

DRAFT

***Commercial Zoning Districts
Critique Summary Report***

Prepared for

Town of Mammoth Lakes

By

DYETT & BHATIA

Urban and Regional Planners

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Introduction

The Town of Mammoth Lakes Zoning Code Update (ZCU) was initiated by the Town Council with the goal of incorporating the 2007 General Plan into the Zoning Code as well as cleaning up and modernizing the Town's zoning regulations. The goal of the project is to create an up-to-date set of rules that will govern land development in the Town. Town staff has completed a draft of the Code, which is available to view on the Town's website at <http://www.ci.mammoth-lakes.ca.us/index.aspx?NID=384>. Work to date has involved much input from the community, including review of draft chapters by the Zoning Code Committee, Zoning Code Users Group, Planning Commission, and stakeholders and interested parties such as residents, businesses, and property owners.

Guiding the Town's work are the following Zoning Code Update goals:

- **Promote Sustainability:** To incorporate standards that promote sustainability of development in the Town and incorporate the goals, policies, and actions outlined in the General Plan.
- **Promote Quality and Design:** To incorporate standards that improve development quality and design.
- **Improve Readability and Usability:** To use charts, graphics, and illustrations to make the Code easier to read and to reorganize the material to group similar regulations together.

In 2010, the Town received a grant from the Strategic Growth Council to focus on incorporating sustainability principles into the Code, including provisions for mixed use development and form-based zoning concepts in the Commercial Zoning Districts.

The Town of Mammoth Lakes retained Dyett & Bhatia to evaluate the Town's draft Commercial Zoning Districts regulations and determine if there are any changes that can be made in order to better meet the goals of the Zoning Code Update. This working paper summarizes the principal findings and conclusions of the consultant's evaluation and recommends a number of ways that the draft regulations could be improved to meet the ZCU goals. The analysis is based on the review of the General Plan which establishes the overall policy basis for land use within the Town; several neighborhood district planning studies (Neighborhood, Downtown Main Street, North Old Mammoth Road, South Districts) which establish an overall concept and associated recommendations for smaller key areas in the Commercial Districts; Town of Mammoth Lakes Design Guidelines; other draft sections of the Code; and other materials such as technical studies and background reports prepared as part of the ZCU. Project plans for recent and proposed development in the Commercial Zoning Districts were reviewed and a tour of the area with Town staff was conducted to get an overall context of the Districts.

TOPIC AREAS

There are many elements of planning and design that affect the experience of pedestrians walking around a Town and the convenience of transit riders in accessing bus stops. These elements typically include the relationship between buildings and public sidewalks, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. These features contribute to the character of a place and, in turn, whether or not residents, workers, and visitors are attracted to the place. What gives great places that special "feel" are factors such as how buildings align to the street and to other buildings,

their distance from the sidewalk, the size of entryways, the amount of sun and shade that buildings displace, and whether the outdoor spaces between buildings are “left over” or purposefully created. The design of the public realm also affects the quality of experience a pedestrian has when walking down the sidewalk. Along commercial streets, a wide pedestrian path, outdoor seating, small plazas, bicycling parking, and trash bins can help facilitate pedestrian travel along a corridor.

Many communities, in their efforts to create vibrant neighborhoods that attract residents, visitors, and jobs, have identified the topics discussed above as essential elements to creating the building blocks of creating more sustainable and livable communities. Overall, the draft Code does a good job with incorporating standards that address these topics, implementing the General Plan community design and neighborhood district character policies as well as recommendations in the neighborhood planning studies. This paper identifies ways in which these standards can be improved to better create a “series of distinct, connected and vibrant mixed use districts” that provide a range of amenities and jobs that is accessible by walking and transit.

Because the purpose of this paper is to identify ways to improve the draft Commercial Zoning Districts standards, the recommendations focus on suggested changes with only passing reference to all the positive aspects of the draft chapter. The recommendations in this paper are organized to address the following key topics:

- **Development and Design Standards.** Standards should be re-organized and consolidated where necessary and design standards should be refined, with additional design standards incorporated as needed;
- **Uses.** The use classification system should be more unified and all uses referenced in the Code should be defined;
- **Use of Graphics.** Graphics should be used to clearly illustrate and facilitate interpretation of development standards while exhibiting a consistent graphic style;
- **Overall Organization.** Sections should be re-ordered and consolidated as necessary to ensure a coordinated structure and a logical flow from one idea to the next.

The recommendations in this paper pertain primarily to Chapter 17.24, Commercial Zoning Districts, but recommendations to other chapters such as Chapter 17.36, Standards for All Development and Land Use, Chapter 17.52, Standards for Specific Land Uses, and Chapter 17.144, Definitions are included to enhance the overall usability of the Code.

NEXT STEPS

This paper will be the basis for future stakeholder meetings to gather feedback on the recommendations presented. Comments from the stakeholders and further work with Town staff will guide the revision of the draft Commercial District regulations. The revised regulations will be presented for subsequent review, and additional workshops will be scheduled with the Zoning Code Users Group and Planning Commission. Town staff will also continue outreach to stakeholders and interest groups with special concerns that will need to be addressed in the Commercial District.

1 Development and Design Standards

The focus of this section is on the regulation of development and design addressed in the draft Commercial Zoning Districts chapter (Chapter 17.24). Proposed recommendations respond to the policy direction set by the Town's General Plan and key ideas in the Neighborhood district planning studies, and reflect ideas in the Town's Design Guidelines. The General Plan describes a consistent goal for pedestrian- and transit-oriented design in the Commercial Zoning Districts – resulting in more vibrant, active, accessible and sustainable commercial corridors. Neighborhood district planning studies explore this goal in further detail by area and include key recommendations and strategies such as development standards. These recommendations and strategies are supplemented by the Town's Design Guidelines which address site and architectural design.

The key standards in the draft Commercial Zoning Districts chapter relate to site design and include lot and density standards, as well as building location and envelope standards such as setbacks, height, and lot coverage. Additional standards are provided for building design.

1-1 SITE DESIGN AND BUILDING ENVELOPE

Issues

The overall layout and design of a site can have important consequences for how pedestrians experience their surroundings. In order to implement the vision outlined for the Commercial Districts in the General Plan, two main issues need to be addressed in the current draft of the Commercial Zoning Districts chapter. First, some draft regulations may need to be refined to ensure that they are reasonable, understandable, and predictable for developers, City officials and staff and the community at large, such as ensuring that setback requirements are clear and consistent, and that floor height standards offer the flexibility for multiple types of development. Second, the draft standards do not address a number of elements of the built environment critical for creating pedestrian and transit orientation, such as public open spaces, street frontage improvements, block size and pedestrian connections.

Recommended Approach

1-1-A: Refine and Consolidate Setback and Build-to Line Standards

Setback standards establish where buildings are located on a site and identify instances where a building may or must be built to the street and where setbacks are required. Draft standards regulating the location in the building are found in Table 2-5 Commercial Development Standards, Subsection 17.24.060.C, Retail Build-to Lines, and 17.36.080.C, Screening Between Commercial and Residential Land Uses. These draft standards are presented in the Table 1 below.

TABLE 1: SETBACK AND BUILD-TO LINE STANDARDS

Development Feature	Requirement by Zone			
	D Downtown	NOMR North Old Mammoth Road	OMR Old Mammoth Road	MLR Mixed Lodging/ Residential
Setbacks (feet)				
Front Yard	20; 0 where retail is required by Figure 2-2			
Side Yard	0 or as required by California Building Code			
Side Yard, Street Side	20			
Rear Yard	0 or as required by California Building Code			
Distance between buildings on the same lot	0 or as required by California Building Code			
Adjacent to Residential Districts	15			
Retail Build-to Line (Designated Retail Streets) (feet)	0 or 5 of back of public sidewalk per Public Works Street Section			n/a
Exception	10 allowed for entry courts, outdoor dining, patios, etc.			n/a

Front and Street Side Yards. Front and street side setbacks should work in conjunction with the Retail Build-to Line requirement to establish the locations where buildings must be built to the street. The setback requirements establish the minimum setbacks while the build-to line requirement identifies the instances where the minimum setbacks do not apply.

As drafted, the build-to line is required along designated retail streets. Tying the build-to requirement to designated retail streets may result in a disconnect between North Old Mammoth Road (NOMR) and Old Mammoth Road (OMR) districts. As drafted, there are no build-to requirements along Old Mammoth Road between Sierra Nevada Road and Meridian Boulevard, and along the western part of Old Mammoth Road between Tavern Road and Sierra Nevada Road, while there are build-to requirements along the northern and southern portion of Old Mammoth Road. Regardless of use, a consistent street wall should be maintained along the entirety of Old Mammoth Road if the goal is to promote pedestrian activity. This can be accomplished through the prescription of a build-to line

requirement along certain streets, such as Old Mammoth Road, while allowing some refinements for different uses such as residential.

As drafted, there is no identification of how much of the street frontage is required to have a building at the build-to line. The standards do not provide any direction on how a building that does not maximize the buildable footprint of the lot should be situated. The build-to line requirements should include the minimum percentage of the street frontage which is required to have a building constructed at the setback. Corner build-to lines, requiring a portion of a building to be located within a certain distance of a street corner should be established to ensure that buildings articulate street corners.

The draft standards allow an exception of 10 feet for the build-to line requirement to allow for entry courts, outdoor dining, etc. While this is reasonable for smaller parcels, larger projects may need more flexibility in order to provide plazas or larger public open space areas as desired by the Town. Therefore, the exception should be general enough to accommodate larger setbacks but also specify in the detail the instances when the exception would be granted, such as when public plazas are provided and the buildings are built to the edge of the plaza.

As areas subject to the build-to line requirement would not have to adhere to minimum setbacks, the build-to line requirement should be presented with the setback requirements, as shown in Table 1 of this paper. Currently, the build-to line standard is referenced in the front yard setbacks row in Table 1; however the side yard, street side setback remains 20 feet with no reference to build-to line requirements. This results in ambiguity regarding what is required if the side yard, street side is also located along a designated retail street. Therefore, the build-to line requirements should be presented with the setback requirements.

Residential Only Development. As drafted, residential only development within the Commercial Zoning Districts would have to adhere to the setback requirements established in Table 2-5 of the draft, which means that there would be a zero side and rear yard requirement. And though the draft Zoning Code includes standards for multi-family residential projects (Section 17.52.190), it does not provide alternative setback requirements for residential only development. As the character of residential only development differs from retail/mixed-use development, setbacks for residential only development should be clarified. This can be accomplished through requiring that residential only development be subject to the setback requirements of a Residential Multi Family (RMF) District or establishing new side and rear yard setbacks for residential only development within the Commercial Zoning Districts.

Transitional Standards. Additional setback requirements are located in Section 17.36.080.C, Screening Between Commercial and Residential Land Uses. As drafted, the language used results in ambiguity regarding whether or not the standards apply between commercial and residential *uses* or between commercial and residential *districts*. Terminology should be consistent so there is no room for confusion. In addition, if these standards only apply to commercial districts, it should be included in the Commercial Zoning Districts chapter.

1-1-B: Consolidate Building Envelope/Height Standards and Refine Story Requirements

Building envelope/height standards establish how tall buildings may be and identify the building envelope within which development can occur. Draft standards regulating height and building envelope are found in Table 2-5 Commercial Development Standards, Sections 17.24.070 to 17.24.100, Specific

Standards, and Section 17.36.050, Height Measurement and Height Limit Exception. These draft standards are presented in the Table 2 below.

TABLE 2: BUILDING ENVELOPE AND HEIGHT STANDARDS

Development Feature	Requirement by Zone			
	<i>D Downtown</i>	<i>NOMR North Old Mammoth Road</i>	<i>OMR Old Mammoth Road</i>	<i>MLR Mixed Lodging/ Residential</i>
Building Height				
<i>Maximum Height (Building Envelope)(feet)</i>	55	55	45	45
<i>Maximum Stories</i>	5	5	4	4
<i>Minimum Stories</i>	2	2	2	2
Street Wall Height				
<i>Maximum Height (feet)</i>	45	35	35	35
<i>Maximum Stories</i>	4	3	3	3
<i>Minimum Stepback from Floor Below (Above Street Wall) (feet)</i>	17.5	17.5	17.5	17.5
Ground Floor Height (feet)				
<i>Minimum</i>	14	14	14	14
<i>Maximum</i>	16	16	16	16
Upper Floors Height (feet)				
<i>Minimum</i>	8	8	8	8
<i>Maximum</i>	12	12	12	12
Single Story Height (feet)				
<i>Minimum</i>	n/a	n/a	n/a	n/a
<i>Maximum</i>	20	20	20	20

Minimum Stories. As drafted the minimum stories required in all of the Commercial Zoning Districts is two stories. Requiring a minimum number of stories is an appropriate approach if the intent is to achieve a minimum intensity or building square footage in the Commercial Zoning Districts. However, if the intent is to achieve a consistent street wall height to enclose the physical space of the street and create a cohesive pedestrian experience, a minimum height requirement may be more appropriate. Having requirements for both height and stories if often results in providing more complexity to the standards with similar results of regulating one feature or the other. If the minimum story requirement is to remain, the requirement will need to be evaluated against the requirements in Table 3-2, Maximum Height of a Floor in a Commercial Zone, which prescribes a maximum height for single-story buildings as the

Commercial Districts requirement a minimum of two stories. If the minimum story requirement is to remain two stories, then the single story height requirement should be removed.

Floor Height Requirements. As drafted, individual floors/stories have to adhere to minimum and maximum height requirements. Regulating height along the ground floor, which the draft standards do, is very important as it help shapes the pedestrian realm, adjacent to the public right of way. The minimum ground floor height helps reinforce a strong streetwall to create a protected and uninterrupted pedestrian zone. However, the ground floor height maximum (as well as the upper story floor height) standard may limit design flexibility and preclude some of the uses that the Town may desire. For example, part of the Town’s economic strategy is to provide a range of meeting/conference spaces as well as event and recreational facilities to increase visitation. These spaces would have to be flexible enough to accommodate a variety of events and require a ceiling height greater than 16 feet, which is the draft maximum. Maximum floor height limits that are overly prescriptive should be removed. Alternatively, relief should be provided for uses or activities with unique needs such as conference space, theaters, etc.

1-1-C: Incorporate Standards for Public Open Space

Open space standards address the need for open space and require a portion of the property to be allotted for private, private common, and/or public open space. The standards should give guidance regarding the amount and the dimensions of such required space. Draft standards regulating private open space in multi-family residential and mixed-use residential developments are found in Section 17.52.160, Mixed-Use Development and Section 17.52.190, Multi-Family Residential Projects. These standards are presented in Table 3 below. The draft Zoning Code does not include any requirements for public open space within the Commercial Zoning Districts.

TABLE 3: OPEN SPACE STANDARDS

Development Feature	Requirement by Zone			
	D Downtown	NOMR North Old Mammoth Road	OMR Old Mammoth Road	MLR Mixed Lodging/ Residential
Mixed-Use Development				
Minimum Private and/or Common Open Space (square feet per unit)	60	60	60	60
Minimum Dimension of Private Open Space (feet)	6	6	6	6
Minimum Dimension of Common Open Space (feet)	15	15	15	15
Multi-Family Residential				
Minimum Private Open Space (square feet per unit)	60	60	60	60
Minimum Dimension of Private Open Space (feet)	6	6	6	6
Minimum Common Open Space, projects > 20 units (square feet per unit)	150	150	150	150

Public Open Space. Public spaces between buildings can improve the pedestrian environment and provide formal and informal gathering spaces for residents to relax, linger, and host community events. Such spaces should be strategically sited within the built environment so that they are well trafficked, visually pleasing, and safe. Spaces that are well-connected to streets, sidewalks, and ground-floor businesses tend to be the most successful. The neighborhood district planning studies call for the development of key public open spaces within the Commercial Zoning Districts. To implement this vision, public open spaces should be required with large mixed-use and non-residential developments. Commercial District development standards should include a requirement for a certain ratio of required open space to square footage of development above an established threshold. Design standards should address elements such as minimum dimensions, location, and improvements to ensure the public areas are designed to create a welcoming, usable, and vibrant area for customers, visitors, and residents.

1-1-D: Incorporate Standards for Pedestrian Improvements

Mid-block Connections and Pedestrian Circulation. Mid-block connections and other direct pedestrian routes can improve access while also breaking up large parcels. These types of pedestrian-only connections can increase the walking options for pedestrians, transform auto-oriented areas, expand retail exposure, and even provide for vehicle deliveries if well designed. The North Old Mammoth Road Neighborhood District Study includes recommendations regarding establishing mid-block connectors. To implement the recommendation, a maximum block length should be established (e.g., 300 or 400 feet) after which a mid-block pedestrian connection would be required.

Commercial District standards should include requirements for on-site access and circulation which require a system of pedestrian walkways that connect all buildings on a site to each other, to on-site parking areas, and open space or pedestrian amenities. Regular connections should also be provided to the public sidewalk as well as to adjoining commercial and residential areas. Walkway standards should be included with requirements for minimum width, paving, grade separations, bollards, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.

Frontage Improvements. Street frontage improvements can support a circulation system that encourages walking over the use of cars. A continuous sidewalk network and pedestrian amenities help create a comfortable circulation network. The North Old Mammoth Road Neighborhood District Study includes recommendations regarding the provision of sidewalks while the Main Street and South Districts neighborhood studies recommend the provision of street improvements and pedestrian amenities such as street trees, landscaping, lighting, street furniture, and transit shelters. To implement these recommendations, street frontage improvement standards should be established that require the provision of sidewalks and other pedestrian amenities.

1-2 BUILDING DESIGN

Issues

In concert with site design, building design frames the pedestrian experience in the built environment. The draft regulations do consider a number of design elements, including modulation, facades, and roof design. However, some of the design regulations may need to be refined, reorganized, and/or consolidated to ensure that they are clear and reasonable. In addition, the draft regulations do not advocate for a particular building style while the General Plan provides guidance regarding appropriate architectural style for Mammoth Lakes.

Recommended Approach

1-2-A: Incorporate Standards for Architectural Compatibility

As drafted, the Commercial District standards do not require a specific architectural style. While this allows for design flexibility and encourages innovation and creativity, the intent of Section 17.24.050 Architectural Standards should more clearly express that although a variety of architectural styles is welcome, new building design should reflect and complement the existing mountain architecture. The Town may also want to consider the inclusion of additional standards to fully implement the General Plan community vision of a “village in the trees” for Mammoth. The General Plan defines a “village in the trees” as a landscape that is not dominated by the built environment, so standards requiring integration into the natural landscape may be appropriate, such as requiring building design to reflect the natural setting and context of Mammoth Lakes. Additionally, the Town of Mammoth Lakes Design Guidelines that address the recognition of natural features in building design, such as the following, may be codified and incorporated into the Code:

- Natural...site features shall be recognized and incorporated into the project design;
- Buildings and site works should be designed to conform to the natural topography;
- Buildings shall respect the character of the neighborhood;
- Building façade colors are to be taken from the natural setting of Mammoth Lakes...;

1-2-B: Present Building Orientation and Entrance Standards as a Subsection

As drafted, the building orientation requirement (17.24.050.A.4) is nested under Subsection 17.24.050.A, Horizontal and Vertical Modulation. As building orientation and entrances is a separate issue than modulation, it should be its own subsection. In addition, the Town may want to include additional standards regarding design treatment of building entrances as well as connecting interior entrances to the public sidewalk.

1-2-C: Consolidate Building Façade Standards and Define Terminology

As drafted, the building façade is addressed in 17.24.050.A.3, Façade, under Horizontal and Vertical Modulation, and is addressed again in Subsection 17.24.050.B, Building Façade. All standards that apply to the building façade should be consolidated into one section.

As drafted, Subsection 17.24.050.B is organized by building base, building middle, building top and roof. These terms are not defined within the chapter nor is it defined in Chapter 17.144, Definitions. The

Town of Mammoth Lakes Design Guidelines defines the building base as “the lower part of the building where it meets the ground.” Appendix B of the General Plan includes a diagram that depicts the general areas considered to be the building base, middle, and top although it is unclear whether or not the three overlap. Also it is unclear the difference between the building top and the roof. If the building façade standards are to be organized in this fashion, then the terms need to be clearly defined within the Code.

1-2-D: Update Blank Wall Standard and Incorporate Ground Floor Retail Transparency Requirement

As defined in 17.24.050.B.1, Building Base, “blank walls” are “areas without any architectural features, windows or doors.” 17.24.050.B.1.b states that “no blank area is permitted on the portion of the street wall within 15 vertical feet above the sidewalk or finished grade...” This standard, taking the definition of “blank walls” into consideration, is impractical. If the intent of the standard is to limit blank walls along the ground floor, then the requirement should only include the maximum width requirement as drafted, augmented with building transparency requirements, for example, requiring windows, doors, or other openings for a minimum percentage of the ground floor façade.

1-2-E: Update Roof Standards and Clarify Intent of Standards

As drafted, modulation requirements for the roof are unclear (17.24.050.B.4). The draft standards limit an un-modulated roof line to 50 feet, though the same standard appears to be repeated in 17.24.050.B.4.a and b. In addition, 17.24.050.B.4.a.i requires modulation/elevation change of minimum 12 feet if a particular roof segment is greater than 50 feet in length. This contradicts the standard that limits an un-modulated roof line to 50 feet. The roof standards should be consolidated to be clear and concise, stating the requirement and how the requirement can be met. In addition, as drafted, an alternative (17.24.050.B.4.e) is offered to the roof requirements subject to the approval by the Director provided that the design meets the intent of the standard. Because of the language, the intent of the roof requirements should be more clearly laid out; for example, requiring that building design should include varied roof forms to create architectural interest.

1-2-F: Incorporate Additional Design Standards

As discussed briefly in Architectural Styles, the Town of Mammoth Lakes Design Guidelines has guidelines that may be codified and incorporated into the Code in order to strengthen the regulation of building design. For example, the Design Guidelines include guidelines regarding the design of windows. Guidelines 4.2.5, Windows and Doors includes a guideline that states “window trim shall enhance, decorate, and provide shadow relief to the building façade” and Guidelines 4.2.7, Storefronts includes a guideline that states “as a predominant condition, storefront window frames should not be flush with the surface of the exterior wall.” These guidelines may be codified into a standard that may require window trim or window recess of a minimum depth. Therefore additional design issues that may need to be regulated by the Zoning Code should be identified.

2 Uses

The focus of this section is on the regulation of uses addressed in the draft Commercial Zoning District chapter (Chapter 17.24). Proposed recommendations respond to the Town's General Plan policy direction and land use recommendations contained in the neighborhood district planning studies. These policies and recommendations are supplemented by various economic studies that have been conducted. The allowed uses and permit requirements for the Commercial Zoning Districts are contained in Table 2-4 of the draft and organized by the following classifications: Industry, Manufacturing and Processing; Recreation, Education, and Public Assembly; Residential; Retail; Services; and Transportation, Communications.

ISSUES

While the classification system helps streamline the use regulations part of the Code, some inconsistencies regarding language may be creating impediments to optimizing organization and cross referencing within the Code. While the Use Regulations within the districts classify uses by type (Industry, Manufacturing and Processing; Recreation, Education, and Public Assembly; Residential; Retail; Services; and Transportation, Communications), there is no comprehensive list of the uses that are classified as each type, causing confusion when other parts of the code refer to a collective classification of uses (e.g. Section 17.52.160 references "commercial" uses). Additionally, the set of definitions included in Chapter 17.144, Definitions, do not include definitions for all of the uses identified in the Code. For example, "Commercial" and "Bakeries, wholesale" are not defined. Sometimes, the same use appears under similar, but different guises. For example, "dry cleaners" and "self-service laundries" are listed as individual uses in the district chapters, while they are classified as "personal services" in the Definitions.

Each Commercial Zoning District has had a neighborhood district planning study completed for the area. Listed below are the Commercial District and the corresponding planning study:

- Mixed Lodging Residential (MLR): Downtown Concept for Main Street
- Downtown (D): Downtown Concept for Main Street; (North Old Mammoth Road District Special Study for eastern portion of Main Street)
- North Old Mammoth Road (NOMR): North Old Mammoth Road District Special Study
- Old Mammoth Road (OMR): South Districts Neighborhood District Planning Study; (North Old Mammoth Road District Special Study for northern portion of Old Mammoth Road and Laurel Mountain Road)

Each neighborhood district planning study provides a series of land use recommendations for each commercial zoning district which is presented in Table 4. The table also summarizes the types of uses the draft standards permits by right and with a permit.

TABLE 4: NEIGHBORHOOD DISTRICT PLANNING STUDIES RECOMMENDED LAND USES

<i>Commercial District</i>	<i>Vision</i>	<i>Neighborhood Study Recommended Land Uses</i>	<i>Draft Standards</i>
Mixed Lodging Residential	Infill mixed lodging and residential.	Lodging with limited and ancillary commercial uses such as neighborhood market, real estate office, restaurants with lodging development. Medium and high density residential.	Hotels and motels, multi-family projects, convenience stores allowed with a Use Permit. Offices allowed with an Administrative Permit. Mixed-use not permitted
Downtown	A grand boulevard that is walkable with mixed use development and day and evening activities.	Lodging, retail, office, and restaurants. Mixed Use. Medium and high density residential.	Hotels and motels, multi-family projects, convenience stores, and mixed-use allowed with a Use Permit. General retail (<10,000 sf), restaurants (<20 seats), offices permitted by right.
North Old Mammoth Road	Mixed use district, with retail on the ground floor in a traditional “Main Street” pattern that is desirable for residents and visitors to live, shop, and recreate.	Lodging with conference facilities, retail, restaurants, and office. Mixed Use. Residential.	Hotels and motels, multi-family projects, convenience stores, mixed-use and conference/convention facility allowed with a Use Permit. General retail (<10,000 sf), restaurants (<20 seats), offices permitted by right.
Old Mammoth Road	Walkable arts, entertainment and shopping district, complementing Downtown and North Village Districts, serving as a local hub for arts and community.	Mixed-use lodging, mixed use, retail, office, restaurants. Medium and high density residential. Performance and event venues.	Hotels and motels, multi-family projects, convenience stores and mixed-use allowed with a Use Permit. General retail (<10,000 sf), restaurants (<20 seats), offices permitted by right. Recreation facilities, theaters, conference/convention facility allowed with Use Permit.

This table shows that while the neighborhood district planning studies recommends land uses for each Commercial District to establish distinct mixed use districts, some of the land uses in the Code are not fully consistent with the recommendations and may not be encouraging the types of uses envisioned for each area. As drafted, a large number of uses require Use Permits within the Commercial Zoning Districts. This may dampen the Town’s ability to attract desirable uses, especially in locations where a critical mix of uses is desired.

RECOMMENDED APPROACH

2-A: Encourage Mixed-Use Development

In the draft Code, Mixed-Use Development is treated as a separate use type in the district land use regulations. This causes difficulty for a number of reasons.

What constitutes Mixed-Use Development is unclear in the draft Code. Both Sections 17.52.160 and Chapter 17.144 define mixed-use development as “residential and commercial uses on the same site, with

residential units typically located above the commercial uses.” Additionally, Section 17.52.160 clarifies that within mixed-use development “residential uses include lodging, hotel, residential condominiums, and similar uses.” While Section 17.52.160 references “commercial” uses (as does elsewhere in the draft Code), “commercial” is not a use classification nor is it defined in Chapter 17.144, Definitions. In addition, Section 17.52.160 classifies lodging, hotel, residential condominiums as Residential while hotel or motel is listed under Services in the Commercial Zoning Districts chapter. To ensure consistency within the Zoning Code, terminology, classifications and definitions should be consistent throughout the Code. We recommend only including the definition once, in Definitions, to avoid redundancy and duplication. This issue is discussed further in Recommendation 2-E below.

Further, it is unclear why Mixed-Use Development is treated as a separate use type subject to Use Permit approval in light of the vision for these areas as distinct, connected and vibrant mixed-use districts. Mixed-use development could instead be subject to the highest permit level required by this Code for any individual use (e.g. if any single component requires a Use Permit, the whole project would be subject to Use Permit approval). Although it may not be a separate *use* type, mixed-use development is a unique *development* type and as such, development standards for mixed-use development, such as those included in Section 17.52.160, should be included.

The standards in Section 17.52.160 appear to address mixed-use development that includes a residential or hotel/motel component, which is only allowed in the Commercial Zoning Districts. Since these standards would only be applicable in the Commercial Zoning Districts, they should be integrated in the Commercial Districts chapter.

Finally, as Table 2-4 of the draft is currently set up, Mixed-Use Development is not allowed in the Mixed Lodging/Residential (MLR) District, although both residential and nonresidential uses are allowed in the district and the Main Street Neighborhood Study recommends the allowance for limited and ancillary commercial, which could be part of a mixed-use development. As described above, we recommend Mixed-Use Development not be treated as a separate use type. Another strategy may be to allow certain commercial and service uses subject to specific limits such as size and hours of operation to ensure compatibility and require a Use Permit for larger Mixed-Use developments and Mixed-Use development in the MLR District.

2-B: Promote the Establishment of Recreation, Education and Public Assembly Uses

Economic studies completed for the Town identify a number of components that are needed to respond to potential market opportunities and support a future destination resort. These include conference facilities, additional indoor commercial recreation opportunities, and enhanced arts and entertainment venues, supported by increased events programming. As drafted, conference/convention facilities, recreational and cultural facilities as well as theater, cinema, or performing arts uses require a Use Permit. Additionally, temporary uses such as special events, defined as “a temporary use such as a circus, carnival, music festival, outdoor art and craft shows and exhibits, and similar amusement or entertainment activities; may include sporting events (e.g., running races, bicycle events, fishing tournaments, and similar activities),” is not listed as a potential use in the Commercial Zoning Districts, but is listed in the Industrial Zoning District.

In order to attract these desirable uses identified in the economic studies, the Town may want to allow some of these recreational and entertainment uses by right or subject to an Administrative Permit in certain Commercial Zoning Districts. For example, the South Districts Neighborhood District Planning

Study envisions the Old Mammoth Road (OMR) District as a walkable arts, culture and commercial district with a focus on arts, events and recreation. Within the OMR District, the Town may want to permit uses that do not raise substantial nuisance or safety issues as long as it couples them with physical development standards and explicit performance standards to ensure that their operation does not intrude upon the use and enjoyment of adjacent property. Additionally, the Town may establish thresholds, where smaller-scale entertainment and recreation uses are permitted with an Administrative Permit while larger uses would require a Use Permit.

2-C: Facilitate Multi-Family Residential Projects

As shown in Table 2-4 of the draft Code, multi-family residential projects require a Use Permit in all the Commercial Zoning Districts and are subject to standards in Chapter 17.52.190. This is in contrast to the allowed uses in the Residential Zoning Districts, which allow multi-family residential projects with three units or less as a permitted use in the Residential Multiple-Family Districts (RMF-1 and RMF-2). Multi-Family residential projects with four or more units are permitted in RMF-2, while an administrative permit is required in the RMF-1 District. The neighborhood district planning studies allow for multi-family residential projects within the Commercial Districts and these projects may be appropriate uses along specific portions of Laurel Mountain, Sierra Manor and Sierra Park roads. One strategy may be to permit multi-family residential projects of a certain minimum density with an Administrative Permit along specific areas listed above to ensure higher densities in the Commercial Zoning Districts. Higher densities are important in order to encourage use of transit, reduce development area devoted to parking, and support shopping, open space, and pedestrian amenities. A community cannot support the amenities inspired by a transit oriented development opportunity without customers (residents or employees). Moreover, more housing choices and densities can offer more affordable housing for residents and may accommodate community members who rely on transit as their primary mode of travel.

2-D: Quantify and Define Ground Floor Retail Required

As drafted in Section 17.24.060, Retail Requirements, ground floor retail uses are required along certain streets as indicated in Figure 2-3 Designated Retail Streets of the draft Code. Figure 2-3 shows designated primary and secondary designated streets while the text makes no distinction between the two. Additionally, as drafted, the ground floor retail requirement does not specify the quantitative amount of ground floor retail required, only that retail uses should be the “primary” uses. The Main Street, North Old Mammoth, and South Districts planning studies all include recommendations regarding ground floor retail, specifying that “for primary retail streets, active ground floor uses should comprise at least 75 percent of the linear frontage of each block; for secondary retail streets, active ground floor uses should comprise at least 50 percent of the linear frontage of each block.” The ground floor retail requirement should be refined to add quantitative requirements and require it on a site basis. To allow for flexibility, some relief should be provided to allow for circulation needs such as fire access and driveways.

As drafted, only the uses listed under the retail “use group” meet the requirement. However, other uses such as theaters or recreation facilities may also meet the intent of the standard of creating active streets while some retail uses such as auto and vehicle sales may not be appropriate along certain streets within the Commercial Zoning Districts. Thus, a comprehensive list of uses that will meet the ground floor retail requirement should be created.

2-E: Clarify Use Groups and Consolidate Use Definitions

As discussed briefly in the mixed-use development section above, to ensure consistency within the Code, terminology, classifications and definitions should be consistent throughout the Code. As drafted, use classifications are utilized but there lacks consistency within the Code in regards of where uses are classified and how uses are defined. For example:

- “Commercial” is referenced in the standards but is not defined in the Code. (This occurs with other uses as well.)
- “Bed and Breakfast inns” is listed under Residential in the Residential Zoning Districts while “hotels and motels” is listed under Services in the Commercial Zoning Districts, even though they are both sub classifications under “lodging,” while “hotels and motels” are defined as residential in mixed-use development.
- The Industrial Zoning District has a Public and Quasi Public classification while other public uses such as public recreational and cultural facilities are classified under Recreation, Education and Public Assembly in the Commercial Zoning Districts.
- “Dry cleaners” and “self-service laundries” are listed as individual uses in the use table, while they are both listed under “personal services” in Definitions. In the Commercial Zoning Districts, all three uses are listed within the use table.
- “Residential uses fronting an arterial street” is listed as a separate use, while it may be more appropriate to address this as a limitation on use.

To help streamline the use regulations, “use group” categories should be updated so that they are consistent throughout the Code. Establishing an overall use group framework would help ensure consistency and streamline the use regulation parts of the Code. Suggested categories include:

- Residential;
- Public and Semi-Public;
- Commercial;
- Industrial; and
- Transportation, Communication, and Utilities.

Each use included in the use group category should be listed and defined under that category in Chapter 17.144, Definitions. As a result, users could locate all of the types of uses and their definitions considered “Commercial”. Alternatively, to optimize cross-referencing, use definitions may be separated from general terms and definitions since uses definitions is an often-used reference section. This would ensure that all the uses in the Code are defined and located in one section.

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3 Use of Graphics

The focus of this section is on the use of graphics in the draft Commercial Zoning District chapter (Chapter 17.24). Proposed recommendations reflect best practices in using graphics to communicate development regulations. In many instances, graphics can communicate development regulations more clearly and in less space than written standards. For example, images can clearly depict standards for measuring yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. With visual clarification, fewer standards will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon that can obscure the Code's intent. The draft Commercial Zoning Districts includes several graphics that illustrate building setback and heights, and architectural standards.

ISSUES

There are few graphic examples or illustrations of standards in the Commercial Zoning Districts. Without clarifying visual examples of standards, they may be highly vulnerable to misinterpretation, which further complicates understanding and enforcement. In addition, some graphics are repetitive which may cause confusion, and some graphics do not correspond to the standards.

RECOMMENDED APPROACH

3-A: Ensure Graphic Illustrates Specific Standards and Tie Figure Numbering to Section Numbering

Figures within Commercial Zoning Districts are referenced within the text (e.g. "See Figure 2-2"). However, if a user wants to find the particular standard the figure is illustrating, there would be some difficulty as a result of weak cross referencing. The reference between the graphic and the standard should be explicit and this can be usually accomplished through numbering the graphic the section or subsection of the standard it is illustrating and/or through titling the graphic the same heading as the standard it is illustrating. Additionally, as drafted, there exists repetition of graphics. For example, Figure 2-4 and Figure 2-7 are the same graphic. In these instances, there should be only one graphic to avoid unnecessary repetition.

3-B: Make Illustration of Standards More Extensive and Effective

Figures 2-1, Section of Street Wall and 2-2, Ground Floor Retail in the draft currently do not convey the specific provisions to which it applies. Though graphics should reflect intended relationships, it should only show dimensions that relate to the specific standard or provision being illustrated. For example, in Figures 2-4 to 2-7 of the draft, the section showing the building setbacks include a $<30^\circ$ label, while the standard itself makes no reference to degrees.

The type of graphic—section/elevation, plan, axonometric, or combination of these—used should depend on the specific standard being illustrated. Section/elevation and plan graphics are generally used to illustrate horizontal and vertical dimensions. A section and plan graphic may be provided as reference for the building form standards contained in the development standards table. The simple diagrams coupled with easy-to read tables ensure ease of use and clarity of the regulations. Additional section and plan graphics may illustrate additional requirements such as height. Axonometric graphics should be used to illustrate massing, articulation, and instances where a three dimensional view can provide more

information than a section or plan can. In addition, all graphics should have a consistent style and format, such as font type and size, name and section reference, labels, and dimensions. Sample graphics are included on the following pages to illustrate how the graphics would be presented in the Commercial Districts Chapter and how a consistent graphic style/format may be established.

Insert Figure 1

Insert Figure 2-3

Inert Figure 4-5

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4 Overall Organization

The main focus of this chapter is on the organization of the Commercial Zoning Districts. While the Commercial Zoning Districts is the main focus, there will be some discussion regarding overall organization of the Code. While organization of the Code may have been discussed briefly in the chapters above, this chapter will provide a comprehensive overview of how the organization of the Commercial Zoning Districts and other applicable Code chapters may be improved.

The Commercial Zoning Districts Chapter comprises the following sections:

- 17.24.010 - Purpose
- 17.24.020 - Commercial Zoning Districts
- 17.24.030 - Commercial District Land Uses and Permit Requirements
- 17.24.040 - Commercial District Development Standards
- 17.24.050 - Architectural Standards
- 17.24.060 - Retail Requirements
- 17.24.070 - Specific Standards – Old Mammoth Road District (OMR)
- 17.24.080 - Specific Standards – North Old Mammoth Road District (NOMR)
- 17.24.090 - Specific Standards – Downtown District (D)
- 17.24.100 - Specific Standards – Mixed Lodging/Residential District (MLR)
- 17.24.110 - Landscaping of Setback Areas
- 17.24.120 - Creation or Modification of Lots
- 17.24.130 - Density Requirements

ISSUES

Overall, the ordering of the Commercial Zoning Districts Chapter is not always intuitive, and sections that should be grouped together are often found far apart or separated by other sections. For example, within the Commercial Zoning Districts Chapter, specific building envelope and height standards are presented separately from the development standards. In addition, standards that may be applicable town-wide (landscaping of setback areas, creation or modification of lots, and density requirements) are included at the end of the chapter while development standards that apply only to the Commercial Zoning Districts are contained in other chapters of the Code. This arrangement requires users to look in multiple locations to find all applicable standards.

RECOMMENDED APPROACH

4-A: Reorganize Chapter 17.24, Commercial Zoning Districts

Within the Commercial Zoning District chapter, sections should be re-ordered and consolidated as necessary to ensure a logical flow from one idea to the next, beginning with purpose statements, followed by land use and development standards with supplemental standards that address design issues not covered in development standards at the end. The following outline demonstrates how the draft Commercial Zoning District Chapter could be reorganized.

Chapter 17.24 Commercial Zoning Districts

17.24.010 Commercial District Purpose

The “Purpose” and “Commercial Zoning Districts” sections, Sections 17.24.010 and 17.24.020 of the draft, could be consolidated into one section. As the “Commercial Zoning Districts” section merely includes additional purposes of individual Commercial Zoning Districts, it should be part of a single “Purpose” section.

17.24.020 Commercial District Land Use and Permit Requirements

This section corresponds to Section 17.24.030 of the draft with some refinements to enhance usability such as adding limits on uses as footnotes instead of creating a new list. See Figure 6 for example use table.

17.24.030 Development Standards

The development standards included in sections 17.24.040, Commercial District Development Standards; 17.24.060, Retail Requirements; 17.24.070, Specific Standards – Old Mammoth Road District (OMR); 17.24.080, Specific Standards – North Old Mammoth Road District (NOMR); 17.24.090, Specific Standards – Downtown District (D); and 17.24.100, Specific Standards – Mixed Lodging/Residential District (MLR) should be consolidated into one section named “Commercial District Development Standards”.

The development standards section should include simple plan/section reference diagrams coupled with an easy-to read tables. The tables should comprehensively list the dimensional requirements for lots, build-to lines, setbacks, building envelope/heights, open space, as well as limits on floor area and density, with references to additional language that can clarify the requirement. Examples of how the development standards table can be updated to be more comprehensive are included in the Development and Design Standards section of this paper. See Figure 7 for an example development standard table with a reference diagram and reference text.

17.24.040 Supplemental Regulations

The Supplemental Regulations section should include provisions that address design issues not covered in development standards such as block size, frontage improvements and building design. For example, standards within Section 17.24.050, Architectural Standards would be included in this section.

The three final sections included in the draft Commercial Zoning District chapter, 17.24.110, Landscaping of Setback Areas; 17.24.120, Creation or Modification of Lots; and 17.24.130, Density Requirements, include provisions that apply townwide and are not specific to the Commercial Zoning Districts. These sections should be moved to other areas of the Zoning Code.

Section 17.24.100, Landscaping of Setback Areas should be consolidated with other landscaping requirements and the Water Efficient Landscape Regulations in a section titled “Landscape”.

Section 17.24.120, Creation or Modification of Lots should be located within Chapter 17.36, Standards for All Development and Land Use or in the Town’s subdivision regulations.

Insert Figure 6

Insert Figure 7

Section 17.24.130, Density Requirements should be located within Chapter 17.36, Standards for All Development and Land Use. Alternatively, a new chapter called “Rules of Measurement” which includes specific rules governing standards of measurement and explaining how to perform calculations and measurements that are required to implement zoning regulations could be included in the Zoning Code. This chapter should be included in the beginning of the code for easy reference and would include rules of measurement currently located in other parts of the draft Code such as “Height Measurement” (17.36.050) and “Measurement of Setbacks” (17.36.090.E). Rules of measurement may address other calculations such as fractions, distances, lot width and depth, lot coverage, slope, floor area, and lot frontage. Clear rules of measurement ensure that standards are consistently interpreted and applied.

4-B: Incorporate Standards Specific to Commercial Districts into Chapter 17.24, Commercial Zoning Districts

As discussed in the Development and Design Standards Section of this paper, there are several standards specific to Commercial Districts located in other parts of the draft Zoning Code. These standards should be incorporated into the Commercial Zoning Districts chapter of the Code. The specific standards are summarized below and discussed in detail in the Development and Design Standards Section of this paper:

- 17.36.050.D Applicable to Commercial Zones – Maximum Building Envelope
- 17.36.080.C Screening Between Commercial and Residential Land Uses
- 17.52.160 Mixed-Use Development
- Chapter 17.144 Definitions

As discussed in the Uses chapter of this document, staff may want to update the draft use groups and separate use definitions from the general definitions in Chapter 17.144 to ensure that all the uses in the Code are defined and located in one section.

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