

ATTACHMENT 2

Summary of City of Gardens Amendments And Advisory Body Recommendations

MAJOR AMENDMENTS

1. **Three-story buildings adjacent to an RS zoned district:**

Issue: To minimize the impact of new City of Gardens projects on abutting RS districts. Under Current City of Gardens requirements in RM-16, 32 and 48 projects can go to the property line and in certain cases be three stories in height in the rear 40 percent of the lot.

Current Code:

- a) *In the RM -16 and RM-32 districts on lots less than 60 feet in width, the maximum height of structures is 23 feet to the top plate and 32 feet to the highest ridgeline.*
- b) *On lots 60 feet in width or greater in the RM-32 district, the maximum height of structures in the front 60 percent of the site is 24 feet to the highest ridgeline. In the rear 40 percent of the site the maximum height of structures is 36 feet to the highest ridgeline. No maximum top plate height is applicable.*
- c) *In the RM-16-1 (So. Orange Grove Blvd.) and RM-48 districts, the maximum height is 36 feet to the highest ridgeline. No maximum top plate height is applicable. In the RM-16-1 district, there is a rear yard setback of 20 feet, a corner yard requirement of 20 feet, and an interior side yard requirement of 10 feet.*

HL-1 Height Overlay District for RM-32.

- a) *On lots 60 feet in width or greater, the maximum height of structures in the rear 40 percent of the site is 23 feet to the top plate and 32 feet to the highest ridgeline.*
- b) *Maximum Height of structures at the garden rectangle shall not exceed two stories.*

Staff Recommendation:

- a) In the RM-16 (excluding the RM-16-1), RM-32 and RM-48, CL and CO zoning districts, multi-family buildings shall be setback a minimum of 5 feet from an abutting RS district property line.
- b) In the RM-32 and CL zoning district for lots 60 feet in width or greater the third story may be located in the rear 60 percent of the lot rather than just the rear 40 percent of the lot. (Note that third stories are not permitted in the RM-16 and on lots in the RM-32 and CL districts that are less than 60 feet in width);
- c) In the RM-32 and CL district on lots 60 feet in width or greater and RM-48 and CO zoning districts the third story shall not be located within the setback encroachment plane sloping upward and inward to the site at a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the interior side and rear property line. Any yard abutting an RS

district will count towards the overall total garden space requirement. For an illustration, see Attachment 4. Note that the RM-16-1 is not subject to the above recommendation because unlike other City of Gardens projects, the RM-16-1 has a rear yard requirement of 20 feet, side yard requirement of 10 feet, and a corner side yard requirement of 20 feet. For an illustration see Attachment 3.9

City of Gardens Committee, Design Commission and Community Development Committee Recommendations: The Committees and Commission concurred with the staff recommendation.

Northwest Commission Recommendations: The Commission concurred with the staff recommendation for a five foot side and rear setback for the first story. The second story shall be setback 15 feet from the side and rear property line. The third story shall be setback 25 feet from the rear property line and 15 feet from the side property line. The third story shall be located in the rear 60 percent of the site excluding the required rear setback.

Planning Commission Recommendation: The Commission recommended a combination of the staff recommendation and comments from the community regarding the height of three story buildings adjacent to RS districts.

- a) In the RM-16 (excluding the RM-16-1), RM-32 and RM-48, CL and CO zoning districts, multi-family buildings shall be setback a minimum of 5 feet from an abutting RS district **interior side property line**. The building shall not be located within the setback encroachment plane sloping upward and inward to the site at a 30-degree angle measured vertical, commencing six feet above the existing grade along the **interior side** property line abutting an RS district.
- b) In the RM-32 and CL zone on lots 60 feet in width or greater when the **rear** property line abuts an RS zoning district, the first story of the building shall be setback 5 feet from the property line, the second story shall be setback 15 feet from the property line and the third story shall be setback 25 feet from the property line. The height of the second story for the RM-32 and CL zone shall not exceed **32 feet** to the ridgeline in the front 60 percent of the site and the third story shall not exceed **36 feet** to the ridgeline behind the front 60 percent of the site.
- c) In the RM-48 and CO zone when the **rear** property line abuts an RS zoning district, the first story of the building shall be setback 5 feet from the property line, the second story shall be setback 15 feet from the property line and the third story shall be setback 25 feet from the property line. The height of the building shall not exceed **38 feet** to the ridgeline.

- d) In the RM-16 and RM-32 zone on lots less than 60 feet in width adjacent to an RS district the first floor shall be setback 5 feet from the rear property line and the second floor shall be setback 15 feet from the rear property line.
- e) Any yard abutting an RS district may count towards the total garden requirement.

2. **Surface parking beyond the rear 40% of the site:**

Issue: To permit the Planning Director or Design Commission to approve surface parking beyond the rear 40 percent. Currently a project requesting this deviation is required to go only before the Design Commission. Therefore, some small projects must go to the Design Commission even though Design Review occurs at the Planning Director level.

Current Code: *Surface parking or parking with dwelling unit over shall be located in the rear 40 percent of the site. (The Design Commission reviews all projects with ten or more units; the Planning Director reviews the design of projects with nine or fewer units.) With approval from the Design Commission, this percentage can be increased to a maximum of 60 percent.*

Staff Recommendation: 1) Modify the current language to replace Design Commission with Design Review Authority to approve surface parking in the rear 60 percent of the site. 2) With the approval of the Design Authority, surface parking (including podium parking) will be permitted in front of the rear 60 percent of the site as long as the garage doors are not visible from the street and ventilation openings and grilles are concealed and not visible from the main garden, from the street, or from the entrances to the units. For an illustration, see Attachment 3.1

Planning Commission, Design Review Commission, Northwest Commission and City of Gardens Review Committee Recommendation: The Commissions and Committee concur with the staff recommendation.

Community Development Committee Recommendations: The Committee concurs with staff's recommendation for #1. They recommended modifications to staff's recommendation for #2 by requesting that parking be permitted beyond the rear 60 percent as a matter of right in the code.

3. **Height on lots greater than 60 feet in width**

Issue: The current code treats lots less than 60 feet in width differently from lots that are 60 feet in width or greater in reference to height in the RM-32 zoning

district. Lots less than 60 feet are permitted a greater height at the street than lots wider than 60 feet.

Current Code: a) *On lots less than 60 feet in width in the RM-32 district, the maximum height of structures is 23 feet to the top plate and 32 feet to the highest ridgeline. b) On lots 60 feet in width or greater in the RM-32 zoning district, the maximum height of structures in the front 60 percent of the site is 24 feet to the highest ridgeline. In the rear 40 percent of the site the maximum height of structures is 36 feet to highest ridgeline. No maximum top plate is applicable.*

Staff Recommendation: With the approval of the Design Review Authority in the RM-32 zoning district adjacent to an RM, CL, or CO district, on lots 60 feet in width or greater would permit a height of 32 feet to the ridgeline in the front 60 percent of the site. In the rear 40 percent the site the maximum height would remain as 36 feet to the ridgeline as stated in the current code. For an illustration, see Attachment 3.4

Planning Commission, City of Gardens Committee and the Design Commission Committee and the Northwest Commission Recommendations: The Committee and Commission concur with the staff recommendation. The Design Commission suggested that staff provide some criteria (findings) for review and approval of this deviation.

Community Development Committee Recommendation: The Committee concurs with staff's recommendation with the exception of the modification of the height should be permitted as a matter of right in the Zoning Code.

4. Shape and location of the main garden

Issue: To permit more flexibility of the shape of the main garden to provide enhanced siting of the buildings.

Current Code: *Garden, Main. A primarily landscaped, well-defined, rectangular open space that provides a central focus, and is an essential component in the design of a multi-family residential project subject to the City of Gardens provisions (17.22.070). It may take the form of a garden or a landscaped court with a minimum dimension of 20 feet in either direction.*

Staff Recommendation: a) Relocate the requirement for the rectangular shape of the garden from the definition section to the development standards section. b) Permit an alternative shape for the main garden with approval by the Design Review Authority with the required area and dimension still being retained. This would allow greater design flexibility as gardens can be oval or square.

Planning Commission, City of Gardens Committee and Northwest

Commission Recommendations: The Committee and Commission concur with staff's recommendation.

Community Development Committee Recommendations: The Committee concurs with staff's recommendation with the exception of the modification of the main garden shape be permitted as a matter of right in the zoning code.

MINOR AMENDMENTS

Parking

1. **Issue:** The current code requires a minimum of 1.5 parking spaces for units 550 sq. ft. or less. For units larger than 550 sq. ft. the parking requirement is two spaces per unit. Because 550 sq. ft. is small, it is difficult to build a one-bedroom unit. Only a studio or efficiency unit can be designed.

Current Code: *Two covered parking spaces per units 550 square feet or larger; One covered parking space per units less than 550 square feet of net floor area. For Urban Housing projects in the Central District this requirement is 1 parking space for units 550 sq. ft. or less and 1.5 parking spaces for units greater than 550 sq. ft.*

Staff Recommendation: Increase the maximum unit size requiring only one off-street parking space from 550 square feet to 650 square feet and limit this provision to one-bedroom units and studios. This change would trigger the 2 spaces (in Urban Housing 1 space) at 650 sq. ft. This square footage would allow enough area for a single bedroom unit.

Planning Commission, City of Gardens Committee, Historic Preservation Commissioner, Community Development Committee and Northwest

Commission Recommendations: The Committees and Commission concur with staff's recommendation.

2. **Issue:** Provide consistent development standards for location of driveways for subterranean parking and at-grade driveways.

Current Code: *a) At-grade driveways- Lots with less than 80 feet of street frontage, a single driveway shall be located on either side of the site. The maximum distance between the outside edge of the driveway and the property line shall be two feet. b) On sites with more than 80 feet, but less than 140 feet, of street frontage: The maximum distance between the outside edge of the driveway and the closest property line shall be two feet. c) When the driveway is a ramp leading to partially subterranean parking, the maximum distance between the*

outside edge of the driveway and the side property line shall be five feet d) fully subterranean parking - no current requirement in the code.

Staff Recommendation: Revise the maximum distance of the driveway from the property line to be 5 five feet for all types of driveways (i.e. at grade, partially, and fully subterranean).

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commissions concur with staff's recommendation.

3. **Issue:** Historically the driveway width for courtyard designed residential projects has been narrow to eliminate the amount of paving visible along the street. The Transportation Department has expressed safety concerns regarding eight-foot wide driveways for nine spaces or less.

Current Code: *Nine or fewer spaces – one eight foot minimum driveway. 17.46.060D - where a driveway passes a building wall with windows located at the ground level, the edge of the driveway shall be at least two feet from the wall.*

Staff Recommendation: Increase the driveway to a standard width of 10 feet for nine or fewer cars. Eliminate the requirement for an additional two feet of driveway width when adjacent to windows along the building wall.

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commission concur with staff's recommendation.

4. **Issue:** Clarify the definition of podium parking.

Current Code: *Podium parking shall be located in the rear 40 percent of the site. Ventilation openings and grilles shall be concealed and shall not be visible from the main garden, from the street, or from the entrances to the units in compliance with Section 17.46.190 (Garage Door and Grille Standards for Projects Utilizing Multi-family Development Standards).*

Staff Recommendation: Define podium parking as fully enclosed parking with a common entrance that has dwelling units over that can be partially depressed by no more than two feet below existing grade. Ventilation openings and grilles shall be concealed and shall not be visible from the main garden, from the street, or from the entrances to the units in compliance with Section 17.46.190 (Garage Door and Grille Standards for Projects Utilizing Multi-family Development Standards). For an illustration, see Attachment 3.2

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commissions concur with staff's recommendation.

5. **Issue:** Clarify the definition of tuck-under parking.

***Current Code:** Tuck-under parking is parking accessed from an open drive at grade or below and is a variant of parking with dwelling unit over and shall be restricted to the rear 40 percent of the site.*

Staff Recommendation: Define tuck-under parking as parking located below the unit where individual spaces are accessed from an unenclosed driveway which may be at existing grade or below. Tuck-under parking shall be restricted to the rear 40 percent of the site and garage openings shall not be visible from the public right-of-way. For an illustration, see Attachment 3.3

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commission concur with the staff recommendation.

Building/Fence Height

6. **Issue:** The code intended for a minimum number of lots to be combined to take advantage of a larger main garden, but it was not the intent to increase the mass of the building on a wide street frontage.

***Current Code:** When multiple lots have been combined to form a single building site with a combined street frontage of more than 160 feet, the height limit shall be two stories over the entire site. Note that this requirement does not apply to the RM-16-1 district.*

Staff Recommendation: The current requirement of two-stories should not be changed in the code.

City of Gardens Committee Comments: The Committee recommended that the Design Review authority approve any modifications to the height rather than using a MCUP.

Community Development Committee Recommendations: The Committee concurs with staff's recommendation with the exception that the modification of the height be permitted as a matter of right in the Zoning Code.

Northwest Commission Recommendations: The Commission concurs with the staff recommendation.

***Planning Commission Recommendation:** The current requirement of two-stories should not be changed in the code.*

7. **Issue:** The intent of the one-story element is to maintain existing neighborhood character of one-story buildings at the street. In the denser RM-48 zoning district this requirement does not provide compatibility with the permitted height limit of three stories at the street.

Current Code: *When more than 50 percent of the buildings on a blockface of a proposed project and the blockface on the opposite side of the street have a one-story building element at the street, the project shall have a substantial one-story building element for a distance of 15 feet behind the minimum front yard.*

Staff Recommendation: 1) Retain the one-story building element in the RM-16 and RM-32 district; 2) define the height limit of the one-story and two-story element; 3) replace this standard in the RM-48 district with a two-story element. For an illustration, see Attachment 3.5

Design Commission Committee Recommendations: The Commission concurs with staff's recommendation based on their review of a zoning map illustrating the location of the RM-48 zoning districts.

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committee and Commissions concurred with staff's recommendation.

8. **Issue:** The current code requires that a portion of the building floor area be utilized to meet the one-story element. This amendment provides flexibility of design to provide an unenclosed porch or an enclosed habitable room 15 feet behind the front setback.

Current Code: *When more than 50 percent of the buildings on a blockface of a proposed project and the blockface on the opposite side of the street have a one-story building element at the street, the project shall have a substantial one-story building element for a distance of 15 feet behind the minimum front yard.*

Staff Recommendation: Unenclosed front porches may count towards the requirement of a one-story element as long as the porch is not projecting into the front setback. For an illustration, see Attachment 3.6

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Comments: The Committees and Commission concur with the staff recommendation.

Design Commission Recommendations: The Commission concurs with the staff recommendation with consideration of permitting the unenclosed porch to encroach 10 feet into the front yard setback subject to approval by the Design Review Authority.

9. **Issue:** The current height limit of 36 feet in the RM-48 district does not permit design flexibility for three-story buildings.

Current Code: *In the RM-48 district, the maximum height of structures is 36 feet to the highest ridgeline. No maximum top plate height is applicable.*

Staff Recommendation: Increase the building height to the ridge from 36 to 38 feet. Three stories are the maximum permitted and no loft will be permitted. For an illustration, see Attachment 3.7

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commissions concur with staff's recommendation.

10. **Issue:** The code provides more permissive standards for wall or fence height in the front yard than the RS district. The rear and side yard fence in the back 50 percent of the site allows for a ten foot wall or fence height which appears to be too high.

Current Code: *a) The height of a wall or fence in a front yard or corner side yard shall not exceed 2 feet if it is solid and 3 feet 6 inches if it allows at least 50 percent visibility. b) The height of a wall or fence along the rear property line shall not exceed 10 feet. The height of a wall or fence along the side property lines shall not exceed 10 feet for the back 50 percent of the site and shall not exceed six feet for the remaining portion of the site, excluding the front setback. All heights are measured from finished grade.*

Staff Recommendation: A four foot wall or fence height if 50 percent open and only 2 feet in height if the wall or fence is solid. The ten foot wall height located on the side and rear property line in the rear 50% of the site is acceptable. Wall height shall be measured from existing grade and be setback 18 inches from the front property line. For an illustration, see Attachment 3.8

City of Gardens Committee and Design Commission Recommendations: The Committee and commission recommended a four foot wall or fence height if 50 percent open and only 2 feet in height if the wall or fence is solid. An eight foot wall in the rear and sides is acceptable. Wall height shall be measured from existing grade. The wall shall be setback one foot from the front property line.

Community Development Committee Recommendations: The Committee recommended a fence that does not exceed forty-two inches in height and the recommendation does not include the use of a solid wall in the front yard.

Northwest Commission Recommendations: The Commission concurred with the staff recommendation with the following exception, if the rear or side yard is adjacent to an RS zoning district the maximum height of the fence or wall shall be six feet.

Planning Commission Recommendation: A four foot wall or fence height if 50 percent open and only 2 feet in height if the wall or fence is solid. The ten foot wall height located on the side and rear property line in the rear 50% of the site is acceptable. Wall height shall be measured from existing grade and be setback 18 inches from the front property line.

Yard Setbacks and Encroachments

11. **Issue:** To provide reasonable light and air on adjacent properties with some design flexibility.

Current Code: *a) When new construction faces major windows or doors (16 square feet or more) in existing structures (principal or accessory) on an adjacent lot, or a new wall is proposed to contain major windows or doors, the minimum building separation shall be 15 feet, for a minimum of three feet beyond each side of the width of the window or door at all stories.*

b) When new construction faces minor windows (less than 16 square feet) in existing structures (principal or accessory) on an adjacent lot, or a new wall is proposed to contain minor windows, the minimum separation shall be 10 feet for a minimum three feet beyond each side of the width of the window at all stories.

c) When a windowless wall of new construction faces an existing windowless wall on an adjacent lot, there is no minimum building separation.

Staff Recommendation: To maintain the current language in the code.

City of Gardens Committee and the Northwest Commission

Recommendations: The Committee and Commission concurred with the staff recommendation.

Community Development Committee Recommendation: The Committee concurs with staff's recommendation with the exception that the modification of the setback be permitted as a matter of right in the zoning code.

Planning Commission Recommendation: To maintain the current language in the code.

12. **Issue:** The current method of averaging setbacks is untraditional and not in conformance with the other residential districts, RS and RM-12 districts.

Current Code: *The front setback shall be the maximum distance from the front property line currently maintained or exceeded by at least 75 percent of the existing buildings on a blockface, the measurements shall be listed from largest to smallest and then the setback that meets the 75 percentile shall be the required setback for the project. The front setback shall be a minimum of 20 feet.*

Staff Recommendation:

The minimum front yard shall be determined as follows:

- a. For blockfaces where 40 percent or more of the lots (excluding corner yards of reversed corner lots and lots not within the same zoning district) are developed with main structures, the minimum front yard shall be the average of the front yards of the developed lots but not less than 20 feet. In calculating the blockface average, measurement shall be from the front property line to the main structure. Building projections and unenclosed porches shall not be used as a reference point for this measurement.
- b. For blockfaces where less than 40 percent of the lots (excluding corner yards of reversed corner lots and lots not within the same zoning district) are developed with main structures, the minimum front yard shall be 20 feet.
- c. For blockfaces where there are 5 or fewer lots between two reversed corner lots, the minimum front yard shall be the larger required corner yard of the reversed corner lots.

City of Gardens Committee Recommendations: The Committee recommended that the current code standard not be changed since the proposed staff recommendation would not provide a significant improvement to the current code.

Planning Commission, Community Development Committee and Northwest Commission Recommendations: The Committee and Commissions concur with the staff recommendation.

- 13. **Issue:** The code does not provide any provisions for encroachments into the side and rear yard.

Current Code: *No provisions for encroachments into the side or rear yard.*

Staff Recommendation: Staff concurs with the City of Gardens Committee recommendation that a maximum of 36 inches for eaves, moldings and cornices to be 36 inches. This is consistent with other Zoning Districts and allows for certain types of architecture (i.e. Craftsman) that typically have wider eaves.

City of Gardens Committee Recommendations: The Committee concurs with staff's revised recommendation.

Design Commission, Community Development Committee and Northwest Commission Recommendations: The Commissions and Committee concur with the staff's original recommendation.

Planning Commission Recommendation: The Commission concurs with the staff recommendation.

Main Garden

14. **Issue:** To permit more flexibility of the main garden to accommodate enhanced siting of the buildings on lots less than 80 feet in width. The narrower the lot the less buildable area is left after the required garden dimensions and setbacks.

Current Code: *The requirement for the Main garden rectangle for lots less than 80 feet in width: 19 percent of total lot area.*

Staff Recommendation: a) Permit multiple gardens in RM-32 and 48 when the minimum required area is 2,500 square feet or greater while still requiring a minimum width of 20 feet. b) In the RM-16 district, permit private open space to substitute for the main garden as long as the required main garden area is retained. Provide 50 percent of the required main garden as a primary garden with a minimum dimension of 20 feet in either direction. The ancillary gardens may make up the balance of the required main garden and shall meet the minimum dimension of 20 feet in either direction. c) In the RM-16 zoning district provide 50 percent of the required main garden as a primary garden and the balance of the required main garden may be private open space with no minimum dimension.

City of Gardens Committee Comments: The Committee concurred with the Design Commission's recommendation with the addition of an 8 foot minimum dimension for the private open space. In addition, balconies should not be counted as private open space.

Planning Commission and Design Commission: Permit multiple gardens in RM-32 and 48 when the minimum required area is 2,500 square feet or greater while still requiring a minimum width of 20 feet. b) In the RM-16 district, permit private open space to substitute for the main garden as long as the required main garden area is retained Provide 50 percent of the required main garden as a primary garden with a minimum dimension of 20 feet in either direction. The ancillary gardens may make up the balance of the required main garden and shall meet the minimum dimension of 20 feet in either direction. b) In the RM-16 zoning district provide 50 percent of the required main garden as a primary garden and the balance of the required main garden may be private open space with no minimum dimension.

Community Development Committee and Northwest Commission Recommendations: The Committee and Commission concur with staff's recommendation.

15. **Issue:** The current term *main garden visibility* is not clear in the code as it applies to the main garden. The code does not define how much of the main garden view may be obstructed.

Current Code: *Main garden visibility- On lots with more than 60 feet of street frontage, an opening at least 10 feet wide and 10 feet high shall provide a view to the main garden from the street. All fencing across the opening shall provide a view to the main garden from the street. All fencing across the opening shall be partially open or perforated; fence openings shall constitute a minimum of 70 percent of the screening surface and be evenly distributed through out the fencing.*

Staff Recommendation: On lots with more than 60 feet of street frontage, an opening at least 10 feet wide and 10 feet high shall provide a view to the main garden from the street. The opening shall permit no more than a 20 percent obstruction. Gates, fences and landscaping leading to the main garden shall not exceed 6 feet in height.

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commission concur with staff's recommendation.

16. **Issue:** The code currently restricts the use of embossed, patterned or colored concrete as a substitute for unit pavers.

Current Code: *Unplanted areas with a minimum dimension of five feet or more shall be paved with unit pavers such as brick, tile or concrete or covered with decomposed granite or garden gravel. The maximum dimension of unit pavers shall be 24 inches. Embossed, patterned or colored concrete is not an acceptable substitute for unit pavers.*

Staff Recommendation: Permit 50 percent paving with an architectural grade finish in the main garden.

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commission concur with staff's recommendation.

Design Standards

17. **Issue:** Update the Design standards in City of Gardens.

Current Code: *In developments that preserve historic resources, the Director may exercise the discretion to waive development standards or accept alternative solutions to assist in the preservation of these structures. The Director may waive or grant up to a 50 percent reduction to the main garden (and thereby accordingly reduce the total garden requirement), permit an increase in the tandem parking ratio up to 60 percent and waive some or all of the required architectural elements and modulation requirements, if such action is reasonably necessary to accommodate such preservation. The total garden requirement may not be reduced by more than the amount of square footage reduction of the main garden.*

Staff Recommendation: Expand standards governing the preservation of or historic resources to include U.S. Secretary of Interior Standards for resources qualifying for designation and allow the option of applying the Standards to structures with a status code of 6L.

Planning Commission, City of Gardens Committee, Community Development Committee and Northwest Commission Recommendations: The Committees and Commission concurred with the staff recommendation. The Community Development Committee concurs with staff's recommendation with the acknowledgement that the action is appealable to the Board of Zoning Appeals.

18. **Issue: *New technical correction requested by the Community Development Committee.*** The provisions that apply to the preservation of historical resources should apply to affordable housing projects and be codified into Title 17 as a part of the City of Gardens corrections. The provisions for the preservation of historical resources allow the Director to modify the development standards in order to accommodate the preservation of a structure on the site.

Current Code: *There are current provisions for Historical Resources only.*

Community Development Committee Recommendation: In developments that provide or preserve affordable housing as defined in Article 8 of Title 17, the Director may exercise the discretion to waive development standards or accept alternative solutions to assist in the development or preservation of existing affordable structures. The Director may waive or grant up to a 50 percent reduction to the main garden (and thereby accordingly reduce the total garden requirement), permit an increase in the tandem parking ratio up to 60 percent and waive some or all of the required architectural elements and modulation requirements, if such action is reasonably necessary to accommodate such affordable housing. The total garden requirement may not be reduced by more than the amount of square footage reduction of the main garden.

Staff Recommendation: Staff does not recommend this. Under the revised Density Bonus provisions, an applicant can request any waiver to the Zoning Code. Such a waiver does not require a public hearing.

Planning Commission and City of Gardens Advisory Committee Comments: The Committee concurs with staff's recommendation.

Northwest Commission Recommendations: The Commission concurred with the Community Development Committee recommendation.

19. **Issue:** Define a bay. The definition of bays as habitable space within a room or just as a window element is unclear in the current code.

Current Code: *(Window, etc.) No definition in the code. Bays are a permitted encroachment into a required yard.*

Staff Recommendation: Add to Article 8 (Definition of terms) a definition of Bay Window. This definition would be that a Bay Window is an extension of a building wall plane which is habitable space that encroaches into a required yard. A bay window must have windows.

It should be noted that the Zoning Code currently has provisions for Bay Windows in City of Gardens projects contained in Table 4-1. Bay Windows can be no more than 3 feet deep, 10 feet long and no higher than two stories and may project into a front yard. The maximum frequency of such bays is one bay per 15 feet of lot width measured at the front property line. This amendment only deals with whether or not a bay window counts in terms of floor area.

City of Gardens Committee Recommendation: The Committee concurs with the staff recommendation for a two-story bay.

Design Commission Committee Recommendations: The Commission recommended an 18 inch depth for the bay regardless if it is a window or part of the habitable space.

Community Development Committee and Northwest Commission Recommendation: The Committee and the Commission concurs with staff's original recommendation.

Planning Commission Recommendation: The Commission concurs with the staff recommendation.