City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: June 8, 2015

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Proposed D5: Downtown Gateway District

The owners of the 555 S. Old Woodward building are interested in renovating the existing building, and adding new residential units along S. Old Woodward, as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The Building Official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances are obtained from the Board of Zoning Appeals.

To address this situation, the owners of the 555 S. Old Woodward building are requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. The proposal is then to seek rezoning of the 555 S. Old Woodward properties from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building at 555 S. Old Woodward as a legal, conforming building that could then be renovated and expanded.

On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway (Over Five Stories) zoning classification in the Downtown Birmingham Overlay District. Planning Board members discussed the desire to review the proposed amendment within the spirit, vision and context of the entire downtown, and not to create a new zoning classification around a specific building. The Planning Board did, however, recognize the importance of the 555 S. Old Woodward building and the need to allow renovations and additions to improve its presence at the south end of Downtown Birmingham. Specific concerns raised regarding the existing 555 S. Old Woodward building were the unwelcome facades of the Woodward elevation, the split level concept on the S. Old Woodward elevation, and the exposed structured parking.

Please see attached the latest staff memo and ordinance language that will be discussed by the Planning Board at their meeting on June 10, 2015, along with relevant information to assist with the context of the discussion. The upcoming joint City Commission and Planning Board meeting will be an excellent opportunity to discuss the proposed creation of a new Downtown Overlay zoning classification and its potential applicability to other sites in Downtown Birmingham.

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development Department

DATE: **June 4, 2015**

TO: **Planning Board Members**

FROM: **Jana L. Ecker, Planning Director**

SUBJECT: **Study Session on Proposed D5: Downtown Gateway District**

Please find attached an application received by the Planning Division from the owners of the 555 S. Old Woodward building to request an amendment to the Zoning Ordinance to create a new D5 zoning classification to the Downtown Birmingham Overlay District.

The owners of the 555 S. Old Woodward building are interested in renovating the existing building, and adding new residential units along S. Old Woodward, as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The Building Official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances were approved.

Accordingly, the applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of proposed ordinance language with City staff. On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D5: Downtown Gateway (Over Five Stories) zoning classification in the Downtown Birmingham Overlay District.

Please find attached proposed ordinance language to amend Article 3, section 3.01, 3.02 and 3.04 of the Birmingham Zoning Ordinance for the Planning Board to review and consider. All changes proposed by the applicant are noted in **bold text** (new language) and ~~strike through text~~ (existing language to be removed). Please note the text highlighted in pink as sections recommended for detailed review and discussion by the Planning Board.

Suggested Action:

To conduct another study session on the proposed D5 zone district at the July 8, 2015 meeting of the Planning Board;

OR

To set a public hearing to consider amendments to Article 3, section 3.01, 3.02 and 3.04 of the Zoning Ordinance on **July 8, 2015**.

ORDINANCE NO._____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 03, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTIONS 3.01 TO 3.04, TO CREATE A NEW D5: DOWNTOWN GATEWAY DISTRICT, AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS DISTRICT.

Article 03 shall be amended as follows:

Section 3.01 Purpose

The purposes of the Downtown Birmingham Overlay District are to:

A. Encourage and direct development within the boundaries of the Downtown Birmingham Overlay District and implement the Downtown Birmingham 2016 Plan;

B. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the Downtown Birmingham 2016 Plan;

C. Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and

D. Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.

E. Establish a gateway overlay zone to enhance and implement the master plan concept and desired character of Birmingham's gateways as stated in the Downtown Birmingham 2016 Plan, as has been applied and updated.

Section 3.02 Applicability

A. The Downtown Birmingham Overlay District shall be an overlay district that applies over the existing zoning districts.

B. Use and development of land within the Downtown Birmingham Overlay District shall be regulated as follows:

1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Downtown Birmingham Overlay District.
2. Where the usage within an existing building is proposed to be expanded by more than 50% of the existing size, the new use shall be subject to the building use standards of the Downtown Birmingham Over- lay District to the maximum extent practical, as determined by the Planning Board.
3. Any expansion to an existing building that expands the area of the building by more than 40% of the existing building area shall subject the entire building to the requirements of the Downtown Birmingham Overlay District and shall be brought into compliance with the requirements of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
4. Where a new building is proposed, the use and site shall be subject to the requirements of the Downtown Birmingham Overlay District.

C. Development applications within the Downtown Birmingham Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in Article 7.

D. A Downtown Birmingham Overlay District Regulating Plan has been adopted that divides the Downtown Birmingham Overlay District into zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height and use as follows:

D2: Downtown Two or Three Stories
D3: Downtown Three or Four Stories
D4: Downtown Four or Five Stories
D5: Downtown Gateway Over Five Stories
C: Community Use
P: Parking

Section 3.03 General Standards

A. The design of buildings and sites shall be regulated by the provisions of the Downtown Birmingham Overlay District.

B. Section 3.01 to Section 3.04 shall govern the design of all privately owned land within the Downtown Birmingham Overlay District.

C. The provisions of the Downtown Birmingham Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.

D. The provisions of the Downtown Birmingham Overlay District shall specifically supersede the floor-area- ratio, maximum height, band minimum setback regulations contained in each two-page layout in Article 2 of the Zoning Ordinance.

E. The provisions of the building and building regulations Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of

the Birmingham City Code, when in conflict with the Downtown Birmingham Overlay District, shall take precedence.

F. The design of community buildings and improvements shall not be subject to the specific standards of this article, but shall be subject to design review by the Planning Board.

G. Locations designated on the Regulating Plan for new **public** parking garages and civic buildings shall be reserved for such development.

Section 3.04 Specific Standards

A. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:

1. D2 Zone (two or three stories):
   a. Eave line for sloped roofs shall be no more than 34 feet.
   b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
   c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
   d. A third story is permitted if it is used only for residential.
   e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
   f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
   g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.
2. D3 Zone (three or four stories):
   a. Eave line for sloped roofs shall be no more than 46 feet.
   b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
   c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
   d. A fourth story is permitted if it is used only for residential.
   e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
   f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
   g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a mini- mum eave height of 20 feet.
3. D4 Zone (four or five stories):
   a. Eave line shall be no more than 58 feet.

b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
d. The fifth story is permitted if it is used only for residential.
e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

4. D5 Zone (over 5 stories)

a. Eave line or roof height of any flat roof building shall be no more than 168 feet as measured to the average grade.

b. Peak or ridge of any sloped roof shall be no more than 180 feet as measured to the above average grade.

c. Maximum overall height including mechanical and other equipment shall be no more than 180 feet.

d. All buildings should be designed harmoniously with adjacent structures in the D5 Zone in terms of mass, scale and proportion to the best extent possible.

~~4.~~**5** C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.

~~5.~~**6.** Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling**, except this subsection 3.04 (A)(6) shall not apply to those renovations to existing buildings in a D5 Zone that do not have stories existing at the sidewalk level**. The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.

~~6.~~**7.**A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning**, except this subsection shall not apply to those renovations to existing buildings in a D5 Zone that do not have a transition line that will facilitate an awning**.

~~7.~~**8**The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.

B. Building placement. Buildings and their elements shall be placed on lots as follows:

1. Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building**, except this subsection shall not apply to renovations to any existing building in the D5 Zone where the placement of the building shall not be relocated by the proposed renovations**.
2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screen- walls may be a continuous, maintained evergreen hedge or metal fencing. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.
3. Side setbacks shall not be required.
4. A minimum of 10 foot rear yard setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building. **This subsection 3.04(B)(4) shall not apply to renovations to existing buildings in a D5 Zone where the rear property line abuts a street and the placement of the building shall not be relocated by the proposed renovations.**
5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.
7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street. **This section shall not apply where a building faces more than one public street, loading docks, service areas and access doors shall not face the front property line that faces the public street designated as the address of the building.**
8. All buildings shall have their principal pedestrian entrance **facing the** ~~on a~~ frontage line.

C. Building use. Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:
   1. Uses shall be limited to those allowed in each underlying zoning district, unless otherwise specifically provided for herein.
   2. The following uses and conditions are prohibited:
      a. Automatic food and drink vending machines outdoors;

b. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services**, except for the D5 Zone where drive-in banks are permitted on the Woodward Avenue frontage**;

c. Outdoor advertising.

3. Community uses (C).
4. Those sites designated as parking uses (P) on the Regulating Plan shall be premises used primarily for parking, except retail frontages shall be encouraged at the first floor level.
5. Those sites designated D2 Zone, D3 Zone, ~~or~~ D4 Zone**, or D5 Zones** on the Regulating Plan may be used for any commercial, office or residential use as allowed in the underlying zoning district. Upper story uses may be commercial, office or residential, provided that no commercial or office use shall be located on a story above a residential use.
6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the front~~age~~ **façade** line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail front- age, provided that any such lobby occupies no more than 50% of the frontage of said building. **This subsection 3.04 (C)(6) shall not apply to existing buildings in a D5 Zone where retail does not exist at the front façade line.**
7. Retail, office or residential uses are required to have minimum depth of 20 feet from the frontage line on all stories. The remaining depth may be used for off-street parking. Parking access on a frontage line shall be an opening a maximum of 25 feet wide. Openings for parking garage access shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent streetscape.
8. In any D2 Zone, D3 Zone, or D4 Zone, the first floor shall consist of retail with a minimum depth of 20 feet from the frontage line where designated on the Regulating Plan as a retail frontage line in conformance with Section 3.04(C)(5) and Section 3.04(C)(6).
9. Office use is limited to one story, except:
   a. In any D3 Zone or D4 Zone, a two-story building dedicated to office use is permissible; ~~and~~
   b. In a D4 Zone, two stories may be dedicated to office use when the Planning Board permits a fifth story**; and**
   c. In a D5 Zone, a maximum of 3 stories may be dedicated to office use.
10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:
    a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
    b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
    c. No dance area is provided;
    d. Only low key entertainment is permitted;

e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;

f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height**. Except in a D5 Zone, this subsection 3.04(C)(10)(f) shall apply only to the building façade facing the front property line for the building, and the 1 foot and 8 foot in height regulation shall not apply to other facades of the building that are not facing the front property line that is adjacent to the public street designated as the address of the building**.

g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and

h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this pur- pose given parking and traffic conditions.

11. Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development, are permitted with a valid Special Land Use Permit only on those parcels on Woodward Avenue identified on Exhibit 1; Appendix C. ~~**and in a D5 Zone.**~~

D. Parking requirements.

1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building.
3. For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.
4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.
5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and the frontage line**, except in a D5 Zone this section 3.04(D)(5) shall only apply to the building façade facing the front property line that is adjacent to the public street designated as the address of the building**.

6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

E. Architectural standards. All buildings shall be subject to the following physical requirements:

1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, **pre-cast or cast in place concrete,** coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.
2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area **within the same Downtown Overlay zone**, although the trim may be of a contrasting color.
3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to **a minimum of** 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
7. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface.
8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
9. Sliding doors and sliding windows are prohibited along frontage lines**, except for residential uses in a D5 Zone above street level**.
10. ~~(Reserved for future use.)~~ **Notwithstanding any regulations set forth in the foregoing subsections, subsections 3.04(E)(3), (5), (6) and (7), in their entirety, do not apply to the existing buildings in a D5 Zone.**
11. Cantilevered mansard roofs are prohibited.
12. Balconies, railings, and porch structures shall be metal, wood, **glass,** cast **in place or preformed** concrete, or stone.
13. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.
14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be prohibited.
15. Any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.

16. Flat roofs shall be enclosed by parapets. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way in accordance with the regulations set forth in Section 4.16, Section 4.18, and Section 4.53.

F. Signage Standards. Signage, when provided, shall be as follows:

1. Building Sign Design Plan: For all newly constructed or exterior renovated buildings, an overall building sign design plan shall be approved by the appropriate reviewing body.
2. Design: Signage shall be integrally designed and painted with the storefront.
3. Address Numbers: Address numbers shall be a maximum of 8 inches in vertical dimension.
4. Sign Band:
   a. General: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.
   b. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building whose principal square footage is on the first floor. **Except in a D5 Zone where an existing building has retail below grade level, the sign band shall exist either between the below grade level and the next story above the below grade level, and/or above the first story that is above grade.**
   c. Lowercase letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 50% will not be calculated into total sign area.
   d. Each business whose principal square footage is on the first story, may have one sign per entry. **Except in a D5 Zone where an existing building has retail below grade level, each business whose principal square footage is on either a below grade level or the first floor may have one sign per entry.**
   e. Where the Historic District Commission, Design Review Board or Planning Board has determined that a horizontal sign band is not architecturally feasible based on building design, an alternative design will be considered, provided the following conditions are met:
      i. The sign must fit within the total sign area allowed for the business;
      ii. The sign must be compatible with the building's street design and will enhance the streetscape.
      iii. The sign adheres to the goals of the 2016 Plan.
5. Building Identification:
   a. **In a D5 Zone, lighted building identification signs may be placed on all sides of the building. The following sections 3.04 (F)(5)(c), (d) and (e) do not apply to buildings in a D5 Zone.**

      ~~a.~~**b.** Signage identifying the entire structure by a building name may be permitted on the sign band.

      ~~b.~~**c.** One sign will be allowed on the principal building frontage.

~~c.~~**d** Two identical signs will be allowed on each elevation of a corner building.

~~d.~~**e** Non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor provided the following conditions apply:

i. The building must be located on Woodward;
ii. A tenant name must have legal naming rights to the building;
iii. The sign must located on the top floor; and
iv. Only one Building Identification sign may be located on the principal building frontage.

6. Tenant Directory Sign: A directory sign may be comprised of individual nameplates no larger than one square foot each, or a changeable copy board for characters not exceeding one inch in height.
7. Additional Signs: Additional pedestrian signs for first floor tenants shall meet the following requirements:
    a. These signs shall be attached to a building perpendicular to the facade, and extend up to 4 feet from the facade.
    b. These signs shall be a maximum of 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
    c. There may be one (1) individual pedestrian sign for each business located on the first floor, provided that such signs are spaced no less than 20 feet apart horizontally; this shall not deny any first floor place of business at least one projecting sign.
8. Glass: The storefront glass may be stenciled with signage not to exceed 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
9. First Floor Awning: The valance shall not be more than 9 inches in height. The valance of an awning may be stenciled with signage totaling no more than 33% of the valance area.
10. Lighting:
    a. General: External signs shall not be internally illuminated, but may be back lit or externally lit.
    b. Woodward Avenue Address: External signs may be internally illuminated.

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stuart Lee Sherman, Mayor

_____
Laura Pierce, City Clerk

DRAFT Planning Board Minutes
May 13, 2015

STUDY SESSION
Proposal to add D-5: Downtown Gateway Over Five Stories to the Downtown Birmingham Overlay District

Ms. Ecker advised that the Planning Division has received an application from the owners of the 555 S. Old Woodward building to request an amendment to the Zoning Ordinance to create a new D-5 zoning classification to the Downtown Birmingham Overlay District.

The building owners are interested in renovating the existing buildings and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The building official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances were approved. Therefore, the petitioner feels their hands have been tied in terms of making exterior and structural improvements to the building.

Accordingly, the applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of the proposed ordinance language with City staff.

Proposed ordinance language to amend Article 3, section 3.01, 3.02 and 3.04 of the Birmingham Zoning Ordinance was presented for the Planning Board to review and consider.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for the petitioner, was present with a representative of the owner, Mr. Jerry Reinhart; the architect, Mr. Bob Ziegelman; and a landscaper from his office. Mr. Rattner gave a presentation aimed at convincing the Planning Board why the petitioner would like to see the changes made and why it would work in this particular location. Their primary goal is to get the building zoned so that it comes into compliance. They want to do a building that is an icon in the City of Birmingham and a great gateway to the City, along with being completely in line with the 2016 Plan. Included in the presentation was a video depicting Andres Duany's comments when he came to the City in 2014. He stated it is a special building that requires special treatment and it could become incredibly exciting and really cool.

Mr. Koseck said they have not seen a site plan showing the footprint relative to property lines, along with the expansion opportunity. The building needs to be seen in its context. He received confirmation that the tall building is apartments and the other building contains office space. Ms. Ecker said the way this ordinance is written the commercial side could potentially go up an equivalent height to the apartment side.

Mr. DeWeese thought it would be appropriate for the board to think through, if they were going to allow a building of that scale, what they would want there that fits the spirit and essence of the rest of Downtown. He knows that the back side is not inviting at all from the Woodward

Ave. side and the front side is not pedestrian oriented the way it is set up. The lower levels could be made more friendly and the parking garage covered up.

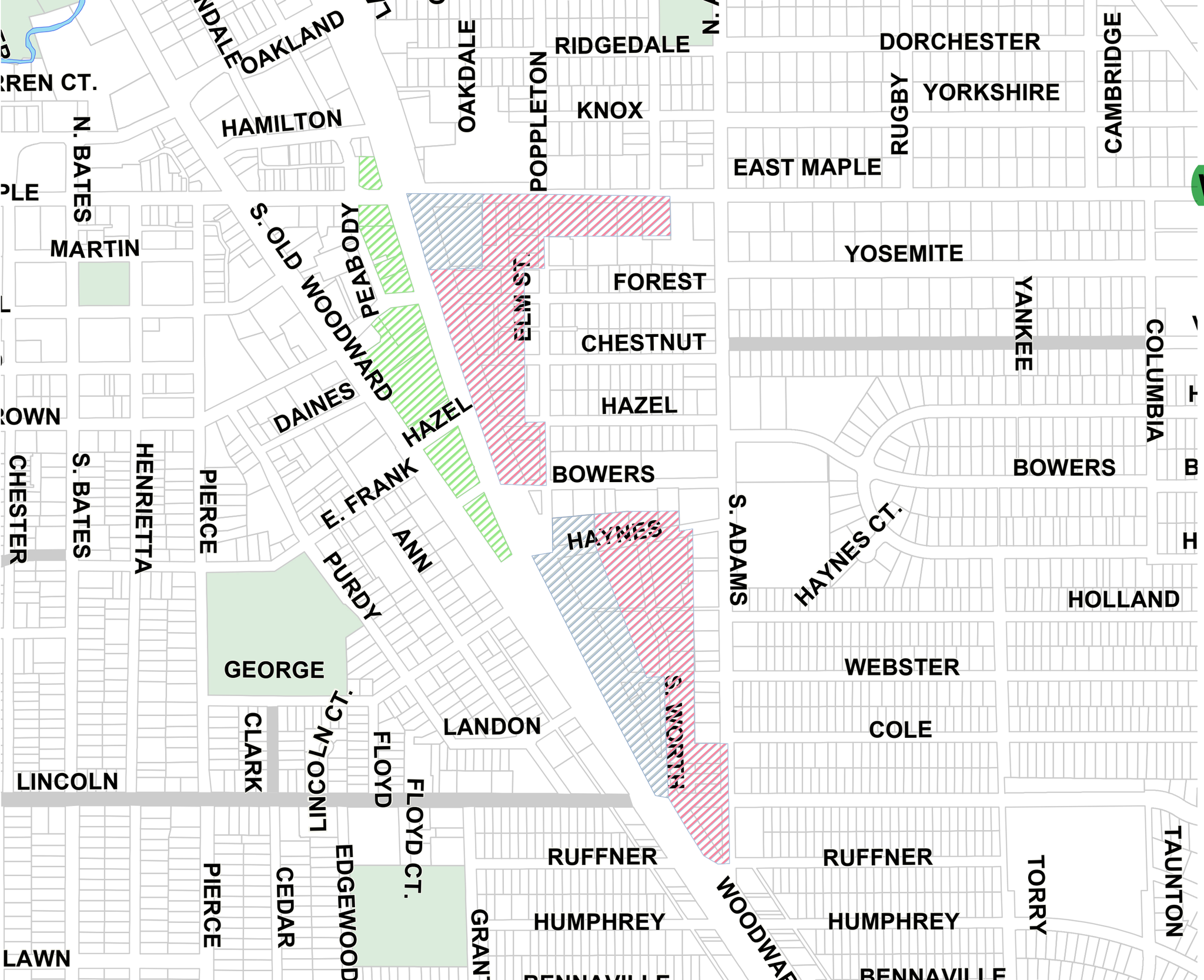
Chairman Clein felt the board should look at the proposed ordinance and decide whether creating a D-5 Zone makes sense. Mr. Williams considered this an iconic structure that is long overdue for attention. The Planning Board has almost totally ignored the south end of town, so let's start with this.

Mr. Koseck noted there are buildings being built today that look a lot like this. They have beautiful high tech glass and he knows what Duany is talking about in terms of lighting it so that it glows. Mr. Williams thought the only practical way to proceed with this study is to set up a sub-committee of this board to work with staff.

Chairman Clein suggested the next step would be to come back to a study session to allow the board to review and provide their input. It was discussed that the board should not create the language of the district around a specific project. Everyone agreed that another study session is in order so that the board can look at all of the implications of the request. June 10 would be the earliest.

Mr. Rattner said it is important to him to put together a package for Ms. Ecker as quickly as they can. Chairman Clein asked for a graphic of an existing site plan so the board knows what parcels are included and what are not. Context should be shown so it is clear what is around the site and how that plays into it. Mr. Koseck added it is about the existing footprint, the applicant's ownership limits, and context within 200 ft.

Mr. Williams stated this is an important building and the board will treat it accordingly.



City of Birmingham
A Walkable Community

Woodward Gateway
D-5 Zone

Legend

- Zoning allows 9 stories
- Zoning allows 7 stories
- Possible D-5 Zone

0 150 300 600 900 1,200 Feet

1 in = 422.818 feet

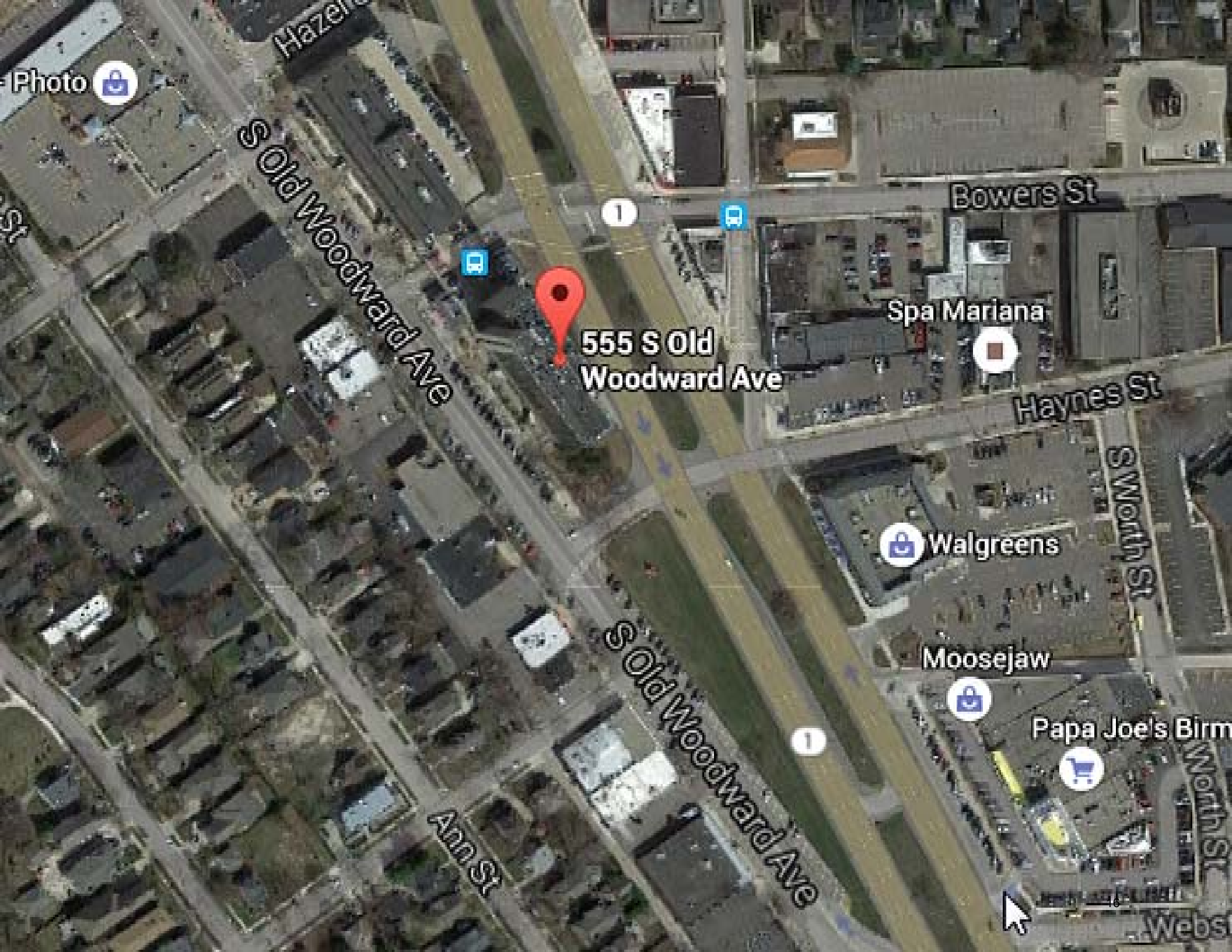


Photo
Hazel
S Old Woodward Ave
555 S Old
Woodward Ave
Bowers St
Spa Mariana
Haynes St
S Worth St
Walgreens
Moosejaw
Papa Joe's Birm
S Old Woodward Ave
Ann St
Worth St
Webst

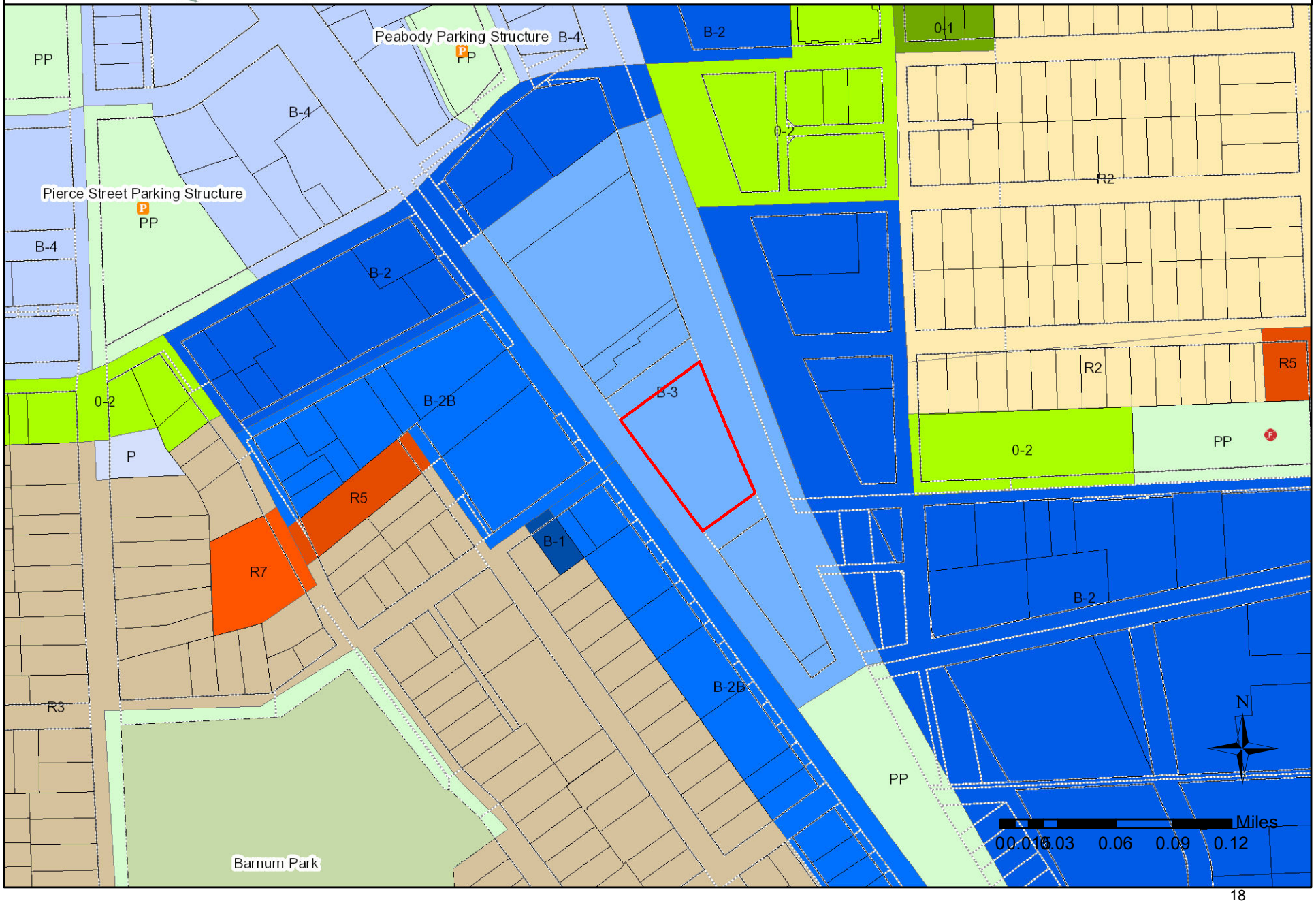
City of Birmingham
A Walkable Community

555 S. Old Woodward

City of Birmingham

A Walkable Community

City of Birmingham



SPECIFIC PROJECT 7: PIERCE STREET GARAGE

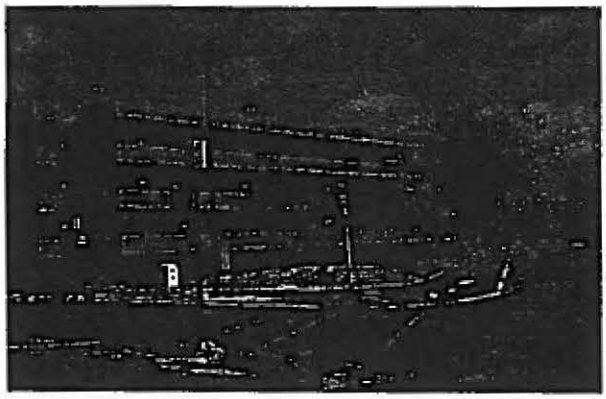
Finding: The Pierce Street Garage creates awkward, under-utilized residual spaces.

Discussion: Two of the residual spaces around the Pierce Street Garage are landscaped as mini-parks, which are redundant given the proximity of Shain Park. A third residual space is an unnecessarily large and duplicative access driveway system. Its three existing driveways could be consolidated into a single system passing underneath a new building. Each of the three residual spaces is large enough to contain an infill building (contiguous with the deck's walls), with first-floor retail and upper-floor apartments.

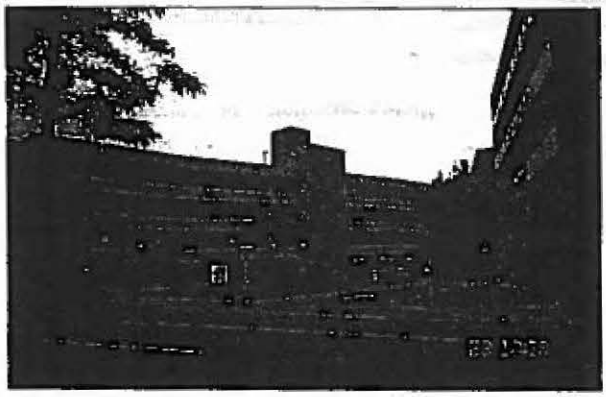
Recommendation: Sell or lease these three valuable parcels of urban land for development, thereby masking the deck and completing a retail loop. This specific project could create an ongoing source of revenue for the City.

References: This has never been done as a redevelopment project before.

- Appendices G – 1 and G – 8.
- Illus. 57, 58, and 59.



Illus. 57. Residual areas around the Pierce Street Garage are opportunities for installing liner buildings.

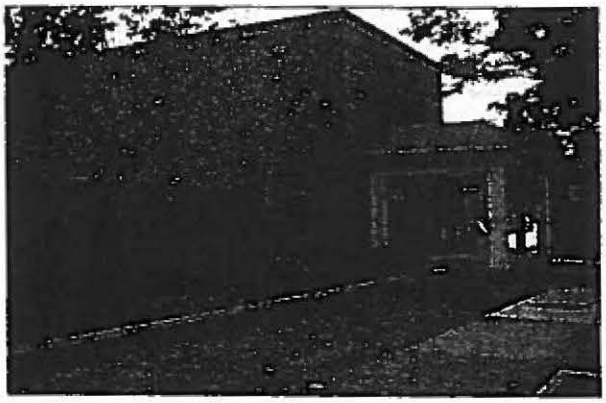


Illus. 58. There are gaps around the Pierce Street garage that commend themselves as excellent building sites.

SPECIFIC PROJECT 8: MAPLE GATEWAY

Finding: One of the main entrances to Birmingham's CBD is on Maple Road and Hunter Boulevard, which is currently flanked by two gasoline stations.

Discussion: As a site for a more urban building, the lot north of Maple is too small to contain its own on-site parking, but the Park Street Garage is near enough to fulfill the need. The site to the south is substantially larger. It is adequate, not only for a habitable building, but for a substantial parking deck. The portions of these sites' buildings which front Maple as a pair could form a significant gateway to downtown. Each building should be designed with reference to the other: they should share a similar height, massing and, as much as possible, architectural syntax.



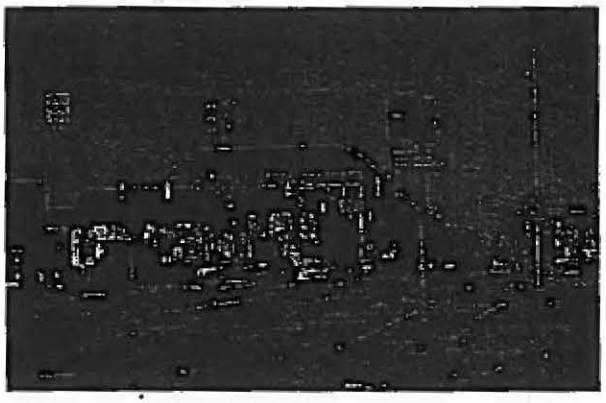
Illus. 59. This type of glass storefront may be used to mask the Pierce Street Garage, although a multi-story mixed-use building would do better.

Recommendation: The City should attempt to secure and hold the half-block circumscribed by Maple, Brownell, and Hunter, because it is the last block capable of containing a substantial parking deck for downtown expansion. This block and the block to the north (across Maple) should be carefully scrutinized at the time of their development. The City should encourage these developments to have reciprocal buildings, capable of forming a gateway to the CBD.

References: The procedures used to implement the previous generation of parking decks may be dusted off and analyzed for continued applicability.

Concerning the twin buildings proposed: they are so rare in the United States that, if Birmingham were to conjure up a pair like the ones illustrated, they may well become a regional or even a national landmark.

- Appendices G – 1, G – 9, G – 10, and G – 11.
- Illus. 60 and 61.



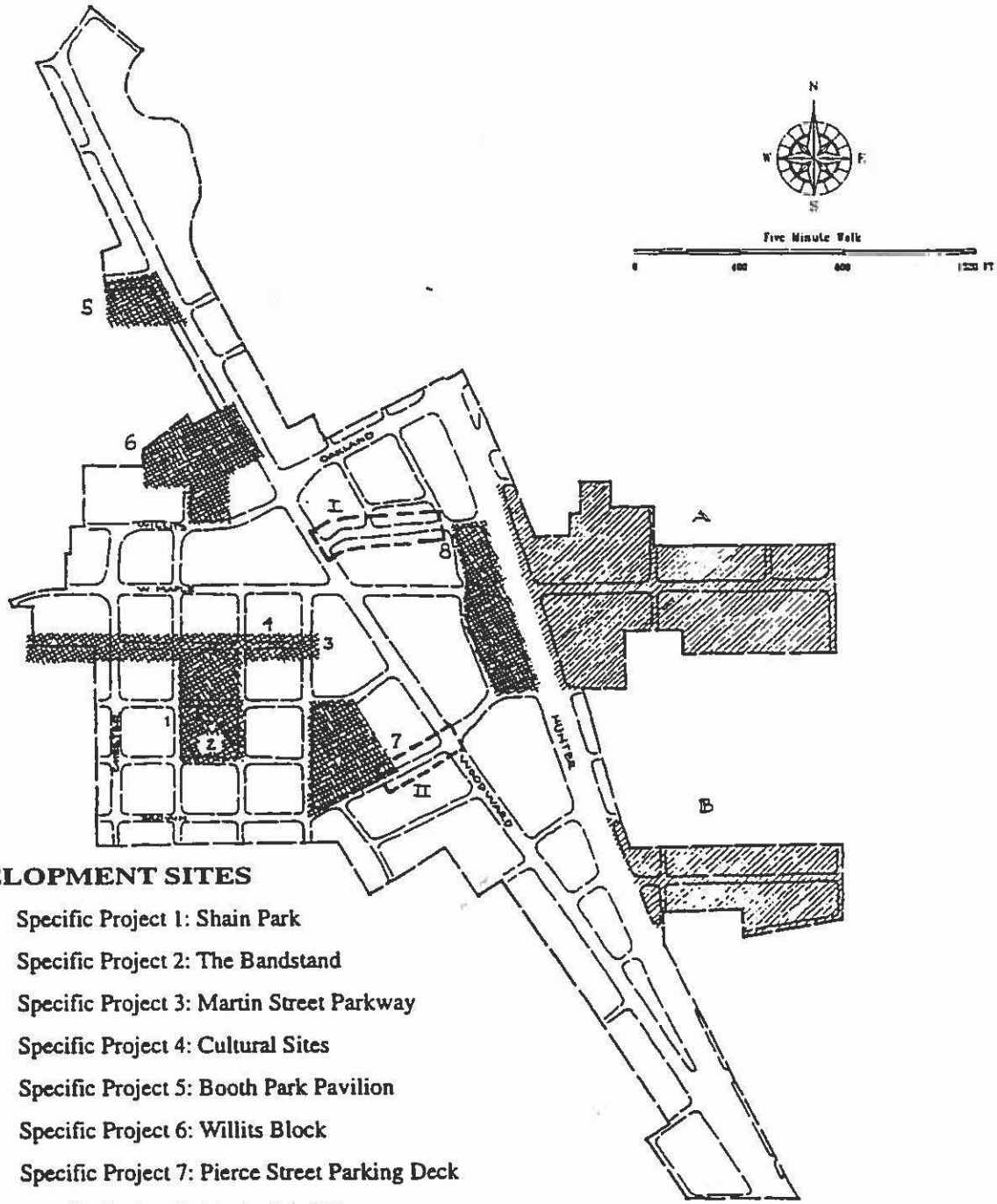
Illus. 60. The current Maple gateway to the CBD is a pair of gasoline stations.

Illus. 61. This pair of buildings replaces the pair of gasoline stations at Maple Road.

GENERAL AREA 1: EAST MAPLE

East Maple Road between Adams and Hunter is currently a motley thoroughfare, but has the potential of becoming a respectable commercial area. Now in transition, it has automotive businesses (gas station, car rental agency), outdated commercial buildings (Nos. 745, 690, 700, 746, 1025, and 975), houses halfheartedly converted to commercial use (Nos. 772, 887, and 915), and a few new, handsome, well-landscaped buildings (The Fidelity Bank, Hamilton Funeral Home, and The Eccentric Building). As can be expected from such variety, the existing frontages differ to the point of urban incoherence. They range from sidewalk build-to lines (about 40 percent) to landscaped front yards (about 20 percent) to strip-style parking lots (about 40 percent). This random, unpredictable mixture fails to create an aesthetic approach to downtown Birmingham, nor does it sustain its own commercial viability. Redevelopment is further complicated by the fact that the lots vary in depth and thus in parking capacity, and by the proximity of small houses at the rear of some lots. In the context of a 20-year Master Plan,

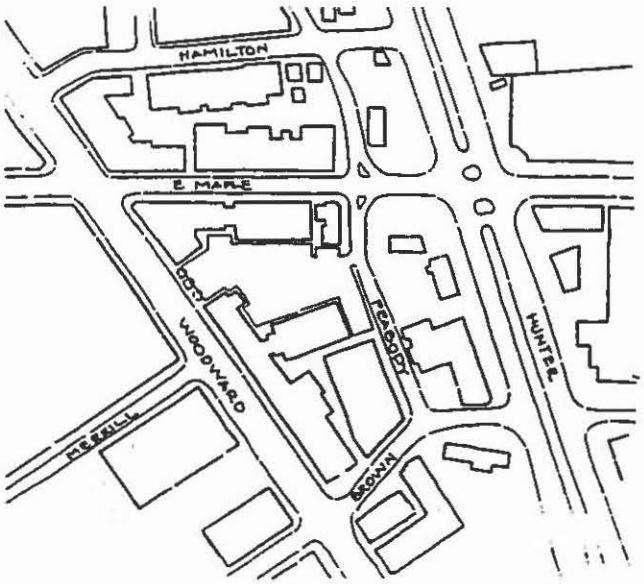
SPECIFIC PROJECTS 1 TO 8 AND GENERAL AREAS 1 & 2



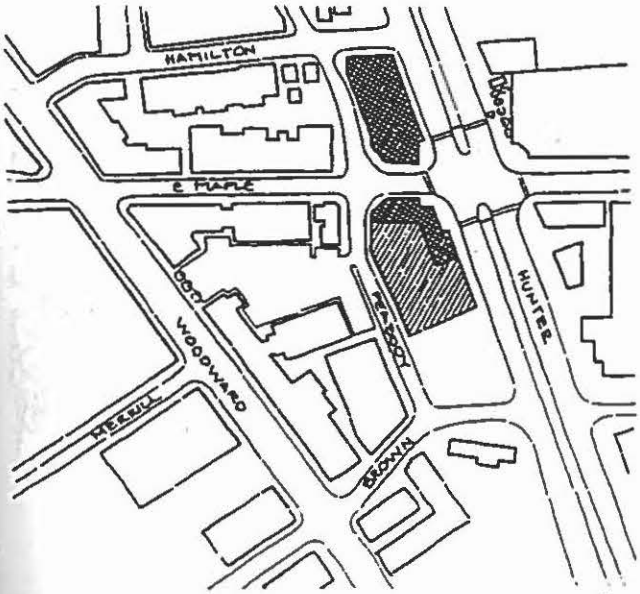
REDEVELOPMENT SITES

- Specific Project 1: Shain Park
- Specific Project 2: The Bandstand
- Specific Project 3: Martin Street Parkway
- Specific Project 4: Cultural Sites
- Specific Project 5: Booth Park Pavilion
- Specific Project 6: Willits Block
- Specific Project 7: Pierce Street Parking Deck
- Specific Project 8: Maple Road Gateway
- General Area A: East Maple
- General Area B: Bowers
- Redevelopment Site I: Hamilton Row
- Redevelopment Site II: Brown at Woodward

SPECIFIC PROJECT 8: MAPLE ROAD GATEWAY



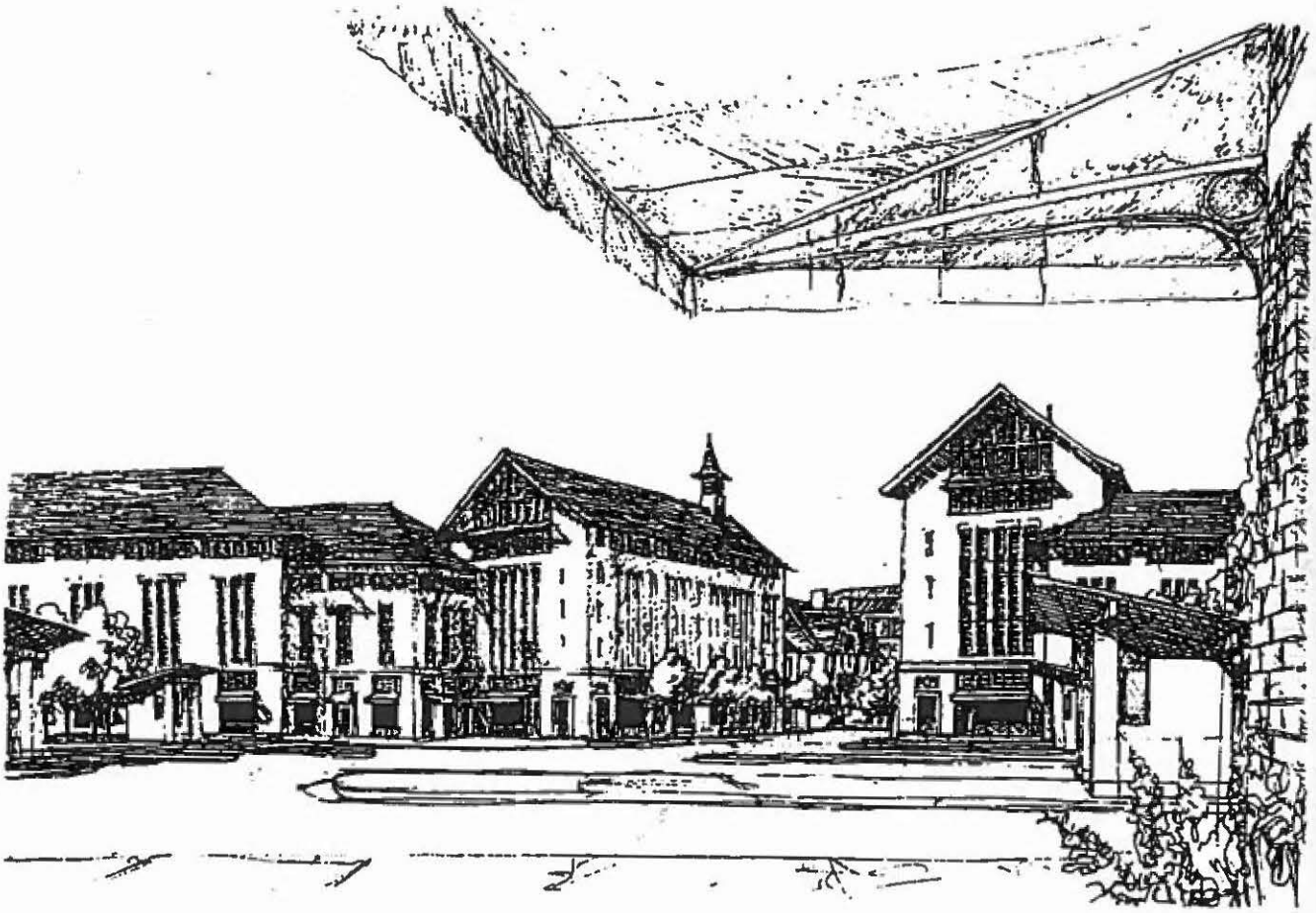
Plan of Existing Conditions



Plan of Proposed Modifications

Parking Deck

Mixed-Use Liner Building



VIEW OF THE EAST MAPLE GATEWAY LOOKING WEST FROM THE KROGER SITE

A Vision for the Triangle

Imagine the Triangle District as a vibrant, mixed-use neighborhood of homes, shops, restaurants, offices and public plazas. There is a mixture of housing ranging from single family homes along tree-lined streets, to brownstones and townhomes along local streets, to apartments and condominiums above offices and storefronts on the primary commercial corridors. The centerpiece of the Triangle is Worth Plaza, south of Bowers Street. As a lively triangle-shaped place it is a metaphor for the District as a whole, lined with shops, residences, and sidewalk dining.

The Triangle District is a walkable neighborhood. It features wide, tree-lined sidewalks along comfortable streets that are safe for pedestrians and bicyclists as well as automobiles. Roadways are designed so traffic flows calmly through the District. Narrow streets are lined with pedestrian-oriented buildings that reveal plazas filled with gathering spaces, greenery and public art.

Instead of acting a barrier, Woodward Avenue is a grand, tree-lined boulevard, lined with distinctive buildings and a streetscape that welcomes both vehicles and pedestrians. Rather than a hard edge that divides the Triangle from downtown, Woodward is the spine that joins the City together.

The Triangle District is a stage for bold and distinctive architecture that creates a unique identity for the neighborhood and City. Building masses are the primary features, replacing the bleak parking lots that currently dominate the landscape. To accommodate the increase in activity, inefficient surface parking will be replaced by well-organized parking structures integrated into the streetscape.

This vision for the Triangle District creates a vibrant, mixed-use neighborhood filled with interesting destinations that attract people from across the region and provide Birmingham residents with an integrated neighborhood in which to live, work, shop and recreate.

View south down Woodward from Maple

Overview of Triangle District

Goals and Objectives

An analysis of conditions and goals of the community was conducted through a two-day intensive design charrette, with acknowledgement to existing City plans (see sidebar). The process involved the Planning Board, City staff, Triangle District business and property owners, residents and the general public in a public forum that included a walking tour of the District, one-on-one and group interviews, and topic-specific focus groups. The outcome was a set of policy objectives and physical plan concepts to guide public and private decision-making in the Triangle District as follows:

- Improve the visual appearance of the area, its streets, alleys, public spaces, and buildings by establishing guidelines for design and implementation of public and private projects.
- Improve the economic and social vitality by encouraging diversity of use and opportunities for a variety of experiences.
- Better utilize property through more compact, mixed-use development.
- Link with Downtown across Woodward's high traffic barrier.
- Improve the comfort, convenience, safety, and enjoyment of the pedestrian environment by create an inviting, walkable, pedestrian neighborhood and setting aside public plazas.
- Organize the parking and street system to facilitate efficient access, circulation, and parking to balance vehicular and pedestrian needs.
- Encourage sustainable development.
- Protect the integrity of established residential neighborhoods.

This plan is intended to provide a general framework for the redevelopment of the Triangle District. While some of the plan graphics show specific road alignments and development scenarios, these are illustrative of desired development form. The plan should be considered flexible in its implementation to reflect and respond to site-specific conditions and opportunities on a case-by-case basis.

Charrette Participants

The goals and objectives of this plan were developed through a process of public participation and are built upon the goals and objectives of the following preceding plans:

- General Village Plan (1929)
- Birmingham Design Plan (1963)
- Urban Design Plan (1993)
- Downtown Birmingham 2016 Plan (1996)
- Eton Road Corridor Plan (1999)

Triangle District Urban Design Plan

Development Plan Summary

Infill development and redevelopment is recommended to create a distinct character for the Triangle District while complementing the Downtown and surrounding neighborhoods. Redevelopment of the Triangle should create an urban environment that is inviting and walkable. There should be mixed-uses within buildings to create a strong synergy of multiple uses with 24-hour/7-day-a-week activity.

The area should become a self-sufficient neighborhood with mutually supportive residential and commercial uses. While commercial uses along Woodward Avenue could be more general, community service, commercial uses in the heart of the Triangle and along Adams should be oriented more towards serving the immediate neighborhood. Residences and offices should be located in the upper floors above the shops and offices at street-level. Attached single-family, live-work, and other residential uses should also comprise a portion of street-level uses, especially along Elm Street and adjacent to existing single family residences. First-floor retail, especially restaurants, bistros, and cafés, should be encouraged but not required in the heart of the District.

Building Design and Placement. Buildings should be designed in a contemporary style and oriented toward their primary street. Designs should incorporate sustainable building elements for the site and the structures. Scale, and size should be compatible with adjacent structures, and facades and rooflines should vary to create relief from continuous surfaces. Pedestrian friendly features should be incorporated.

Building Height. Varied building heights are recommended to properly frame the streets and provide the massing necessary to relate to the scale of the streetscapes. The hierarchy of height ranges from taller mixed-use buildings along Woodward Avenue that are seven stories and higher, medium height mixed-use buildings of 4-5 stories in the District's interior

and along Maple to create a more intimate urban neighborhood, and structures at a smaller scale of three stories when abutting existing residential neighborhoods. Buildings should step back from the street at the higher stories.

Public Open Space. Opportunities are created for integrating public plazas and open space as part of any redevelopment. This includes small plazas on individual sites and larger open spaces that serve as neighborhood focal points. Recommended realignment of Worth Street creates the opportunity for a triangular plaza, referred to as "Worth Plaza," as the primary focal point for the redevelopment of the Triangle.

Identity and Wayfinding. Architectural designs will differentiate the Triangle from the rest of the City. A coordinated system of public and private signs will uniquely identify and direct visitors around the District. Signs will complement the City's established Signage and Wayfinding Program.

Circulation. Improvements to streets and intersections highlighted in this plan will help to reduce speeds on local streets, improve safety for vehicles and pedestrians, and ensure proper access to residences and business.

Parking. Parking needs to be provided more efficiently than the current configuration of disjointed surface parking lots. Redevelopment should incorporate multi-level parking structures and maximize the use of on-street parking. More efficient use of shared parking facilities will allow for redevelopment that is more pedestrian oriented and less dominated by parking lots.

The development plan is a long-term vision for the Triangle District; the pace and order of which is dependent on a variety of factors. To facilitate the orderly and successful implementation of the plan, a phasing plan has been developed. (See the Implementation section.)

Sample Building Design

Sample Townhouse District

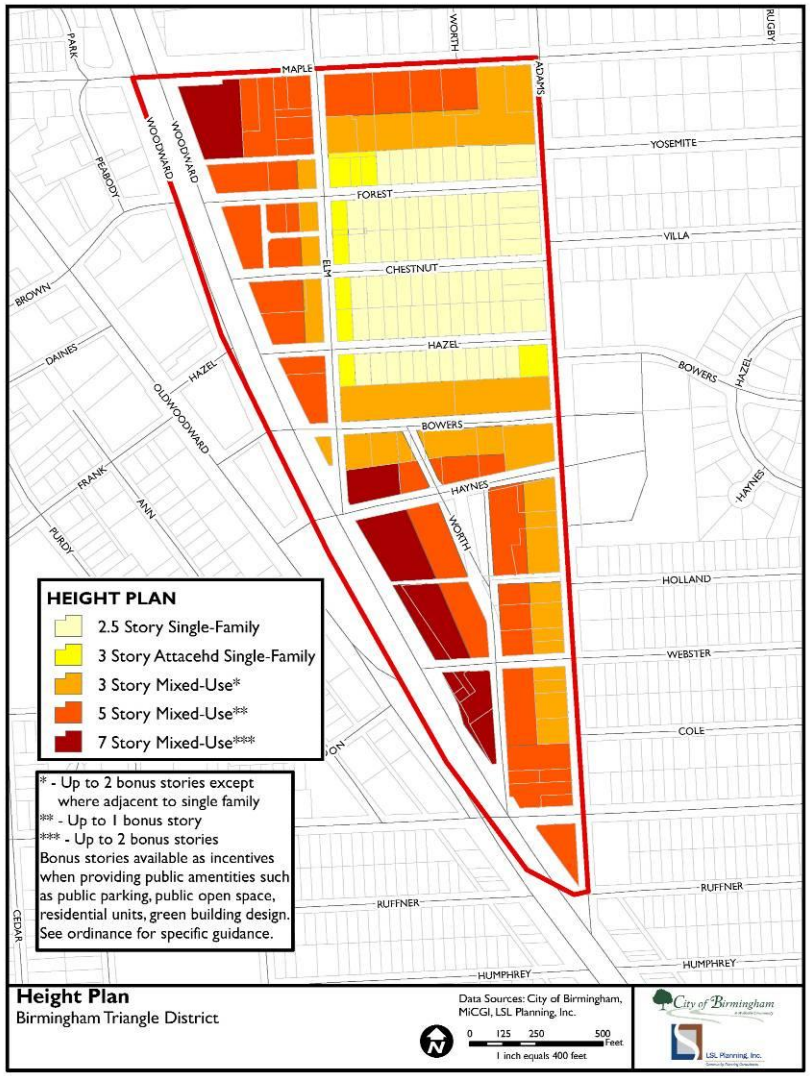
Building Heights

A hierarchy of heights is recommended between Woodward Avenue and the adjacent single-family residential neighborhoods. Taller buildings at least seven stories are needed to properly define the scale of Woodward Avenue's wide right-of-way and the taller buildings on the west side of the road. Building height should then step down to 4-5 stories in the interior of the Triangle District along the narrower streets. Buildings adjacent to single-family residential neighborhoods should be limited to three stories.

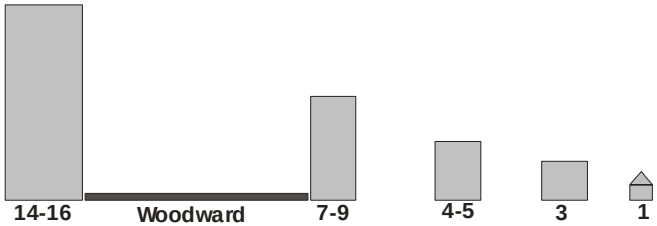
Height bonuses of up to an additional two stories will be allowed for developments that offer certain public amenities. These could include making public parking available in private parking structures, providing public open spaces, improvements to the public streetscape or incorporating energy-efficient green building design into structures. Payments to an escrow account designated for off-site amenities should be accepted in lieu of providing them.

New construction should create architectural variety by stepping back upper floors and varying the massing of buildings. Taller building should also be setback from nearby residential neighborhoods.

In order for the Triangle District to efficiently redevelop, parking will need to be provided with multi-level parking structures. The largest public parking structure will be required in the vicinity of Worth Plaza and should be located between the plaza and Woodward to take advantage of the highest allowable heights and best access.



Triangle District Height Plan



Conceptual Height Cross-Section

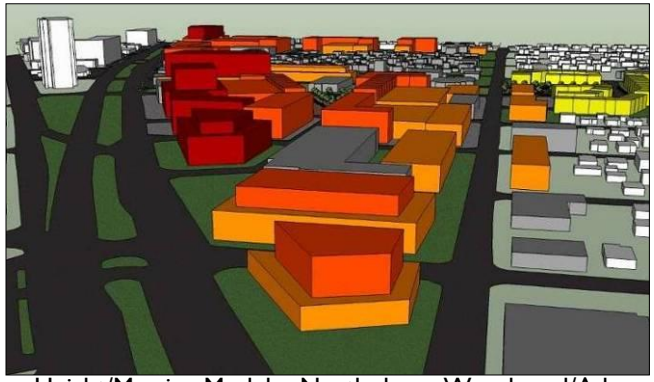
Height Defines Streetscape

Recommended building heights will help to define streetscapes and create a strong sense of enclosure. This enclosure is a vital component to creating a more human-scale environment that is inviting to pedestrians and induces automobile traffic to slow down.

Currently, automobiles dominate Woodward Avenue, with its wide right-of-way of approximately 200 feet. This vast expanse of highway is open and uninviting to the pedestrian. The buildings on the west side of Woodward are taller, with the tallest being the 555 building at 15 stories. The plan recommends taller buildings on the east side of Woodward Avenue to create a better sense of enclosure. Buildings should range from between five and nine stories. With the tallest buildings ranging in height between 90 and 114 feet, this is half the distance across Woodward Avenue, which is an appropriate scale to create the desired sense of enclosure.

With the tallest buildings along Woodward Avenue, the heights will transition down to a level more compatible with the single-family residential neighborhoods and more appropriate to create the desired sense of enclosure for the narrower rights-of-way of the Triangle District's internal streets. In most cases, buildings in the interior should range between three and five stories. Those buildings within a minimum distance to existing single-family residential homes are limited to three stories. Shorter building heights are appropriate to frame the smaller scale of single-family residential streets.

Height/Massing Model – South down Woodward



Height/Massing Model – North down Woodward/Adams

Height/Massing Model – West down Bowers

GREAT STREETS San Diego
sdgreatstreets.org

Changing the Conversation:

from Building Heights to Place Making:

- Walter Chambers

Discussions about building height limits often turn into a discussion about "human scale". As the discussion goes, tall buildings are impersonal. Short buildings are more "human".

To be clear, this discussion is about the buildings that line our streets, and the experience one has when walking down the street. Although people may not know it, the discussion about building heights is really about the way one **FEELS** when experiencing the street. Everyone wants to feel good on the street -- safe, protected, happy, and engaged. When streets feel good, people like to be on them, and having people on the street makes places feel lively, interesting and safe – and that attracts even more people.

Unfortunately, short buildings are no guarantee that a street will feel good. Neither are tall buildings.

So how do you make a street **FEEL** good? By creating a good **Sense of Place**. Streets feel good when there is a strong Sense of Place.

Streets are like rooms. They have a floor, walls, and ceiling. And like a room, they can feel good or bad, depending on their proportions and detail. Have you ever walked into a banquet hall or room with low, tile ceiling? Feels awful doesn't it?

Or how about being the first one to a wedding reception held in a large hotel ball room. The room looks lovely, but you still feel exposed and awkward until the other guests arrive and start filling the space.

A Street requires the same good proportions as any room to make it feel good. It is the "walls" of the street that are key to creating good proportions and a sense of place. The buildings on either side of the street form the walls of the street "room", and as such are called the "Street Wall".

So what makes a good street wall? Several factors go into making a good street wall*, but for this conversation about building heights, the focus will be on **H**eight to **W**idth **P**roportion, or HWP.

HWP is the ratio of the Height of the street wall, to Width of the street. For example, if the buildings that form the street wall are 30 feet tall, and the street is 60 feet wide, then the HWP is 1:2. 30:60 = 1:2. If the buildings (street wall) are 180 feet tall and your street is 60 feet wide, then the HWP is 3:1.
180:60 = 3:1.

Why does HWP matter? Different HWP ratios invoke different feelings and a different sense of Place. A 3:1 ratio (think major urban downtown) feels different than a 1:4 ratio (think suburban retail strip).

Typically, if an HWP is too low, the street will not have a good sense of place. People will not want to be on that street.. And in urban settings it is people we want to attract. People are the ones who create lively, exciting streets, who fill the sidewalk cafes and stores, and that help trigger economic growth. To quote famous urbanist William H. Whyte, "What attracts people most, it would appear, is other people."

That's why low building heights might work on some streets, but not on all streets. If a community is demanding limits on all building heights in its district, then some streets are being set up for failure. And if limits are excessively low (or too high) then the entire district may be set up for failure.

When the conversation changes from building heights to place making, the chance of creating good urban spaces is greatly enhanced. Good place making also triggers economic growth. Talking solely about building heights is to ignore the environment that surrounds the buildings. It is irresponsible. The following real life case demonstrates how focusing on place making is different (and more important) than focusing on building height limits.

Case Study: 301 University – University Avenue @ 3rd Avenue.
The street at University Avenue and 3rd is approximately 40-45 feet wide (two lanes wide, with parallel parking on either side). A proposed new 12 story condominium tower met fierce community opposition, and perhaps with good reason. At a HWP ratio of 3:1, this building begins to create a sense of place that feels very much like a downtown high-rise urban area. That is not in keeping of the character of the neighborhood. Perhaps a better HWP for this area would be 3:2 (mid-rise urban) or 1:1. A 4-5 story building would create an inviting sense of place, and would be a better height in this location.

However, a just few blocks further east, University Avenue widens significantly. At Richmond Street, University Avenue is approximately 90-100 feet wide (four lanes, center median, and parking either side). Would a 4-5 story building create a good sense of place here? Probably not. At this location, the wide street can easily handle an 8-9 story building without the street looking or feeling overwhelmingly urban. In this location, a 3:2 or 1:1 HWP would also create a good sense of place, and would feel most comfortable to the people on the street.

For University Avenue, a single building height limit is not appropriate. What works at 3rd Avenue, does not work a few blocks away at Richmond Street. That is the reason building height must be based on Place Making, and not on some arbitrarily assigned number applied over an entire district.

In order to achieve good place making, one must start with good walls that are the right height for the "Room". Below is a sampling of Height to Width Ratios and the sense of place they tend to

create. Many thanks and great appreciation to the St Louis Great Streets Initiative from which the below descriptions have come. I urge you to visit their website and read more: http://www.greatstreets-stl.org/content/view/417/400/

HWP Raito and Place making

3:1 or higher: Height to Width Ratio
Sense of spatial definition: strong; may feel like a "concrete canyon" in some settings.
Often seen in larger downtown, urban cores.

3:2 Height to Width Ratio
Sense of spatial definition: strong; clear sense of enclosure.
A good HWP for Medium sized urban downtown, or urban core residential

1:1 Height to Width Ratio
Sense of spatial definition: Excellent. Strong place making potential. May be strongest ratio for good place making. Encouraged minimum for all urban areas, including residential.

1:2 height to Width Ratio
Sense of spatial definition: Good; Sufficient for place making. Considered a minimum for good urban street place making.

1:3 or lower
Sense of spatial definition: Weak; Place making potential is low.
This ratio if often seen in suburban areas where wide streets are lined with 1-2 story retail stores or strip malls. No sense of place to the street.

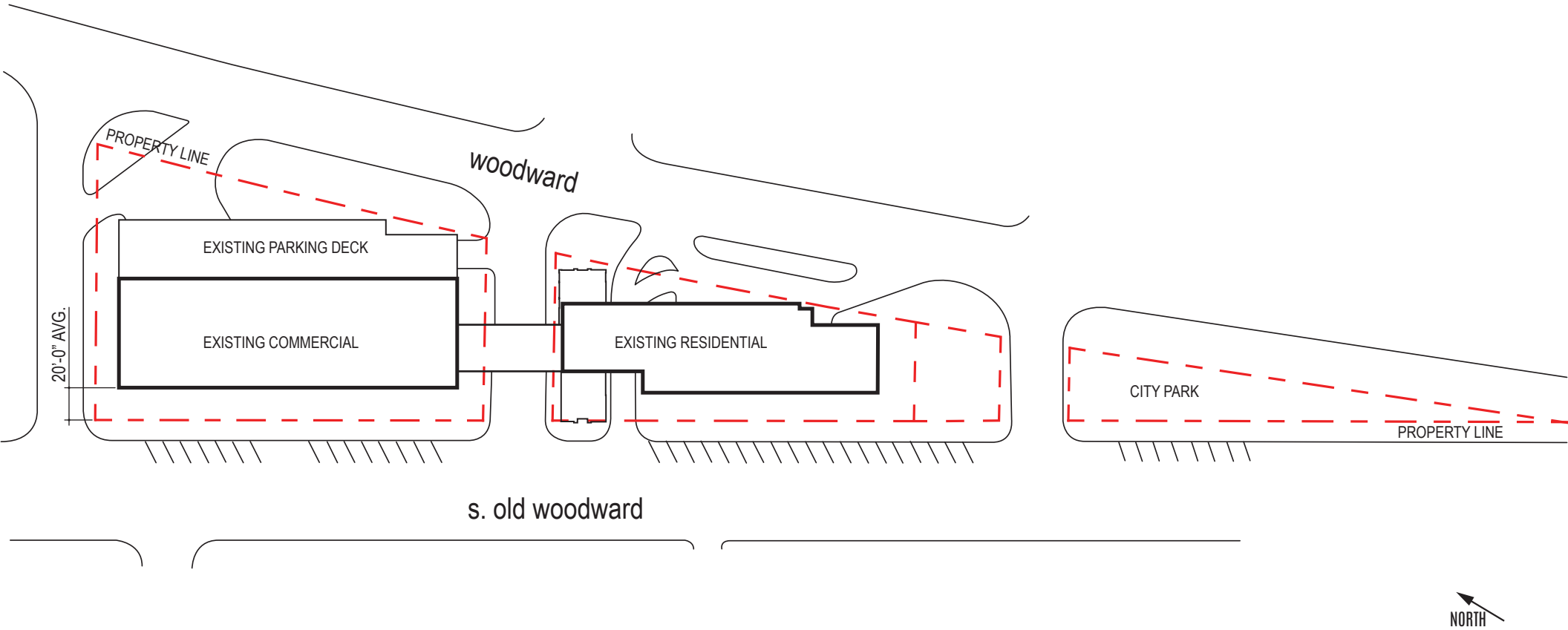
**Of course, as mentioned earlier in this article, other factors are essential in creating a good Street wall, and those must be taken into consideration. Elements of a good street wall include:*

- *HWP*
- *Architectural Diversity (old & new, short & tall, frequency of façade changes)*
- *Building should be built to the sidewalk for consistent wall face.*
- *Buildings and the architecture must be engaging and interesting to people at street level and second floor (Including human scale building elements, active engagement such as storefronts or sidewalk cafes, and experience of other people).*
- *Landscaping*

555 S. OLD WOODWARD
500 ft

565
SAFETY

EXISTING



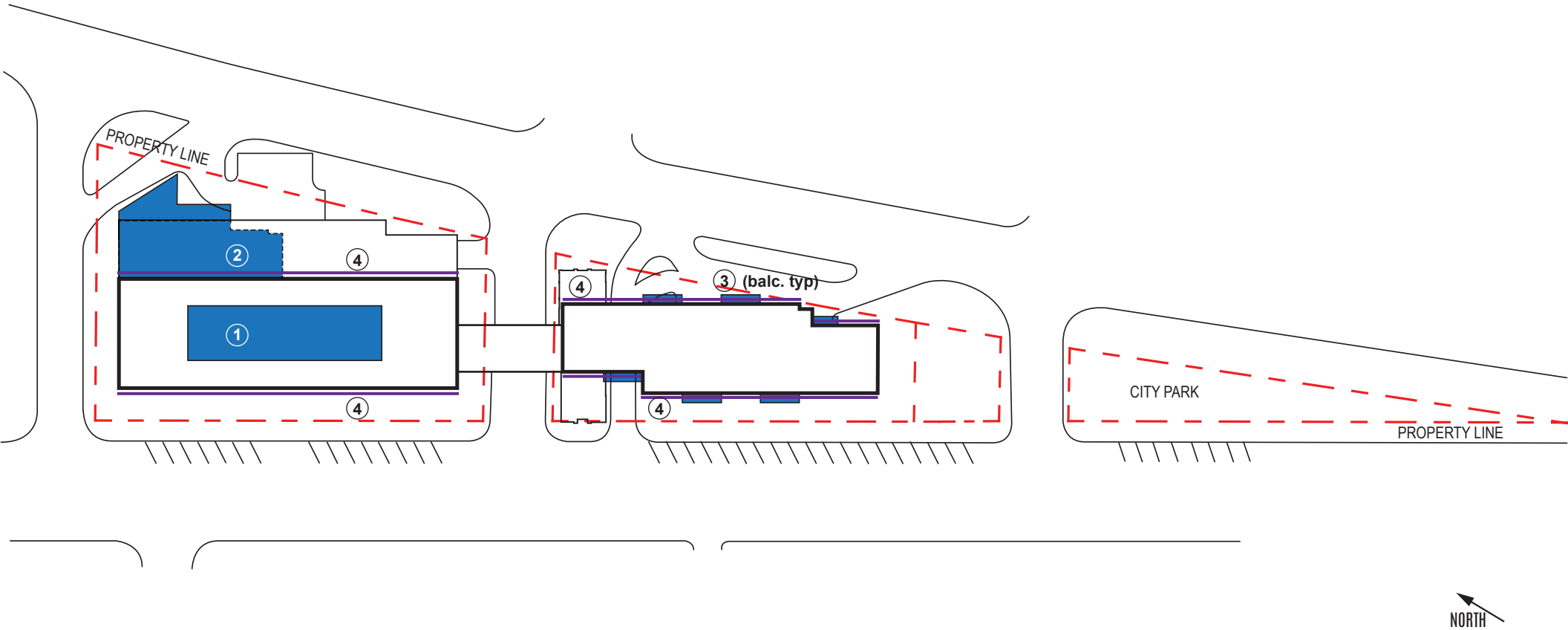
555 S. OLD WOODWARD

Luckenbach|Ziegelman Architects, PLLC

6/04/2015

PHASE I

1. Roof-top Restaurant
2. Commercial/retail
3. New Balconies
4. New Curtain Walls



555 S. OLD WOODWARD

Luckenbach|Ziegelman Architects, PLLC

6/04/2015