

## **23-4D-3090 LMDR**

### Building Placement (Setback)

What is the justification for changing the minimum front setback from 25' to 15'? It will completely change the character of neighborhoods with current SF-3 zoning by allowing the houses to be built much closer to the street.

### Building Form Within Urban Core Boundary (Height)

The chart is inadequate and leaves much to interpretation. Diagrams need to be provided for measuring the various types of roofs (gabled, shed, etc). Do attics with living space count as stories? Are chimneys included in the overall height?

### Building Form Within Urban Core Boundary (Encroachments)

Why is this section entitled encroachments? What are these features encroaching upon since the tent concept and setback planes have been eliminated? Although there should still be limitations related to gables and dormers but these limitations should not be referenced as “encroachments.” Why do these limitations only apply within 60' of the front property line? They still impact the neighboring houses to the sides (or the side street if a corner house) even if the features are more than 60' from the front property line. How is “Gable End” to be interpreted? Do the ends of a simple gabled roof count or does this refer to only side gables? Does “length” in this context actually mean the “width” of the gable? A diagram would be helpful. How is the length under “Dormers” to be interpreted? Does this mean “per side” of the roof or does it mean for the entire structure? Are there any slope requirements for the dormers, i.e., are flat shed roof dormers allowed? Do attics with living space count as a “story”? If not, what is the definition of a “story”?

### Building Form Within Urban Core Boundary (Building Size)

Under McMansion, all enclosed area greater than 5' was to be included in the Gross Floor Area (GFA). Under CodeNext, it appears to have reverted to the general GFA definition of 6'. What is the justification for this? Have all exemptions to GFA been eliminated? Does all attic space over 6 feet in height count as GFA? Does area under dormers, if over 6', count as GFA? The definition of GFA in 23-2M-1030 appears to exclude all garages and carports as being counted as GFA without limitation (i.e., you could have 3 or 4-car garages and not count them in GFA). Is this true? If so, what is the justification for removing garages and carports from GFA? Do any porches count in GFA?

### Additional Requirements (Parking and Loading)

Parking requirements for LMDR refer to Division 23-4E-3. It is virtually impossible to determine what the parking requirements are for LMDR from this division. Just exactly where is the parking requirement for single-family dwellings? The only reference to single-family dwellings in this division is under 23-4E-3020 (D) Exempt, and it only references multiple dwellings in very confusing language.

**23-4D-2080 T3NE.WL**  
**23-4D-2090 T3NE**  
**23-4D-2100 T3N.DS**  
**23-4D-2110 T3N.IS**

The following comments apply to all four sections listed above, except where noted.

### C. Lot Size

The area requirements for lot size have been replaced with lineal dimensions of minimum depth and minimum width. As rezoned, many existing lots do not meet the new minimum size requirements. Will variances be required at very expensive BoA hearings for owners of these lots to expand homes or build ADUs? How do BoA hearings “simplify” the permitting process?

### Building Envelope Diagram

The building envelope diagram is very confusing. It almost implies that the multiple house forms can only be built on interior lots while the other house forms require a corner lot. Separate diagrams should be provided for the single/duplex house forms and multiple house forms for both the interior lots and corner lots.

The 4' setbacks for the front/rear/side building envelopes from the main building envelope (shown on the diagram as letter “T”) is ambiguous. None of the diagrams show the “T” on both sides of the front/rear/side envelopes. Are both sides of the front/rear/side envelopes supposed to be set back from the main envelope by 4' or is it allowable that only one side be set back? On some diagrams, the “T” is only shown on the rear envelope but not on the side envelope. In other diagrams, this is reversed. The language seems to indicate that both the side and rear envelopes must be set back from the main envelope by 4', but this is not reflected in the diagram and is therefore ambiguous. To avoid any ambiguity, the label “T” should be placed on both sides of the front/rear/side envelopes, and each of the front/rear/side envelopes should be labeled with the set back. For example, a diagram showing both a rear and side envelope would have four “T” labels.

### D. Building Types

Under “F. Height”, there are three building types listed: 1) primary building, 2) accessory dwelling unit, and 3) accessory structure. Under “D. Building Types” however, there are several “primary building” forms and the “accessory dwelling unit” but there is no accessory structure listed. Can one can build a primary building, an accessory dwelling unit, and an accessory structure (e.g., a detached garage), all on the same lot? Is there any limit on the size or footprint (building envelope) of an accessory structure (other than overall impervious cover and overall building coverage)? Is there a limit on the number of accessory structures that can be built on a lot?

What does “combined” mean in the column “Width, combined” under the “Building Envelope” and “Side”? The term “combined” needs to be explained.

Stacked duplexes are not listed under T3NWL or T3NE. Will they be prohibited in these transects?

How will remodels and additions to existing houses be handled? If parts of an existing home are already outside of the allowed envelope, will that house be allowed to remodel or expand?

#### E. Building Placement (Building Placement Diagram)

The building placement diagram shows a “Facade Zone.” “Facade Zone” appears to have no meaning or definition within T3 transect zones. The “Facade Zone” should be removed from the T3 diagrams.

#### E. Building Placement (Primary Building)

The minimum side setback is 5’ but the combined minimum side setback is 15’. Does this mean that if one side is 5’, the other side must be at least 10’? What is the justification for this?

#### F. Height

What is the definition of a “story”? Does an attic count as “story”? Since there are no apparent restrictions on length or slope of attic dormers in T3 and if an attic is not defined as a “story”, one could build a small perimeter gable “roof” around what would otherwise be essentially a third floor and call it an attic, circumventing the two-story requirement (see attached diagram).

#### F. Height (Floor-to-Ceiling)

The minimum floor-to-ceiling height for the ground floor is 9’ minimum. What is the justification for this? This certainly won’t help affordability because it will increase the building construction costs and the utility costs for cooling/heating the additional volume.

#### G. Encroachments

The maximum private frontage encroachment of 5 feet conflicts with the minimum size requirements of porches in sections 23-4E-1050 and 23-4E-1060 which require a minimum depth of eight feet.

Is the maximum distance shown for encroachment of steps and ramps added to the allowed private frontage encroachment into setback? In other words, can you have a porch extend into the setback by five feet and have the steps/ramps extend for another five feet for a total encroachment of 10 feet?

#### H. Frontages

The 23-2D-1040 standard has nothing to do with frontages. Sections 23-3D-1050, 23-3D-1060 and 23-3D-1070 do not even exist in the code.

**23-2M-1030**

Definition Gross Floor Area. Does this definition apply to the gross floor area in LMDR? If so, does it mean that all garages and carports are not included in FAR since parking facilities are excluded? Could you have a 3-car garage and not count it in FAR? Do porches count in FAR if they are enclosed by screens? Do porches count in FAR if they are enclosed by glass? Does any habitable space in an attic over 6 feet count as FAR?

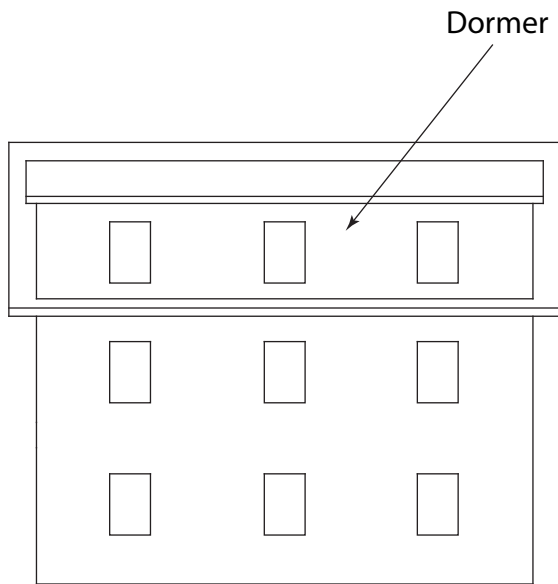
**23-4D-2190 and 23-4D-2200**

Why are transects T6 Urban (T6U) and T6 Urban Core (T6UC) included in the code since these zones don't exist anywhere in the City?

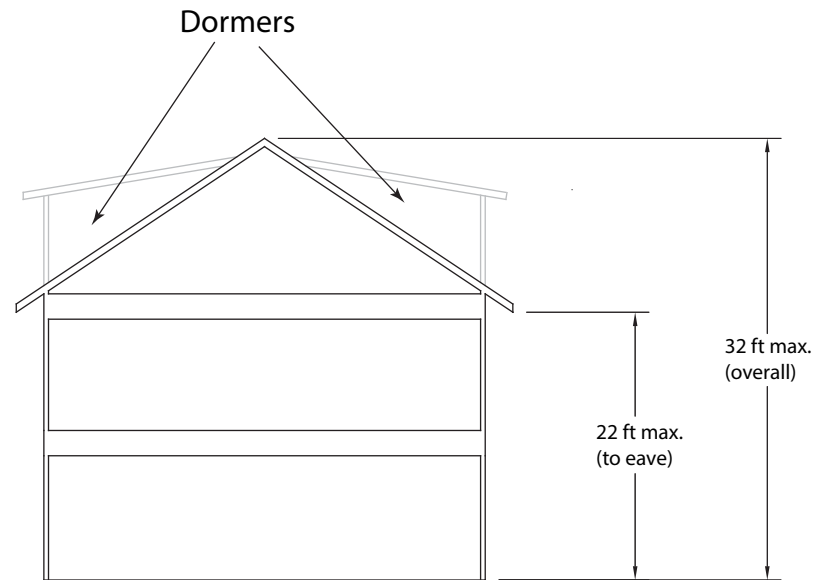
**23-4E-4310**

This section is numbered as 23-4E-4310, although it is between 23-4E-6300 and 23-4E-6320. It probably should have been numbered as 23-4E-6310 since there is no 23-4E-6310 in the code and most, if not all, of the references to STR use in the transect uses refer to 23-4E-6310.

The number of Type 3 STRs on a property depend on whether it is a non-commercial zone (3% of total DUs) or commercial (25% of total DUs). Transect zones can be both commercial and non-commercial. For the purposes of determining the number of allowable STR3 units under 23-4E-4310(D)(3)(d-e), are transect zones T3, T4, and T5 to be treated as commercial or non-commercial zones?"



Side View



Cross-Section

ATTIC IS ESSENTIALLY A THIRD FLOOR  
WITH NO FAR LIMITATIONS AND NO TENT REQUIREMENTS IN T3, HOUSES COULD BE MASSIVE  
IF THERE ARE NO LIMITATIONS ON ATTIC DORMERS