

Memorandum

DATE: November 10, 2010

TO: Plan Commission

FROM: Planning Division Staff and Zoning Administrator

SUBJECT: Dwelling Units in Mixed-Use Buildings- Mixed-use and Commercial Districts [[Memo 2, #26](#)]

Introduction

During the review of the proposed mixed-use and commercial districts, the Plan Commission requested further information regarding mixed-use buildings in the mixed-use and commercial districts.

Specifically, the Commission directed staff to develop additional standards for “dwelling units in a mixed-use building” (p. 46 “Red-Lined” ordinance). Members of the Commission also indicated their desire for there to remain incentives to develop this type of mixed-use building compared to stand-alone residential buildings in these districts.

The “Red-Lined” ordinance already includes the following broad definition of “Mixed-Use Building” (p. 247): *A building that houses multiple uses, which may include residential and nonresidential uses.* This definition applies to many types of mixed-use development and does not address the specific issues noted above. While one approach would be to alter the definition, staff believe it would be more effective to create additional supplemental regulations for this specific type of mixed-use development.

Supplemental Regulations – Non-Residential Component

Additional supplemental regulations could create measureable distinctions between primarily stand-alone residential buildings with a minimal non-residential component and mixed-use buildings with a more substantial combination of residential and non-residential uses. Considering the draft ordinance and recommended amendments, this distinction is important as new stand-alone residential buildings are conditional uses while these mixed-use buildings are permitted, up to certain thresholds. (Specifically, these are permitted in the NMX, TSS, MXC, and CC-T districts.) This is potentially an incentive to promote this development form.

Without new supplemental regulations, a primarily residential building with only a minimal non-residential component could be a permitted use. For example, a hypothetical building in the TSS district with 400 sf of office space and 24,600 sf of residential area would be a permitted use and not require review by the Plan Commission, as long as other district requirements are met. A building of this size could include 30 or more small dwelling units, which could be appropriate in some contexts, but could also limit opportunities for viable commercial space in corridors or nodes where ground-floor commercial uses are recommended in adopted plans. From a design standpoint, such a building may also lack the desired ground floor “commercial” character. Staff believe that a Plan Commission review would add value to this type of proposal.

Staff recommend that two components are utilized to measure the non-residential component of such buildings: non-residential building area and street frontage. As detailed under the “Staff Recommendation” subheading, staff propose that such non-residential uses comprise a minimum of 50% of the ground floor area and that a minimum of 75% of the facade are non-residential. Even with these additional standards, this approach is anticipated to be much more permissive for mixed-use buildings than what is in the current ordinance. Provided other standards are met, buildings not meeting these requirements could still be approved by conditional use.

Supplemental Regulations – Number of Residential Units

A related issue raised by the Plan Commission is the number of permitted residential units within such a building. Additional supplemental regulations are proposed and would allow the Plan Commission to review larger projects as conditional uses, providing an opportunity to consider issues such as the type and mix of dwelling units and consistency with adopted plans.

Staff explored a methodology to closely base the conditional use threshold for number of units on the threshold for the maximum size of mixed-use buildings in the mixed-use districts. Simple massing models of hypothetical buildings at the maximum size as a permitted use (10,000 sf in NMX district; 25,000 sf in TSS district) were created to estimate the number of dwelling units they could accommodate, while also including a viable commercial space on the ground floor.

Subtracting out areas for commercial uses, a 10,000 sf building could accommodate approximately 6-10 units, depending on the unit type. Similarly, a 25,000 sf building could accommodate an estimated 20 to 30 units. While 8 units in a mixed-use building appears to be a logical conditional use threshold for the NMX District, the larger building size anticipated in the TSS District lends it to a higher threshold of 24 units. The MXC and CC-T Districts allow for up to 40,000 sf buildings as permitted uses, but staff recommends extending the 24-unit threshold to these districts as well, in order to maintain an opportunity for review of projects with a greater number of units based on the surrounding context.

Staff Recommendation

1. For the use “dwelling units in mixed-use buildings”, staff recommends replacing the “P” (Permitted) with a “P/C” (Permitted or Conditional) in the NMX, TSS, MXC, and CC-T Districts, and adding a “Y” in the supplemental regulations column.
2. The following new supplemental regulations should be created to define the threshold between permitted and conditional uses to define the non-residential component of “dwelling units in mixed-use buildings” (any proposal not meeting these thresholds could be reviewed as a conditional use):
 - a. For buildings with a street facing width of 40 feet or less, the entire primary street facade shall be non-residential, however, doors leading to upper-story or rear dwelling units are allowed. Less non-residential frontage requires conditional use approval.
 - b. For buildings with a façade greater than 40 feet, at least 75% of the building façade along the primary street frontage, including all frontage at a street corner, shall be non-residential. Less non-residential frontage requires conditional use approval.
 - c. Non-residential space shall comprise a minimum of 50% of the ground floor area. Less non-residential space requires conditional use approval.
3. The following new supplemental regulations should be created for “dwelling units in mixed-use buildings” to define the threshold between permitted and conditional uses related the number of dwelling units.

	NMX	TSS	CC-T
Number of Residential Units	Permitted: ≤ 8 units Conditional: >8 Units	Permitted: ≤ 24 units Conditional: >24 Units	Permitted: ≤ 24 units Conditional: >24 Units