification of these criteria is needed to provide direction on how a proposal for limited or controlled access might satisfy abstract criteria and to provide consistent interpretations. To accomplish this, criteria 1 and 4 have been revised.

Clarification of the abstract ideals of criterion 1, which state that a proposal for limited or controlled access should provide specific community benefits, is necessary to provide some measurable standards for compliance. The criterion would be clarified by providing examples of how a standard might be achieved (see criteria A.1, B.1, and C.1 of the draft amended policy). The advantage of this approach is that:

Specific examples of community benefit would inform staff, the public, and the applicant that a benefit is to be demonstrated, and

The examples would provide a guideline as to the quality of, or significance of the community benefit that should accompany a proposal.

Clarification of criterion 4, which addresses controlled access proposals and denial of public access to open spaces, beaches, parks, trails, transit and other public facilities, is needed to address various and often conflicting interpretations related to denial of access, pedestrian access versus vehicular access, and whether the public should have access to views of public open space. Issues of access would be clarified through modification of the existing criteria and the addition of a separate criterion to address views. The following clarifications are proposed:

Criterion 4 (see criteria B.5 and C.5 of the draft amended policy) would be revised to clarify that the controlled access should not prevent pedestrian or automotive access to public facilities, or to view corridors that are identified in land use plans, and

New criteria (see criteria B.6 and C.6 of the draft amended policy) would be added to clarify that the controlled access should, at a minimum, not prevent pedestrian access to views of public open space that are visible from within the project.

Expansions

Recent policy direction has necessitated some expansion of the current Limited and Controlled Access Development policy. Specifically, the vision of urban villages and interconnected neighborhoods inherent in the Strategic Framework planning effort are not wholly consistent with controlled access. In order to be consistent with policy direction, four new criteria and two associated implementing standards are proposed to be added to the policy. Expansion of the criteria of the policy to address controlled access proposals within villages and interconnected neighborhoods is proposed as follows:

Controlled access for single dwelling unit proposals within villages or the Urban Village Overlay Zone would not be permitted because they would be detrimental to the establishment of the neo-traditional grid patterns and interconnected neighborhoods associated with development of urban villages (see criterion B.7 of the draft amended policy),

Controlled access for multiple dwelling unit proposals within villages or the Urban Village Overlay Zone would be allowed provided they are consistent with the implementing standards that result in a pedestrian friendly, urban streetscape (see criterion C.7 of the draft amended policy),

Controlled access for single dwelling unit proposals that contain multiple vehicular access points, street connections to adjacent neighborhoods, or limit the potential for through traffic would not be considered appropriate since they would prevent development of interconnected neighborhoods that offer alternative routes to pedestrians and vehicles (see criterion B.4 of the draft amended policy), and

Controlled access for multiple dwelling unit proposals that would reduce or eliminate loitering and/or unnecessary cut-through pedestrian traffic would be allowed in order to maintain onsite security (see criterion C.4 of the draft amended policy).

Expansion of the implementing standards of the policy to address new criteria for controlled access proposals within villages and interconnected neighborhoods is proposed as follows:

Controlled access proposals would need to maintain a permanently open pedestrian entrance and provide notification of public access when views to public open space exist (see criterion B.3 of the draft amended policy), and

Controlled access for multiple unit proposals within a village or within the Urban Village Overlay Zone would need to be designed to minimize the use of gates and fencing, and maximize street facing facades and doorways (see criterion B.4 of the draft amended policy).

ALTERNATIVES

1. Recommend that the City Council adopt the draft amended Council Policy 600-42 with modifications.
2. Recommend that the City Council not adopt the draft amended Council Policy 600-42.

Respectfully submitted,

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S. Gail Goldberg, A.I.C.P..... Approved:.... P. Lamont Ewell.....
Planning Director..... Assistant City Manager

GOLDBERG/DPJ

Note: Attachment 2 is not available in electronic format. A copy is available in the Office of the City Clerk.

- Attachment: [1. Council Policy 600-42 - Limited and Controlled Access Development \(Gated Communities\)](#)
2. Draft Amended Council Policy 600-42 - Limited and Controlled Access Development (Gated Communities)