

## Appendix B

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**Subject** City Center Housing Strategy Code Audit

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### MCMINNVILLE CODE AUDIT

#### Contents of this Document

- Introduction
- McMinnville City Center: Key Barriers
- Use Comparison Table
- Development Standards Comparison Table
- Critique of Additional Chapters and Regulations
  - Land Division Standards
  - General Regulations
  - Landscaping
  - Downtown Design Standards and Guidelines
  - Off-Street Parking and Loading
  - Historic Preservation
  - Applications and Review Process
  - Review Criteria
  - Draft Cottage Cluster Ordinance

#### Introduction

The consultant team performed an in-depth review of McMinnville's Zoning Ordinance (Title 17) as part of the City Center Housing Strategy project. The goal of this document is to better understand what regulations apply to the study area and what barriers, if any, they present to achieving the city's desired housing in the city center.

There are six base zones and one overlay zone found in the City Center Study Area. Each zone was reviewed and summarized in tables so they could be compared across zones. A use comparison table beginning on page three provides a high-level look at which housing types are permitted or prohibited in each zone. Development standards by zone were also reviewed. A development standards comparison table beginning on page seven shows how development standards such as height limitations and setbacks vary by zone. Other chapters of the Zoning Ordinance were important to review in addition to the base zones. These chapters have standards that are applicable to all zones such as parking requirements and landscaping, among others.

The following analysis highlights issues that may pose barriers to the proposed potential housing types in the city center. The consultant team identified issues that affect the feasibility, affordability, and form of each of the potential housing types. Some of these issues may include parking requirements, alley availability, lot width, driveway access, site suitability, context appropriate adjustments for housing shape and size, issues with code definitions, design review, and administrative procedures.

#### McMinnville City Center: Key Barriers

There are six zones found in the City Center study area. They are:

- R-2– Single-Family Residential
- R-4 – Multiple-Family Residential
- O-R – Office-Residential

- C-3 – General Commercial
- M-1 – Limited Light Industrial
- M-2 – General Industrial

Additionally, there is one overlay (NE Gateway District Overlay) which includes Zones 1, 2, and 3.

City center housing types include:

- Residential above retail (including SROs)
- Stand-alone residential (including SROs)
- Townhouse (including live/work townhouse)
- Plexes (including duplexes, triplexes, quadplexes, and SROs)
- City center accessory dwelling units (ADUs)

Six zones and one overlay district were reviewed for their uses, development standards (lot standards, dwelling unit density, setbacks, and height). Single dwellings are permitted in all residential zones including Office-Residential (O-R); however, the other housing types identified for inclusion in this project are more restricted. For example, townhomes are not currently permitted in C-3 zone. In addition, single room occupancies (SROs) are not permitted in any zone.

Key barriers that limit the development of the potential new housing types included in this project include:

- While many housing types are permitted, they have requirements such as lot size that make them more restrictive in practice.
- With a goal of providing a variety of housing types at a range of income levels throughout the city, existing minimum lot size requirements in some zones may not attract these possible housing types. Some housing types, such as tiny homes and rowhouses need less square footage than the minimum required lot size, making it difficult to achieve this variety in practice.
- Density standards are low and encourage less-dense development not in keeping with the city's vision.
- Density is defined by the amount of space per family, which is an outdated method that does not accurately reflect a range of household types nor accurately portray dwelling unit density.
- Minimum parking requirements (2 spaces per unit on-site) are high for denser housing types and impact the development potential of lots and affordability of dwellings.
- Review procedures and criteria for conditional uses are intensive and not clear and objective, increasing the time and cost of development and introducing a level of uncertainty for developers and builders. This impacts the potential for development of duplexes and rowhouses across all zones and more dense multi-dwelling in the R-4 zone

## Comparison Tables

Uses and development standards are simplified in the following tables. The tables distill many pages of text, lining up uses and standards in rows to make them easier to compare across different chapters of the code. From this comparison comes a clearer picture of the barriers to potential new housing types. Nuances of the Zoning Ordinance are captured in footnotes. The exceptions or conditions captured in the footnotes are important clues about the hurdles to proposed housing types. The more exceptions, conditions, or restrictions, the less truly permitted the use is in practice.

The Use Comparison Table summarizes just the residential uses (Household Living, Group Living, and Lodging) and auto-oriented uses (service station, parking lots, repair garage, etc.) as these were most pertinent to this project.

### Use Comparison Table

Permitted (P)	Conditional (C)		Prohibited (N)							
Uses										
	Base Zones							Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2	1	2	3
<b>Household Living</b>										
Single-Family Dwelling	P	P	P	P <sup>1</sup>	N	N	N	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>
Class A Mobile Home	P <sup>4</sup>	N	N	N	N	N	N	N	N	N
Mobile Home Subdivision	N	P <sup>5</sup>	P <sup>2</sup>	N	N	N	N	N	N	N
Mobile Home Park	N	P	P	N	N	N	N	N	N	N
Two-Family Dwelling	P <sup>6</sup>	P	P	P <sup>1</sup>	N	N	N	P	P	P <sup>7</sup>
Single-Family Dwelling, having common wall with one other	P <sup>8</sup>	P <sup>9</sup>	P <sup>1</sup>	N	N	N	N	N	N	N

<sup>1</sup> Subject to requirements of R-4 zone.

<sup>2</sup> Permitted as mixed-use above first floor commercial.

<sup>3</sup> Permitted only in R-2 and R-4 zones.

<sup>4</sup> Permit conditioned on seven standards that address pitch of roof, location adjacent to historic districts/landmarks, materials, performance standards, and attached garage or carport.

<sup>5</sup> If provisions of McMinnville Land Division and Mobile Home Development Ordinances are both met and a minimum of ten contiguous lots are developed solely for mobile home occupation.

<sup>6</sup> If on a corner lot with a minimum 8,000 SF area.

<sup>7</sup> R-2 standards apply. See footnote 6 above.

<sup>8</sup> May only be attached to one other dwelling. If each unit is on a legally subdivided or portioned lot, the two dwellings have a common wall at the “zero” lot line, and either 1) one of the lots is a corner lot and both lots combined are not less than 8,000 SF or 2) both lots are interior lots and each lot is not less than 7,000 SF. Additional building code-type restrictions are cited.

<sup>9</sup> If each unit is on a legally subdivided or portioned lot, the two dwellings have a common wall at the “zero” lot line, and both lots combined are not less than 8,000 SF. Additional building code-type restrictions are cited.

Uses	Base Zones							Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2	1	2	3
Single-Family Dwelling, having common wall with > 1 other	N	N	P <sup>10</sup>	P <sup>11</sup>	N	N	N	N	N	N
Accessory Dwelling Unit	P <sup>12</sup>	P <sup>12</sup> Err	P <sup>12</sup>	N	N	N	N	N	N	N
Multiple Family	N	N	P/C <sup>13</sup>	P <sup>11</sup>	P <sup>11</sup> /C <sup>14</sup>	N	N	P	P	P <sup>15</sup>
Condominium	N	N	P	P <sup>11</sup>	P <sup>11</sup>	N	N	N	N	N
Upper-story Residential	N	N	N	N	P	N	N	<sup>16</sup>		
Ground Floor Dwelling	N	N	N	N	P <sup>17</sup>	N	N	N	N	N
<b>Group Living</b>										
Residential Home	P	P	P	N	N	N	N	N	N	N
Social Relief Facility	P/C	P/C	P/C	P/C	P/C	N	N	P/C	P/C	P/C
Residential Facility	C	N	P	C	C	N	N	N	N	N
Nursing/Convalescent Home	N	N	C	C	P	N	N	C	C	C <sup>15</sup>
<b>Lodging</b>										

<sup>10</sup> If each unit is on a legally subdivided or portioned lot, the dwellings have a common wall at the “zero” lot line, and each lot is not less than 2,500 SF. Additional building code-type restrictions are cited.

<sup>11</sup> Subject to requirements of R-4 zone.

<sup>12</sup> Multiple conditions apply including means of establishing (conversion of garage, construction of a detached unit, etc.), maximum square footage, building coverage, height, appearance, and parking requirement, among others.

<sup>13</sup> Only in the downtown core, a multiple-family dwelling of a higher density is allowed if utilities will not be burdened, all utilities and services are provided, transportation network is capable of providing service, off-street parking meets the minimum standard, and adjacent properties would not be limited to lesser density if the development uses their share of utilities or services.

<sup>14</sup> May be constructed to a higher density than normally allowed in R-4 zone (only in the downtown core) provided that conditions are met.

<sup>15</sup> Not permitted in R-2 zone.

<sup>16</sup> Permitted as mixed-use above first floor commercial.

<sup>17</sup> Only one ground floor dwelling per building that is accessory use to building.

Uses	Base Zones							Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2	1	2	3
	Resident Occupied Short-Term Rental	p <sup>18</sup>	p <sup>18</sup>	p <sup>18</sup>	p <sup>18</sup>	N	N	N	<sup>19</sup>	
Short-Term Rental	p <sup>20</sup>	p <sup>20</sup>	p <sup>20</sup>	p <sup>20</sup>	P	N	N			
Lodging (hotels and motels)	N	N	N	N	P	N	N	P	P	p <sup>21</sup>
Bed and Breakfast	N	N	C	C	P	N	N	P	P	p <sup>22</sup>
Guesthouse or servants quarters	C*	C*	N	N	N	N	N	N	N	N
<b>Mixed-Use</b>										
Artist live/work space								P	P	p <sup>23</sup>
Artist live/work space with a retail component								P	P	p <sup>24</sup>
Commercial/residential within same building								P	P	p <sup>24</sup>
Light industrial with residential component above								N	P	N
<b>Auto-Oriented<sup>25</sup></b>										
Automobile service station	N	N	N	N	C	N	N			
Public and private parking lots	N	N	N	P		P	P			

<sup>18</sup> Must be occupied full-time; no more than two guest sleeping rooms for more than five travelers/transients at one time, guests may stay no more than 30 days, a minimum of one off-street parking space be provided on-site or in an existing parking lot with 200-feet, and permits must be reviewed annually and complaints can be heard by the Planning Commission at public hearings.

<sup>19</sup> Defined as "Vacation Home Rental" and permitted in Zones 1 and 2, and 3, conditional in zones R-2 and R-4.

<sup>20</sup> May not be located within 200 feet of another short-term rental or on the same property as another short-term rental, must provide one parking space for each guest room, the duration of stay is limited to no more than 30 days, permits must be reviewed annually, and complaints may be heard by the Planning Commission.

<sup>21</sup> Not permitted in R-2 or R-4 zones.

<sup>22</sup> Conditional use in R-2 or R-4 zones.

<sup>23</sup> In R-2 and R-4 zones, subject to Home Occupation standards in Chapter 17.67

<sup>24</sup> Not permitted in R-2 or R-4 zones.

<sup>25</sup> Only addresses auto-focused uses. Uses that have higher parking requirements were not included.

Uses	Base Zones							Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2	1	2	3
	Parking structure or lot	N	N	N	N	p <sup>26</sup>	P	P		
Parking lot (non-accessory to existing use)								P	P	p <sup>27</sup>
Parking lot (public)								P	P	p <sup>27</sup>
Repair garage	N	N	N	N	C <sup>28</sup>	N	N			
Automobile, boat, trailer, or truck rental, sales, or service	N	N	N	N	P	N	N			
Recreational vehicle park	N	N	N	N	p <sup>29</sup>	N	N			
Taxi stand	N	N	N	N	P	N	N			
Public Transportation passenger terminal	N	N	N	N	C	N	N			
Automobile wrecking yard	N	N	N	N	N	N	C			

<sup>26</sup> Surface parking lots and vehicular access to parking lots is prohibited along Third Street.

<sup>27</sup> Not permitted in R-2 or R-4 zones.

<sup>28</sup> Allowed per zone C-2 provided that there is no outside repair or storage.

<sup>29</sup> Allowed per zone C-2.

**Development Standards Comparison Table**

Dimensional Standards											
Standard	Base Zones							Historic Overlay	Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2				
<b>17.030 Lot Size</b>											
Lot Size, minimum (square feet)	7,000	6,000	5,000								
Two family dwelling	8,000 <sup>1</sup>	6,000	5,000								
Two units with common wall	8,000 <sup>2</sup>	8,000 <sup>3</sup>	2,500 <sup>4</sup>								
Multiple-Family Dwelling			5,000								
<b>17.040 Yard Requirements<sup>5</sup></b>											
Front Yard, minimum (feet) <sup>6</sup>	20	15	15 <sup>7</sup>	15	0	0 <sup>8</sup>	0 <sup>9</sup>	0 <sup>10</sup>		0 <sup>11</sup>	

<sup>1</sup> Must be on a corner lot.

<sup>2</sup> If on a corner lot, both lots combined have a minimum of 8,000 SF, and there is no minimum lot for the individual lots; or both lots shall be interior lots and each lot has a minimum of 9,000 SF.

<sup>3</sup> Both lots combined have a minimum of 8,000 SF. There is no minimum lot for the individual lot.

<sup>4</sup> Shall be no less than 2,500 SF per family.

<sup>5</sup> Unless otherwise provided by Section 17.54.050

<sup>6</sup> Exceptions are made to front-yard requirements for a dwelling if dwellings on both abutting lots or one abutting lot have a front yard of depths later than the required depth per Section 17.54.050.

<sup>7</sup> All yards in R4 shall be increased over these requirements; one foot for each two feet of building height over thirty-five feet.

<sup>8</sup> There are no required yards except 1) 40-feet when adjacent to a residential zone or use, 2) 15-feet when adjacent to a commercial zone or use, and 3) 15-feet when adjacent to a public roadway. Additional yard requirements and perimeter treatments for these buffer zones are addressed in Section 17.39.040.

<sup>9</sup> There are no required yards except side and rear yard shall not be less than 50 feet when adjacent to a residential zone.

<sup>10</sup> Buildings shall maintain a zero setback from the sidewalk or property line. Exceptions may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

<sup>11</sup> In Zones 1, 2, and 3 no minimum setbacks required for non-residential uses unless necessary to accommodate site conditions such as utility easements. Not stated but assumed minimum setbacks were the same for R-2 and R-4 zoned sites however properties located in Zone 1 have Historic Guidelines apply which specify a zero front setback.

Dimensional Standards											
Standard	Base Zones							Historic Overlay	Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2				
Front Yard, maximum										10 <sup>12</sup>	
Rear Yard	20	20	20	0 <sup>13</sup>	0 <sup>14, 15</sup>	0	0			0	
Side Yard	7 ½	7 ½	6	0	0 <sup>16</sup>	0 <sup>17</sup>	0			0	
Exterior Side Yard	20 <sup>18</sup>	15	15	15	0	0	0			0	
Exterior Side Yard, max										10 <sup>19</sup>	
<b>17.050 Building Height</b>					0						
Maximum (height)	35	35	60	35 <sup>20</sup>	80	80	80			80	
<b>17.060 Density Requirements</b>											
Single Family Lots (square feet per family)	7,000	4,000									
Two Family Corner Lots (square feet per two families)	8,000	8,000									
Common Wall, Single Family Corner Lots (square feet per two families)	8,000	8,000									
Multiple Family Lots											
Each unit with 2 BR or Less			1,500								

<sup>12</sup> Maximum may be increased, but not above 20 feet, for non-residential uses that include active pedestrian-oriented outdoor uses such as restaurant seating and plazas.

<sup>13</sup> A 20 foot setback is required when adjacent to a residential zone and/or when a residential use in the O-R zone.

<sup>14</sup> Not less than 20 feet when adjacent to a residential zone.

<sup>15</sup> In a commercial or industrial zone, if an alley is adjacent to a required side or rear yard, the distance for a required yard may be measured from the center of the alley, per 17.54.050

<sup>16</sup> Side yards of 7 ½ feet are required when adjacent to residential zone and/or when a residential use in the O-R zone.

<sup>17</sup> Not less than 20 feet when adjacent to a residential zone.

<sup>18</sup> If exterior side yard is on the street side of a corner lot.

<sup>19</sup> Garages accessory to residential development have a minimum setback of 20 feet.

<sup>20</sup> Public buildings are allowed to go up to a height of 60 feet per 17.54.040.



Dimensional Standards											
Standard	Base Zones							Historic Overlay	Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2				
Each unit with 3 BR or Less <sup>21</sup>			1,700								
<b>17.54 General Regulations</b>											
Buildings–Number Per Lot (Max. Allowed) <sup>22</sup>	1	1									
<b>17.57 Landscaping</b>											
Total Percent of Gross Area	0	0	25 <sup>23</sup>	7 <sup>24</sup>	7 <sup>25</sup>	7 <sup>26</sup>	7 <sup>26</sup>	7 <sup>27</sup>	28		
<b>17.60 Off-Street Parking and Loading</b>											

<sup>21</sup> An additional 500 SF is granted for each additional bedroom in excess of three in any one unit.

<sup>22</sup> Specifies one “main building” per lot per 17.54.030.

<sup>23</sup> Multiple Family developments are required to landscape 25% of the gross area of the lot. This may be reduced to a minimum of 15% upon approval of the review committee if it still meets the intent of the ordinance.

<sup>24</sup> Commercial uses are required to provide a minimum of 7% of the gross area but this can be reduced to 5% upon approval by the review committee. Only multi-family residential uses in the O-R zone would be required to meet the 25% minimum; all other types of residential uses would be exempt.

<sup>25</sup> Commercial uses are required to provide a minimum of 7% of the gross area but this can be reduced to 5% upon approval by the review committee. Reduced requirements are provided for per 17.57.080 in the Central Business District. Area I has no landscaping required. Area II has ½ the required landscaping. These reductions do not apply to the provision of street trees.

<sup>26</sup> Industrial uses are required to provide a minimum of 7% of the gross area but this can be reduced to 5% upon approval by the review committee per 17.57.070

<sup>27</sup> Area I (between Adams Street and the railroad tracks and between Second and Fourth Streets) has no landscaping requirements. Area II (between Adams and Kirby Streets from First to Fourth Streets excluding Area I) has one-half of the landscaping requirements.

<sup>28</sup> Subject to Chapter 17.57.

Dimensional Standards											
Standard	Base Zones							Historic Overlay	Gateway District Overlay		
	R-2	R-3	R-4	O-R	C-3	M-1	M-2				
No. of Spaces Per Dwelling <sup>29, 30</sup>	2	2	2	2					31		
No. of Spaces Per Multiple-Family Dwelling <sup>32, 33</sup>			1½ <sup>34</sup>	1½							
Professional Office				1/300 SF							
Retail store					1/250 SF						
Restaurant/Bar					1/100 SF <sup>35</sup>						
Non-residential uses									0 <sup>36</sup>		

<sup>29</sup> Two spaces are required per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms. Except for one or two upper-story residential dwelling units above a non-residential space, off-street parking spaces must be located on the same lot with the dwelling. This means that in the case of a duplex, four spaces must be provided on the lot, or, in the case of an ADU, three spaces must be provided on the lot.

<sup>30</sup> Additional design requirements dictate that parking lots must be asphalt or cement, parking spaces must be clearly marked, groups of more than four parking spaces must be located and served by a driveway so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley per 17.60.080.

<sup>31</sup> Subject to Chapter 17.60, however no off-street parking is required for non-residential uses having 3,000 square feet or less of floor area. Parking may be waived or reduced for non-residential development following review by the Planning Director.

<sup>32</sup> The minimum off-street parking requirement increases to two spaces per dwelling unit if there are three or more bedrooms and decreases to one space per dwelling unit expressly reserved for senior or handicapped persons.

<sup>33</sup> Clear vision areas must be provided at driveway exits for all uses except single-family and two-family residential and must have minimum dimensions of ten feet measured along the street right-of-way and the edge of the driveway.

<sup>34</sup> This increases to 2 spaces per unit with three or more bedrooms.

<sup>35</sup> Or 1 per every 4 seats, whichever is greater.

<sup>36</sup> No parking required for uses having less than 3,000 SF of floor area. Off-street parking must be provided for floor area in excess of 3,000 SF. These may be waived or reduced if need of specific use is demonstrated, provision of exceptional pedestrian-oriented design, or other project-specific factors that are consistent with the NE Gateway Plan and that have the effect reducing required off-street parking.

## Critique of Additional Chapters and Regulations

Beyond the development standards found in the base zones, there are other applicable development standards that apply across all zones. These include:

- 17.53 Land Division Standards
- 17.54 General Regulations
- 17.57 Landscaping
- 17.59 Downtown Design Standards and Guidelines
- 17.60 Off-Street Parking and Loading
- 17.65 Historic Preservation
- 17.72 Applications and Review Process
- 17.74 Review Criteria
- Draft Cottage Cluster Ordinance

Following is an overview of the key barriers and opportunities within these portions of the land use code.

### Land Division Standards

- If parcel is divided into more than 3 parcels, may be required by the Planning Director to fulfill all the requirements of a subdivision plat, which would require 25 copies of their plan, significantly more documentation, and Planning Commission Review. Seems more likely to be for subdivision of more than ten lots. This could pose a threshold for certain housing types including cottage clusters, tiny homes, and rowhouses if parceling land into ownership lots. There is, however, an expedited land division process.

### General Regulations

- Specifies there shall only be one main building per lot in R-1, R-2, and R-3 zones. This would likely preclude certain desired housing types in these zones unless they are individual parcels.

### Landscaping

- Landscaping is required in R-4 (except not for single family or two family units), and in C-3, O-R, M-1, and M-2. This may need to be revisited to require useable open space for single family attached units and detached units such as cottage clusters and tiny homes to ensure that as density increases, the quality and character of open space that defines McMinnville is maintained.
- Multiple-family is required to landscape 25% of gross area, but this may be reduced to 15% by approval of review committee. There are no guidelines for what this space could consist of such as a menu of options to meet certain design standards.
- Within this section, two areas are defined in the city center. Area I (between Adams and the railroad tracks between 2<sup>nd</sup> and 4<sup>th</sup>) does not require any landscaping except for the provision of street trees. It is unclear if this is true for residential uses in this zone as well. Area II (between Adams and Kirby Streets from First to Fourth Streets, excluding the area above), requires only ½ the landscaping requirements.

### Downtown Design Standards and Guidelines

- Certain design standards apply to an area of the city center. This area is bounded by Adams Street to the west, 4<sup>th</sup> Street to the north, Kirby Street to the east, and 1<sup>st</sup> Street to the south. Lands immediately adjacent to the west of Adams Street from 1<sup>st</sup> to 4<sup>th</sup> are also subject. All new buildings, exterior or site alteration, and new signage is required to go through review by planning staff and Historic Landmarks Commission, increasing the cost and length of time to develop. Interior remodeling and single-family detached housing are exempted but it's unclear if a change of use would trigger the application of these standards.

- All buildings in this area are required to maintain a zero setback from the property line, with exceptions allowed for plazas, courtyards, dining space, or rear access for public pedestrian walkways. This provision for exceptions will allow denser multifamily projects/mixed-use projects downtown to add more open space downtown.
- Buildings should have massing and configuration similar to adjacent or nearby historic buildings on the same block – it's unclear how this relates to blocks along 2<sup>nd</sup> or 4<sup>th</sup>/5<sup>th</sup> that do not have historic buildings. Buildings situated at street corner should be, or should appear to be, two-stories in height. While this is in keeping with the current character of development downtown, it does limit development potential.
- Downtown design standards are geared towards commercial ground floor uses and storefront designs. The standards lack appropriate requirements for ground floor residential uses.

### **NE Gateway District Overlay**

The intent of the Gateway Planned Development Overlay is to implement the vision established by the Northeast Gateway District Plan adopted in 2012. The Overlay seeks to guide the transition of a light and heavy industrial area to a vital mixed-use, pedestrian-oriented neighborhood for the 75-acre district adjacent to downtown east of the railroad tracks. The Overlay provides specific use standards and a design framework (through development standards).

#### *Key Barriers and Opportunities*

- The mix of uses permitted seek to promote a complementary mix to encourage a broad range of uses in the district. These include residential, employment, cultural/tourism, education, and neighborhood-scale support services. However the uses are broken down by three sub-districts and add to an already long-list of uses for the base districts rather than focusing on the form of the buildings and being broadly permissive of the uses inside. Additionally, any parcels zoned R-2 or R-4 continue to use the base zone permitted/prohibited uses. As currently written the uses in these residential zones include development standards which may be counter to those in the Overlay. For example, development standards for single dwellings with common walls require each unit to be on either 8,000 or 7,000 square foot lots. While the intent is to address the transition to surrounding residential zones, this increases confusion for developers, builders, and property owners.
- Partitions not subject to the review process so could encourage certain housing types in this district – check this against Land Division Standards requiring review for more than 3 parcels – would that apply here as well?
- For multifamily development “Building layout must be non-linear in design even if the number of units has to be reduced to meet this goal.”
- Parking requirements may be waived or reduced for non-residential development if “a demonstrated need of the specific use, provision of exceptional pedestrian-oriented design, or other project-specific factors that have the effect of reducing required off-street parking.” Current parking requirements for residential uses in the R-2 and R-4 zones are high (2 spaces per unit provided on-site). There is some opportunity to take advantage of this stipulation and the provisions for shared and off-site parking to maximize the development potential of mixed-use projects by reducing the amount of parking for non-commercial uses on-site, dedicating the space to residential uses instead.
- Additional specificity around landscaping and requirement for front porches for single and two-family dwelling adds to the useable open space for residential uses in this district.

### **Off-Street Parking and Loading**

- Any change of use requires bringing the new use up to code in terms of provision of off-street parking requirements, which means that any conversions of existing buildings downtown will be required to provide parking on-site, effectively making these types of projects unfeasible. There is the provision of a variance for up to five vehicles in instances where an existing historic structure located in the C-3 or O-R zone is converted to a different use/occupancy but only if the building has been classified as “distinctive” or “significant” by the Historic Landmarks Committee.
- Except for one or two upper-story residential dwelling units above non-residential structures, off-street parking spaces are required to be located on the same lot with the dwelling, which precludes the use of shared-parking strategies for residential uses downtown. Other required parking, such as for the ground floor commercial uses of a

mixed-use building, can be provided not farther than 200 feet from the building. There is provision for the joint use of space per 17.60.120.

- Parking requirements for residential uses are high, especially for smaller detached units, attached units, and multi-family projects, limiting the potential for developing projects in the city center. Currently in the area bounded by Adams Street, Ford Street, Fourth Street, and Seventh Street, off-street parking spaces for commercial uses may be reduced by half, and in the area bounded by Adams Street, the railroad, 4<sup>th</sup> Street, and 2<sup>nd</sup> Street, no parking is required for commercial uses.
- Issues of vision clearance and driveway width for anything but smaller projects.
- Reduced parking downtown is only for commercial uses and not residential projects.

### **Application and Review Process**

Chapter 17.72 establishes the various review and appeal processes for land use applications and permits. It is important to understand any barriers the review process may pose to development of the potential new housing types included in this project. Even if certain housing types are listed as a conditional use, the level of review required and the uncertainty of the result of the review process may discourage builders, developers, or property owners from applying for the conditional use.

#### *Key Barriers and Opportunities*

Conditional uses, variances, zone changes, and subdivision of more than ten lots require a quasi-judicial process. This entails: 1) a neighborhood meeting open to the public; 2) at least one public hearing by the Planning Commission. Following this review, the Planning Commission can approve, deny, or approve the application in a different form. Conditional Use findings can be appealed, in which case they are reviewed by the City Council. This is a very lengthy process that opens the applicant up to large amounts of uncertainty.

### **Review Criteria**

Chapter 17.74 establishes the criteria used to review land use applications and permits; these include the criteria for reviewing a conditional use and granting or denying the application. Additionally the means for amending the Comprehensive Plan and zoning map are identified. The development review process should ideally be clear and objective in its execution, offering applicants a sense of security that the additional process will result in an approval that merits the time, energy, and capital spent seeking approval. Standards that are open to discretionary review make this more difficult.

#### *Key Barriers and Opportunities*

Currently the Planning Commission weighs whether or not the location, size, design, and operating characteristics of a proposed conditional use can be made reasonably compatible with and have minimal impact on the livability or development of abutting properties. The Commission looks at factors including harmony in scale, bulk, coverage, and density, as well as the availability of public facilities, utilities, and transportation networks. Above and beyond these conditions, the Planning Commission is allowed to place conditions that limit the height, size, location of the development, as well as designate vehicle access points, increase the amount of street dedication or improvements within the right-of-way, designate elements of the parking area, and limit other elements such as signs, lighting, landscaping, fences, etc.

### **Cottage Cluster Code**

The Draft Cottage Cluster Code purpose section includes a description of the concept of cottage clusters and a list of guiding principles. Specific guiding principles are illustrated with photographs. Dimensional standards govern overall site, lot, and cottage arrangement; setbacks; private and common open space; private open space; frontage access and parking; landscaping; fences; utilities; and buildings. Key development and dimensional standards include a density bonus of 150% of maximum density established by the base zone if the provisions of the code chapter are met and a requirement that the parent lot be at least 8,000 square feet.

#### *Key Barriers and Opportunities*

The biggest barriers may be most applicable to cottage clusters on infill lots. Meeting all of the setbacks, common and private open space minimums may not be achievable on available lots that fulfill the minimum 8,000 square foot lot minimum size.

Interestingly, the parking requirement is easier to meet than for other types of housing (only one space per unit is required), and the design requirements of 17.60.080 don't apply. This suggests that there could be an improved, right-sized set of parking and driveway requirements that would apply to over-four-but-less-than-10 (or 12) spaces that are not as onerous. Additionally, on-street parking is permitted as a method to meet the requirement for visitor parking.