CLARION

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MEMORANDUM

TO: **Vince Papsidero, Director, Planning Department**
FROM: **Don Elliott, FAICP, and Mary Roberts, Clarion Associates**
DATE: **February 10, 2017**
RE: **Summary of Stakeholder and Staff Comments on BSD Zoning Regulations**

Background

Clarion Associates and CodaMetrics (the "Clarion Team") are under contract to update several portions of the Dublin Bridge Street (Zoning) District ("BSD" or "the BSD code"). The three phases of that work involve recommendations for (1) targeted updates to the BSD sign regulations, (2) targeted updates to the BSD historic core regulations, and (3) general updates to the remaining BSD regulations). Phases (1) and (2) are underway, and this memorandum is the first step in phase three of our workplan.

Between August and December, 2016, Clarion Associates met with Dublin staff during three trips to Dublin to discuss experience and challenges implementing the Bridge Street (Zoning) District ("BSD" or "the BSD code"). The interviews were conducted to inform the review and update of the Bridge Street District zoning code regulations and process. Prior to the first of these three visits, Dublin staff had assembled a table of discussion points related to the BSD, and Clarion reviewed that table with staff. In addition, on November 29, 2016 Clarion Associates interviewed four teams of developers representing different projects and properties within the Bridge Street District. Generally each group was asked to comment on their experience with the BSD code and review process, challenges working with the code, how the standards in the code affect their particular project, and how to make the code more user-friendly.

The comments from these meetings and interviews are organized into five broad themes: building design standards, development standards, application of standards to existing buildings, review procedures, and other comments. This memorandum documents what we heard during our meetings and does not necessarily endorse the accuracy of the comments. Following this memorandum, Clarion Associates will prepare its independent review of the BSD Code in light of experience in other communities. All of this information will be used to guide our recommendations for phase three updates of the BSD code.

1. Building Design Standards – Lack Flexibility and Create Monotony

- The code is very prescriptive and lacks flexibility to address buildings designed for specific use types, such as civic buildings. Some building design standards do not work well for all types of buildings. For instance, the required number of doors and their spacing do not work for buildings that require controlled access points. High transparency at the ground floor is not appropriate for all residential buildings.

- The design detail for buildings is challenging because it lacks flexibility. Examples include:

    o Materials are restricted to glass, stone, and masonry. Stone is prohibitively expensive to be used on all facades of a building. There needs to be flexibility and creativity in the materials allowed and some reasonable process to accommodate new materials and technologies.

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- o Standards for window treatments need to acknowledge and embrace new technologies (vinyl and flush windows).
- o Requirements for stoops and the first floor to be elevated above grade are problematic when grading sites and may be a violation of ADA.
- o The required number of doors is too high. Doors are being added to buildings that do not make sense in the field (especially where there are grade changes) and are being closed off by tenants.

- The building design standards, particularly vertical requirements and horizontal articulation, when applied to larger buildings and to a series of buildings, can create a monotonous street appearance.

- Different requirements for transparency at the ground level are needed for different types of buildings. Buildings that are 100 percent residential need less transparency at the ground floor than buildings that have commercial uses at the ground floor.

- The requirement to treat all sides of the building façade the same as the primary façade is costly and may not be appropriate if a building side wall will ultimately be hidden by another building.

- The regulations do not recognize the economics of integrating structured parking into the primary building. Parking garages as depicted in the code are not possible because of the density needed to make parking within the building economically feasible to the developer.

- The design standards for parking garages are reasonable but Planning Commission and City Council demand a higher standard, making review of parking garages a subjective process.

- The code sets up a good framework but the building design standards are too rigid and do not allow new or different architectural styles that also achieve the intent of the regulations for buildings to address the street and be high quality.

- Some of the current BSD code building design standards should be moved to an advisory BSD Design Guideline document, which would be reviewed and compliance with the intent determined by the ART or Planning Commission (depending on the type of application involved). Standards to be considered for removal as standards and inclusion in the Design Guideline document include those related to (1) building materials (within parameters established in the BSD code), and transparency (particularly for non-retail buildings), (2) required doors, (3) required elevation of residential uses above grade, (4) screening materials, (5) civic space types, (6) amount of open space required (which may be too high), and (7) walkability standards. The Design Guideline document should address blank wall treatments, and could incorporate the new BSD Sign Guidelines. The Ohio building code limits the use of masonry as an exterior material above a defined height for some types of construction.

- Principal building entryway standards should be revisited. In some cases grade changes mean that the primary functional pedestrian entrance is not located on the primary façade. Perhaps require a pedestrian entrance on the primary façade but allow others (which may be the primary access) on other facades. It is not always clear what is required to satisfy this standard as written.

- Balcony standards (6 feet deep/5 feet wide) may need to be reversed, or a range or ratio, or a minimum size without dimensions, could be used instead. Different (and perhaps larger) minimum dimensions may be needed if the balcony is to count towards required open space.

- Building frontage standards may need to be revisited to address multiple buildings (which could be of different building types) on a single property. In general, applicability of some standards to single lots with multiple buildings needs to be considered.

- Parapet roof standards needs to be reconsidered and may belong in the Building Design standards. They are not working well as a proxy for mechanical screening; variations in height sometimes result in height less than two feet that fails to wrap around the sides, limiting its screening function.

- Tower standards should be revisited to relax the "width shall not exceed the height" requirement, since that limits their usability as roof accessways. There are better ways to ensure that a "tower" does not become an extra floor beyond the permitted height. Perhaps delete the standards, or apply them only to occupied towers, or exclude elevator shafts and stairwells, or apply only to towers in specific locations.

- Façade transparency standards probably need to be tailored based on the use inside and the type of space it faces (open space vs. parking court vs. storage/service area) – particularly when it is a residential use. In addition, standards for non-street façade transparency may be too high – particularly when that façade may in the future be blocked by another building with little or no pedestrian circulation between the two.

- Prohibition on vents, air conditioners, and other utility elements on street-facing building facades has proven difficult, especially when buildings front on more than one street. The applicability of the standard may need to be limited, or minor features (e.g. dryer vents) exempted, or some design/screening standards added to allow the feature while decreasing its visual impact.

- Transparency and blank wall standards are difficult to apply to parking structures. Blank wall limit of 15 feet may be too strict, and the definition of what is a blank wall needs to be clarified. Multiple amendments to these standards may have resulted in the original intent being lost. Building entrance requirements assume that liner buildings are being used, when in some cases they are not.

- Current façade standards in general require applicants to spend a lot of time measuring different dimensions and asking staff questions about the measurement, and then require significant staff time to confirm those measurements on the application.

- Standards related to building types, heights, form, massing, and parameters for building materials should remain in the BSD Code.

- Existing BSD Code standards should be reviewed, some new building types may be required, taller minimum heights should be considered for some streets, and tools to encourage more building variety in large projects should be considered.

- The VMU standards are unused and could be removed

2. Development Standards – Most Seem to Work/Some Inhibit Good Design

- Unique sites will require a lot of variances/waivers. This may inhibit unique or difficult sites from redeveloping.

- While the parking requirements are about right overall, and better than those applicable elsewhere in Dublin, the standards for bicycle parking are too high. In some cases, the maximum parking allowed for some larger uses should be reviewed and exceptions to the maximums considered for specific uses in return for public benefits such as car charging facilities, van/car pool spaces, or pervious pavers).

- Bicycle parking requirements should be revisited to clarify when nearby available bike parking facilities can be counted towards these standards (e.g. perhaps count available spaces within a state distance of the building), and to address bike/sharing facilities (e.g. does hosting a shared bicycle facility reduce or eliminate the need to provide on-site bicycle parking).

- The open space requirements are too high and very difficult to calculate. The living areas of some innovative residential units could be smaller than the required open space per dwelling unit. One option is to keep the numerical requirement as it currently exists but allow more options to satisfy the requirement. This may require the creation of new standards to determine when optional/alternative forms of open space "count" towards the requirements.

- The size requirements for open space areas are too prescriptive and do not account for medium-sized open spaces. For example, open space that is sized between a pocket plaza (up 1,200 square

feet) and a pocket park (0.10 acre to 0.50 acre) are not provided for in the code. It is unclear if an open space falling in this gap is counted toward meeting the open space requirements.

- BSD code should incent or require that required open spaces be publicly accessible to the greatest extent permitted by law.

- Stormwater management is required for each individual parcel and there is little latitude to design a single stormwater management system for a development project.

- The standards for parking lot landscaping are too high and too difficult to calculate, and there is no credit for maintaining mature, healthy landscaping. The BSD code should encourage existing trees to be retained by counting them in the calculations for meeting landscaping requirements.

- Building foundation landscaping requirements could be made more flexible – just a requirement that foundation planting beds be filled with plant materials, rather than specific dimensions and planting patterns.

- The public street standards are very expensive, but this not unique to the Bridge Street District in Dublin. Any revisions to street standards should involve the Engineering staff.

- The requirement for an uninterrupted travel path (12 foot width) along a sidewalk results in an excessive distance from the street to a building façade. This is exacerbated where buildings have an area for outdoor seating, which requires additional width.

- Private streets are required to be designed to public street standards. There needs to be more latitude in the design of private streets.

- The neighborhood place-making standards are useful and should be retained, but the sign content should be removed (i.e. standard sign regulations should apply). The intended character of the four neighborhood areas should be addressed in more detail – either in the BSD Code or in the BSD Design Guidelines document.

- The permitted use table is working pretty well, but should be reviewed to identify any missing uses or those that are unlikely to occur in the BSD. Review the table to ensure that it addresses specialty food production, industrial design, artisan industrial, and local alcohol production facilities. Consider addressing food trucks as a temporary use for a limited time when located on private property. Broaden the commercial use definitions to address non-traditional uses.

- Screening requirements for rooftop mechanicals should be separated from building form requirements, and standards for ground mounted equipment need to be strengthened.

- Consider integrating or adding a public art requirement for larger developments.

3. *Existing Buildings – Not All Standards Should Apply*

- It appears that some/many of the BSD standards were drafted to apply to new buildings that would implement the BSD plan, and not to existing buildings that are being modified, expanded, remodeled, re-tenanted, or repurposed without the construction of a new building. Applicability of each standard to modifications and expansions of existing buildings should be clarified. It may be useful to look at Columbus' Urban Commercial Overlay.

- The requirement to upgrade all sides of an existing building to meet BSD code standards when upgrading/changing the front of the building is too onerous. Clients are deciding not to upgrade facades for fear of triggering other requirements to add features to the sides and rear of a building when that is not necessary.

- There needs to be more flexibility in the application of code standards for the location of parking areas to existing buildings/shopping centers. Reducing parking (or prohibiting expansion of parking) in the front of the building is a disincentive to attracting tenants, such as restaurants.

- There needs to be more flexibility to reconfigure existing shopping centers. The potential for adding buildings may be constrained by standards requiring parking behind existing buildings.

- Existing infrastructure serving and within an existing building/shopping center needs to be considered in required block and street layouts. The current BSD code and plan depictions of the street network do not reflect existing conditions or costs to relocate infrastructure.

- Block sizes and lengths depicted in the current code do not allow flexibility to accommodate unique buildings or site designs.

- The code standards for parking lot edge landscaping are lower than the existing standards – which has led to (lower) urban landscaping standards being applied to more suburban building forms that would otherwise have to meet (higher, non-BSD) landscaping standards. Existing trees cannot be removed. A menu approach to landscaping would allow a mix of trees and other lower scale plantings to avoid blocking visibility from the street into a shopping center.

- Greater flexibility for additions and improvements to existing buildings is needed, e.g., allow an addition of up to 50 percent of an existing building to be exempt from BSD code standards. More building changes/improvements should be allowed as minor modifications through an administrative review.

- BSD sign standards do not accommodate the unique conditions of existing buildings. Examples of include failure to adjust size and location standards based on the distance of the building from the street and the size of the tenant space.

- The sign standards for LED signs result in very small signs for small tenants, but generally work well in that context. However, the size allowances for spaces for larger tenants are too small and don't work well for properties that are far from the street.

- Too many ground signs are allowed and the allowed number and types of wall sign standards are too small for buildings that are far from the street. Two ground and two wall signs would work better than what is currently allowed.

- There are no design standards for signs and little guidance on what type of design will be approved. Approval is subjective and based on signs being "more creative" and "we'll know it when we see it". (The commenter may not be aware of the existence or use of the new BSD sign guidelines).

4. Review Process – Too Long and Too Much Detail

- The review process is time consuming and has too many steps. The amount of time it takes to go through the review process is drawn-out. The level of design and documentation effort required prior to submitting a formal application is too detailed.

- There is no opportunity for review of a conceptual/preliminary plan before doing detailed design.

- There are too many pre-submittal reviews. Reviews by the ART, Planning Commission, and City Council add time, cost and often result in conflicting feedback.

- A better process would acknowledge that the Planning Commission and City Council will need to be involved in approval of detailed designs, but should not require pre-submission reviews by all three bodies.

- The Planning Commission review could be structured as a two-step process – an informal discussion based on conceptual drawings that do not include final design details, followed by a form review based on compliance with BSD code standards and informed by BSD guidelines. At the applicant's option, the second step (formal review) could be divided into a preliminary review and then a review of final design documents (and the City should probably be able to require that two-step formal review process for large and complex projects.

- The level of detail, analysis, and calculations (e.g., open space) required for the submittal is equivalent of construction-level drawings. Full design and construction drawings should only be required for the final step (not for conceptual or preliminary formal reviews).

- The BSD code should make clear that "substantial" compliance is required, not complete compliance with each standard.

- The process is very costly. Revisions to the pre-submittal package take additional time, are an added cost to the development process, and generate significant paperwork (much of it unnecessary).

- Staff is very accessible throughout the review process and provides good guidance on required waivers. However, staff appears to think that forwarding an application with significant numbers of waivers is undesirable and applicants are encouraged to reduce the number of waivers requested to simplify the review for Planning Commission and City Council. This may be changing as staff becomes more familiar with the code and review bodies appear to accept waivers as part of the process.

- The number and level of detail in some substantive standards should be reduced, so that substantial compliance is easier, up-front costs are reduced, and the number of required waivers is reduced.

- Waivers must be identified during the pre-submittal phase, which requires a detailed project and site plan in order to identify all waivers required. There need to be fewer requirements for, and less attention to, detail early in the process and more administrative waiver authority to handle issues that emerge during detailed design and construction.

- Most waivers should not go to Planning Commission. Waivers to technical standards can be reviewed and approved at staff level.

- Building design should be reviewed by an Architectural Review Board rather than Planning Commission and City Council.

- The timeframes for review are too rigid and too prolonged. A very long lead time (one – two months) is required for preparation of staff reports. No changes or supplements to the documents/drawings submitted are allowed within one month of the hearing. Everything has to be perfect for the plans to move forward to Planning Commission and City Council, even though experience shows that changes to building and development details are likely during that review.

- The time for preparation of staff reports could be shorter if the "checklist" of mandatory standards to be met by each application was shorter and some of the design content could be left for discussion by the Planning Commission.

- Dublin should consider allowing more minor amendments to approvals to be processed administratively, and the line between minor amendments (approved administratively) and major amendments (approved by Planning Commission or City Council) should be clearly defined.

- The City should consider a process in which the Director or ART could "kick up" an administrative decision to the Planning Commission if they believe it will have material impacts that require public comment and Planning Commission consideration.

- The role of ART in different types of applications should be reviewed in light of revised roles for the Planning Commission; current requirement for ART involvement in almost all applications lengthens application review times.

- Current timeframes for review are long and result in many requests for waivers for time extensions. Timeframes should be revisited after changes to technical standards have been finalized.

5. Other Comments

- The existing zoning does not support the BSD plan and properties need to go through a rezoning process to implement the plan.

- Bridge Street from I-270 to the historic district is a strip commercial area and may need to be defined differently than depicted in the graphics in the BSD code, and may need to have modified standards from those applied elsewhere in the BSD.

- Land needs to be assembled to achieve the BSD plan vision and meet the requirements of the code.

- It is unclear how sustainability is incorporated into the BSD code. Requirements that address sustainability through site lighting, landscaping, mobility, etc., should be integrated in the code.

- Some existing definitions need to be revised for clarity, and others needed to be added.

- Consider whether additional lighting standards are needed in light of Dark Skies initiatives.