



# ~ JOINT SESSION ~

## Planning & Zoning Commission

## Architectural Review Board

**THURSDAY, APRIL 19, 2018**

*IMMEDIATELY FOLLOWING THE PZC REGULAR MEETING.*

### **AGENDA**

#### **Bridge Street District – Code Amendments – Phase 1 Review**

Vince Papsidero, FAICP, Planning Director, began the Joint Session at 6:30 p.m., which followed the regularly scheduled Planning and Zoning Commission's meeting. Victoria Newell led the Pledge of Allegiance.

Attendees: Victoria Newell, David Rinaldi, Steve Stidhem, Shannon Stenberg, Jane Fox, Bob Miller, Gary Alexander, Warren Fishman, Kristina Kennedy, Vince Papsidero, Jennifer Rauch, Lori Burchett, Thaddeus Boggs, Laurie Wright, and Don Elliot, Clarion Associates. Jeff Leonhard and William Wilson were absent.

### **Administrative Business**

#### **Motion and Vote**

Mr. Stidhem moved, Ms. Stenberg seconded, to accept the documents into the record. The vote was as follows: Ms. Newell, yes; Mr. Miller, yes; Mr. Alexander, yes; Mr. Stidhem, yes; Ms. Kennedy, yes; Mr. Rinaldi, yes; Ms. Fox, yes; Mr. Fishman, yes; and Ms. Stenberg, yes. (Approved 9 - 0)

Ms. Newell said this meeting is a Joint Work Session for the Planning and Zoning Commission (PZC) and the Architectural Review Board (ARB) to discuss proposed amendments to the Bridge Street District (BSD) Code for Phase 1. She said this is an initial review of the amendments and no votes will be taken tonight.

Mr. Papsidero said this is Part II to follow up on the previous work session and recalled the request to spend time reviewing history and the reason for this project. He said the City's consultant, Don Elliott from Clarion and Associates is here who worked with us originally to write the Bridge Street Code and is assisting with this update.

Don Elliott noted there are a lot of new faces that have come on board and that means, even though he has been here periodically, since 2012, many have not met so he introduced himself as a principal with Clarion Associates. He said they are a small firm and have an office in Denver, CO as well as one Chapel Hill, NC. He explained they do two main things: staff drafts community plans/neighborhood plans and are planners for cities. He said they do not do entitlement work for developers, all the clients are of the public sector (cities and counties). They also draft development codes and that is what he has spent his career doing. He said he will work with communities that have a new plan for an area or the whole city and the laws need to line up with the new vision or they state they do not have a new plan but need their laws fixed so they are intelligible to anyone. He said he finds this work very fascinating because he



can see how people want to change the future and eventually learn what is effective and efficient in doing that.

Mr. Elliott said when this BSD process started, Dublin was known for its extreme high quality of life, architecture, landscape and design. At the time, he indicated, the feedback from builders about working with Dublin was that it takes a long time with repeated steps that need to be made more efficient and predictable. He reported that as a result the idea behind the BSD zoning was form-based zoning and that is a trend that has happened around the country for walkable, sustainable, urbanism. He said focus should be placed on the buildings and how they fit into the fabric, on detailed objective standards and realize uses will change over time as the nature of walkable urbanism is that uses change. He said attention should be made to the fit and quality of the building, its articulation, its location on the lot, make sure there are areas for walking instead of just driving to create a street presence. He said when applicants meet the standards, they get approval; standards should not be detailed and then negotiated. He said the form based zoning was not a Planning idea but rather driven in part because the corporate headquarters that were present in Dublin were not able to attract and hire the talent they wanted as the desire to live in suburbs was fading out and more mixed-use, walkable, urbanism was becoming the trend. He said the process is much more objective, and does not allow for much negotiation. He said the idea for BSD was not urban to the point of downtown Columbus but it will not be suburbia, either. He said this should also resolve the builders' complaints for getting through the approval process in Dublin, Ohio.

Mr. Elliott fast forwarded to after the BSD was approved and said, even though it was supposed to be an objective system, both the PZC and Council were not happy about being taken completely out of the process. He said the objective process of checking the boxes was not enough as the PZC wanted further review and when there were Economic Development Agreements involved, City Council wanted input. Therefore, he said, the process got much more complicated. He explained the standards were objective and design based and form based and the uses were made more flexible. He indicated that after two years, the builders, citizens, PZC said it was not working the way they thought it was going to so he was invited back to help.

Mr. Elliott noted there has been a lot of change in staff, directors, Boards, Commissions, and Council. He said when they drafted the Code in 2012 he was teamed with Leslie Oberholtzer, who is a form-based code drafter and she has agreed to revisit this. He said they asked staff, builders, and PZC what had gone sideways.

Mr. Elliott reported the feedback from the builders was, that the process evolved into having a pre-conversation with PZC before submitting the application and in some cases with Council too. He said the original theory was that if the builders met the checklist, their development would be approved but this city was not comfortable with a completely administrative system. He pointed out there is nothing in there that allows the builders to have an informal conversation up front with staff to present their concept ideas and see if they would work under the City's system and the builders wanted a chance to see if they were even headed in the direction where they might be able to check the boxes. They wanted the opportunity to talk before investing a lot of money on architects and engineers, which every developer in the world wants. The builders also said that because the form-based code had more detailed design standards, the City was asking for too much detail too early and the standards were too rigid. The builders said they could not submit anything without first presenting all the details for architecture and design. He said that the BSD code turned out to be pretty detailed so the builder is asked to do site planning and architecture and de-facto engineering before the application is filed and then we are asked to revise it several times along the way. He said the builders stated the nature of checking boxes cannot be done here without almost construction drawings. Mr. Elliott emphasized that is a lot of money for

builders to spend before they can file an application, which then goes on for further review. He indicated staff is working on revising the check boxes so they are less rigid in a way we still get the quality we all want. Unfortunately, he said, even if the builder checks all the boxes, it still might not be acceptable to the PZC.

Mr. Elliott stated he works all over the country and has drafted of development codes all the way from very challenging neighborhoods to very high quality neighborhoods. He said nothing is like Dublin but they have worked in Bainbridge Island, WA, Lake Oswego, OR, and Aspen, CO, which are all places that pride themselves in extraordinarily high quality of their urban environment. In every one of those places, he reported, developers complain it takes too much time and money. However, he said, Dublin's process had become much more complicated than other cities did, with significantly more steps. The norm, even in high quality communities, he said, Check, Preliminary, Final – that's it. He stated the BSD Code is one of the most complicated processes in terms of steps. He reported that when Leslie Oberholtzer said the Code and some of the regulations had been made more complicated since she left; she had not written all of it but only some of it. She reported there were too many boxes to check and she has not figured out when/where it happened. She believes this can be made simpler and still get great quality. He agreed they could leave more breathing room in the Code and still get great quality in Dublin. He indicated that is a discussion for fall 2018 when they plan to talk substance.

In the light of comments received from builders, citizens, and the elected and appointed officials on the Boards and Commissions, etc. Mr. Elliott said he was asked to look for a better approval process and indicated the ART would be taken out of many steps, steps would be realigned and clearer, and some of the informal discussions up front would be eliminated.

Mr. Elliott said he gets the sense that people in Dublin think Bridge Street is a failure and it is not a failure. He indicated when he was here a year ago, that was the feedback but by anyone else's opinion, Dublin is not failing, but rather getting what the plans said they wanted and what the Code says how to get development approval. He said there may be issues with the architecture, but of the cities he has worked with that have form-based code, that are aimed at creating walkable, urbanism, in a street grid, and a street enclosures, and articulating architecture and transparency and doors on the street to get street activity, Dublin is winning. He said clients that have had form based code in place for five years have not achieved the quality or the amount of development Dublin has, even though the economy has been booming the last 5 – 7 years. He said there have been a lot of Waivers, adjustments, and detail workarounds in the process.

Mr. Elliott concluded the initial idea was a completely objective system but that did not work so now we figure out what should be on the checklist up front and what should be in a guideline handbook. He said the trend around the country whether form based zoning or non-form-based zoning, is to not wind up with a lot of negotiation; it is too expensive in the long run. He said Dublin may come to a different conclusion but in general, their clients are saying they want to move in the direction of reasonable, objective standards, which can be interpreted and applied consistently. He emphasized the trend around the entire country is the better developers are being sought, they want the best product they can build so money is better spent not going through negotiated processes. He said that broad statement is truer of zoning than it is of historic preservation where a lot of review is needed. He said when the results were not what was desired, the objective standards, criteria, and the incentives were revisited.

Steve Stidhem asked where Mr. Elliott was getting the impression that the BSD is a failure. Mr. Elliott answered he got it last year when he was speaking to the work session and heard several comments that were critical of it, that was all. He said if you do not think so then you are completely correct but it was a vibe that he got that people do not think this is working and it was comments that were made around

this table about a year ago. Claudia Husak recalled that was a City Council/PZC Joint Work Session in April 2017.

Warren Fishman said he cannot resist saying that there is a loud minority. He said he and his wife visit the BSD three days a week and several times, they have left a restaurant because it was an hour and a half wait. He suggested that if Mr. Elliott speaks to young people in Dublin, they are thrilled. To speak to Mr. Elliott's comment that our system is too complicated but with that system a great success has been achieved. He stated he has been involved in the building business for 40 years and he finds that builders tend to complain, everywhere.

Mr. Elliott asked Mr. Fishman if he is getting the quality he wants as efficiently and as predictably as he can. He asked if Dublin is making people spend more time and energy getting to the end result desired than what is necessary.

Victoria Newell said she has had the opportunity to be on both sides of this table representing clients in a lot of communities in Central Ohio so she would agree, the process is difficult in most communities no matter how much developers complain. In terms of what we ended up in the BSD Code, she said the approval process became way too complicated. She said the PZC was accustomed to going through the PUD process, which was a very clean process and developers still complained about going through the PUD process because it entered into the discussion over architecture, which makes zoning always difficult as well as the form-based code but PUD is a lot more palatable to her.

Mr. Fishman said he cannot disagree with anything Ms. Newell said and indicated that if the process can be simplified and save the developers money up front that is great but he wants to make sure the reviewing bodies still have controls to get a quality product. He also stated he loved the PUD because it was much easier and crystal clear.

Mr. Stidhem said he appreciates Mr. Elliott coming here. He wanted to know if Mr. Elliott will be identifying where we are now and then providing his recommendations. Mr. Elliott answered he has been working with staff on the Amendment #1, which is the process amendment. He said staff drafted it, they ran it by him, and so that can be discussed in particular. He stated there is a draft ordinance that lays out how to simplify the process and thought it was ready to be brought forward.

Vince Papsidero said staff provided in the folder for tonight kind of a higher level version of the actual Code changes that they have been editing and similarly staff has been working with Mr. Elliott and his staff on the fuller Code and creating design guidelines and reduced Code provisions/regulations and that is a working draft right now that they hope to simplify like the document in the packets and compare those in a table so the Code section versus the Guideline section can be compared side by side. He indicated that will be a Joint Work Session with the PZC, Council, and the ARB tentatively planned for the fall 2018.

Jane Fox said she wanted to hear from the architects in attendance to provide their wish list and if it went through the process, what that would look like. She wanted to know what the best method is to get the best results because she is concerned, more holistically with the BSD. She said the form based code may give us more land uses but it may not necessarily give us the interpretive walkability. She said the open public spaces require a particular kind of character to create an atmosphere that makes liveliness on the street. Just to be able to put something on a block, with a certain setback, does not provide all of the other things that are needed. She indicated that was missed on Bridge Street, in which she is really looking forward to tackling, if the buildings are all the same size, all the way and there are not different uses, and sidewalks and public spaces are not created large enough to get livability on the street,

variances achieve reduction of the size of the street and sidewalks because everything needs to go right up to the lot line, all of the other aspects are given away that are needed to create walkability. In order to go through a review process that is quick, the building could be erected fast but everything else is given away in order to get the construction of the building done quickly. She asked if this is all about creating the objective and the intent/character to get this walkable community, then all these pieces and parts, not just the structure, that will provide the livable, walkable setting. She indicated she does not see the BSD Code doing that for us.

Mr. Elliott suggested the group take a step or two into a substantive discussion because Ms. Fox makes a great point. To answer her question about what we recommend and what we envision bringing forward after working with staff, either tonight or as part of Amendment #1, which is process, or the fall work, which is the parsing out of the substance...Step 1 would be an informal conversation with staff over this idea and whether or not staff even thinks it can be made to work. Step 2 would be to significantly simplify the checklist of objective standards and that would be separated into basic things that have to do with the framework of form and uses.

Mr. Elliott emphasized that a lot of the check boxes had to do with very specific things like materials, open space, and civic space because the current Code states "thou shalt do the following types of civic space", etc. With due respect, he said it is not a very good list and he has heard lot of complaints. He said he is halfway in and halfway out on this. He said Form based Code is a pattern book. He said we know what great urban spaces are, they are one of these seven. He said he has always taken a really dim view of that to begin with but that is how it is taken. When we think about simplifying the checkboxes needed to spend money to check when an applicant walks in, that is a stickler and there is more leeway to do other things – materials, doors, articulation, spacing, transparency, access and civic and open space are among the things that we have said, let us get them out and try to check a box ahead of time and put them into a more qualitative discussion as they are guidelines but they are things to be finalized by Planning or ARB as part of their review of the process. A. Simpler B. He said in Dublin in particular, there is a desire to take a look at those public realm/space issues but he would go beyond that; he would go into a lot of what he has mentioned is not public realm/space but the relation of the building to those public areas. Those things may not be able to be standardized as much as the theory of form based code or the current regulations say that they can. He said the idea is to have a graduated result where the basics are in standards and once those standards are qualified, that is done and the PZC cannot pull the rug out from under an applicant. He gave height as an example. He said if height is four stories, then an applicant can submit an application for a four story building and through a discussion with the PZC, the applicant cannot be limited to a three-story building. He emphasized the basics are to be locked down and that is how it works all over the country; it is not a free for all or what kind of case can an applicant make. Permitting negotiation is a very hard way to run a city going down the road as it takes time and is expensive. Instead, the approach is, tie down the basics, those will not change, leave the public spaces, appearance, relation to the street, things that make a difference between a good place and a great place are to be left to some exercise of discretion.

Mr. Elliott said he will not answer for the architects but he thinks the architects want that because that way, they do not have to tie themselves into the architecture and engineering on exactly how that works. They can do their best bet and say the articulation, the entrances, windows, that kind of stuff, is for discussion with the PZC or the ARB, depending upon where the site is located. He explained the applicant would try to persuade the reviewing body that he has met all the guidelines and a discussion would ensue with that but the rug cannot be pulled out from under applicants like getting to the PZC and them stating they have a big problem with a four-story building at this location. He said the idea of having basic things changed on an applicant after they have spent money and reliance on the Code, is something the City should get away from and that is not necessary to get great quality development. All

over the country, people are willing to live with the basics put in the Code and talk about the details. When talking details, he explained, it is not just color and materials. He indicated open space was one of the big substantive criticisms of the builders, more important than doors, windows, and materials and civic space stuff just does not work for them. He said the builders have stated they can design better civic spaces than the Code requires them to provide. He said that is in the bin of things that ought to be subject to PZC review.

Mr. Rinaldi said Ms. Fox had asked for architect feedback and he said one thing is predictability. An architect does not want to be surprised and that would be one thing he would want achieved.

Ms. Fox asked what the best way is to provide architects with predictability. She said she is concerned that the form based Code has given us just “platform buildings” and it does not encourage innovative, unusual design as well as the relationship to the street and organic movement – the ballet that happens on the street with buildings that are built over time - not that we are going to get that brand new. She asked what would help the informal review process to give the architect the understanding of what the expectations are to get unique kind of building that creates livability we are looking for in a walkable community.

In building her house, Ms. Fox reported, she went to the architect and said she wanted something that relates to the land, hat has a profile that has a certain character, and how she wanted it to function. Then the architect begins to build it out. She asked again what can be done in the very beginning to create a process that gives an architect that understanding so they can move forward. She restated the form base code does not do that and asked what other piece is needed to help architects get the character desired as well as the building footprint.

Ms. Newell said the architect sees the platform design that is required in the code and in every urban environment everywhere. She said the lower floors of the building will provide the opportunity to have offices, businesses, and restaurants to engage the street. She said the PZC just saw work from one developer for the BSD, so where Ms. Fox is asking for an organic response, the PZC is not getting a variety of having intermix from different developers and so the BSD is suffering from a lot of development from one developer. She said she is pleased with the end result. She said the PZC worked really hard to work with the developer and the process got easier in the end, in the last buildings. The PZC was a lot more concise in communicating what they wanted after dealing with the form based code for a while and equally working with the very same developer. She said the developer was able to respond much quicker because it was a learning process for them as well. She noted that if the form based code is used but there were other developers that brought proposals forward, the PZC would see more organic-ness to what is there and less uniformity. She noted everything is contemporary that was brought in because that was the desire of the developer so it dictated what was there.

Mr. Papsidero added, along with having principally one developer and principally one architecture firm, they built the AC Marriott Hotel, which is a gorgeous building. He said some of the other buildings do not rise to that and maybe they should not because that is now considered a landmark or signature building. He said a variety of architects and firms would add some variety to the development. Ms. Newell noted on the first couple of buildings, they all looked the same. Even within the architectural firm that they were working with, she said, they gave the work to separate individual designers to break it apart and that started to make a big difference in what the PZC was presented with so there was some independence between the buildings but they were still very uniform originally in appearance.

Ms. Fox asked if the character piece can be expressed in the design guidelines. In other words, she asked if we can help move that (when there is just one developer) to provide expectations to the developer to

emphasize the PZC does not want to see the homogenous because it will look artificial if they are all the same. Mr. Elliott responded we do not want 'The Truman Show', to which Ms. Fox agreed.

Mr. Elliott said form base coding has only been going on since about 2000 or late 90s. He said he had a panel at the National Planning Conference a few years ago where he received Miami, FL; Denver, CO; and Arlington, VA together over it so three of the award-winning, very complicated whole community wide form based codes and asked what they were learning. He said their answer was they were getting better design than they were before, they were happier with the street relationship, and they have to amend the code all the time. He said literally looking at slide after slide they had to fix this thing because when they tried to come up with standards, there are unintended consequences found that had not been considered. He summarized that A. they learned nobody is perfect and learn from mistakes and this is a new tool that is still maturing. B. it is very con for communities, not just like Dublin where a high quality of life and expectations are added but all communities to go too far. He said once urban form is looked at as a design problem, and then when about three steps too far down are taken, people try to design the outcome through those check boxes. He stated he is hired regularly to come in to form based codes and undo some of those details.

Mr. Elliott restated this has happened in Dublin; he and Leslie Oberholtzer have talked to staff and the conclusion is - there are too many check boxes and has gotten substantively way too detailed, but again, this is nothing new and it is common. He said architects look at the code as a design problem. The problem here is there are a lot of good ways to design things but Dublin went too far trying to lock in a particular solution.

Mr. Elliott noted that Planners all across the country have decided ground floors have to be active everywhere but there is not enough activity in the world to have every ground floor frontage active. He said Planners are now going back as things are being learned along the way - that a great idea can be pushed too far and they need to back off on those and give those kinds of things to a group of people that can review them in kind of a subjective aura and qualitative way to try and figure out what works in that circumstance.

Mr. Elliott said BSD started life as a form based code but it has already been made a hybrid code because of all the steps of review and negotiation that happened in the process; therefore, it is no longer a form based code. He described it has having form based DNA but it has diverged from that idea because of the process changes that were made. He restated that form based code is having boxes that are checked and then the applicant is done then you add the variables that can be negotiated into the process. He indicated the City has given up on getting all the boxes right because the change went to having the fundamental here and then over there. That solution right there states this is a hybrid code but every form based code he has studied in the country, is a hybrid, one way or another. He said the pure idea is rarely tried as aggressively as it was in Dublin but it is also usually leavened through process or guidelines. He said his firm wrote a book on this a few years ago and found everyone diverges and the only difference is the ways in which a city diverges from the pure idea. Governments do not run on pure ideas, he concluded; governments run on problem solving and that is what is happening.

Ms. Newell said the citizens of Dublin would not accept a pure form based code. Mr. Elliott said he agreed and the reason he went back to the history is because six years ago when this process started, was because the City thought the citizens were ready to go to a more objective code than it was actually ready for and He and Leslie O were hired to help implement that. He said the last six years have taught us: A) the idea itself got too complicated and was probably overdone; and B) the context of the community - the political machine part of how Dublin likes to govern itself, does not lend itself to that pure idea as well as people thought it might.

Ms. Husak indicated we have gone into this from the get-go with the idea this was not going to be the 'end all be all'. She said staff always knew we were going to have to tweak it in one way or the other. She said they had not considered having just one developer in that part of town; it was not on the horizon at the start. She thought maybe the eggs were all in the Dublin Village Center basket but it did not happen that way.

Mr. Elliott said cities and counties have been writing anti-monotony orders for a long time and he has written a lot of them, himself. Anti-monotony can be written into form based code or a hybrid form based code just as easily as a PUD or Subdivision Code. He said if the City does not like the fact that one builder builds all the same thing, there are lots of great examples around the country where standards are written to not allow that to happen.

Ms. Newell stated, as an architect, there is really good merit to that because unfortunately, when there are projects all built from one developer, they can miserably fail simultaneously, which leaves a huge problem as opposed to having lands that multiple developers and owners control.

Mr. Elliott indicated he has heard from other folks that one of the problems with having a big single developer doing big single projects, there is a lot of pressure on the architect to save money by not diverging too much from what was accomplished before. In some cases, he said, architects would be happy to be able to point to the code and state they could not just do that again.

Gary Alexander said there is a fine line. He indicated he has a sense that the form based code comes out heavily influenced by the new urbanism movement. He said there is the ability to create great variation but continuity. He said when looking at the new buildings across the river, he said, he is disappointed they were done by one developer as those buildings pretty well linked with each other. He suggested to think about arcades and things we would want in a civic area that linked buildings and would make it easy for people to walk and connect; even the street wall is not continuous. He said there should be continuity but also variety even if there is just one developer and the way the code is written, is really critical. He said it is interesting in our city, when looking at different developments, like Grandview Yard, there is a degree of continuity there but very different glass buildings and buildings made primarily of brick. In New Albany, there is a different degree of control with different standards. He said the South Campus Gateway, which he thinks is the most interesting, has urban buildings designed very differently and linked together really well. He said the Planners for Dublin probably know the different standards they are controlling in the other communities. He said there are some examples where the continuity was created but variety also was provided.

Mr. Miller said the PZC has really tried to really bring creativity into the sign packages to the point of asking for the wildest and craziest stuff but have not been successful at least from what is coming forward so far. To Mr. Alexander's point, he said it is worth continuing to wrestle with how to bring forward that kind of creativity.

To the single developer piece, Mr. Miller said Dublin needs to remain competitive from an economic perspective and if we are pushing developers away because of the complexity of our process then how many more times are we going to end up with one developer doing what they did. He stated Crawford and Hoying Development Partners did an outstanding job but he recalls side bar conversations early in the process specifically with Chris Brown (former Commissioner) that it would be nice to see another two or three developers in Bridge Park with different design teams because it would solve some of the sterile development that was occurring.

Mr. Miller said he is a huge fan of trying to simplify this process and encouraging a way to bring the creativity forward. He said Mr. Elliott can bring a fresh view and help us make it even better; he has already provided great feedback. Mr. Miller concluded if we can make it easier for folks to do business in Dublin, the better chance we have at getting the outcomes.

Mr. Stidhem said in his professional life, he found you spend the least amount of money up front, and then you get feedback and then you change a plan based on feedback. The changes being proposed here are exactly like that, to minimize the amount of expenditure and effort being done up front. He said if that is the new direction for the City then he applauds it because that is the right way to do anything.

Shannon Stenberg said she completely agrees with Mr. Miller and Mr. Stidhem. She indicated one of the biggest issues repeatedly heard is that developers come in with all of their drawings and every single thing lined out but then having to say "If they would have known in the beginning they would have to change this major concept, it would have been so much more efficient for them." She said she loves the fact that the informal review up front is being proposed. She said she did not want to see overlapping or getting in that gray area as much of "you can do this but we really do not want it on this site". Mr. Elliott said "Amen"

Mr. Elliott said the biggest thing he struggles with, with all of his clients, is the difficulty of straightening things out and getting a community consensus on the difference between "should" and "shall"; he runs into this all the time. He said that is the hard part about even going part way down the road on more form controls. He said it forces you to think hard about what you are not willing to negotiate and what can be negotiated.

Mr. Elliott indicated he has heard several comments about monotony and variety. He suggested if variety is allowed to happen, it may not happen exactly the way you thought it was going to but that is what makes interesting cities and cited the following examples: New York City and the Short North area. However, he said you have to be ready if someone creates something you never envisioned.

Mr. Elliott said the heavy lifting that will be done between now and the fall will contribute to the efficiency but we need to sort out this "should" and "shall" and frankly, there is no right answer. He said the right answer is the one that reflects Dublin's desire as to what they want to work on, on a qualitative basis rather than an objective standard and it can be done.

Mr. Elliott emphasized he did not say Dublin is like Denver. He reported he lives in Denver and he sits on the Denver Planning Board, and Denver went down the road with a very aggressive form based code system several years ago, but he was not part of it at the time. He added he did not write the Denver code and would not have but now he sits on the Planning Board and has to figure out what to do with the Denver code to make it work. He said somehow they changed the city from an attitude where they negotiated everything, which took a lot of staff time and effort to manage those things down the road, to going back in and fixing the code when they did not like what they were getting. He said they had to look at themselves and figure out what they wrote that was wrong. He said the Code tells the private market what the standards are. He said he is amazed in the last ten years at how there seems to be a changing consensus where cities continue to work on the clarity of what they tell the world and the private market about what they want in different parts of their city. He said there is still a certain amount of judgement and qualitative review in that process but they are not going to go back to a negotiated process.

Mr. Stidhem asked what the process is for the retrospective. Mr. Elliott answered every two years they bring through a package of amendments and there are a number of them. He said they do not hire a consultant to do it, staff does it. Staff goes through and reviews what criticisms they are getting and

what mistakes they made. Denver's code is too long and complicated and they need to do what Dublin is doing and go back in and take some of the detail out of it. He said the bottom line is every two years they found some problems so they would like to update and fix the code.

Mr. Stidhem indicated that after going every two years and looking to the changes that are applied, he was worried that you would end up with fixes that are not compatible. Mr. Elliott did not agree, and gave an example of a commercial district next to a residential district - they apply that step down for building height and the structure needing to go further into the lot than it used to. He said they do not reinvent things and staple things on the end; they go back into the structure they have, and change the numbers or change things around. He said they ask themselves questions like can we modify that building form or do we need to create a new one; can we modify that dimension or is the idea just wrong. He said that amendments are made within this structure of how you run development approval within the City. He also said that at least you are being clear and the architects know that every two years they got to go and get a briefing on which things changed and which did not and now the market knows how to respond to those things. He restated he is not selling the Denver code. He said negotiation versus form base code is not an on/off switch.

Kristina Kennedy asked Mr. Elliott, based on his experience, working with cities to simplify their process, are the cities typically happy with the results that they get. She indicated her expectation is that we are going to have a higher volume of applicants for example for specific projects. She asked if that is a good or a bad thing for the City. She asked what kind of feedback he receives. Mr. Elliott said how to measure satisfaction is the hard part. He said most of them are happy with the quality they thought they would get out of it. Ms. Kennedy's asked whether they get more clients out of it and he did not know the answer to that question.

Ms. Kennedy reported she just got back from Chicago and she had an opportunity to do the architecture boat tour that was amazing. She asked if that is what builds their character, having all those different, unique buildings. She said she loves Dublin because there is a consistency but she would also love to see some variety as well. She asked if the simplification of this process will give Dublin a more diverse base of builders that come forward then because the process is easier.

Mr. Elliott suggested not confusing predictability with monotony. He added the predictability of the process and the standards that we need to aim at, are not the same as getting the same result at the end. He said the process and standards should not be a moving target; architects should know what is standard and what is going to be negotiated along the way. He said if one of you were to ask me what the way is to get more different developers and architectural firms working within your community, he would state to be as clear as possible about what is negotiable and what is not and the quality standards that are necessary. He said the smaller firms cannot afford to get it wrong; the bigger firms can go around again if we need them to as they are in a better position to lose money or their clients' money. Mr. Papsidero said he was in Columbus for ten years prior to returning to Dublin. He said when the development staff in Columbus is bidding on a project that was also looking at Dublin, their package of their offer always note it will take a lot longer to get zoning approval in Dublin than they would in Columbus, whether or not the project is a right fit, regardless, they would use it as one point of measurement to say they can guarantee the client will get to a building permit much quicker in Columbus. He said that time is money and that is often stated in development. He concluded having a more predictable process will attract more investment in Dublin. Mr. Elliott said he would agree with that.

Ms. Fox asked Mr. Papsidero what the character overlay was when he was in Columbus because she was thinking of Clintonville. She indicated that maybe the reason Dublin's process slowed down was because they had to keep reviewing proposals because somehow they were not getting what they were hoping

for. She wondered if that is why more detail was added to the BSD Code. She asked, what other cities write that provides the intent, character, expectation, and predictability, and yet still brings in the high quality projects.

Mr. Papsidero answered, to compare to Columbus, and he does not recommend we do what Columbus does, because in Columbus, unless you need a variance or a rezoning there is no public process; applicants can go straight to building permitting. He said that therefore, the community has no say and the Development Commission, which is their Planning Commission, has no say. He said in Clintonville, they use a form based code that is fairly simple in its requirements (where to place building, parking, drive thru, how much transparency, etc.). He said if an applicant meets those criteria in the design and submits with a building permit, the permit gets processed and the applicant can build. He said all commercial corridors in Columbus, even the Short North, has a 35-foot height limit, which in areas like that they were more sensitive and would trigger a public review because the applicant would need a height variance and there was no willingness to change that code provision. Partly, he said, because it gave the public a chance to speak on cases. Regardless, he said we have good standards, it is a matter of putting the right standards in one piece and the qualitative in guidelines, which still could include some "shall". He said it is a matter of figuring out how to meet the "shall" part of the process, what would work best here and get us the result we want, and what would be quicker and more efficient process.

Mr. Papsidero said staff has suggested removing the ART step because that can add three months to a year for a project and they suggested removing Council's review tied to an EDA because again, that takes time because it requires informal reviews, the Council, whereas that could rest with the PZC and the ARB. He thinks everyone would support the submittal requirement changes, which gets back to a PUD type of submittal requirements so there will be consistency there, just not the PUD zoning step, which does not work with BSD Code or most of the city outside a PUD.

Mr. Elliott said there does not need to be one size fits all; different zones/districts can have different zoning and qualitative requirements. He said any city of any complexity over time develops different guidance for the different areas and what they are trying to do there. He said when it comes to the PZC or ARB and considering civic spaces, relation of the street, or where the right place is to try and pretend there will be street activity or not - that can all vary by the fabric of the area or the history of the area, etc.

Ms. Fox said we struggle with the strength of that and the legal ability and power of that. She said even in the Historic District, if a building were to burn down, it could not be replaced or put back because the BSD Code did not allow it but if we went with the *Historic Dublin Design Guidelines*, possibly, we could but we did not know how strong they were. She said that is something we really need to determine. She said if we do the character, we must have enough power to give us the flexibility that we look for to get the quality that we want and both. Mr. Papsidero and Mr. Elliott agreed with that.

Mr. Papsidero indicated that could easily be accomplished. He said he led the rewrite and creation of the design guidelines for the Short North and for downtown Columbus and that was part of the goal because the code caused all sorts of conflicts. He said the guidelines are not the law. Mr. Elliott said he would defer to the City Law Director but if the Guidelines are written correctly, they can be enforced but they have to be very clear. He said City Council has the authority to write fees, to tell people who is going to be the final review, what criteria to be used, and if that is done correctly, go to court and win when challenged.

Mr. Fishman said it is hard to compare Columbus to Dublin as they have no public input. He cited Sawmill Road for an example and compared the east and west sides where there is a huge difference. He said we

always try to streamline – he has heard that for 40 years. He said no matter how much they try to streamline the Code, people still do not seem to be happy. He said he agrees with Mr. Stidhem about the money spent up front and that is why we have the preliminary and the formal staff review. He suggested an applicant should pour their hearts out to staff before they start - to see what they can get approved or not. He told a story where the point was there can be A buildings, B buildings, and C buildings whereas if a company were to come to Columbus they would build the C building and if they came to Dublin, they would build the A building. He said he agrees with Ms. Fox about character. He said Dublin is a great city and he loves the BSD but it still lacks a little bit because of the input of these boards and staff. He said he wants to simplify the code and wants the public input but wants to keep discretion for character, etc.

Mr. Alexander emphasized there should be as much staff input as there can be if we are getting rid of the ART. Mr. Fishman agreed that staff is incredibly important, especially at the front end. He recalled a conversation with Ms. Husak where she stated that staff can be very honest with applicants and tell them they have a chance of their proposal going through or not a chance as it is. He said it is really important that developers get that input. He said the reason we have these different boards and commissions is because they are comprised of 5 or 7 people that have different backgrounds, personalities, and live in Dublin and contribute so that is very important. He restated he agreed with Ms. Fox about open space being needed and cited Dublin's fountain where many people gather as an example and just straight zoning might not get that.

Ms. Husak explained the ART is a formalized forum that includes agendas, minutes, reports, and records of actions so there is a lot of overhead and administration that goes into that process. She said the ART does by no means take away from all the staff meetings/reviews/informal meetings that are done anyway that you do not get minutes for. She recalled training for the Boards and Commissions, which covered what the complete process is starting with the first phone call from a developer to a packet being delivered to your doorstep. Mr. Papsidero added that getting rid of that one step and the EDA will free staff time because we have to support these administrative processes. He said we would rather add value versus processing. Ms. Husak said they are relying heavily on a consultant to do that because staff just does not have that overhead time.

Ms. Newell asked if sometimes staff thinks it would be quicker to hear words directly from the Commission first when an applicant is trying to rework something, indicating maybe the client thought staff did not carry the weight the Commission did. She said sometimes she has felt that way, working with clients. As the architect, she said, we get embarrassed when our client that you are working tells you they want to still propose something the architect knows is going to fail miserably. Sometimes, she would like the applicant to hear that early in the process because they believe it more if the Commission turns it down. She indicated that sometimes the client wants to see how little they can get away with.

Ms. Husak said one of the things that would help staff is figuring out what level of detail is the right level to get to a reviewing body. She said, what is coming to you for your next meeting is an informal review of D block in the BSD, consisting of four buildings. She said the plans have changed since the developer first came with a proposal and recently they came with a fully done proposal. She said based on all of the things we have talked about tonight, staff does not think the proposal is where it could be. She reported that staff suggested that the applicant come to the PZC informally but you will be shown a lot more than sketches. She suggested the City codify the informal process and understand really what that step is, and what that step requires. Mr. Papsidero added the applicant has been tweaking the plans but not enough to where staff would fully bring it to the Commission but when it does, you can stop it. He said staff can come close to stopping a project but not like the PZC or ARB who can provide more detail and serious feedback than staff is able to.

Ms. Kennedy said she appreciated Ms. Husak telling them that as an example of why this redo is important but she also feels like it plants an idea in her head a bias against this applicant unfortunately.

Mr. Elliott said the story he just heard is a very unusual story – meeting bi-weekly to work on a pre-application is not normal. He said it just reinforces to him, both in terms of process and in steps, there is some work to be done there; it should not take four months of bi-weekly meetings to wrestle applicants into understanding the process, which is providing an idea and not a baked building. He said there are some places that will not even look at a baked building. He said if staff enforces that, it will stop. Applicants should not be taking that much of staff's time but it also reflects a misunderstanding between the developer and applicants as to what it takes to get through an application. He said he is sorry if that offends people. He said that is a really expensive way to run a city.

Ms. Newell said from an architect's point of view, you could have a fully baked design because it was a bought out project from someone else and equally it can be because there is a contractual time constraint for that development to which Mr. Elliott agreed.

Mr. Stidhem said if the process can be streamlined, we could get a broader range of people to come in if it is understood only a small percentage under certain circumstances can bring in a fully baked proposal and where a shell is more the norm to bring the more organic type plans. He noted that Mr. Elliott started this meeting by stating he wanted to talk process instead of content but Mr. Stidhem said if we can get the process down than the content will come in a more organic way.

Mr. Papsidero said when "shall" is written in the *Guidelines*, it leaves it up to interpretation for how it is to be implemented beyond quantifiable measures.

Ms. Fox suggested this process can go faster but the code and the guidelines have to go hand in hand with the "shalls" and they vary from one community to another. She suggested looking at the Community Plan and what our brand, character, value, identity, and what our DNA should look like so when we move forward, our "shalls" speak to that because if they do not, we can create a lot of density and walkability but will lose who we are. She said if we write it so beautifully, we do not have to convince and incentivize people to come. She said they will come because we have done it so well and so beautiful in its form and function. She said the process should be so easy that people will be knocking down our doors and good design will come naturally.

Mr. Elliott said that is why the City should ensure the "should" and "shalls" are Dublin and not off the shelf. He said people that are really involved in form based coding, tend to work off templates and it is unfortunate. He said they want to lock in and say shall for a particular balcony dimensions. He said there is not city in the world that is a great city because they got the balcony dimensions right.

Mr. Papsidero said this has been an excellent conversation for staff to get a sense about what is important to all. He said he did not want to dive into the detailed outline. He said the next step could be working individually or separately to work through this so we reach a point where we have agreement amongst the two bodies to move forward with a Code Amendment to Council who can then work through it before it is adopted. The consensus was that they want to work on this together.

Ms. Fox requested that staff show the Boards and Commissions what they want and give them some objectives, tell them what staff wants to get accomplished, limit the process, making it manageable for us, and give us drafts ahead of time to think about, as well as questions to consider.

Ms. Newell explained the amendments will come down which the Boards and Commission will have to vote on and so members will end up having to read it word for word anyway and buy into all of those provisions.

Mr. Papsidero showed the detailed outline, which is not the exact Code but it is 75% but that document could frame the conversation. He said some sections required a lot of detail; we can organize the conversation based on subjects and see if we can knock it out in two hours with dinner and dessert in about a month or so. He said the actual Code could come back to you for your actual vote.

The Chair adjourned the Joint Work Session at 8:09 pm.

As approved by the Planning and Zoning Commission on June 7, 2018.