



SECOND DRAFT CODE MEETING SUMMARY

May 9, 2018
6:00 PM - 8:00 PM

Agenda:

6:00 - 6:45 / Presentation
6:45 - 8:00 / Discussion



Presentation

MAKERS updated the City Council and Planning Commission on major changes in the second draft development regulations since the first draft and supplemental chapters were released late 2017 to early 2018. The purpose of the meeting was to solicit feedback from the decision-makers on the direction and implementation of the draft code. City staff noted that comments from the general public will be formally accepted at multiple subsequent Planning Commission meetings in mid-2018.

MAKERS summarized public outreach and stakeholder engagement to-date, explained why the development regulations update is occurring, and how to read the second draft text. Specific chapters and sections reviewed included:

- New definitions
- Zoning code updates, including the draft zoning map, allowed use tables and use criteria, how height is measured, residential side setbacks, floor area ratio (FAR), and bonus incentives
- Community design standards, focusing on proposed street standards for residential development and new standards for lot designs with shared driveways
- Block frontage standards and citywide designation maps, including minor updates to the Downtown and Central Waterfront maps
- Site planning standards - only major update is new screening requirements for drive-through lanes
- Building design standards (no major updates)
- Parking quantitative standards updated to match land use tables
- Landscape standards have minor updates to define landscaped area

- Sign chapter updated with more clear definitions, exemptions, simplified monument sign standards, and temporary signs section

Discussion

Question/Comment: Can the city ban certain plants in the landscaping code?

Response: Yes, staff and MAKERS can discuss if that is needed. Current Section 19.65.050 emphasizes that new plants must be native, hardy to the region, waterwise, and non-invasive.

Question/Comment: How will Planning Commission decisions on the draft code be made?

Response: Staff will help by providing a “crosswalk” that tracks changes between existing code and the new draft development regulations, and which identifies how key code sections are consistent with the Comprehensive Plan.

Question/Comment: Can staff provide the Planning Commission a summary of public sentiment on key provisions?

Response: Yes, Staff, with MAKERS help, can draft a summary. Staff noted that the residential and commercial surveys provided useful public feedback on key provisions, and staff will soon be releasing a comment matrix of all comments received to date. The updated draft includes numerous changes in response to comments received.

Question/Comment: How does the draft development regulations handle the Planned Unit Development (PUD) moratorium?

Response: The PUD model is “obsolete” and replaced by new flexible design provisions for subdivisions and cottage housing.

Question/Comment: The frequency of the Conditional Use Permit (CUP) process should be limited.

Response: With the new design standards, the land use tables have been updated to reduce reliance on conditional uses. However, the conditional use provisions are still a good tool for special uses that might only be appropriate if special conditions are met appropriate for the particular site. This allows the City the ability to add conditions they feel are necessary to mitigate impacts from the use.

Question/Comment: How will the zoning map be updated?

Response: The map will be updated as part of a package with the development regulations.

Question/Comment: What are the city’s population growth projections?

Response: Per the Comprehensive Plan Volume 2: “The initial 20 year growth target (2016 – 2036) identified for planning purposes is 5,895 new residents and 2,076 new jobs.” With an average household size of 2.25 persons, this translate to a need for 2,620 additional homes. Projected growth rates are one of the factors influencing the types of development regulations updates. Staff noted that goals and policies emphasizing a greater mixture of housing types and more affordable forms of housing were major drivers of proposed updates.

Question/Comment: More details are needed on where Accessory Dwelling Units (ADUs) are allowed, as they are not shown in the land use tables.

Response: They are allowed wherever a single family dwelling is allowed and addressed in Chapter 19.47 (Accessory Uses). Staff/MAKERS will coordinate to see if updates to clarify standards are needed.

Question/Comment: Case studies of the multifamily affordable housing height bonuses, factoring in costs, parking, and transit access, would be helpful for Planning Commission review.

Response: *While one such case study is already illustrated in the draft (Figure 19.42.060), MAKERS can provide more case studies to share with Planning Commission at future meetings to help illustrate how the proposal would work and how concepts in other communities have been developed.*

Question/Comment: There is some concern about how departures work and how staff implement them.

Response: *A lengthy discussion about departures followed. MAKERS provided a specific departure example about façade articulation standards, and emphasized the departures work best when decisions are recorded for future reference. This “record” builds clarity and expectations for all participants. Additional comments:*

- *Departures are a good tool to offer flexibility while giving staff the ability to say “no” if the design solution doesn’t meet the intent.*
- *Having a good staff with design skills helps.*
- *MAKERS noted that there are now between 20-30 departure opportunities in the draft and staff clarified that zoning standards such as height limits and setbacks don’t have departure opportunities*
- *Many departures also include supplemental approval criteria: MAKERS cited sub-section 19.61.060.D (departure criteria) as an example of departure criteria for retail space depth, transparency, and parking location for storefront block frontages.*
- *MAKERS noted that you can make the departure criteria as loose or specific as you feel is appropriate – and that it will be important to closely review all departure provisions to make sure that you’re comfortable with the level of flexibility/specificity that’s offered.*
- *MAKERS noted that good and bad photo examples have been provided (of departure opportunities) and more could be added if desired.*

Question/Comment: *Section 19.20.250 should explain how departure opportunities are identified.*

Response: *Subsection 19.20.250(C) clarifies that departure opportunities are available only to those specific standards that allow for departures. Again, MAKERS noted that there are 20-30 departure instances in the draft and that the ➡ symbol within certain tables is used to indicate where departure opportunities exist. MAKERS/Staff will discuss whether updates to section 19.20.250 are needed to clarify the applicability of departures. MAKERS/Staff also promised to provide a list of all current departure opportunities.*

Question/Comment: *Should the Hearing Examiner be the “keeper” and interpreter of departures (meeting the intent statements)?*

Response: *Staff said this is a possibility. Another option is to establish a Design Review Board like many other communities have. MAKERS suggested that this code review process is critical to make sure that Planning Commissioners and City Council are comfortable with the departure provisions and that planning for a 1-2 year evaluation of departures might be a good idea (provide a summary report of all departures that have been applied for, approved, and why?).*

Question/Comment: *Who determines street classifications (e.g., arterial, collector)?*

Response: *The Public Works Department and the comprehensive transportation plan.*

Question/Comment: *Please clarify what a “Framework Development Plan” is.*

Response: *MAKERS clarified that it applies to the Central Waterfront Area – to allow some flexibility in how the site could be developed provided the intent, goals and policies are met. Staff also noted that it could apply to newly annexed and rezoned sites as well. Such plans would also need to be approved by City Council.*

Question/Comment: *Can/should we prohibit formula retail stores?*

Response: *MAKERS noted that subsection 19.63.030(B) prohibits architecture that is defined predominantly by corporate identity features – a provision that many other communities have been adopted. The discussion*

continued about whether such formula retail uses should be allowed at all in some areas like downtown, regardless of design.

Other Comments:

- *A brief code summary is needed for the general public*
- *Need to look at how all of the regulations work together to avoid unintended consequences*
- *Consider the definitions of “intent”, “purpose”, and “equivalency” as they apply to determining departure criteria compliance*
- *Examples of departures in other cities, particular ones MAKERS has worked in, are needed*
- *Departures that are rejected also need to be recorded (not just departures that are approved)*
- *The City may be well-served by a comprehensive evaluation/audit of how the design standards are working after 2-3 years of implementation, and changes could be made if needed*
- *Clarify when and how street improvement requirements apply to project applicants*
- *The design standards for Victoria, B.C. have examples of effective illustrations*

Next Steps

MAKERS and staff and concluded by reiterating the next steps will be detailed Planning Commission review with City Council review and adoption anticipated in the fall. MAKERS will attend key Planning Commission meetings and conduct further research and tasks requested by the Planning Commission, including case studies, further code edits, and assisting staff with public outreach materials.