



MEMORANDUM

TO: Planning Commission

FROM: Travis Parker, Director, Planning Department

DATE: November 8, 2017

SUBJECT: Lakewood Development Dialogue – Mixed Use

This memo is the first of five sets of recommended changes to the Lakewood zoning ordinance as a part of the Lakewood Development Dialogue process. The process began in August of 2017 with a joint study session of the Lakewood City Council and Planning Commission.

The Lakewood Development Dialogue portion of the LakewoodTogether.org website went live the second week of September. Over the past two months the site has had over 1400 visitors and over 300 people have participated on one or more of the subject specific pages.

Three public open houses were hosted by staff and Planning Commission members between September 20 and September 27. Over 70 people attended one or more of the open houses with most providing feedback on one or more areas.

At a study session on October 25, the Planning Commission directed staff to examine 23 possible changes to the ordinance in 5 separate areas. This memo looks at recommended actions regarding mixed use.

What is Mixed Use?

In order to facilitate a conversation on mixed use regulations in our ordinance, staff has collected a number of different sources describing different ways that the term mixed use is used. Below are standard definitions of mixed use in the planning and development field:

The New illustrated Book of Development Definitions Moskowitz and Lindbloom, 1999

Mixed-Use Development

The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Central business districts are examples of MXD, but generally developed over a long period of time and often without a plan. An early example of a planned MXD is Rockefeller Center in New York City. The appearance of developments with several mutually supporting activities in a single, compactly configured, integrated project is a relatively recent innovation in urban land use, dating only from the mid-1950s. Examples are Penn Center in Philadelphia, (1953), Midtown Plaza in Rochester (1956), and Charles Center in Baltimore (1957) (*Mixed-Use Development Handbook*, 1987).

MXDs are often cited as ways to reduce traffic generation, particularly where homes and jobs are planned and developed within easy commuting distance and shopping is located close to residences.

Mixed-use Zoning

Regulation that permit a combination of different uses within a single development.

While mixed-use can take on many forms, it's typically categorized as either

- A) vertical mixed-use buildings;
- B) horizontal mixed-use blocks; or
- C) mixed-use walkable neighborhoods.

Don't Get Mixed Up on Mixed-Use Place Makers, 2013

<http://www.placemakers.com>

Vertical Mixed-Use Building

Combines different uses in the same building. Lower floors should have more public uses with more private uses on the upper floors. For example, the ground floor could have retail, second floor and up having professional offices, and uppermost floors being some form of residential, such as flats or a hotel. In more urban areas, an entire block or neighborhood may be composed of vertical mixed-use buildings.

Horizontal Mixed-Use Blocks

Combines single-use buildings on distinct parcels in a range of land uses within one block. In more urban areas, this approach avoids the financing and coding complexities of vertical layered uses while achieving the goal of placemaking that is made possible by bringing together complementary uses in one place. In less urban areas, horizontal mixed-use offers the advantage of sharing utilities and

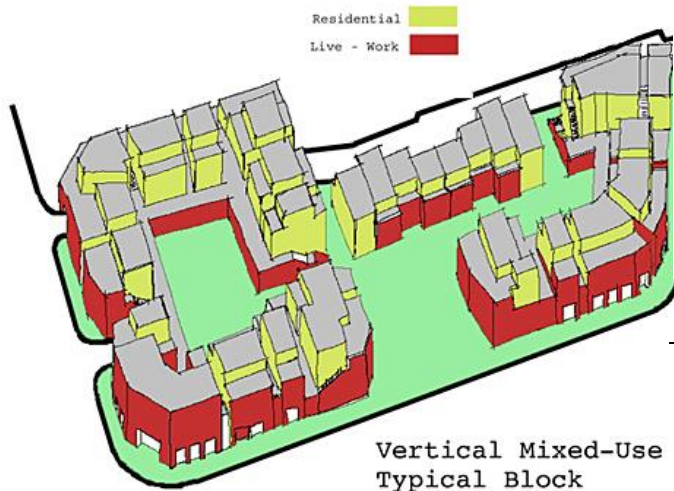
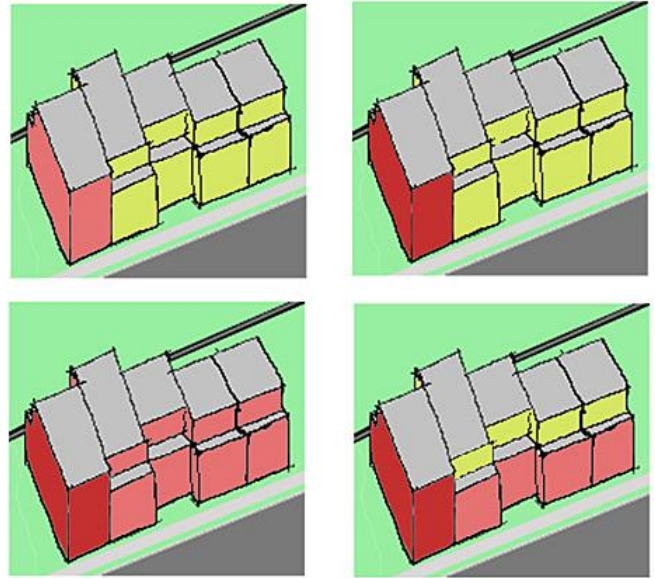
amenities while providing an easier to build and entitle mix of uses within a walkable block circumscribed by thoroughfares.

Mixed-Use Walkable Neighborhoods

With the infinite number of various possibilities, these places combine vertical and horizontal use mixing in an area ideally within a 5 to 10 minute walking distance (a Pedestrian Shed) or quarter mile radius of a neighborhood center.



Horizontal Mixed-Use Typical Block



Vertical Mixed-Use Typical Block

Spatial and Temporal Mixed-Use Buildings



The external envelope must be robust as the building internally can and does change with time.

‘Mixed-use’ is popular, but what does it mean? <https://kinder.rice.edu/> 2015

“Perhaps it should be obvious given their name, but mixed-use developments are rarely carbon copies of one another. Different topographies, financing needs, market aims, and developer visions may make one mixed-use project look entirely different from another just across the street.

That flexibility is exactly what’s making mixed-use extremely popular among developers at the moment. At this spring’s Urban Land Institute conference in Houston, there were no less than a half dozen sessions devoted to mixed-use.

ULI panelists meeting in Houston argued that if they contain a set of key elements – *at least three distinct uses, a connective green space, and the ability to allow users to live/work/play in same area – we should conceptualize of them each as mixed-use.*”

Commercial and Mixed-Use Development Trends in the Rocky Mountain West

<https://communitybuilders.org/uploads/Reports/RESTORE-Report.pdf>

What is Mixed-Use Development?

Mixed-use can describe a type of development, such as a building with retail on a ground floor and residential above, as well as types of places, like neighborhoods or downtowns, where different types of land uses, such as residential, retail, office or institutional are in close proximity.

Summary

From these various definitions, we can see that there is no single concept of mixed use and the term can be used to describe anything from a single building, to an entire district of a city. Prior to 2012, the Lakewood zoning ordinance only used mixed use in the sense of an individual building. Mixed Use in the old code was used to indicate a building housing multiple uses. The code described what zones allowed buildings with multiple uses and had distinct rules and incentives for such buildings.

The current code is much more holistic in its treatment of mixed use. The current code uses the term in the sense of mixed use neighborhoods and areas. Uses are permitted in a zone, either individually or within the same building. The transition of this concept from individual buildings in the previous code to the neighborhood concept in the current code has left some confusion, both in the code language and in the community.

Below are the two issues identified in the Development Dialogue process and the recommendations for change.

Issue #1: Remove discrepancies between descriptions and regulations of mixed use zones

One of the issues identified as part of this process is a disconnect between the description of mixed use zones in Article 3, the regulation of uses within mixed use zones in Article 4, and the definition of mixed use in Article 13.

Section 17.3.4.2 describes the “general intent” of each of the mixed use districts. These descriptions include language like “intended to,” “generally,” “typical uses include,” and “may” to indicate aspirational statements for what the districts are intended to accomplish. These statements are intended to help users of the code understand the difference between districts and the vision for the resulting developments, however the intent statements of this Section do not constitute enforceable regulations. Rather they provide the reasoning and intent behind the creation of the regulations.

Article 4 provides the specific use permissions within each of the mixed use zones. Uses are permitted in a number of ways in this article. Some uses are permitted outright without any conditions. Other uses are permitted provided certain conditions are met. Still other uses are only permitted as an accessory to other permitted uses. Other uses either require a special use permit from the Planning Commission or are prohibited altogether. Use permissions for mixed use in our code were set to allow the flexibility for many individual uses to be built in areas that were previously homogenous in an attempt to move those areas further toward our vision for mixed use areas.

Some people have identified confusion between the aspirational language of Article 3, in terms of what the mixed use areas are intended to be, and the use permissions of Article 4 as they apply to individual properties. For example, in the Mixed-Use-Employment (M-E) district, the description says that the “district is intended to provide for office and campus development, with ancillary retail and residential uses along arterial and collector streets.” However in order to achieve that goal in a mixed use area, multiple buildings, *each of individual use*, must be allowed in close proximity.

Finally, the definition of mixed use in the ordinance is incorrect and misleading. As noted earlier, the way in which the term mixed use is used has fundamentally changed, however many of the definitions, including this one, were brought forward from the old ordinance unchanged. Therefore, the current definition of mixed use in Article 13 conflicts with its usage throughout the code and contributes to much of the confusion.

Staff recommends the following code changes to remove discrepancies between intent language and regulations:

Recommendation 1: Amend Article 17.3.4.2. (Added language underlined, deleted language strikethrough)

17.3.4.2 Mixed-Use District Descriptions

Mixed-Use districts enable a range of land uses including residential, commercial and industrial uses to be located in an integrated way that supports sustainable forms of transport such as public transportation, walking and cycling, and enhances neighborhood amenities. Mixed-Use development can take the form of a single building, a city block, or entire neighborhoods. The general intent of each of the five mixed-use zone districts within the City is identified by the descriptions below. These statements are descriptive only in nature and do not regulate the use of land or buildings within each district.

M-N – Mixed-Use-Neighborhood: The M-N district is intended to accommodate a mix of lower-intensity neighborhood-scale commercial uses and a range of residential uses generally along collector streets ~~and or~~ adjacent to light rail stations with walk-up access. Typical non-residential uses include those that provide goods and services to the residents of the surrounding neighborhoods. The district is intended to accommodate a high level of multi-modal and pedestrian activity and scale. Mixed-use buildings and projects are encouraged.

M-G – Mixed-Use-General: The M-G district is intended to provide for mixed-use and community commercial development generally along arterial streets ~~and or~~ in transit areas. Typical nonresidential uses include those necessary to support the community. ~~The~~ Although the district is intended to accommodate a higher level of motor vehicle activity, ~~although~~ pedestrian activity will still be accommodated and encouraged.

M-C – Mixed-Use-Core: The M-C district is intended to provide opportunities for higher density mixed-use development in areas developed or planned with the most intense urban characteristics, such as downtown Lakewood and adjacent to light rail stations with associated parking facilities. Typical nonresidential uses include those generally intended to support the entire city. The district is intended to accommodate a high level of pedestrian activity, although motor vehicle activity will still be accommodated. Mixed-use buildings and projects are key components of this district, and are required in certain contexts.

M-E – Mixed-Use-Employment: The M-E district is intended to provide for office and campus development, with ~~ancillary~~ retail and residential uses along arterial and collector streets. The district may also act as a buffer-transition area between higher intensity mixed-use districts and adjacent residential neighborhoods. The district provides for medium- to high-density employment opportunities, as well as educational and institutional campuses.

M-R – Mixed-Use-Residential: The M-R district is intended to allow for compact multifamily residential development with a variety of densities. This district will also allow for office and ~~retail-commercial~~ uses that are integrated into residential projects. Minimum residential densities are established as part of the district to maximize the potential number of transit riders and business users within adjacent transit and urban development areas, while limiting the impact on existing surrounding neighborhoods.

Recommendation 2: Amend Article 17.13.2 Definitions (Added language underlined, deleted language strikethrough)

Mixed Use: ~~A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity and planned as a unified whole.~~ Mixed-Use areas include a range of land uses including residential, commercial and industrial uses to be located in an integrated way that supports sustainable forms of transport such as public transportation, walking and cycling, and enhances neighborhood amenities. Mixed-Use development can take the form of a single building, a city block, or entire neighborhoods.

Issue #2: Review mixed use standards and propose changes for mixed use zones to ensure successful use mix

The second issue identified by the Planning Commission was the need to review mixed use standards and propose changes for mixed use zones to ensure that mixed use development projects result in outcomes that reflect the community's vision for these areas of the City. In response, staff has identified three steps that may help the community, staff, and the Commission better understand mixed use zone districts and then adjust zoning requirements as necessary.

1. Define successful mixed use development using the complete neighborhood concept.
2. Map current and potential land uses through geospatial assessments to identify gaps between existing land use and the future vision for successful mixed use development.
3. Develop a range of strategies and regulatory adjustments for consideration.

Define

The process for determining what successful mixed use development looks like can utilize the "complete neighborhood" framework. A complete neighborhood is an area with a mix of uses that meet daily needs for people of all ages, abilities, and backgrounds, providing an array of household and communitywide benefits like strong social fabric, stable housing values, active living, and vibrant economies. These characteristics align with many comments heard in the Lakewood Development Dialogue Open House process, including:

- "Safety, cleanliness, a mix of studio (smaller) apartments and townhomes and businesses, with a park/open space, a playground, good public transportation options and bike lanes and pedestrian safety."
- "Better access to grocery stores within walking distance of homes and apartment s in the area."
- "shopping, educational, cultural facilities within walking distance, free parking, parks-green space, proximity to light rail, energy efficient , bike paths, affordability, community garden, solar garden if possible"
- "Affordable housing, restaurant, retail, and entertainment venues."

The complete neighborhood framework has been used successfully in cities, including Portland and Eugene, Oregon and was used here in Lakewood to develop the Sheridan Station 20 Minute Neighborhood Implementation Strategy. This framework was identified as an implementation strategy in the Sustainability Plan in order to achieve community goals (see supplemental material attachment).

The mix of uses that create complete neighborhoods vary based on local characteristics, but maintain a set of core uses like grocery stores, retail, parks, recreational amenities, open spaces, and a variety of housing options. Once these core elements have been identified, the appropriate balance or ratio of mixes must be determine based on community vision, economic feasibility, infrastructure availability and geographic considerations.

What would this look like for the Lakewood Planning Commission and Planning Department?

- Recognizing that each neighborhood has its own unique mix of land uses, aesthetic, opportunities and challenges, staff would use previous planning efforts and community feedback to research what uses are important for all neighborhoods to be considered

“complete neighborhoods” and which uses might vary given the neighborhoods unique characteristics.

- Staff would utilize findings from step one to develop a set of proposed characteristics and land uses that contribute to creating a complete neighborhood.
- Staff would engage the community and Planning Commission to refine and finalize the definitions used to assess neighborhood completeness.
- Staff would then determine the ratio of mixes for a complete neighborhood using community input, local economic data, and other local inputs (note this ratio will vary by neighborhood).

Map

Once the community has identified what a complete neighborhood looks like, the uses can be mapped to identify where successful mixes are occurring and where strategies need to be developed to fill gaps.

The mapping analysis would identify what mixes currently exist according to land use and what mixes could exist according to zoning. Through this analysis, Lakewood will be able to identify which geographical areas could become complete neighborhoods.

What would this look like for the Lakewood Planning Commission and Planning Department?

- Staff would conduct a geospatial analysis of identified complete neighborhood uses and zoning. This analysis would begin with existing mixed-use zone districts, which have already been identified by various community processes as appropriate areas for mixed use.
- Staff would then use the analysis to recommend geographic boundaries for one or several pilot complete neighborhoods.
- Staff would engage the community and Planning Commission to refine and finalize geographic boundaries for one or several pilot complete neighborhoods.

Develop Strategies

After the complete neighborhood index has been set for the pilot neighborhood, regulations would need to be adopted that would maintain the desired balance of uses within the identified complete neighborhood. Proposed development would need to demonstrate how it complements the complete neighborhood and fits within the ratio of appropriate uses.

What would this look like for the Lakewood Planning Commission and Planning Department?

- Using the geospatial analysis and community input, staff would identify a range of zoning mechanisms that would require development to meet the desired percentages of uses (e.g. 20-30% neighborhood serving retail) based on the complete neighborhood index for that specific district.

- Staff would engage the community and Planning Commission to refine and finalize the proposed amendments.
- Once the amendments are made, staff would measure proposed developments against the index to determine if it is an allowed use of the complete neighborhood based on existing ratio of uses.
- Staff would continue to update the index based on new development and updated inputs.

Recommendation 3: Create and initiate a three step process based on complete neighborhood framework to define successful mixed use, map mixed use areas, and develop strategies to ensure successful mix of uses.