REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY – SEPTEMBER 14, 2016 7:30 PM CITY COMMISSION ROOM 151 MARTIN STREET, BIRMINGHAM

- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of August 24, 2016
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Request for Site Plan Extension
 - 2000 2070 Villa (currently vacant) Request for extension of Final Site Plan (expiring September 9, 2016).
- F. Study Session Items
 - 1 Dormer Regulations
 - 2. Non-Conforming Building Regulations
- G. Meeting Open to the Public for items not on the Agenda
- H. Miscellaneous Business and Communications:
 - a. Communications
 - b. Administrative Approval Correspondence
 - c. Draft Agenda for the next Regular Planning Board Meeting (September 28, 2016)
 - d. Other Business
- I. Planning Division Action Items
 - a. Staff Report on Previous Requests
 - b. Additional Items from tonight's meeting
- J. Adjournment

Notice: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce st. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

CITY OF BIRMINGHAM PLANNING BOARD ACTION ITEMS OF WEDNESDAY, AUGUST 24, 2016

Item	Page
PRELIMINARY SITE PLAN REVIEW 602 Riverside Drive Request for Preliminary Site Plan approval to add an additional single-family home to the previously approved single-family cluster	2
Motion by Ms. Whipple-Boyce Seconded by Mr. Boyle to approve the Preliminary Site Plan for 602 Riverside Dr. with the following conditions: 1. The applicant must provide calculations indicating that the structure meets the maximum height requirements; 2. The applicant must provide calculations indicating that the lower level is at least 51% submerged below grade so that it is not counted as a story; 3. Applicant provide material samples at Final Site Plan Review; and 4. Applicant addresses the concerns of all City Departments, including environmental issues. Motion carried, 7-0.	2
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CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, AUGUST 24, 2016

City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on August 24, 2016. Vice-Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

Present: Vice-Chairperson Gillian Lazar; Board Members Robin Boyle, Stuart Jeffares, Bert

Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa

Prasad; Student Representative Colin Cousimano

Absent: Chairman Scott Clein; Alternate Board Member Daniel Share

Administration: Matthew Baka, Sr. Planner

Carole Salutes, Recording Secretary

08-148-16

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING OF AUGUST 10, 2016

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to approve the Minutes of August 10, 2016 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Koseck, Lazar

Nays: None

Abstain: Boyle, Jeffares, Prasad

Absent: Clein

08-149-16

CHAIRPERSON'S COMMENTS (none)

08-150-16

APPROVAL OF THE AGENDA (no changes)

PRELIMINARY SITE PLAN REVIEW

602 Riverside Drive

Request for Preliminary Site Plan approval to add an additional single-family home to the previously approved single-family cluster

Mr. Baka offered background. The subject site is a 2.4 acre parcel located on the west side of Southfield Rd. between W. Maple Rd. and Lincoln in the R-1 Zoning District. The property was approved to be developed as a single-family cluster by the Planning Board on September 9, 1998 with seven (7) new homes and one existing home that was to be renovated. Since that time four (4) of the new homes have been constructed and the existing home was renovated. The current applicant is now proposing to construct a new single-family home on one of the remaining three (3) parcels. However, the Preliminary Site Plan Approval has expired. Accordingly, the applicant is required to obtain both Preliminary and Final Site Plan Approval.

Design Review

A complete design review will be conducted at Final Site Plan Review. However, the applicant has provided color renderings and is currently proposing the following materials:

- Shake siding rear and north body of the house;
- Stone body of all elevations;
- Cedar Shake Roof Shingles roof of building.

Mr. Boyle noted the environmental regulations have probably changed in the intervening years. This development is right beside the Rouge River and he asked whether there are any additional elements the board might want to consider because of the location. Mr. Baka responded the Engineering Dept. would alert the board, but nothing has been identified at this time.

Mr. Williams requested that the Engineering Dept. sign off on that before Final Site Plan Approval. Mr. Baka added he would also check with the Building Dept.

Mr. Dominick Tringali, the architect, described the home as being cottage style, full stone, a shake roof, full walk-out in the back, and having a Nantucket feel.

There was no discussion from the public at 7:43 p.m.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to approve the Preliminary Site Plan for 602 Riverside Dr. with the following conditions:

- 1. The applicant must provide calculations indicating that the structure meets the maximum height requirements;
- 2. The applicant must provide calculations indicating that the lower level is at least 51% submerged below grade so that it is not counted as a story;
- 3. Applicant provide material samples at Final Site Plan Review; and
- 4. Applicant addresses the concerns of all City Departments, including environmental issues.

There were no comments from members of the audience at 7:44 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Whipple-Boyce, Boyle, Jeffares, Koseck, Lazar, Prasad, Williams

Nays: None Absent: Clein

08-152-16

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

08-153-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. <u>Communications</u> (none)
- b. <u>Administrative Approval Correspondence</u> (none)
- c. <u>Draft Agenda for the Regular Planning Board Meeting on September 14, 2016</u>
 - **Study** session regarding dormers;
 - Study session on bringing non-conforming buildings into compliance.
- d. Other Business
 - Mr. Williams asked that the last three sets of City Commission Minutes be sent to the board members plus the revised Action List.
 - Mr. Jeffares reported that the 555 Building has wire running through the concrete and therefore they must be very specific on where they drill for attachment points. The building had to be x-rayed before drilling could take place.
 - Mr. Williams requested an update on future plans for the 555 Building.
 - It was discussed that parking meters are being bagged Downtown right next to sections of concrete that will be replaced.
 - **Ø** Mr. Baka announced that the City Commission has passed the outdoor storage ordinance amendments proposed by the Planning Board.

08-154-16

PLANNING DIVISION ACTION ITEMS

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

08-155-16

ADJOURNMENT

No further business being evident, the chairman adjourned the meeting at 7:47 p.m.

Matthew Baka Sr. Planner





MEMORANDUM

Planning Department

DATE: September 10, 2016

TO: Planning Board Members

FROM: Matthew Baka, Senior Planner

Bruce R. Johnson, Building Official

SUBJECT Study Session to consider adding regulations to the Zoning Ordinance to

regulate the size of rooftop dormers in the single-family zone districts

At the June 20, 2016 joint meeting of the City Commission and the Planning Board a topic was introduced by the City Building Official regarding the lack of regulations in the Zoning Ordinance to control the size of dormers in the single-family zone districts. The Zoning Ordinance does limit the number of stories in all single-family districts to two, but also allows a portion of the attic to be habitable. Habitable attics are typically located behind dormers projecting from the roof of the home. Dormers are often utilized to provide windows and additional ceiling height within a habitable attic. The Zoning Ordinance does not regulate the maximum width of dormers on single-family homes.

As a result of the discussion at the joint meeting, the City Commission subsequently directed the Planning Board to review the dormer and habitable attic regulations in the Zoning Ordinance as they relate to current dormer construction trends in residential zoned districts. Specifically, to conduct a detailed public input and review process to:

- (1) Clarify the types of dormers permissible that project from second story roofs enclosing habitable attics;
- (2) Provide recommended width limitations for dormers projecting from second story roofs; and
- (3) Refine the maximum area regulations for habitable attics that would not count as a story.

In accordance with the direction of the City Commission, the following information and recommendations are offered.

(1) Types of Dormers Permitted to Project from Second Story Roofs

Article 9, section 9.02 of the Zoning Ordinance defines dormer as follows:

<u>Dormer</u>: A subunit of a main structure interrupting a roof slope of the main roof structure with its own walls and roof, and characterized by the roof shape of the dormer including but not limited to: flat, deck, hipped, shed, gabled, inset, arched, segmental, and eyebrow style roofs.

Thus, Article 9, Section 9.02 clearly lists the types of dormer permitted to project from second story roofs. However, there are no corresponding illustrations to clarify each type of permissible dormer.

The current definition for dormer was added to the Zoning Ordinance on July 25, 2005. The City Commission at that time requested the Planning Board provide a definition for dormer after approving height increases in the Downtown Overlay District. The Planning Board provided sketches of dormer roof types to the City Commission for reference during its review of the proposed definition. A copy of the Ordinance 1870 adopting the definition is attached along with the sketches of the different types of dormer roofs that were considered.

Planning and Building staff recommend that the current dormer definition be maintained as it is clear and specific. However, the Planning Board may also wish to add illustrations to provide clarity on the types of dormers permissible to project from second story roofs on single-family homes.

(2) Recommended Limitations on Dormers

The Planning Board and City Commission most recently discussed dormer limitations on single-family homes and detached accessory structures in late 2006 and early 2007, when the height standards for homes and accessory structures were modified.

On March 19, 2016, the City Commission approved a regulation to limit the width of dormers on accessory structures to 50% of the width of the roof they project from per elevation, or a 10-foot interior dimension, whichever is greater. However, at that time, the proposed maximum width for dormers on single-family homes at 50% of the roof per elevation was not approved. There was concern at the City Commission that the proposed dormer limitation of 50% would prohibit the common practice to extend the roof on the rear of a traditional bungalow. However, the proposed dormer limitation at the time would not have affected the ability to extend the roof on the rear of a traditional bungalow however as a traditional bungalow is one to two stories in height, and the rear eave would not exceed the 24-foot maximum eave height even if the roof was extended or lifted as is commonly done.

Dormers on homes constructed during the past several years vary in width depending on whether the elevation faces an interior lot line or the street. Dormer widths on elevations facing interior lot lines are typically less than 50% of the width of the roof and most appear to be 33% of the width of the roof or less. To increase curb appeal, elevations facing a street typically have dormers widths in the range of 50% of the width of the roof.

There have also been a few homes constructed that appear to contain 3-stories However, the three story appearance is not necessarily due to the width of the dormer. Rather, it results from additional roof structures such as reverse gables that project out from the main exterior wall and cover small portions of construction below. (As an example: Think of an "L" shaped house that has a main roof line side to side and a secondary roof line front to back. A portion of the secondary roof will need to lay onto the main roof.) While a portion of the secondary roof ties back into the main roof, it is not considered a dormer. However, the Zoning Ordinance does not regulate the distance secondary construction needs to project from the main structure to

allow its roof to not be deemed a dormer. Such secondary roofs may only project a few inches from the main roof line, and give the appearance of being dormers, when they are not.

The Building Department has been applying the regulations for dormers on detached garages (50% of the elevation) to regulate dormer size over the past several years, but there is no language in the Zoning Ordinance to specifically limit dormers on houses. Accordingly, the Planning Board may wish to consider regulating dormer construction on single-family homes by adding a Subsection "B" to Article 04 Structure Standards, Section 4.74 to control the width of dormers on second story single-family homes, and to add language to clarify when a type of roof structure is not considered a dormer. Draft language is attached for review and discussion.

(3) Maximum Area Regulations for Habitable Attics

Article 9, section 9.02 of the Zoning Ordinance defines habitable attic as follows:

<u>Habitable Attic</u>: An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet, 4 inches above the attic floor is not more than one-third of the area of the next floor below.

Thus, the area of the habitable attic at a ceiling height of 7'4" or larger is limited to 1/3 of the floor below. This does not prohibit habitable space down to a ceiling height of 5' per the Building Code.

The definition for habitable attic was added to the Zoning Ordinance in 1992, at the same time that the maximum building heights and number of allowable stories were reduced for all single family zoned districts. The maximum building height in 1992 was lowered to 30-feet from 35-feet, and the allowable number of stories was reduced to 2 from 2.5. These changes were approved by the City Commission after extensive review by the Planning Board as a result of public concerns regarding the height of then recently constructed homes. Since the height and stories of single family homes were being reduced, the definition for habitable attic (as well as mezzanine), was added to allow some habitable space in an attic or loft area that would not formally count as a story. The ordinance definition of habitable space currently in force was taken verbatim from the building code in effect at the time (1990 BOCA Building Code), which also did not count habitable attic space as a story.

The building code has been updated several times since 1992 and its definition for habitable attic has been modified since that time. The building code definition from current code (2015 Michigan Residential Code) is as follows:

Attic, Habitable: A finished or unfinished area, not considered a story, complying with all of the following requirements:

- 1. The occupiable floor area is not less than 70 square feet (17m²), in accordance with Section R304.
- 2. The occupiable floor area has a ceiling height in accordance with Section R305.
- 3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

The building code definition today more clearly defines the area within an attic that can be occupied as habitable space. The floor area to be occupied must meet the minimum room size

of 70 square feet, must meet the minimum ceiling height requirements in effect at the time, and must be enclosed by the roof, knee walls and floor/ceiling below. Rather than limit the area of a habitable attic to 1/3 of the floor below, the code now limits habitable attic size to the area within the attic that meets three specific requirement. including the current minimum ceiling height at the time. Presumably, this change was made to allow a space fitting inside an attic that meets minimum code standards to be habitable without counting it as an additional story as the space would be there whether occupied or not.

The Planning Board may wish to consider amending the definition in the Zoning Ordinance for habitable attic to be consistent with the current 2015 Building Code. This would clarify the definition make it consistent with the Building Code definition. In addition, the Planning Board may wish to add a definition for attic as well, based on the definition of attic in the 2015 Building Code to make it abundantly clear which portions of an attic may be occupied without becoming a new story in their own right.

The Building and Planning Departments have drafted ordinance language amendments aimed at addressing the issues outlined above as enumerated by the City Commission. The proposed language would limit the width of dormers to 50% of the roof line on elevations facing a street and 33% of the roof line facing an interior lot line. In addition, the draft language proposes amendments to the definitions section of the Zoning Ordinance that would clarify the portions of habitable attics that may be occupied without being considered as stories. The intent of these modifications is to allow the exterior regulations to control the massing and shape of the home while allowing for more flexibility on the inside.

Suggested Action:

The Planning Board may wish to review and discuss the recommendations above, and provide feedback on any additional improvements to the proposed amendments regarding dormers and habitable attic space. If the Board is comfortable with the changes as proposed, a public hearing can be set for a formal recommendation to the City Commission.

CITY OF BIRMINGHAM	
ORDINANCE NO	_

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.75 SS-02, TO ADD REGULATIONS FOR DORMERS PROJECTING FROM SECOND STORY ROOFS ON SINGLE-FAMILY HOMES.

THE CITY OF BIRMINGHAM ORDAINS:

Section 4.75 SS-02, Structure Standards: This Structure Standards section applies to the following districts: R1A, R1, R2, R3

The following structure standards apply:

- A. Unchanged.
- B. <u>Dormer Limitations</u>: Dormers projecting from second story roofs of principal structures are limited in width to 33% of the roof they project from per elevation facing interior lot lines; and 50% of the roof they project from per elevation facing a street. Dormers may not exceed the height of the roofline they project from. For purposes of this section, roof structures covering living space that projects a minimum of 24-inches from the main building and is supported on a foundation are not considered dormers.

ORDAINED this	day of	, 2016 to become effective 7 days afte
publication.		
	_	
Rackeline J. Hoff, Mayor		
	_	
Laura Pierce, City Clerk		

CITY OF BIRMINGHAM	
ORDINANCE NO	_

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE 09, DEFINITIONS, SECTION 9.02, TO ADD A DEFINITION OF "ATTIC" AND TO AMEND THE DEFINITIONS OF "HABITABLE ATTIC" AND "STORY" FOR CONSISTENCY WITH THE MICHIGAN RESIDENTIAL CODE.

THE CITY OF BIRMINGHAM ORDAINS:

Section 9.02, Definitions:

Attic: The unfinished space between the ceiling assembly and the roof assembly.

<u>Habitable Attic:</u> An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet, 4 inches above the attic floor is not more than one-third of the area of the next floor below. A finished or unfinished area complying with all of the following requirements:

- 1. The occupiable floor area is not less than the minimum room dimensions required by the current Michigan Residential Code;
- 2. The occupiable floor area has a minimum ceiling height in accordance with the current Michigan Residential Code; and
- 3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

<u>Story:</u> That portion of a building included between the upper surface of any floor and the upper surface of any floor above, or any portion of a building between the ceiling and the roof. A mezzanine **or Habitable Attic** shall not be counted as a story for purposes of determining number of stories (see Basement, Building height, and Mezzanine and Habitable Attic).

ORDAINED this publication.	_ day of	, 2015 to become effective 7 days afte
Rackeline J. Hoff, Mayor	-	
 Laura Pierce, City Clerk	_	

MEMORANDUM

Date: July 20, 2005

To: Thomas M. Markus, City Manager

From: Kristin Keery, Planning Consultant

Approved: Thomas M. Markus, City Manager

Subject: Article 9, section 9.02 of Chapter 126, Zoning, of the

Birmingham City Code—Definition of Dormer

Background

At the September 27, 2004 meeting, the City Commission adopted ordinance amendments to increase the building heights in the DB 2016 downtown overlay district. The adopted amendments increased the allowable building heights in the D-2, D-3, and D-4 zone districts. The amendments also included the addition of section 126-Article 3, Section 3.04(B)(9), which states "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." As a result, the City Commission briefly discussed dormers and requested that the Planning Board add a definition of dormer to the definition section of the Zoning Ordinance.

On April 13, 2005, the Planning Board discussed adding a definition for dormer as requested by the City Commission. A public hearing was set for May 11, 2005 for the proposed definition prepared by the Planning Division.

On June 13, 2005, the City Commission set a public hearing for July 11, 2005 to consider an ordinance amendment to Article 9, section 9.02 of Chapter 126, Zoning, of the Birmingham City Code to create a definition for dormer.

On July 11, 2005, the City Commission voted to defer action on the public hearing to allow the Planning Division an opportunity to clarify the language of the dormer definition and provide sketches of dormer roof types for reference in the July 25th 2005 report.

A copy of the proposed ordinance amendment is attached for your review along with minutes from the relevant City Commission and Planning Board meetings.

Purpose and Intent

Currently, there is not a definition for dormer window in the definition section of the Zoning Ordinance. Adding a definition will eliminate any potential confusion regarding the application of section 135-Article 3, section 3.04(B)(9)The intent of the subsection regarding dormers is intended to prevent the construction of a single large dormer across the width of an elevation that essentially acts to add bonus floor area at the expense of appropriate architectural design.

Legal Opinion

The City Attorney has reviewed the proposed definition for dormer and has no concerns.

Suggested Action:

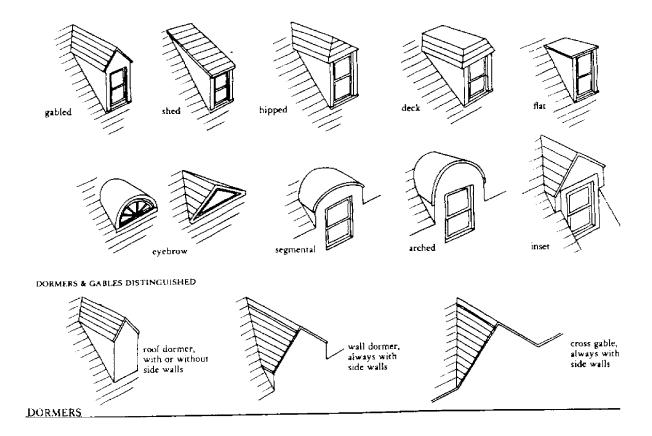
To amend Article 9, section 9.02 of Chapter 126, Zoning, of the Birmingham City Code to create a definition for Dormer

CITY OF BIRMINGHAM

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 9, SECTION 9.02, DEFINITIONS, TO ADD A DEFINITION FOR DORMER.
<u>Dormer – A subunit of a main structure interrupting a roof slope of the main roof structure with its own walls and roof, and characterized by the roof shape of the dormer including but not limited to: flat, deck, hipped, shed, gabled, inset, arched, segmental, and eyebrow style roofs.</u>
ORDAINED this day of, 2005 to become effective upon publication.
Rackeline J. Hoff, Mayor
Nancy M. Weiss, City Clerk

A Field Guide to American Houses By Virginia & Lee McAlester

Structure: The Anatomy of American Houses



CITY OF BIRMINGHAM, MICHIGAN CITY COMMISSION NOTICE OF PUBLIC HEARING AUGUST 21, 2006

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Birmingham City Commission on Monday, **AUGUST 21, 2006**, beginning at 7:30 PM in the Commission Room of the Municipal Building, 151 Martin Street, City of Birmingham, Michigan. The purpose of the hearing is to receive public comments on the following proposed amendments to Chapter 126 of the Code of the City of Birmingham, the Zoning Ordinance:

- 1. To amend Article 2, section 2.04, R1A (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R1A zone district:
- 2. To amend Article 2, section 2.06, RI (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R1 zone district;
- 3. To amend Article 2, section 2.08, R2 (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R2 zone district;
- 4. To amend Article 2, section 2.10, R3 (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R3 zone district;
- 5. To amend Article 4, section 4.03, Accessory Structure Standards, to amend subsections (G) and (H), to change the maximum height and area of accessory structures and to add new subsections (I), (J), (K) and (L) to require accessory structures to be proportionate to the primary structure, to limit the use of windows and dormers on accessory structures and to prohibit the use of exterior staircases on accessory structures;
- 6. To amend Article 4, section 4.27(C), Open Space Standards, to add a new subsection (C)(5), to allow bonus space in accessory structures for interior staircases;
- 7. To amend Article 4, section 4.66, Structure Standards, to add a new subsection (B) to limit the use of dormers on residential structures; and
- 8. To amend Article 9, section 9.02, Definitions, to delete the definitions for Building Height, Single Family and Grade Plane, amend the definition for Building Height, Non-Single Family and Dwelling Unit and add definitions for Midpoint and Residential Occupancy.

The proposed ordinance language and related materials are available in the Community Development Department (248-644-3869).

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 644-1800, ext. 282 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Nancy M. Weiss, City Clerk

PUBLISH AUGUST 3, 2006

MEMORANDUM

Date: August 10, 2006

To: Thomas M. Markus, City Manager

From: Jana L. Ecker, Planning Director

Approved: Thomas M. Markus, City Manager

Subject: Public Hearing - To amend Articles 2, 4 and 9 of the Zoning Ordinance -

Single Family Residential Amendments ORDINANCES UNDER SEPARATE

COVER

Background

On April 19, 2004 the Planning Board was directed by the City Commission to review all commercial ordinance amendments that were made since 2000, and then to review all residential ordinance amendments that were made since 2000. After completing the review and amendment of the commercial regulations, the Planning Board began reviewing the residential ordinance amendments made since 2000.

The proposed amendments to Articles 2, 4 and 9 of the Zoning Ordinance have been discussed at length during numerous Planning Board meetings over the past nine months. The Planning Division conducted many PowerPoint presentations for the public and the Planning Board documenting the design, mass and bulk of both single family residential homes and accessory structures that have been built in Birmingham over the years, including traditional older structures, structures constructed prior to 2000 under the midpoint system of height measurement, and those built since 2000 with the "one size fits all" height standard. The Planning Division also conducted extensive research on the regulations in many other communities across Michigan, and provided the Planning Board with many articles on recent and historic trends in housing. With the generous assistance of local architects, numerous illustrations were presented to the Planning Board and the public throughout the process to illustrate the impact on the mass and bulk of both homes and accessory structures as a result of the many alternative regulations that were considered and discussed by the Planning Board. Representatives from the Building Division were present at each Planning Board meeting in which these issues were discussed to provide technical expertise and background on the various methods that have been used to maximize space in structures, often creating unintended consequences. Bruce Johnson, Assistant Building Official, will be present at the City Commission meeting on August 21, 2006 to answer any technical building questions that may arise at that time.

All of the proposed ordinance amendments were discussed together at the Planning Board, and the public hearings were conducted simultaneously on May 10, 2006. However, on May 10, 2006, the Planning Board was unable to reach consensus on all of the ordinance language before them. Given the very late hour, board members agreed that the discussion on accessory structure provisions would need to continue to another date. On May 10, 2006, the Planning Board voted 6 to 1 to recommend that the City Commission approve the proposed ordinance amendments relating to principal structures in single family residential zone districts.

On July 12, 2006, the Planning Board conducted another public hearing and voted 5 to 2 to recommend that the City Commission approve the proposed ordinance amendments relating to accessory structures in the single family residential zone districts. The Planning Board agreed that all of the proposed ordinance amendments should come to the City Commission together, as previously discussed.

Draft ordinance language is attached for your review, along with copies of all relevant meeting minutes. The Planning Division has prepared a PowerPoint presentation under separate cover to illustrate the impact of the proposed amendments on the bulk and mass of single family homes and accessory structures.

Purpose

The City Commission directed the Planning Board to study the single family residential regulations and to recommend amendments to address the concerns of Birmingham residents.

Specifically, residents expressed concern with regard to the "one size fits all" standard that is currently in place, given that the maximum height standard for both single family homes and accessory structures does not change in the various single family residential zoning classifications, and does not vary according to lot size. Concerns were also expressed by residents that the maximum height provision has caused odd designs for both homes and accessory structures as residents seek to maximize their usuable space, and that the current maximum height standard of 30' does not allow for construction of the Tudor style, Victorian, and other traditional home styles that have contributed substantially to Birmingham's character over the last century.

In addition, residents expressed concern over the mass and bulk of accessory structures, privacy issues for adjacent neighbors, the unsightliness of exterior staircases, and concern over the creation of additional rental units in accessory structures in single family residential neighborhoods.

Legal Opinion

The City Attorney has reviewed the proposed ordinance language and has no concerns.

Suggested Action:

To adopt the following ordinances to amend Chapter 126, Zoning, of the Code of the City of Birmingham:

- (1) To amend Article 2, section 2.04, R1A (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R1A zone district;
- (2) To amend Article 2, section 2.06, RI (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R1 zone district;
- (3) To amend Article 2, section 2.08, R2 (Single Family Residential) District
 Development Standards, to change the maximum building heights permitted in the
 R2 zone district;
- (4) To amend Article 2, section 2.10, R3 (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R3 zone district;
- (5) To amend Article 4, section 4.03, Accessory Structure Standards, to amend subsections (G) and (H), to change the maximum height and area of accessory structures and to add new subsections (I), (J), (K) and (L) to require accessory structures to be proportionate to the primary structure, to limit the use of windows and dormers on accessory structures and to prohibit the use of exterior staircases on accessory structures;
- (6) To amend Article 4, section 4.27(C), Open Space Standards, to add a new subsection (C)(5), to allow bonus space in accessory structures for interior staircases;
- (7) To amend Article 4, section 4.66, Structure Standards, to add a new subsection (B) to limit the use of dormers on residential structures; and
- (8) To amend Article 9, section 9.02, Definitions, to delete the definitions for Building Height, Single Family and Grade Plane, amend the definition for Building Height, Non-Single Family and Dwelling Unit and add definitions for Midpoint and Residential Occupancy.

COMPLETE ORDINANCES UNDER SEPARATE COVER

	CI	ΓΥ	OF	BIRM	INGH/	AM.
OR	DI	NA	NCE	E NO.		

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 4, SECTION 4.03 (G) & (H), ACCESSORY STRUCTURE STANDARDS, TO AMEND THE MAXIMUM HEIGHT AND AREA OF ACCESSORY STRUCTURES AND TO ADD NEW SUBSECTIONS (I), (J), (K) & (L) TO REQUIRE ACCESSORY STRUCTURES TO BE PROPORTIONATE TO THE PRIMARY STRUCTURE AND TO LIMIT THE USE OF WINDOWS, DORMERS & EXTERIOR STAIRCASES ON ACCESSORY STRUCTURES.

Section 126-4.03, Accessory Structure Standards:

- (A) (F) Unchanged.
- (G) Maximum Building Height: Accessory buildings with flat roofs shall not exceed 18 feet in height. Accessory buildings with sloped roofs shall not exceed 22 feet in height. The maximum eave height on all accessory structures shall not exceed 12'. The maximum building heights for accessory structures are as follows:

Gable, hip, gambrel, barrel or shed roofs:

R1A, R1 17' to midpoint

R2 16.5' to midpoint

R3 16' to midpoint

The roof line on gambrel and barrel roofs may not project more than 2' past an imaginary plane drawn from the eave to the highest point on the roof. The highest point on an accessory structure with a shed roof must face the interior of the lot on which it is located.

Flat roofs:

R1A, R1 12'

R2 12'

R3 12'

Mansard roofs:

R1A, R1 17' to deck line

R2 16.5' to deck line

R3 16' to deck line

- (H) Area: The maximum area of the first floor of any accessory building structure or accessory buildings structures in combination shall not exceed 10% of the lot area or 750 square feet in R1 and R1A, 550 square feet in R2, or 500 square feet in R3, whichever is less. Outdoor living area is prohibited above the first story on any accessory structure.
- (I) Proportionality Between Accessory Structures & Principal Structures: The height of an accessory structure must be lower than the height of the principal structure on the same lot. The total area of habitable space in an accessory structure must not exceed 75% of the total area of habitable space in the principal structure on the same lot.
- (J) <u>Dormers</u>: Dormers on accessory structures are limited to 50% or less of the width of the roof per elevation or a 10' interior dimension, whichever is greater. Dormers may not exceed the height of the roofline from which they are projecting. Dormers are not permitted on accessory structures with gambrel, barrel, flat or mansard roofs.
- (K) Windows: On elevations adjacent to abutting property lines, a maximum of eight square feet of glazing area is permitted per elevation on the second level of an accessory structure if located less than 6' above the floor of the second level of the accessory structure. Unlimited glazing is permitted if located at least 6' above the floor of the second level of the accessory structure.
- (L) <u>Exterior Staircases</u>: Above grade exterior staircases are prohibited on accessory structures.

ORDAINED this	day of	, 2006 t	o become effecti	ve upon publication	on.
Scott D. Moore, Mayor					
Nancy M. Weiss. City Cle	 erk				

CITY OF DIRIVINGHAM
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 4, SECTION 4.66, STRUCTURE STANDARDS, TO ADD A NEW SUBSECTION (B) TO LIMIT THE USE OF DORMERS ON RESIDENTIAL STRUCTURES.
Section 126-4.66, Structure Standards:
 (A) Unchanged. (B) Dormers on residential structures are limited to 50% or less of the width of the roof on a residential structure. Dormers may not exceed the height of the roofline from which they are projecting.
ORDAINED this day of, 2006 to become effective upon publication.
Scott D. Moore, Mayor
Nancy M. Weiss, City Clerk

CITY COMMISSION MEETING MINUTES AUGUST 21, 2006 MUNICIPAL BUILDING, 151 MARTIN 7:30 PM

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Scott D. Moore called the meeting to order at 7:30 PM.

II. ROLL CALL

PRESENT:

Mayor Moore

Commissioner Carney Commissioner Hoff Mayor Pro Tem McDaniel Commissioner McKeon Commissioner Plotnik Commissioner Sherman

ABSENT:

None

ADMINISTRATION: Manager Markus, Clerk Weiss, Attorney Currier, DPS Directors Fox and Wood, Management Specialist Valentine, Planners Ecker and Robinson, GIS Coordinator Holmes, Building Official Johnson, IT Director Rumps

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS

Mayor Moore congratulated staff for the clean up after the Dream Cruise. The mayor gave special thanks to the volunteers and Joe Valentine for the successful event.

Mayor Moore recognized members of the First Presbyterian Church for their efforts in helping victims of Hurricane Katrina.

The mayor thanked Kim Dabbs for her service on the Public Arts Board.

IV. CONSENT AGENDA

08-282-06 APPROVAL OF CONSENT AGENDA

Commissioner Carney removed Item A – August 7, 2006 Commission Minutes from the consent agenda.

Commissioner Hoff removed Item F – Temporary Structure from the consent agenda.

Commissioner McKeon indicated her abstention from check 171916 to Teknicolors on the Warrant List of August 16, 2006, as the owners are personal friends.

MOTION: Motion by McDaniel, seconded by Plotnik:

To approve the consent agenda as follows

- B. Approval of warrant list of August 9, 2006 in the amount of \$631,378.00.
- C. Approval of warrant list of August 16, 2006 in the amount of \$802,990.23.

MOTION: Motion by Sherman, seconded by Plotnik:

Adopt ordinance amending Article 2, section 2.08, R2 (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R2 zone district.

VOTE: Yeas, 6

Nays, 1 (Carney) Absent, None

MOTION: Motion by Sherman, seconded by McKeon:

Adopt ordinance amending Article 2, section 2.10, R3 (Single Family Residential) District Development Standards, to change the maximum building heights permitted in the R3 zone district;

VOTE: Yeas, 5

Nays, 2 (Carney, Hoff)

Absent, None

Ms. Ecker suggested the commission move to the seventh and eighth ordinances since those are related to the single family residential ordinances. Ms. Ecker stated that the commission has adopted new heights based on mid-point and mid-point is not yet defined.

MOTION: Motion by Hoff, seconded Carney:

Adopt ordinance amending Article 4, section 4.66, Structure Standards, to add new subsection (B) to limit the use of dormers on residential structures with the following modification.

"Dormers on residential structures are limited to 50% or less of the width of the roof on a residential structure <u>per elevation</u>."

Commissioner Sherman pointed out this restriction would prevent a property owner from bumping out the back of a bungalow. The commissioner stated that could be an unintended consequence. Ms. Ecker agreed.

Commissioner Hoff withdrew the motion.

MOTION: Motion by Sherman, seconded by Plotnik:

To direct that this ordinance dealing with dormers on residential structures be referred back to the planning board for further discussion in light of conversation by the commission this evening; to be expedited so as not to create additional unintended consequences.

The commission discussed the consequences of delaying this ordinance. Ms. Ecker stated this is an unwritten policy that is already in place within the building department. Ms. Ecker stated when homes are reviewed they generally do not accept dormers greater than 50 percent of the elevation. Ms. Ecker stated delaying this ordinance will not cause problems.

VOTE: Yeas, 7 Nays, None Absent, None

MOTION: Motion by Plotnik, seconded by McKeon:

Adopt ordinance amending Article 9, section 9.02, Definitions, to delete the definitions for Building Height, Single Family and Grade Plane, amend the definition for Building Height, and Non-Single Family Dwelling Unit and add definitions for Midpoint and Residential Occupancy.

Commissioner Carney opposed this because of the definition of dwelling unit.

Commissioner Sherman also had a problem with the definition of dwelling unit because the ordinance will be difficult to enforce.

Commissioner Plotnik suggested approving the ordinance and reviewing it in twelve months.

The commission agreed to defer the discussion regarding this definition until after the commission addresses accessory buildings and agreed to amend the motion:

AMENDED MOTION: Motion by Plotnik, seconded by McKeon:

Adopt ordinance amending Article 9, section 9.02, Definitions, to delete the definitions for Building Height, Single Family and Grade Plane, amend the definition for Building Height, and add definitions for Midpoint and Residential Occupancy.

VOTE: Yeas, 7 Nays, None Absent, None

Dorothy Conrad pointed out that not all accessory buildings are garages.

Alice Thimm stated if there is a bathroom you can live in the structure.

MOTION: Motion by McDaniel, seconded by Plotnik:

Adopt ordinance amending Article 4, section 4.03, Accessory Structure Standards, to amend sub-sections (G) and (H), to change the maximum height and area of accessory structures and to add new subsections (I), (J), (K) and (L) to require accessory structures to be proportionate to the primary structure, to limit the use of windows and dormers on accessory structures and to prohibit the use of exterior staircases on accessory structures.

Commissioner Carney opposed this ordinance and suggested a flat 15 foot height limit for gable, hip, gambrel, barrel, shed and mansard roofs.

Commissioner Hoff stated she could not support this as she did not hear from one resident who would like larger garages <u>next to their property</u>. Commissioner Sherman agreed.

CITY OF BIRMINGHAM ORDINANCE NO. 1907

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 4, SECTION 4.03 (G) & (H), ACCESSORY STRUCTURE STANDARDS, TO AMEND THE MAXIMUM HEIGHT AND AREA OF ACCESSORY STRUCTURES AND TO ADD NEW SUBSECTIONS (I), (J), (K) & (L) TO REQUIRE ACCESSORY STRUCTURES TO BE PROPORTIONATE TO THE PRIMARY STRUCTURE AND TO LIMIT THE USE OF WINDOWS, DORMERS & EXTERIOR STAIRCASES ON ACCESSORY STRUCTURES.

Section 126-4.03, Accessory Structure Standards:

- (A) (F) Unchanged.
- (G) <u>Maximum Building Height</u>: The maximum eave height on all accessory structures shall not exceed 12'. The maximum building heights for accessory structures are as follows:

Gable, hip, gambrel, barrel or shed roofs:

R1A, R1 15.5' to midpoint
R2 15' to midpoint
R3 14.5' to midpoint

The roof line on gambrel and barrel roofs may not project more than 2' past an imaginary plane drawn from the eave to the highest point on the roof. The highest point on an accessory structure with a shed roof must face the interior of the lot on which it is located.

Flat roofs:

R1A, R1 12' R2 12' R3 12'

Mansard roofs:

R1A, R1 15.5' to deck line
R2 15' to deck line
R3 14.5' to deck line

- (H) Area: The maximum area of the first floor of any accessory structure or accessory structures in combination shall not exceed 10% of the lot area or 600 square feet in R1 and R1A, 550 square feet in R2, or 500 square feet in R3, whichever is less. Outdoor living area is prohibited above the first story on any accessory structure.
- (I) <u>Proportionality Between Accessory Structures & Principal Structures</u>: The height of an accessory structure must be lower than the height of the

principal structure on the same lot. The total area of habitable space in an accessory structure must not exceed 75% of the total area of habitable space in the principal structure on the same lot.

- (J) <u>Dormers</u>: Dormers on accessory structures are limited to 50% or less of the width of the roof per elevation or a 10' interior dimension, whichever is greater. Dormers may not exceed the height of the roofline from which they are projecting. Dormers are not permitted on accessory structures with gambrel, barrel, flat or mansard roofs.
 - (K) Windows: On elevations adjacent to abutting property lines, a maximum of eight square feet of glazing area is permitted per elevation on the second level of an accessory structure if located less than 6' above the floor of the second level of the accessory structure. Unlimited glazing is permitted if located at least 6' above the floor of the second level of the accessory structure.
 - (L) <u>Exterior Staircases:</u> Above grade exterior staircases are prohibited on accessory structures.

ORDAINED this 19th day of March, 2007. Effective upon publication.

Tom McDaniel, Mayor	
Nancy M. Weiss, City Clerk	
I, Nancy M. Weiss, City Clerk of the City foregoing ordinance was passed by the comma regular meeting held March 19, 2007 and 2007.	ission of the City of Birmingham, Michigan at
Nancy M. Weiss, City Clerk	

DEFINITIONS

[RB] ALTERNATING TREAD DEVICE. A device that has a series of steps between 50 and 70 degrees (0.87 and 1.22 rad) from horizontal, usually attached to a center support rail in an alternating manner so that the user does not have both feet on the same level at the same time.

[RB] ANCHORED STONE OR MASONRY VENEER. Stone or masonry veneer secured with *approved* mechanical fasteners to an *approved* backing.

ANCHORS. See "Supports."

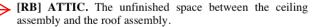
ANTISIPHON. A term applied to valves or mechanical devices that eliminate siphonage.

APPLIANCE. A device or apparatus that is manufactured and designed to utilize energy and for which this code provides specific requirements.

[RB] APPROVED. Acceptable to the building official.

[RB] APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting tests or furnishing inspection services, where such agency has been *approved* by the building official.

[RB] ASPECT RATIO. The ratio of longest to shortest perpendicular dimensions, or for wall sections, the ratio of height to length.



[RB] ATTIC, HABITABLE. A finished or unfinished area, not considered a *story*, complying with all of the following requirements:

- 1. The occupiable floor area is not less than 70 square feet (17 m²), in accordance with Section R304.
- The occupiable floor area has a ceiling height in accordance with Section R305.
- The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

ATTIC, UNINHABITABLE WITH LIMITED STORAGE. "Attic, uninhabitable with limited storage" means uninhabitable attics with limited storage where the minimum clear height between joists and rafters is 42 inches (1063 mm) or greater or where there are not 2 or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches (1063 mm) high by 24 inches (610 mm) in width, or greater, within the plane of the trusses. R 408.30513

ATTIC, UNINHABITABLE WITHOUT STORAGE. "Attic, uninhabitable without storage" means uninhabitable attics without storage where the maximum clear height between joists and rafters is less than 42 inches (1063 mm), or where there are not 2 or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches (1063 mm) high by 24 inches (610 mm) in width, or greater, within the plane of the trusses.

R 408.30513

BACKFLOW, DRAINAGE. A reversal of flow in the drainage system.

BACKFLOW PREVENTER. A backflow prevention assembly, a backflow prevention device or other means or method to prevent backflow into the potable water supply.

BACKFLOW PREVENTER, REDUCED-PRESSURE-ZONE TYPE. A backflow-prevention device consisting of two independently acting check valves, internally force loaded to a normally closed position and separated by an intermediate chamber (or zone) in which there is an automatic relief means of venting to atmosphere internally loaded to a normally open position between two tightly closing shutoff valves and with means for testing for tightness of the checks and opening of relief means.

BACKFLOW, WATER DISTRIBUTION. The flow of water or other liquids into the potable water-supply piping from any sources other than its intended source. Backsiphonage is one type of backflow.

BACKPRESSURE. Pressure created by any means in the water distribution system that by being in excess of the pressure in the water supply mains causes a potential backflow condition.

BACKPRESSURE, LOW HEAD. A pressure less than or equal to 4.33 psi (29.88 kPa) or the pressure exerted by a 10-foot (3048 mm) column of water.

BACKSIPHONAGE. The flowing back of used or contaminated water from piping into a potable water-supply pipe due to a negative pressure in such pipe.

BACKWATER VALVE. A device installed in a drain or pipe to prevent backflow of sewage.

[RB] BASEMENT. A *story* that is not a *story above grade plane*. (see "Story above grade plane").

[RB] BASEMENT WALL. The opaque portion of a wall that encloses one side of a *basement* and has an average below *grade* wall area that is 50 percent or more of the total opaque and nonopaque area of that enclosing side.

[RB] BASIC WIND SPEED. Three-second gust speed at 33 feet (10 058 mm) above the ground in Exposure C (see Section R301.2.1) as given in Figure R301.2(4)A.

BATHROOM GROUP. A group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory, and bathtub or shower. Such fixtures are located together on the same floor level.

BEND. A drainage fitting, designed to provide a change in direction of a drain pipe of less than the angle specified by the amount necessary to establish the desired slope of the line (see "Elbow" and "Sweep").

BOILER. A self-contained *appliance* from which hot water is circulated for heating purposes and then returned to the boiler, and that operates at water pressures not exceeding 160 pounds per square inch gage (psig) (1102 kPa gauge) and at water temperatures not exceeding 250°F (121°C).

[RB] BOND BEAM. A horizontal grouted element within masonry in which reinforcement is embedded.

2015 MICHIGAN RESIDENTIAL CODE

12

CITY OF BIRMINGHAM ORDINANCE NO. 1529

AN ORDINANCE TO AMEND TITLE VI, CHAPTER 39, ARTICLE 2 – DEFINITIONS, SECTION 5.2, AND ARTICLE 18, SECTIONS 5.139, 5.140, 5.141 AND 5.142 OF THE BIRMINGHAM CITY CODE TO AMEND THE DEFINITION OF "STORY" AND TO ADD "MEZZANINE" AND "HABITABLE ATTIC" AND TO AMEND THE MAXIMUM HEIGHTS FOR THE R - 1, R - 1A, R - 2, R - 3 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS.

The City of Birmingham Ordains:

Section 5.2 is hereby amended as follows:

Story: That portion of a building included between the upper surface of any floor and the upper surface of any floor above, or any portion of a building between the ceiling and the roof. A mezzanine shall not be counted as a story for purposes of determining number of stories (see "Basement," "Building Height").

Mezzanine: An intermediate level or levels between the floor and ceiling of any story with a total floor area of not more than one-third of the floor area of the story in which the level or levels are located.

Habitable Attic: An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet 4 inches above the a ttic floor is not more than one-third of the area of the next floor below.

Sections 5.139, 5.140, 5.141, 5.142 are hereby amended as follows:

Zone District Maximum He		Height	
	In Feet	In Stories	
5.139	30 Feet	2 stories	
R - 1	24 Feet -		
Single-Family	Flat Roofs		
Residential	Only		
	(See Section 5	(See Section 5.222)	
5.140	30 Feet	2 stories	
R - 1A	24 Feet -		
Single-Family	Flat Roofs		
Residential	Only		
	(See section 5.	(See section 5.222)	
5.141	30 Feet	2 stories	
R - 2	24 Feet -		
Single-Family	Flat Roofs		
Residential	Only.		
	(See Section 5	(See Section 5.222)	
5.142	30 Feet	2 stories	
R - 3	24 Feet		
Single-Family	Flat Roofs		
Residential	Only.		
(See Section 5		.222)	

Ordained this 13th day of July, 1992, by the City Commission of the City of Birmingham to become effective upon publication.

Rex A. Martin, Mayor

Judith A. Benn, City Clerk

June 25, 1992

To: Thomas M. Markus, City Manager

From:

Patricia McCullough, Caty Planner

Approved:

Thomas M. Markus, City Manager

Re: Proposed Ordinance to Reduce the Height of Single Family

Residential Development

In response to the number of residences who have expressed their concern with the height of new single family residential development, the Planning Board has addressed this issue with the following proposed ordinance amendments. The Planning Board will continue to study the other issues of density, setbacks, open space, etc. of single family residential development as part of their Priority List studies.

The Planning Board recommends reducing the height and number of stories of Single family homes and establishing two new definitions of "Mezzanine" and "Habitable Attic." The present maximum height permitted in the R-1, R-1A, R-2, R-3 Single Family residential districts is 35 ft. and 2 1/2 stories. The maximum height is measured at the midpoint of the gable between the peak and the eaves. The intent is to confine floor area to the conventional two floors and possibly a half floor within the defined gable roof area.

In addition, the Planning Board recommends establishing a maximum height of 24 ft. for flat roof homes to be comparable with the eaves line of the proposed new 30 ft. height maximum for gabled roof homes. Of the surrounding communities polled, the majority of the communities allow a maximum height of 25 ft. - 30 ft.

The proposed amendments to the current definition of "story" limit the number of stories to 2. However, the new definitions of "mezzanine" and "habitable attic," as extrapolated from the BOCA Code, permit additional floor area above the second floor within the gabled roof of the home as an occupiable attic or a loft for example. Both definitions permit no more than 1/3 more floor area than the next floor below. This would preclude 1/2 story additions on a two story house that would appear from the street as a third floor.

The Planning Board held discussions and public hearings on March 25, and April 22, 1992 at which time the intent of the amendments was discussed. On May 27, 1992, ordinance language was recommended for approval. (See attached minutes).

Page Two - Proposed Ordinance Amendments

Moved by Mr. Ribits

Seconded by Mr. Gienapp to recommend to the City Commission approval of the changes in the Ordinance for single family residences as presented. Also, recommend that when the City Commission does take this issue under study for discussion, they do so via a public hearing in order to get full benefit of the neighborhood residential groups' deliberations.

All were in favor. Motion passes, 7 - 0.

The adoption of this ordinance does not require a public hearing by the City Commission. The statutory requirement for a public hearing was met by the Planning Board. However, the City Commission may schedule a public hearing, if it is deemed desirable.

It should be noted that the Birmingham Subdivision Associations have been noticed that this item will be on the City Commission's meeting of July 13, 1992.

SUGGESTED ACTION:

To adopt the Zoning Ordinance amendments as proposed to reduce the maximum height of single family homes; establish the maximum height for flat roofed homes; amend the definition of "Story;" and establish two new definitions of "Mezzanine" and "Habitable Attic" as recommended by the Planning Board.

- Mangray

BIRMINGHAM PLANNING BOARD PROCEEDINGS

Minutes of a regular meeting of the City of Birmingham Planning Board held on May 27, 1992. The meeting was convened at 8:02 P.M. by Chairman Tholen.

Present: Chairman Tholen; Messrs. Blaesing, Gienapp, McMachan.

Ribits; Ms. Steffy: Mr. Thorsby

Absent: None

Administration: Mrs. Patricia McCullough, City Planner

5-44-92

Approval of Minutes of April 22, 1992.

Mr. Thorsby noted on Pages 3 and 4 that the public hearing referred to should read, "May 27", rather than, "May 23".

Motion by Mr. Thorsby

Supported by Mr. Gienapp to approve the Minutes of April 22, 1992 as revised.

Motion carried, 7-0.

Approval of Minutes of May 13, 1992.

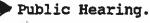
Mrs. McCullough pointed out on page 9, last paragraph the word, "requesting" in the third line needs to be changed to, "representing".

Motion by Mr. Gienapp

Supported by Mr. Thorsby to approve the Minutes of May 13, 1992 as amended.

Motion carried, 7-0.

5-45-92



To consider amending the Zoning Ordinance to amend the definition of "Story" and add the definitions of "Mezzanine" and "Habitable Attic," and amend the maximum heights for the R-1, R-1A, R-2, R-3 Single Family Residential Zone Districts.

Mrs. McCullough presented an outline of where the Planning Board stands on this item and highlighted the proposed Ordinance changes. The responses that the Planning Department has received from residents regarding new construction of single family homes have indicated that height is a concern. With that direction, the Planning Board has focused on height, stories, and creation of

floor area within that defined area. In the event there is a desire for the Board to look at other avenues to reduce the impact of new construction in established neighborhoods, the Planning Board will pursue other areas, such as floor area ratios or setbacks. Presently the Zoning Ordinance calls for a maximum height of 35 ft., two and one-half stories. The maximum height of thirty-five feet is measured at the mid-point of the gable, from the peak to the eaves. The Planning Board has chosen to reduce the maximum height to 30 ft., and to amend the definition of "story" and to add "mezzanine" and "habitable attic". The intent is to confine area to the conventional two floors and possibly a half floor within the gable area.

Also, the Board has looked into establishing the height of flat roofed single-family homes to blend in with this newly proposed reduced height. That proposal is for 24 ft. for a flat-roofed house.

Ms. Dianne Kobelesky spoke from the audience to say that people are concerned with houses extending into the back yard. Mr. Tholen responded that the control of height is a first step. The Planning Board will then see how the architectural community responds to this limitation. If the limitation does not have the degree of impact we hope it does, we will take a look at some other areas, such as a limitation on the floor area ratio, increasing setbacks, or changing the location of garages from the front.

Mr. Keith Helfrich who lives on Vinewood said that he and Ms. Kobelesky are here this evening representing the Millpond Association. He shared some comments which came out of their Association meeting a couple of weeks ago:

- "Height is one part of the problem in terms of fitting in, but there are many more."
- "You plan to start with height and see if it causes the results you want; how and when do you plan to evaluate that?"
- "There is extreme concern over privacy. It seems to be the height, but more than height it is also depth. Our backyards aren't private with a big house next door."
- "We all have a fear now of houses beside us going up for sale and being torn down for the construction of new big houses."
- "While this may look like an increase in home values it could turn into a decrease in the long-run."

BIRMINGHAM PLANNING BOARD PROCEEDINGS May 27, 1992

- "We are concerned about the sameness of many of the new houses. It's looking like a condo village or a sub; not the charm we moved here for in the first place."
- "We don't want to be too restrictive either, because that takes away our freedoms that we all value."
- "By pushing things down we may push the big footprint out even further."
- "We could try to set a ratio relative to heights and footprints of other houses on the street so it would allow flexibility to modestly higher or modestly bigger than other houses on the street but it would limit that progression over time."
- "Aesthetics are important too. Some of the big houses at least fit in while other ones aesthetically don't seem to."

He additionally read a letter from neighbors who are appalled by the proliferation of big houses on tiny lots.

According to Mr. Helfrich, the consensus from the Millpond Association's discussions seems to be that height is only the first of the issues and the neighbors were concerned that we get on with the other issues as quickly as possible.

Mr. Tholen explained setback requirements to the audience in order to alleviate some of their concerns.

Mrs. McCullough said the typical property owners coming in for permits are looking to gain as much area as possible to develop a new home.

Ms. Pamela Livingston Hardy, a Ann Street resident, commented that she is very apprehensive about this proposal. She doesn't necessarily believe this is the answer. She posed the question to Ms. McCullough if this would

change the flow of development within the central part of town. Mrs. McCullough did not believe it would any way slow down development. It will continue, just with new parameters. Ms. Livingston Hardy wondered how this would affect the general resident who wants to turn the attic into usable living space. Mrs. McCullough responded that in the event of new construction, 33% of the attic can be converted into living space.

Mr. Blaesing said suggestions are very welcome. We would like to mold an ordinance amendment into something that the whole community

can support. It has taken this Board many months to get to the point where we have felt comfortable with something that we could support as a group. The Planning Board is hoping we have hit on something that will affect the development community in such a way that allows them to create the diversity and the different styles and designs that we think of as Birmingham; and yet produce buildings which the neighbors think fit in better with the existing environment.

Mr. Roland Hardy, Ann Street resident, stated that the ratio should be looked into as he felt it would be fairer. Mrs. McCullough described the research she has done in comparing the maximum heights allowed in comparable communities to the height allowed in Birmingham. What the Board is proposing is within what is comparable to many other communities in Southeastern Michigan.

Ms. Livingston Hardy did not agree the comparison is valid because the homes in Birmingham have a different flavor than surrounding communities such as Royal Oak. The Ordinance was probably put into effect by a group of men and women who believed that Birmingham was different and that we had a lot of historical houses or Victorian houses and they wanted to allow that kind of house to continue to be built. She asked the reason for the story limitation if the height limitation is set at 30 ft.

Mr. Gienapp recalled the two and one-half story definition coupled with the 35 ft. allowance recently permitted someone to build a full third story over half of the house. Also, communities similar in character to Birmingham, like Northville, have lower maximum height limits.

Ms. Jacqueline Thorsby, 940 Floyd, wondered what mechanism is going to trigger this Board to take another look if this doesn't solve the problem. Mr. Tholen said the City Commission views this action as a first step and they want the Planning Board to continue work on this item. Therefore, they are not changing the Priority List, where it still remains the number one item.

Mr. Thorsby, 940 Floyd, thought it would be nice if the residents' associations would keep this as a high priority on their lists too, in order to provide the feed-back to the City as to what they see going on.

Mr. Dick Snead of the South Poppleton Subdivision Association said his association supports the action being taken on the height issue as a first step. He hoped that as a second step of control, the Board might consider the area of the house vs. the area of the lot. Mr. Chuck John from the Central Business Residents' Association said he personally supports what is being done here tonight.

Ms. Pamela Livingston Hardy wanted to say she also agrees with others in the audience. She thanked this Board for the many hours they have spent reflecting and working on this difficult issue and for their commitment to the City of Birmingham.

Ms. Steffy said that is why we are proceeding the way we are proceeding; first with the height because we have been able to reach a consensus. We realize this is only a first step and the next time we go out it will be much more difficult to reach a consensus. Communication and feed-back at that time will be very critical so that whatever we come up with will really represent Birmingham.

Mrs. McCullough agreed to notify the subdivision associations when we set up a study session for this issue.

Mr. Ribits wondered how we are going to monitor this new Ordinance. Mrs. McCullough thought, through conversation with the Building Dept., if there is a new house going in which follows the new ordinance, if adopted, she can then pass that information on to this Board.

Mr. Tholen explained in response to a question from the audience, an effective date for this Ordinance to pass would be in about six to eight weeks.

Mr. Keith Helfrich wondered if there is the ability, after this evening's public hearing, to recommend to the City Commission they hold a public hearing. Mrs. McCullough replied the Planning Board has met the legal requirement with this public hearing. However, the Board might suggest to the City Commission they hold a second public hearing so the public can be informed and there could be more input. Mr. Halfrich highly recommended this procedure. He felt that not only would there would be strong support for this recommended change in the zoning ordinance, but also a show of support for what this Board has been busy working on for quite some time.

Motion by Mr. Ribits

Supported by Mr. Gienapp that we recommend to the City Commission approval of the changes in the Ordinance for single family residences as stated in the draft ordinance amendment presented tonight. Also we recommend that, when the City Commission does take this issue under study for discussion, they do so via a public hearing on the matter in order to get full benefit of the

neighborhood residential groups' deliberations.

Motion carried, 7-0.

5-46-92

Aublic Hearing.

To consider amending the Zoning Ordinance to revise the permitted principal uses in the B-2 and B-2B Business Districts relating to newspaper and commercial printing establishments and cold storage facilities, and eliminating the sale of beer and wine in the I Industrial District.

Mrs. McCullough explained this issue has been discussed by the Planning Board in the past and at that time the Board recommended that retail photo copying be included as a permitted use in the B-2, B-2B and B-2C districts and also move the newspaper and commercial printing establishments to the I Industrial Zone District. In discussion about cold storage, the Planning Board received some comments from some of the furriers that it is necessary to have that type of facility in the commercial downtown area. With that recommendation, the Planning Board suggested amending that whole issue of cold storage and calling it "cold storage facilities accessory to retail fur sales". This makes it very specific as to what type of cold storage is being permitted in the Business District. Also the reference to cold storage is added to the Industrial Zone District to pick up those items more customarily associated with an Industrial Zone District.

Ms. Pamela Livingston Hardy inquired of this Ordinance says there are certain places in Birmingham that these businesses cannot be and certain places they can be. Mrs. McCullough replied in the Zoning Ordinance under "Permitted Principal Uses" it lists a paragraph of those uses that are customarily found in a zoning classification. There will be a phrase that usually says, "or other similar uses". If there is a particular use only permitted in a particular district, it will be specifically listed. In this case we are listing newspaper and commercial printing establishments as being permitted only in the Industrial zone district.

Mrs. McCullough went on to explain that also part of this ordinance tonight is the elimination of the reference we currently have about the sale of beer and wine in the Industrial Zone District.

Mr. Tholen wanted to ensure this Ordinance terminology covers everything done by retail photocopying establishments. Discussion

CITY OF BIRMINGHAM MICHIGAN

NOTICE OF PUBLIC HEARING

AMENDMENT TO THE ZONING ORDINANCE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Birmingham Planning Board on Wednesday, May 27, 1992, beginning at 8:00 P.M. in the Commission Room of the Municipal building, 151 Martin Street. The purpose of the hearing is to receive public comment on proposed amendments to Title V, Chapter 39, Zoning and Planning Ordinance of the City Code of Birmingham that will amend the definition of "Story" and add the definitions of "Mezzanine" and "Habitable Attic" and amend the maximum heights for the R - 1, R - 1A, R - 2, R - 3 Single Family Residential Zone Districts.

Patricia McCullough City Planner

Published in the Birmingham Eccentric Issue of May 11, 1992.

CITY OF BIRMINGHAM ORDINANCE NO.

AN ORDINANCE TO AMEND TITLE V, CHAPTER 39, ARTICLE 2 -DEFINITIONS, SECTION 5.2, AND ARTICLE 18, SECTIONS 5.139. 5.140, 5.141, AND 5.142 OF THE BIRMINGHAM CITY CODE TO AMEND THE DEFINITION OF "STORY" AND TO ADD "MEZZANINE" AND "HABITABLE ATTIC" AND TO AMEND THE MAXIMUM HEIGHTS FOR THE R - 1, R - 1A, R - 2, R - 3 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS.

The City of Birmingham Ordains:

Section 5.2 is hereby amended as follows:

Story: That portion of a building included between the upper surface of any floor and the upper surface of any floor above, or any portion of a building between the CEILING topmost-floor and the roof. having a usable floor area equal to at least fifty-(50%)-percent of the usable-floor area of the floor immediately below it. A top floor area under a sloping roof with loss than fifty (50%) percent of the usable floor area is a half-story. A mezzanine or partial floor shall NOT be counted as a story for purposes of determining NUMBER OF STORIES height and total floor-area (see "Basement," "Building Height," "Floor Area, Total, Non-Residential").

MEZZANINE: AN INTERMEDIATE LEVEL OR LEVELS BETWEEN THE FLOOR AND CEILING OF ANY STORY WITH A TOTAL FLOOR AREA OF NOT MORE THAN ONE-THIRD OF THE FLOOR AREA OF THE STORY IN WHICH THE LEVEL OR LEVELS ARE LOCATED.

HABITABLE ATTIC: AN ATTIC WHICH HAS A STAIRWAY AS A MEANS OF ACCESS AND EGRESS AND IN WHICH THE CEILING AREA AT A HEIGHT OF 7 FEET 4 INCHES ABOVE THE ATTIC FLOOR IS NOT MORE THAN ONE-THIRD OF THE AREA OF THE NEXT FLOOR BELOW.

Sections 5.139, 5.140, 5.141, 5.142 are hereby amended as follows:

Zone District

Maximum Height In Feet In Stories

2 3-1\3 stories

5.139

24 FEET -FLAT ROOFS

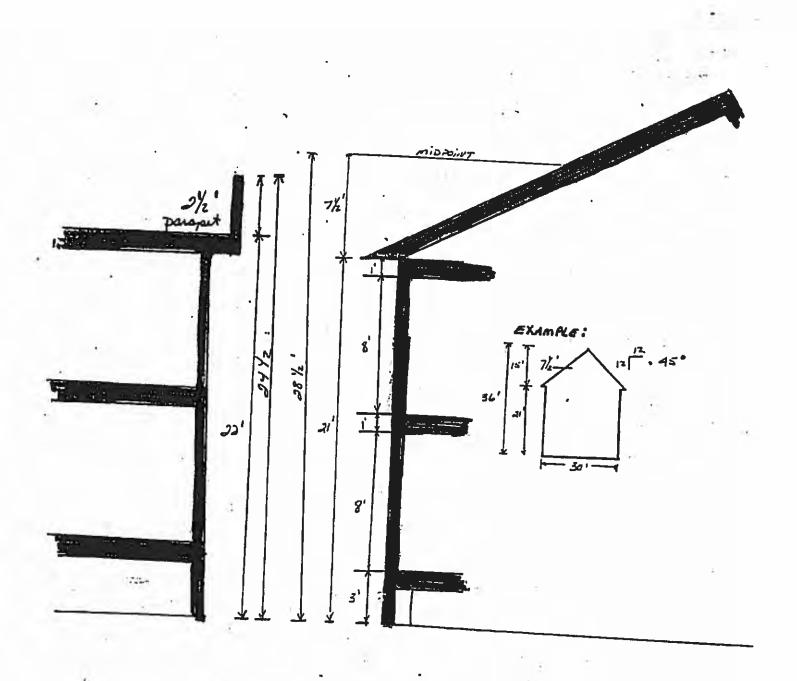
SINGLE-FAMILY

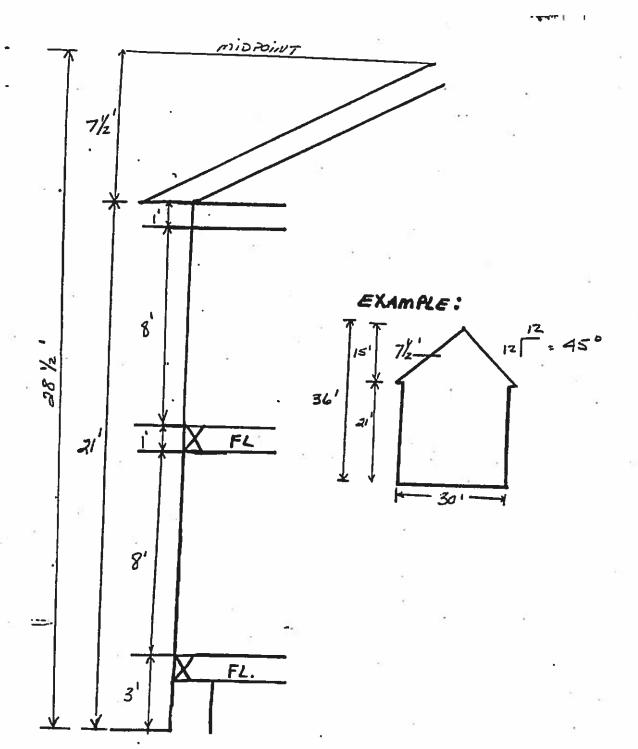
ONLY.

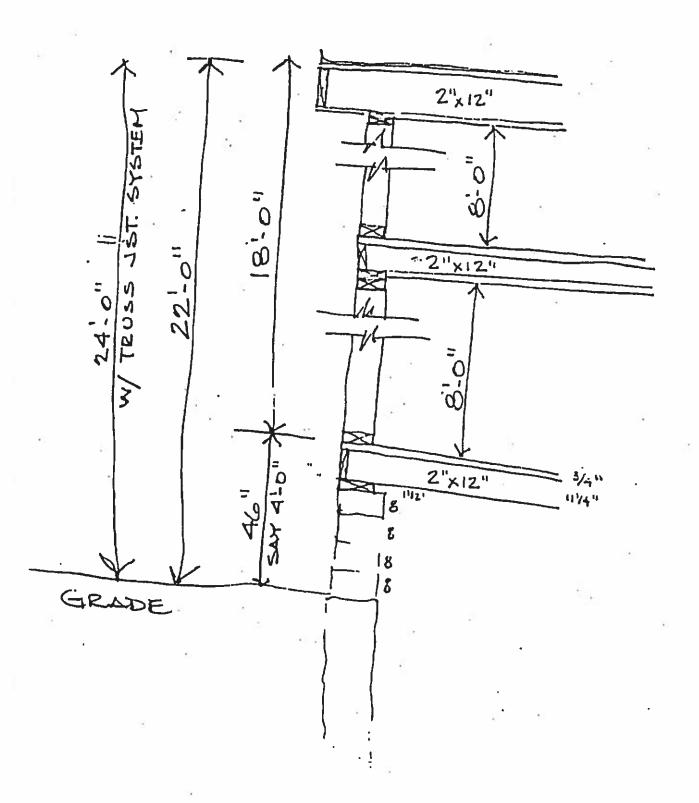
(See section 5.222)

R - 1RESIDENTIAL

5.140 R - 1A SINGLE-FAMILY RESIDENTIAL	30 35 feet 2 2 1\3 stories 24 FEET - FLAT ROOFS ONLY. (See section 5.222)
5.141 R - 2 SINGLE-FAMILY RESIDENTIAL	30 35 feet 2 3-1\3 stories 24 FEET - FLAT ROOFS ONLY. (See section 5.222)
5.142 R - 3 SINGLE-FAMILY RESIDENTIAL	30 35 feet 2 2-1\3 stories 24 FEET - FLAT ROOFS ONLY. (See section 5.222)
Ordained this day City Commission of the City of publication.	of, 1992, by the Birmingham to become effective upon
Rex A. Martin, Mayor	X. X
Judith A. Benn, City Clerk	*







Recommend 24'-0" for flat roofs.

Note: No 3rd story.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement is not be be counted as a story for purposes of determining height of a building. (Ord. No. 1294, 12-3-84)

Bathing establishments: Any establishment which, in exchange for a fee, provides, as its principal function, bathing facilities, sauna baths, steam rooms or turkish baths.

Building: Any structure having a roof, including but not limited to tents, awning, carports, and such devices as house trailers, which have a primary function other than being a means of conveyance. (See., "Building Accessory," "Building, Principal," "Setback" and "Open Space")

Building accessory: A subordinate detached building, the use of which is customarily incidental to the permitted principal use of the principal building on the same lot. In case a question arises as to the degree of incidentalness or length of custom, the board of zoning appeals shall rule. (See "Building, Principal" and "Use, Accessory")

Building height: The vertical distance measured from grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip and gambrel roofs. In a structure having a flat roof, the parapet, if provided, may exceed the maximum building height by up to three (3) feet.

Building, principal: A building or, where the context so indicates, a group of buildings, in which is conducted the main or principal use of the lot on which the building is situated. (See "Building, Accessory," and "Use, Principal")

Control bumper: A continuous concrete curb constructed upon a suitable base, having a minimum width of four (4) inches and a minimum height of six (6) inches above grade.

Drive-in: A business establishment developed so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drugstore: A business establishment which employs a registered pharmacist full time for the purpose of dispensing prescriptions and ethical drugs.

Dwelling unit: One (1) or more rooms and a single kitchen designed as a unit for occupancy by only one (1) family for cooking, living and sleeping purposes. (See "Family")

Supp. No. 27

STORY: That portion of a building included between the upper surface of any floor and the upper surface of any floor above, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least fifty (50%) percent of the usable floor area of the floor immediately below it. A top floor area under a sloping roof with less than fifty (50%) percent of the usable floor area is a half story. A mezzanine or partial floor shall be counted as a story for purposes of determining height and total floor area (see "Basement," "Building Height," "Floor Area, Total, Non-Residential").

STREETS: A dedicated and accepted public thoroughfare, or, a permanent, unobstructed, private easement of access having a width of more than twenty-five (25) feet; which affords the principal means of vehicular access to abutting property, provided said private easement exists prior to the adoption of Ordinance No. 664, December 12, 1966. (see "Alley")

STRUCTURE: Anything constructed or erected, which requires location on the ground, or attachment to something having location on the ground, except walls, fences, ornamental landscape features, driveways and sidewalks.

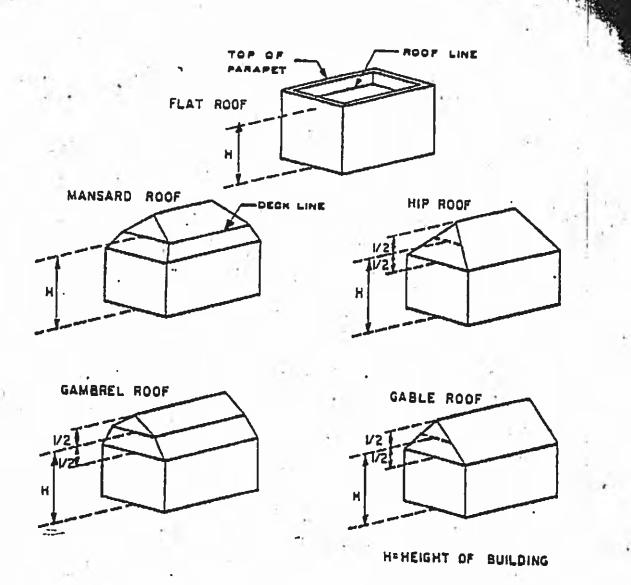
TATTOO PARLOR: An establishment offering tattoo services including the creation of marks or figures upon the human body, by insertion of pigment under the skin or by production of scars, or otherwise.

USE, ACCESSORY: A subordinate use which is customarily incidental to the principal use on the same lot. In case a question arises as to the degree of incidentalness or length of custom, the Board of Zoning Appeals shall rule. (See "Use, Principal"). Accessory uses taking place on not more than two (2) occasions per calendar year for not more than forty-eight (48) hours on each occasion are not subject to the regulations of this Chapter.

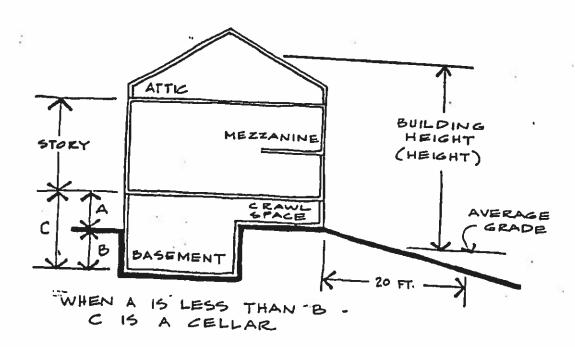
USE, PRINCIPAL: The primary and chief purpose for

Definition of Story amended, Ord. No. 1305, 7/18/1985. Definition of Use, Accessory amended, Ord. No. 1317, 10/28/1985.

July, 1986 - Thru Ord. 1343.



BUILDING HEIGHT



Code Text

Architectural terra cotta: Plain or ornamental hard-burned plastic clay units, larger in size than brick, with glazed or unglazed ceramic finish (see Section 1401.0).

Area, building: The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above (see Section 501.0).

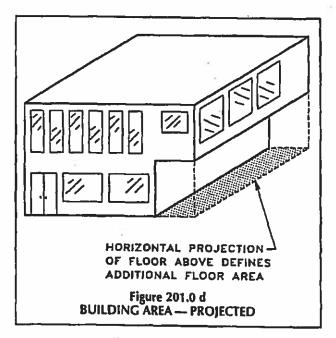
Commentary

Area, building: Allowable building areas (as established by the provisions of Article 5 and Table 501) are a function of the potential fire hazard and the level of fire endurance of the building's structural elements, as defined by the types of construction in Article 4.

A building area is the "footprint" of the building (i.e., that area measured within the perimeter formed by the outside surface of the exterior walls, and excludes spaces that are inside this perimeter and open to the outside atmosphere at the top — such as shafts and courts; see Section 710.0).

When a portion of the building has no exterior walls, the area regulated by Article 5 (Table 501) is defined by the projection of the roof or floor above (see Figure 201.0 d). The conventional roof overhang on a normal building does not add to the building area because the area is defined by exterior walls.

Section 501.2 utilizes the term "maximum horizontally projected area" to further define the regulated building area.



Areaway (form of construction): An uncovered subsurface space adjacent to a building.

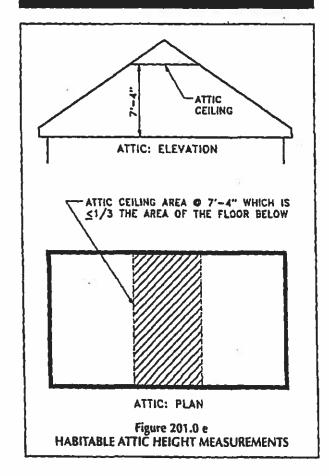
Attic: The space between the ceiling beams of the top story and the roof rafters.

Attic, habitable: A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 71/3 feet (2235 mm) above the attic floor is not more than one-third of the area of the next floor below.

Attic, habitable: This definition delineates when an attic used for habitable purposes is not to be considered an additional story above grade. Areas complying with this definition are to be considered part of the floor below similar to mezzanines and penthouses (see Figure 201.0 e).

Code Text

Commentary





Automatic: As applied to fire protection devices, automatic refers to a device or system that provides an emergency function without the necessity of human intervention and activated as a result of a predetermined temperature rise, rate of temperature rise or increase in the level of combustion products - such as incorporated in an automatic sprinkler system, automatic fire door, etc.

Automatic fire suppression system: An engineered system using carbon dioxide (CO₂), foam, wet or dry chemical, a halogenated extinguishing agent, or an automatic sprinkler system to detect automatically and suppress a fire through fixed piping and nozzles.

Automotive service station: That portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or approved containers; including any building used for the sale of automotive accessories, or for minor automotive repair work. Minor repairs include the exchange of parts, oil changes, engine tune-ups and similar routine maintenance work (see Section 308.1).

Basement: That portion of a building which is partly or completely below grade (see "Story above grade").

Automatic fire suppression system: This term is the generic name for all types of automatic fire suppression systems, including the most common type, the automatic sprinkler system. See Sections 1004.0 to 1011.0 for requirements for particular automatic fire suppression systems.

Automotive service station: This definition draws a distinction between automotive service stations that function as quick lube shops, tune-up shops, muffler shops, tire shops. etc., and which are mercantile uses, and repair garages that are 5-1.

Basement: A basement is a level of a building that has its fire wall floor surface not totally above the adjoining ground level. There are many special grading conditions that might require the basement to be considered as a story above grade. See the commentary to "story above grade" and Figure 201.0 f.

(continued on following page)















More in Windows

Dormer Types

As architectural styles have shifted, architects and builders have invented more ways to build dormers, the little rooms that project from a roof and allow more space and light in the top floor or attic.



PHOTO BY NANCY ANDREWS



PHOTO BY NANCY ANDREWS

Arched top dormers often point to architectural styles that originated in France. These include the Second Empire style (popular 1855-1885), named for the period when Napoleon III ruled France; the Beaux Arts style (1885-1930), favored by Americans who had studied at the leading French school of architecture, Ecole des Beaux-Arts; and the French Eclectic style (1915-1945), based on traditional French houses.





PHOTO BY NANCY ANDREWS

With their curiously curved roofs, eyebrow dormers frame views from houses of several architectural periods, including the Shingle style houses popular in East Coast seashore communities. Eyebrow dormers are also used on houses where the roofing shingles are curved around eaves to mimic the look of thatch.



PHOTO BY NANCY ANDREWS

Gabled dormers have a peak at the top and a roof that slopes downward on either side. This is the most common type of dormer. The design works well with a wide array of architectural styles, including Queen Anne Victorian, Tudor and Craftsman. Gabled dormers are also found on Colonial Revival and Gothic Revival houses and on houses in the French Eclectic style.





PHOTO BY NANCY ANDREWS

This is basically a gabled dormer, but the dormer roof flares out in the same way that the main roof on a house often flares out to accommodate a porch or an addition. On the dormer, the flared roof helps shade the windows, a boon when dormers face south or west in regions where summers are hot. Intricate corbels support the overhang of the roof.



PHOTO BY NANCY ANDREWS

Pedimented dormers are similar to gabled dormers, but they incorporate details rooted in classical architecture. In ancient Greece and Rome, buildings often had a row of columns across the front. They supported a horizontal beam that held up a triangular wall, known as the pediment, that was under the roof peak. On pedimented dormers, molding emphasizes a similar triangular shape. Vertical molding on either side of the windows stands in for columns.





PHOTO BY NANCY ANDREWS

A shed dormer (visible behind the peaked roof on the house shown here) has a roof that slopes in only one direction, toward the front. Many freestanding sheds have roofs that look similar, hence the name of this style of dormer. Dormers in this style are characteristic of Dutch Colonial, Craftsman and Colonial Revival houses.



PHOTO BY NANCY ANDREWS

Fit into a steeply pitched mansard roof, this shed dormer sits almost flush with the surrounding slates. Mansard roofs are similar to hip roofs except that each side has two parts: a steep section near the walls and a barely slanted section toward the middle of the building. This creates an attic that's fully usable, so it's probably no surprise that dormers often are found on mansard roofs.





PHOTO BY NANCY ANDREWS

On a hipped dormer, the roof slants back as it rises, and this occurs on the front as well as on the sides. Hipped dormers, not surprisingly, are often found on houses where the main roof is hipped as well. This style of dormer is common on houses in the Prairie, French Eclectic and Shingle styles.



PHOTO BY NANCY ANDREWS

When a hipped dormer projects from a roof at a 45-degree angle, it takes on a pyramidal shape. This design is unusual but creates an opportunity for a nearly wrap-around view because there are spaces for windows that look out in two directions.



Beautiful Moments

ENVISION YOUR





PHOTO BY NANCY ANDREWS

Recessed dormers, also known as inset dormers, have one or more walls that are set into the roof, rather than placed on it. This style of dormer allows the windows to be deeper than they might otherwise be.



PHOTO BY NANCY ANDREWS

Polygonal dormers are similar to octagons, except that the back three sides are absent. Because they look out from five directions, they offer a superlative view. On this house, the polygonal dormer on the lower roof teams up with smaller hip-roof dormers that have slanting sides.



Beautiful Moments

ENVISION YOUR MARVIN HOME





PHOTO BY NANCY ANDREWS

Wall dormers aren't surrounded by roof, as most dormers are. Instead, as their name implies, they rise from a wall. Except for this feature, though, they span the full range of dormer styles, from arched top to shed roof to hip roof. Wall dormers are found in houses of many styles, including Gothic Revival, Romanesque and Mission.

ALSO IN: Windows



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ORIGINAL AIR DATE: OCTOBER 06, 2011 SEASON 10, EPISODE 1

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MEMORANDUM

Community Development Department

DATE: September 1, 2015

TO: Planning Board Members

FROM: Jana L. Ecker, Planning Director

SUBJECT: Study Session on Legal Non-conforming Buildings

Last year, the owners of the 555 S. Old Woodward building applied to the Planning Board to amend the Zoning Ordinance to allow the renovation of the existing building, the addition of new residential units along S. Old Woodward, as well as an addition to the south of the existing residential tower for new retail space and residential units. The Building Official had previously ruled that some changes to the existing legal non-conforming building may be permitted. However, the scale and scope of the changes that the property owner sought to implement would exceed what would be permitted as maintenance and thus were not permitted in accordance with the legal non-conforming regulations contained in the Zoning Ordinance.

In order to renovate and expand the existing building, the owners of the 555 S. Old Woodward building requested a Zoning Ordinance amendment to create a new <u>D-5: Downtown Gateway Over Five Stories</u> zoning classification in the Downtown Birmingham Overlay District. The proposal was 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 in accordance with new D5 development standards.

On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new <u>D-5: Downtown Gateway (Over Five Stories)</u> 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.

At subsequent Planning Board meetings on June 10th, 2015 and July 8th, 2015 the Planning Board further discussed the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests. The Planning Board

indicated that they would like to craft a zoning classification or overlay expansion that allows the 555 Building to be renovated but also mirrors the development standards in the Triangle District across Woodward, which allows a maximum of 9 stories. Board members discussed taking a look at the 555 building along with several other parcels in the context of future development. It was suggested that this could be accomplished through a combination of a new zoning district and a Special Land Use Permit (SLUP) or the addition of a D6 zone as well, to differentiate permitted height north of Bowers, and south of Bowers along Woodward. The board reviewed multiple examples of similar "gateway corridor" districts in other cities (see attached), along with highlights, notes and sample ordinance language from other cities that were relevant. There were varying viewpoints on whether a new overlay should be created that included multiple properties along Woodward, and if so, which properties to include. No consensus was reached.

On September 9, 2016, the board reviewed a revised draft of the proposed D5 zone. Board members discussed the appropriate height for buildings along the west side of Woodward adjacent to the Triangle District. Some board members felt that the allowable height is a new D5 or D6 zone should mirror the 9 stories permitted in the Triangle District on the east side of Woodward. Other board members felt that additions should be permitted to match the height of existing non-conforming buildings. The board was unable to reach consensus on how to proceed, and requested additional information and direction from the City Attorney on potential options to provide exemptions for non-conforming buildings. The City Attorney's response letter dated September 29, 2016 is attached for your review.

On June 20, 2016 the issue of legal non-conforming commercial buildings was discussed at a joint meeting of the City Commission and Planning Board. The 555 S. Old Woodward building, the Merrillwood Building and Birmingham Place were referenced due to their non-conformity with regards to their height and bulk, and the desire to allow improvements or changes to these buildings. While no action was taken at the joint meeting, there was consensus that the issue of the improvement or expansion of legal non-conforming buildings should be studied.

On July 25, 2016, the City Commission again discussed the issue of legal, non-conforming commercial buildings and directed the Planning Board to review the non-conformance provisions pertaining to commercial buildings to provide specific requirements, considering a new zoning category or categories, that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures.

Given the direction of the City Commission, the Planning Board may wish to discuss options to allow changes to legal, non-conforming buildings for maintenance, renovation and/or expansion. Some options to consider are as follows:

1. <u>Allow Maintenance and Renovation Only of Existing Legal, Non-conforming Commercial Buildings</u>

Article 6, Section 6.02 of the Zoning Ordinance could be amended as follows:

6.02 Continuance of Nonconformity

- A. Limitations: Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:
 - 1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
 - 2. The use shall not be reestablished after discontinuance for 6 months.
 - 3. The use or building shall not be extended or enlarged except as herein provided. Nonconforming **residential** buildings may be extended or enlarged, provided that the extension or enlargement does not itself violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance, application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F).

The amendment noted above would allow for the maintenance, extension or enlargement of an existing legal, non-conforming building so long as the addition meets the current zoning standards for the existing zone district. This amendment would allow both commercial and residential legal non-conforming buildings to be expanded using a consistent approach. As an example, this approach would allow a 10 story legal non-conforming building in a 5 story zone district (building that is non-conforming for height only) to construct an addition. However, the addition could not be 10 stories in height to match the existing building, but could be built up to a maximum of 5 stories as currently allowed in the zone district.

2. Allow the Expansion of Existing Legal, Non-conforming Buildings To Match Existing Non-conforming Conditions

Article 6, Section 6.02 of the Zoning Ordinance could be amended as follows:

6.02 Continuance of Nonconformity

- A. Limitations: Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:
 - 1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
 - 2. The use shall not be reestablished after discontinuance for 6 months.

3. The use or building shall not be extended or enlarged except as herein provided. Nonconforming residential buildings may be extended or enlarged, provided that the extension or enlargement does not itself increase the degree of the dimensional nonconformance, nor violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance, application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F).

OR

Section 6.02 Continuance of Nonconformity

- A. Limitations: Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:
 - 1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
 - 2. The use shall not be reestablished after discontinuance for 6 months.
 - 3. The use or building shall not be extended or enlarged except as herein provided. Nonconforming residential buildings may be extended or enlarged, provided that the extension or enlargement does not itself violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance, application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F). A legally nonconforming structure may expand its square footage provided that the expansion does not exceed the extent of the height and/or setback in nonconformance. All other development standards must be met in the expansion.
 - a. A vertical expansion of a nonconforming building or structure which is legally nonconforming as to one or more setback requirements is a permitted expansion of that nonconformity.
 - b. A horizontal expansion of a nonconforming building or structure which is legally nonconforming as to one or more height requirements is a permitted expansion of that nonconformity.

Both of the amendments noted above would allow for the maintenance, extension or enlargement of an existing legal, non-conforming building up to, but not exceeding, the existing non-conforming dimension. The first option listed above is more general in nature, and could include the expansion of any type of non-conformity (height, setbacks, FAR, density, lot coverage etc.). The second option listed above is limited to expanding only height and/or setback non-conformities. As an example, this approach would allow a 10 story legal non-conforming building in a 5 story zone district (building that is non-conforming for height or

setbacks) to construct an addition up to 10 stories in height to match the existing building height and setbacks.

3. <u>Convert Existing Legal, Non-conforming Buildings to Conforming Using a Special Land Use Permit</u>

Another option to consider may be to convert buildings or structures in Downtown Birmingham that are legal non-conforming with regards to height into conforming buildings through the use of a Special Land User Permit. An amendment to Article 3, Overlay Districts, or to Article 6, Nonconformances, could be proposed as follows:

Conversion of Non-conforming Status: A building in the Downtown Birmingham Overlay District that is a legal non-conforming building or structure with regards to height may be deemed a conforming building or structure with regards to height if the property owner agrees to specific conditions to control the future extension, enlargement or renovation of the building or structure and said conditions are approved by the City Commission under the provisions of a Special Land Use Permit.

This approach would allow for the extension or enlargement of existing legal, non-conforming buildings downtown on a case by case basis as negotiated by the City Commission. The amendment noted above would provide flexibility for different site conditions and would provide control over the parameters of future expansion based on site and neighborhood context. As an example, a 10 story legal non-conforming building in a 5 story zone district could be deemed conforming if placed under the provisions of a SLUP that establish the specific conditions for maximum extension or enlargement of the building in the future.

4. Re-establish the Zoning District(s) in effect when Building Permits were Issued for Buildings in Excess of 5 Stories

Another option to consider may be to re-establish the former zoning classification(s) in place in the 1970's when several buildings were legally constructed greater than 5 stories in height, and to rezone properties with non-conforming buildings with regards to height back to this classification. Thus, any extension or enlargement of an existing legal, non-conforming building so rezoned would be permitted as anticipated at the time of construction. As an example, a 10 story building constructed in 1975 under a classification that permitted 11 stories in height could be extended or enlarged up to 11 stories in height.

5. Create a New Zoning District(s)

Another option to consider is to create a new zoning classification(s) that would permit additional building height and rezoning certain properties to this classification, thus rendering legal non-conforming buildings or structures conforming buildings with regard to height. This approach has been discussed by the Planning Board over the past year, and amendments have

been drafted to create two new classifications under the Downtown Overlay, D5 and D6, to attempt to address the non-conforming heights of several buildings downtown. The Planning Board has also discussed using this approach to also address sites along the west side of Woodward to allow additional height even for existing conforming buildings along the corridor to match the height permitted on the east side of Woodward in the Triangle District. The latest version of the draft previously discussed by the Planning Board is attached and highlighted to indicate areas noted for further discussion.

As an example using this approach, an existing 10 story legal non-conforming building in a 5 story zone district could be rezoned to a new zoning classification to be created that would allow 10 story buildings as of right.

Suggested Action:

It would be beneficial to discuss each of the alternatives discussed above to gain consensus as to which of these options, if any, to focus on for additional study.

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.

Planning Board Minutes June 10, 2015

STUDY SESSION

D-5 - Proposed Gateway Zone in the Downtown Birmingham Overlay District

Mr. Baka explained the owners of the 555 S. Old Woodward Ave. building are interested in renovating the existing building, 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.

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 D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District.

It was discussed this amendment should be viewed not only as to how it applies to 555 S. Old Woodward Ave., but possibly to other properties as well. Mr. Baka read highlighted areas from the proposed ordinance language to amend Article 3, section 3.01, 3.02, and 3.04 of the Birmingham Zoning Ordinance for the board to review and consider.

The 555 S. Old Woodward Ave. building is 180 ft. in height. Allowable height in the general proximity across Woodward Ave. is 114 ft. maximum. Mr. Koseck thought the board should be looking at the proposed language in a broad way, and not just specific to the 555 S. Old Woodward Ave. property. Chairman Clein advised not to incorporate a number of items for one particular parcel just because that makes it easier. Mr. Share added that if the applicant needs some variances, then the applicant needs some variances.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for the applicant, was present with Mr. Bob Ziegelman, the architect; and Messrs. Jack Reinhart and Bruce Thal, the building owners. Mr. Rattner noted parts of the proposed ordinance were included because they were important to put into law so that their building could exist and not be doomed to some type of less than satisfactory condition under the current Zoning Ordinance. They hope to make their building the re-invigoration of S. Woodward Ave. In order for this to happen, a Gateway Zone must be established and their building zoned D-5. He went on to describe improvements they hope to make to the building and talked about building height, which would include an elevator shaft 14 ft. above the roof. If they construct a new building on the property they own to the south of the 555 Building it would comply with the old Overlay Zone Ordinance. They are providing their own parking on-site. With respect to architectural standards, they plan to re-surface and light the existing building as described by Andres Duany. Proposed signage standards allow for identification on all sides of the building. One way or another, the reasonable Zoning Ordinance for this area and the Gateway should be passed in order to benefit the City.

No members of the public wished to come forward to provide comment at this time.

Mr. Share announced he was having trouble conceptualizing why on any of the Gateway sites there would be buildings higher than the nine (9) maximum stories allowed in the Triangle District. Mr. Koseck noted there are all kinds of non-conforming buildings in the City and he doesn't think the goal is that they should all go away and become conforming. That is why the Board of Zoning Appeals exists. He is in favor of improvements being made to the building, but as the applicant makes enhancements he hopes they would go further to be more in compliance with D-4, D-3, D-2, and D-1. It scares him to expand D-5 beyond the limits of this property without further study.

Mr. Jeffares thought the building should be polished so that it stands out like a jewel, and other buildings should be more in context with the nine (9) stories allowed in the Triangle District. Mr. DeWeese was in support of the building enhancement, but he also did not want so see it spreading.

Chairman Clein thought of this as an opportunity to take a look at this building along with several parcels in the context of future development. If Bruce Johnson, Building Official, and Tim Currier, City Attorney, would come to a Planning Board meeting and are on board, he would be in favor of providing some relief in a unique situation; but he just doesn't want to do it capriciously. The Ordinance standards were put in place for a reason and he would be supportive of fitting them into the context of a building that obviously is not going away, in order to help make it better.

Ms. Whipple-Boyce was also in support of helping to make this Gateway building better looking. She thought also that it would be helpful to have Messrs. Johnson and Currier come to a Planning Board meeting. She could not imagine why the Planning Board could not somehow help the applicant to get their building re-skinned in some other way. Further, the ordinance proposal should not include some of the things that the board does not want to have in the City.

Ms. Lazar was in full support, as well, of trying to do something with the building. However, she didn't see how this board could whip up a new ordinance in a short period of time. It concerns her that what might be applied to this building could become applicable to some other sites which would not be appropriate. She would rather try to help the applicant get to where they need to be with this building.

Mr. Share thought another way to get through this problem would be to modify the Ordinance to change the definition of *Dimensional Expansion of Non-Conformity*.

Mr. Jack Reinhart explained that it is difficult to get financing for a non-conforming building.

Mr. Rattner was positive they would get this done, but more work is needed in order to find the right answer. It will come out the right way if everyone works for it.

Chairman Clein suggested when this draft ordinance is brought back with input from tonight that Mr. Johnson; and if possible, Mr. Currier, be present for that study session to walk through the higher level issues and answer questions.

Planning Board Minutes July 8, 2015

STUDY SESSION

D-5 - Proposed Gateway Zone in the Downtown Birmingham Overlay District

Ms. Ecker provided background. 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 Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units.

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 D-5: Downtown Gateway (Over Five Stories) zoning classification in the Downtown Birmingham Overlay District.

It was discussed that the building official has now ruled the reason for installing a new curtain wall on the 555 Woodward Bldg. would be to maintain the building in good condition, and therefore should be considered maintenance. Accordingly, application to the Board of Zoning Appeals ("BZA") would not be necessary.

Board members talked about considering an ordinance to allow Woodward Ave. frontage parcels up to a certain height between Hazel and Brown. Seven stories would be permitted as of right and an extra two stories for making two of five concessions.

Mr. Williams stated that everyone knows the 555 Bldg. is the gateway to Birmingham and as far as he is concerned it needs improvement and the City should work with the owners to achieve that result. That benefits everybody.

Discussion considered whether the building could be improved without creating a new zoning classification. Mr. Boyle suggested the board try to give the Woodward Ave. frontage parcels a designation that relates to Woodward Ave. Ms. Ecker thought that makes a lot of sense. It relates to more of a holistic view as to what is right for that area - not just one property. Mr. Share agreed. Start out with proper planning for that set of properties as opposed to fixing the 555 Bldg., and incidentally create a new district to do that.

Ms. Whipple-Boyce observed the board hasn't done anything to help the 555 Bldg. Ms. Ecker listed some of the key issues that the board has talked about over the last couple of meetings such as an improved retail frontage; improved street activation; pedestrian focus and pedestrian scale architecture at the street level on the S. Old Woodward and Woodward Ave. sides; and connectivity improvements - there is no sidewalk along Woodward Ave.

Mr. Rick Rattner, Attorney for the applicants, noted their building is non-conforming and they cannot expand it; all they can do is repair and maintain it. No one will provide a loan to re-skin

a non-conforming structure. If they are going to do anything, they have to make it worthwhile in terms of expansion and improvements. He went on to describe the renovations they are considering.

Mr. Jack Reinhart spoke to say they have owned the building since 1982. They are looking at this as a comprehensive redevelopment and he will not do anything on the south end unless they can go all the way up. He doesn't think it is appropriate to go the BZA as there are too many exceptions to be considered.

Mr. Williams observed everyone agrees they want to create something that is conforming; not non-conforming. In his view, there are deficiencies on the Woodward Ave. (east) side. On the S. Old Woodward (west) side he sees retail too far from the street. On the south side he sees a blank wall. Therefore, from his standpoint three of the four sides of the building are not very good and he would like to see them improve. He thinks somehow the board has to craft something that allows for the development of other parcels on Woodward Ave., but at the same time allows improvements to these three geographic areas.

Mr. Boyle thought the board probably can't do everything that the applicants would like because the City Commission may not approve it all. However if some of the proposal is approved and the project is moved forward, then it will go a long way toward helping the applicants get value from their property and do what they want to do.

Mr. Williams summed up the discussion by saying the board wants to go the conforming route and use the SLUP process to do it. Maybe the applicant won't get everything but they can probably get a substantial achievement through the combination of the new MU classification plus SLUP exceptions for what they get as of right and what they get as a bonus. Ms. Ecker noted that is consistent with what the City does in other districts and what has been approved by the City Commission. This is a methodology gives the Planning Board flexibility. It was the consensus that staff should work on crafting something to that effect, taking the 555 Bldg. separately so that it gets through the City Commission.

In response to Mr. Rattner's inquiry, Ms. Ecker explained they can keep their existing height and renovate to maintain and repair it, but if they want to add more height to the building or bring the building to the south and go up higher, then they would have to get a SLUP if new ordinance language is approved.

Planning Board Minutes September 9, 2015

STUDY SESSION

Creation of D-5 Zone in the Birmingham Overlay District

Ms. Ecker explained that in order to renovate and expand the existing building, 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 building official previously ruled that some changes in the existing legal non-conforming building may be permitted. The applicant is seeking to rezone the 555 S. Woodward Ave. properties from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building as a legal, conforming building that could then be renovated and expanded.

At the Planning Board meetings of May 13, June 10, and July 8, 2015 the Planning Board discussed the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests. The board indicated they would like to craft a zoning classification or overlay expansion that allows the 555 Building to be renovated but also mirrors the development standards in the Triangle District which allows a maximum of nine stories. Since that time, the applicant has submitted their revised draft of the proposed D-5 zone.

In accordance with the direction of the City Manager, the board can craft specific questions for the City Attorney and will respond in writing.

Mr. Williams suggested creating a D-5 District for the 555 Building and a D-6 District for other locations which might be nine stories. That would not isolate one parcel; but rather it would be a comprehensive approach. Further it would allow the 555 Building to be improved.

Ms. Ecker explained that the applicant has submitted language that has two different subzones. They are proposing a sub-zone north of Bowers and a sub-zone south of Bowers. South of Bowers (the tall part of the 555 Building) allows 168 ft. and includes the area they want to expand. That would make the existing residential portion of the 555 Building conforming and would allow them to expand. The sub-zone north of Bowers and south of Hazel allows nine stories.

Mr. Share announced he may be okay with making the existing building conforming but not okay with adding an additional 12 stories to it. However, Mr. Koseck thought it would look odd to have a five-story addition scabbed onto the front of the tower.

Motion by Mr. Share

Seconded by Mr. Koseck to extend the meeting to 11:10 p.m.

Motion carried, 7-0.

Board members suggested having identification signs on the building facade that fronts Woodward Ave. and maybe on the south facade. However, Chairman Clein was nervous about having them on the other facades that look into Downtown and across.

Other aspects of the applicant's submitted language were discussed. The group considered whether it would be feasible to make this building or any building in this condition 100% legally conforming. There are many issues, such as lighting, setbacks, height, uses. Mr. Share said that at some point they approach the problem of spot zoning. Mr. Koseck thought that enhancements and additions should comply with the ordinance. It was agreed that there need to be standards, but that there could be exceptions if certain criteria are met.

The board listed items for the City Attorney's response:

- **Does** our ordinance create sub-zones with geographic descriptions anywhere else? If we do this do we need to rezone anyway?
- What is the appropriate means to provide exemptions to make non-conformities conforming, other than grandfathering?
- **5** Look at the language that takes juris from the BZA.

Board members continued to discuss sections of the proposed ordinance language. Consensus of board members was not to allow drive-through facilities without SLUPS and they must be internal. A height of 168 ft. might be okay in some instances to make an existing building conforming, but not necessarily for additions. The board is willing to consider illuminated signs on Woodward Ave. elevations only, and is not willing to allow exemptions that would eliminate pedestrian friendly requirements. Board members also agreed that the southern gateway would be the southern point of the Triangle District.

Motion by Mr. Share

Seconded by Mr. DeWeese to extend the meeting 10 minutes to 11:20 p.m.

Motion carried, 7-0.

Mr. Rick Rattner, attorney for the applicant, said that taking variances and assigning them to the Planning Board instead of the Board of Zoning Appeals ("BZA") is a very common method used in PUDs. It is recognized that planning and design control is a lot of what is done in zoning. When variances go to the BZA they are judging the variance by a different standard that has nothing to do with design or form based code. It has to do with whether there is undue hardship or something that necessitates amending the ordinance.

The other thing is he has tried to get the 555 Building in a position where it complies with the 2016 Plan and what Andres Duany said last May. This is an ordinance to put the non-conforming structures into conformance so they can be improved rather than sit there and waste away.

Lastly, the ordinance allows opting in or opting out of the D-4 Overlay District. That could mean something when moving forward to re-do buildings on a form-based code.

Motion by Mr. Williams

Seconded by Mr. Boyle to schedule a public hearing on the consideration of zoning classification D-5 for Wednesday, October 14.

Board members tended to agree they should feel comfortable prior to putting the new zoning classification before the public. That would make for a more efficient hearing.

Motion failed, 2-5.

ROLLCALL VOTE

Yeas: Williams, Boyle

Nays: Clein, DeWeese, Koseck, Lazar, Share

Absent: Whipple-Boyce

Chairman Clein wrapped up by saying this matter will be brought back at the next meeting for a study session with direction from the city manager/city attorney and language from staff.

Joint City Commission / Planning Board Minutes June 20, 2016

D. Existing commercial non-conforming buildings

Ms. Ecker described the issue as being several properties that are non-conforming with regards to height, bulk and mass. She provided some history of the buildings in question.

After discussion regarding maintenance and renovations that might be permitted, the number of variances that would be required, it was agreed that the discussion should be continued at the Planning Board level, with direction from the Commission.

There were no public comments.

City Commission Minutes July 25, 2016

Existing Commercial Non-Conforming Buildings

City Planner Ecker explained that if a review of all the buildings in town was done, one would find something slightly non-conforming on many of the buildings that were built, especially if they were built prior to the sixty's when the zoning ordinance came into effect. She noted specifically buildings such as the Merrillwood Building, Birmingham Place, and the 555 building in regards to the height and bulk of the buildings. She explained that the discussion at the workshop was that there should be some regulation in the zoning ordinance that allows for some maintenance or renovation to those types of buildings when they are already nonconforming.

The City does have that for residential non-conforming now.

Mayor Hoff questioned whether renovation includes expansion as expansion is another issue. Ms. Ecker explained that it would be something for the Board to discuss.

Commissioner DeWeese noted that there are two elements – general language about what anyone could do for non-conformance and language that specifically applied to non-conforming and tell them what limits they can go to. That will give developers an opportunity to not always have to get exceptions.

Mayor Pro Tem Nickita commented that this is an issue that the Commission wants to address. He questioned if the City is looking at identifying a district or a series of buildings throughout the City. Ms. Ecker explained that this is to establish a procedure where if there was a nonconforming building in the City and whichever way it is non-conforming, it would give the owner a way to make changes to modernize that building.

MOTION: Motion by DeWeese, seconded by Bordman:

To review the non-conformance provisions pertaining to commercial buildings to provide specific requirements, considering a new zoning category or categories, that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures.

Jerry Reinhart, representing the 555 Building, suggested this item be moved to the top of the priority list.

VOTE: Yeas, 7 Nays, None Absent, None

DRAFT AMENDMENTS TO DOWNTOWN OVERLAY (SEPT 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 an 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 StoriesD3: Downtown Three or Four StoriesD4: Downtown Four or Five Stories

D5: Downtown 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. <u>Building Height, Overlay:</u> 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.
- The Planning Board has indicated that this is too high for buildings in this district. Instead, we recommend allowing buildings up to 9 stories that mirrors the regulations in the MU7 zone. The Planning Board may wish to consider allowing additions to existing buildings provided that there is a threshold or maximum percentage increase for non-conforming dimensions.
- 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.

The Planning Department understands that this type of renovation would be exempt to this regulation because it is grandfathered in

- 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. <u>Building placement</u>. 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.

The Planning Department understands that this type of renovation would be exempt to this regulation because it is grandfathered in

- 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.

The loading docks that are currently in on this building would be accepted as a prior use after the renovations

- 8. All buildings shall have their principal pedestrian entrance **facing the** on a frontage line.
- C. <u>Building use</u>. 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;

The Planning Board may wish to consider whether drive-in facilities should be permitted in D5.

- 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 frontage 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 offstreet 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.
 - The D-5 zone will not be exempt from this requirement but a change to glazing requirements could be made requiring less glazing
 - 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 purpose 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 onsite 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. This amendment would further make the Woodward side of the 555 building inaccessible to pedestrians and would not continue the overall plan of the gateway
- 6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.
- E. <u>Architectural standards</u>. 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.
 - 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. Changes regarding Subsection 3.04(E)(6) are grandfathered in Changes regarding Subsection 3.04(E)(7) could be permitted above the first floor only
- 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. <u>Signage Standards</u>. 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.

The sign band could be grandfathered in.

- 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.

The Planning Department feels that four signs would be excessive signage. But a provision could be made to allow illuminated signage on the south end of the 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.
- e.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 Cle	 rk	

APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE Birmingham, Michigan

TO THE CITY COMMISSION:

T

Zoning Map Change:			mmission to:		
the Downtown Overlay Zoning District Map as follows: create a new Change premises described as "D-5 Gateway District".					
No.	Street	. <u>-</u> -			
Legal I	Description				
			from its present zoning		
classification of		to	·		
A sealed land survey sh the lot to scale must be		ze of lot	and placement of building (if any) on		
			ve a direct bearing on the request. See proposed	l	
			kt for the "Downtown Overlay Gateway	_	
CHRISPENINGERINGERCHERUIX	1921/252111 Q F T 1 C 1			r	
6-1			, and the existing Zoning Map showing town Overlay Districts, attached.	•	
	existing		town Overlay Districts, attached.	•	
No.				•	
No.	existing	g Down		•	
No.	existing Street Legal Description	g Down	town Overlay Districts, attached.	•	
No.	existing Street Legal Description owing location, siz	Downto	from its present zoning	,	
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No. classification of A sealed land survey she the lot to scale must be a statements and reasons Signature of Applicant: Print Name: John J. 555 Resi Name of Owner: 555	Street Legal Description owing location, size attached. for request or other Reinhart, Mandential, LLC Residential,	totote of lot er data hagerLLC	from its present zoning and placement of building (if any) on ave a direct bearing on the request.	2	

PROPOSED DRAFT – SUBJECT TO FURTHER COMMENTS AND REVISIONS

Downtown Birmingham Overlay District

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 gateway as stated in the Downtown Birmingham 2016 Plan, as has been applied and updated.

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:
 - 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 Overlay 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

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.

3.04 Specific Standards

- A. <u>Building Height, Overlay</u>: 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 minimum 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. C and P-Zones: Downtown-Birmingham Overlay District building height-shall D5 Zone (over five stories).
 - a. Eve 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 slope 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.
- 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.
 - 56. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling-, except this subsection shall not apply to those renovations to existing buildings in the 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.
 - 67. 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 the D5 Zone that do not have a transition line that will facilitate an awning.
 - 78. 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. <u>Building placement</u>. 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, screenwalls 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 Section 3.04 (B)(4) shall not apply to the D5 Zone where the rear property line abuts a street.
- 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. Except 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 $\frac{1}{2}$ frontage line.
- C. <u>Building use</u>. 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, er-D4 Zone, OR D5 ZONE 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 façade** line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of
- __the required retail
- -frontage, provided that any such lobby occupies no more than 50% of the
- frontage of said building. Except those existing buildings in the 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 the 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;
 - 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 the 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 purpose 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 THE 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 façade on a frontage line or between the building facade and the frontage line, except in the 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. <u>Architectural standards</u>. 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 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 façade 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 the 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 the 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 the D5 Zone where an existing building has retail below grade level, the sign ban shall exist either between the below grade level or garden level, and the next story above the garden 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 the D5 Zone, each business whose principal square footage is on either the lower 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 the 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 the buildings in the D5 Zone.
 - b. Signage identifying the entire structure by a building name may be permitted on the sign band.
 - bc. One sign will be allowed on the principal building frontage.
 - ed. Two identical signs will be allowed on each elevation of a corner building.
 - de. 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.





September 30, 2015

Ms. Jana Ecker Planning Department *City of Birmingham* 151 Martin Street, P.O. Box 3001 Birmingham, MI 48012-3001

Re: September 23, 2015 Planning Board Question Regarding Proposed D-5 Zone In Downtown Overlay

Dear Ms. Ecker:

I am in receipt of your email dated September 23, 2015 which contained the Planning Board meeting questions from September 9, 2015. Those questions and the answers are as follows:

1. Does our Zoning Ordinance create sub-zones with geographic descriptions in the ordinance language anywhere else (ie. area north of Bowers, area south of Bowers in proposed draft)? If we do this do we need to rezone those properties anyway?

<u>ANSWER</u>: The Birmingham Zoning Ordinance does create sub-zones with respect to the zoning map. In fact, the Downtown Overlay has four sub-zones. However, it does not create the sub-zones in the language or text of the Zoning Ordinance. Nevertheless, the creation of sub-zones by use of the map is just as effective. When the ordinance language creates a zone by geographic description, the map should also be amended so they are consistent.

2. What is/are the appropriate means to provide exemptions to make non-conformities conforming, other than grandfathering?

<u>ANSWER</u>: When a property becomes legal non-conforming due to a Zoning Ordinance change, it stays as such until the zoning is changed which it brings back into conformance, or the property itself is brought into conformance with the existing Zoning Ordinance. Grandfathering non-conforming property only categorizes that it is a legal non-conforming use. Grandfathering does not make it conforming.

The only way to make a non-conforming property conforming is to amend the ordinance to eliminate the non-conformities.

3. Look at the language (in the draft ordinance proposed) that takes juris from the BZA.

Beier Howlett

Ms. Jana Ecker September 30, 2015 Page 2

<u>ANSWER</u>: A waiver is not a variance. We have other ordinances that contain waiver provisions such as the Subdivision Ordinance (102-4). Waivers are used in ordinances as part of the planning process where it is identified that certain requirements may cause unnecessary difficulties or in the case of the proposed ordinance, "impose unreasonable burdens" based on certain conditions that may exist. This does not take jurisdiction from the BZA on other matters not related to the waiver.

I hope the foregoing is helpful.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

Timothy J. Currier Birmingham City Attorney

TJC/jc



Williams Williams Rattner & Plunkett, P.C. Attorneys and Counselors

380 North Old Woodward Avenue Suite 300 Birmingham, Michigan 48009

Tel: (248) 642-0333 Fax: (248) 642-0856

Richard D. Rattner rdr@wwrplaw.com

September 9, 2016

Planning Board City of Birmingham 151 Martin Street Birmingham, MI 48009

Re:

Proposal to accommodate properties with existing buildings in the Downtown Birmingham Overlay District higher than five stories and provide that the existing structure height is in conformance with the Downtown Birmingham Overlay District Ordinances

Dear Members of the Planning Board:

The property owner of 555 South Old Woodward ("Property Owner") makes a very simple request to amend the Downtown Birmingham Overlay District to provide that the property owned by this Property Owner ("Property") be permitted to accommodate a building at the existing height of the 555 structures as they exist today.

This Property Owner has been petitioning the City, in one form or another, for over three years to make significant improvements to the Property. But because the buildings are over five stories, they are nonconforming structures and can only be repaired and maintained. This nonconforming status is a real injustice to the Owner of this building. This unfair condition can be remedied by simply amending the ordinance to recognize the existing height limitations for buildings on this Property in the Downtown Birmingham Overlay District not exceed current building height. The same problem exists for any other building in the Downtown Birmingham Overlay District that exists at a height of over five stories.

The history of how this injustice occurred, and how this building and others were in effect "de-zoned" is fully explained in the attached letter, dated June 16, 2016, which was sent to the City Commission to be discussed at the workshop session of the City Commission and Planning Board which took place on June 20, 2016. The comments at the workshop session recognized the injustice and, after reading the attached letter, it was the consensus of the group that this is a situation that should be corrected.

This Property Owner implores the Planning Board to make a simple change to the zoning ordinance so that the height of the 555 buildings be deemed to be in conformance with the zoning ordinance for the Property owned by this Property Owner.

Planning Board City of Birmingham September 9, 2016 Page 2



After the several years of attempts to amend the Downtown Birmingham Overlay District to treat fairly and justly existing heights of buildings, the time to act is now. If no action is taken at this time in an effective and expeditious manner, this major structure and others in the Downtown Birmingham Overlay District are doomed to a nonconforming status which materially limits the possibility of significant improvement to the buildings and the Property. This improvement is not just limited to design, planning and theoretical form-based code architectural nuances, but structurally, without any change in the ordinance constitutes a detriment to the health safety and welfare of this community. A review of the letter of June 16, 2016, attached hereto, and the exhibits attached to that letter clearly traces the history of this zoning injustice for your review.

The Property Owner of 555 proposes that the Planning Board at this study session move forward as quickly as possible to make a simple amendment to the ordinance so that the height of the structures on the Property be deemed a conforming height in the Downtown Birmingham Overlay District.

Respectfully submitted,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner

Attorney for Property Owner

RDR/cmc Enclosures

Attachment 1

RECEIVED BY

JUN 1 6 2016

CITY CLERK'S OFFICE
CITY OF BIRMINGHAM



Williams Williams Rattner & Plunkett, P.C. Attorneys and Counselors

380 North Old Woodward Avenue Suite 300 Birmingham, Michigan 48009

Tel: (248) 642-0333 Fax: (248) 642-0856

Richard D. Rattner rdr@wwrplaw.com

June 15, 2016

City of Birmingham City Commission 151 Martin St. Birmingham, MI 48009

Re: Proposal for new D5 Downtown Birmingham Overlay District Zone

Dear Members of the City Commission:

Please accept this letter from the property owner ("Property Owner") of 555 South Old Woodward ("Property") as a letter in support of efforts to create a new D5 Overlay Zone in the Downtown Birmingham Overlay District.

Executive Summary

The office and residential buildings located on the Property (collectively, the "555 Building") and other buildings of over five stories in the Downtown Overlay District are legal nonconforming structures. This nonconformity is due to the fact that the City of Birmingham Zoning Ordinance ("Zoning Ordinance") in effect when these taller buildings were constructed was amended to limit the height of all new structures. The 555 Building was constructed in the early 1970's, and this amendment was enacted shortly after the construction of the 555 Building. Today, the maximum building height allowed in the City is 5 stories. The 555 Building is 15 stories. Other buildings in the downtown area are taller than 5 stories. Because of this legal nonconforming status, the property owners of some of the City's most prominent buildings are prohibited from renovating, remodeling, expanding or otherwise improving their property. Rather, these owners are limited to maintenance and repair projects. Simply stated, these important structures do not fit into any zoning district, and have effectively been "de-zoned." This "de-zoning" is not reasonable, is unfair to the property owner and causes detriment to the health, safety and welfare of the community in general.

Specifically, the 555 Building is the tallest building in the City and is prominently located at, and the symbol of, the southern gateway to downtown Birmingham. Any such property in this City should be subject to a reasonable Zoning Ordinance that permits appropriate improvements to be made to the existing structure as a "permitted" structure rather than as a "nonconforming" structure.



The introduction of a new D5 Overlay District that permits a building height consistent with the existing structures in the City, and that otherwise amends the Zoning Ordinance to accommodate the reasonable requirements of taller structures, can remedy the unreasonable and unrealistic conditions caused by the current Zoning Ordinance.

Zoning History/Context

A review of the history surrounding the time at which the 555 Building was conceived and constructed is instructive. After a review of the minutes of the City Commission over a fouryear period starting in 1969, it is clear that the City of Birmingham was considering a change of ordinances for development of the downtown area. It should also be noted that this period of time is before the modern 2016 Plan was created in the 1990s. However, in 1972 the Zoning Ordinance was amended to allow a maximum height of 144 feet, and the 555 Building was constructed in compliance with that Ordinance. (See Exhibit A attached) Unfortunately, after the 1972 amendment, the Zoning Ordinance was amended to reverse course and reduce the maximum height allowable in the downtown. In 1977 the Zoning Ordinance was amended to lower the maximum height to 90 feet. (See Exhibit B attached) In 1986 the maximum height was further amended to 60 feet. (See Exhibit C attached) These last two amendments were passed without regard to, and in spite of the existence of significant tall buildings in the City. These amendments ignored the obvious problems that the nonconforming category created for the property owners of existing developments. In fact, these lower maximum height amendments created, and continue to create, such a myriad of encumbrances for the property owners, that it can fairly be said they not only "down zoned", but actually "de-zoned" properties such as the 555 Building.

Unfortunately, this unfair situation continues to inhibit any reasonable development of these taller structures. This problem, inherited from these prior Ordinance amendments, has not yet been remedied. Property owners of taller structures are still not allowed a fair and reasonable opportunity to improve their respective properties as a permitted structure under a modern Zoning Ordinance. By contrast, other property owners in the City and the Downtown Birmingham Overlay District have benefitted by the addition of the implementation of modern urban planning principals of the 2016 Plan. It is the goal of the Property Owner of the 555 Building to be treated the same as other property owners in the City, and be afforded the same rights and privileges as those property owners. The solution to this problem is to amend the Zoning Ordinance to include a the proposed D5 Overlay Zone, which accommodates buildings like the 555 Building, and recognizes these structures as "permitted" structures, not as legal nonconforming structures.

Below is an outline of the minutes from prior City Commission Meetings containing summaries of matter discussed and voted upon relative to the amendment to the B-3 Ordinance



allowing the 144 foot maximum height.

	Date	Action
1.	3/31/1969	City Commission instituted moratorium on issuance of building permits in the B-2 and B-3 Zoning Districts
2.	7/28/1969	City Attorney recommended clarification of City Commission's intent regarding the building permit moratorium
3.	8/11/1969	Planning Board delivered report to City Commission which proposed the B- 1A Office Residential Zoning District
4.	8/25/1969	Public hearing re proposed B-1A Zoning District
5.	9/15/1969	City Commission conducted adjourned public hearing regarding proposed B-1A Zoning District. City Commission voted to reject amendment to Zoning Ordinance creating new Zoning District
6.	11/10/1969	Joint report received from City Manager and Planning Director re proposed change in Zoning Ordinance pertaining to business classifications and eight requirements
7.	11/24/1969	City Commission received preliminary drafts of 2 proposed amendments to Zoning Ordinance from Legal Advisor
8.	1/12/1970	City Commission conducted public hearing on 2 proposed amendments. Significant opposition was provided to City Commission in correspondence and in person
9.	3/9/1970	An additional report was received by the City Commission from the City Manager and the Planning Director regarding the amendments to the Zoning Ordinance
10.	4/13/1970	City Commission conducted an adjourned public hearing regarding the proposed amendments
11.	4/20/1970	City Commission conducted a further adjourned public hearing regarding the proposed amendments. The City Commission voted to amend the Zoning Map and to lift the building permit moratorium. The substantive amendments were rejected by the City Commission
12.	7/6/1970	The Planning Director reported to the City Commission that the Planning

		Board completed its study on a new B-3 Zoning District
13.	9/28/1970	The City Commission received a report from the City Manager and Planning Director regarding a new proposed B-3 Office-Residential Zoning classification. This new proposed classification would apply to the Ann Street Area, between Brown and Lincoln and between Hunter and Woodward.
14.	10/19/1970	City Commission conducted public hearings on proposed B-3 Zoning Classification and amendment of Zoning Map. City Commission voted to reject both. City Commission again voted to lift the moratorium.
15.	11/2/1970	The City Commission received another report from the City Manager and the Planning Director containing a revised proposal for creating a B-3 Office-Residential Zoning District Classification.
16.	7/26/1971	The City Commission received a report from the City Manager and Planning Director advising that the Planning Board has taken action to place the South Woodward – Ann Street are on high priority for study.
17.	3/13/1972	City Commission considered written correspondence from Fischer Buick regarding property bounded by Woodward, Hunter, Hazel and Haynes. Such property was being developed by Jerome Rogers.
18.	4/24/1972	City Commission received a report from the City Manager and the Planning Director regarding a proposed B-3 Office Residential ordinance.
19.	6/5/1972	City Commission conducted a public hearing on the proposed amendment created a new B-3 Office Residential Zoning District. During the hearing, Mayor Page referred to the proposed amendment and prospect of developing the South Woodward area as "upgrading the usage of the land" The City Commission passed the amendment by a 4-3 vote.

The City Commission voted to rezone Assessor's Plat No. 13, Lots 1 – 17 in the new B-3 Zoning District. This includes the "...southerly portion of the blocks bounded by Brown, Hunter, Haynes and Woodward..."

The then-owner and developer of the Property commenced construction of what would become the 555 Building. The construction would take a few years to complete.

Eventually, as referenced above, the B-3 Office-Residential Zoning District Ordinance was amended to today's standards, that is, among other things, to reduce the maximum allowable

height to 60 feet, as follows:

- 5 stories (multiple-family)
- 60 feet (ground floor commercial with four stories of residential above)
- 5 stories (ground floor commercial with four stories of multiple-family above)
- 40 feet (buildings without multiple-family)
- 3 stories (buildings without multiple-family)

Even more recently, the City Commission amended the Zoning Ordinance to conform to the 1996 Downtown Birmingham 2016 Plan (the "2016 Plan"). This significant amendment included the creation of the Downtown Birmingham Overlay District and the D-1, D-2, D-3 and D-4 Zones. The Subject Property is located in the D-4 Zone.

Section 3.02 of the Zoning Ordinance contains all of the regulations for development in the Downtown Birmingham Overlay District. If the 555 Building were to be built today, assuming no variances were obtained, and the regulations for the D-4 Zone were strictly observed, the building would be subject to the following height requirements:

- 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.

In summary, the Zoning Ordinance does not allow for the construction of the 555 Building today, and worse, it abandons the 555 Building and other taller buildings to a category of legal nonconforming structures.



The Birmingham of 2016

Multi-story buildings are, and will continue to be, part of the City. In order to have an orderly, beautiful, well-preserved city, these buildings must be in a proper zone so they can be improved, remodeled and updated as contemplated by the 2016 Plan. These buildings cannot survive with the type of artificial restrictions that unreasonably prohibit development and limit physical work to a "maintenance and repair" standard.

The proposed D-5 Zone, generally, would allow the current heights of the buildings that will be part of the zone and provide for other changes so that the Zoning Ordinance mirrors the existing facts of development in the City. The Property Owner simply wants to update the iconic 555 Building, the southern gateway to the City, so that it portrays the image of the City of Birmingham.

The changes that the Property Owner plans for the Property are also necessary to bring the 555 Building into compliance with the Downtown 2016 Plan. Other than the most basic of repairs and maintenance, under the current Ordinance and due to the legal nonconforming status of the 555 Building, the Property Owner is unable to do anything to the 555 Building without applying for and navigating through the variance process. This circumstance is not one that can be cured by the granting of variances. The variance procedure is not a substitute for a badly needed revision to the Zoning Ordinance. In this case, an orderly, fair and reasonable development demands that the Zoning Ordinance be amended and updated to include the 555 Building and other taller structures in the City.

The Property Owner has worked extensively and very closely with the Panning Board, Design Review Board, Building Official and the Planning Department with respect to the proposed D-5 amendment. A number of Study Sessions have been conducted by the Planning Board. The amendment itself as proposed by Property Owner consists of a modest number of text changes.

Conclusion

It is time for the Zoning ordinance to be changed to allow the Property Owner of the 555 Building and other taller buildings in the City, to bring these structures into conformance with the 2016 Plan and to provide the City of Birmingham with the gateway it deserves. When Andres Duany came to the City in 2014, he leveled his ever-present enthusiasm at the 555 Building. During his comments, Mr. Duany said, "[The 555 Building] is a *special building* that requires *special treatment* and *it could become incredibly exciting and really cool*." (Emphasis added)

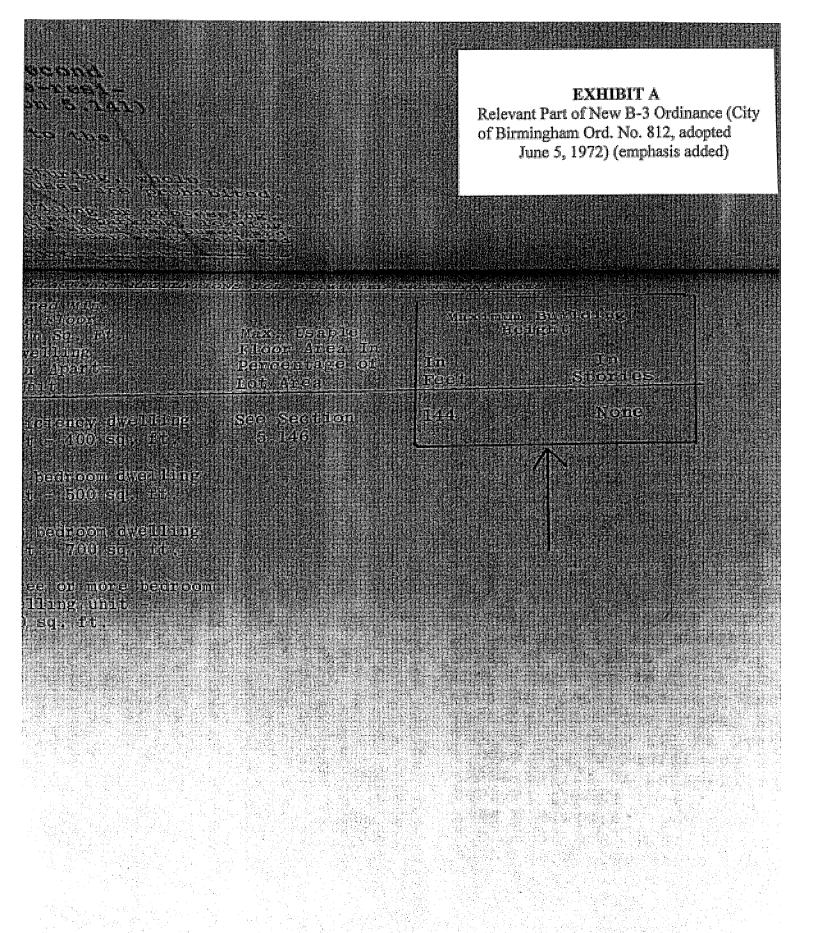
Property Owner respectfully requests that the City Commission adopt an amendment to the Zoning Ordinance creating the D-5 Zone as discussed in this letter.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner

RDR/cmc



-- coased and conducted within a completely EXHIBIT B rt said. enclosed building Relevant Part of 1977 Amendment to mer Conrad B-3 Ordinance (City of Birmingham c.No interior display, visible neetings, Ord. No. 983, adopted February 28, 1977) from the exterior shall be sel concurred. permitted above the first (emphasis added) General & to , No Regulated Use, as defined in Section 5.2(2) of this Chapter, shall be permitted in this Zone District Section 5.119A is hereby amended to read as follows: AND PLACEMENT REGULATIONS FOR PERMITTED PRINCIPAL USES Req. Min. Min: :::Max;; Not Area Floor Area MAXIMUM BUILDING 16,89 , Pt. Usable ln Sg. Pt. Floor drea HEIGHT Peri Dive 114ijg Per Dwelling in % of Unlt: Lot:Area In Feet In Stories S REQUIRING RD OF ZONING 1.Efficiency 90 ft. for None multiple family EALS PERMIT ...dwelling unite Sterikings. 400:sq.ft: ::: buildings and
buildings containing
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Combined with = 2.One bedroom --dwelling unit-08 . .:::500 sq.ft.;;::: Duguness, uses: 1 3.1wo pearcondt-dwelling.unit-7.00 sq.ft indica (Senice Chief literate) e complex: 1504 for inii kii inge indi containt og multiple 1:4:4.4.Three or more Aauily dwelling ... Dedroom dwell-ing unit-900

EXHIBIT C

CITY OF BIRMINGHAM ORDINANCE NO. 1348

Relevant Part of 1986 Amendment to B-3 Ordinance (City of Birmingham Ord. No. 1348, adopted September 2, 1986) (emphasis added)

AN ORDINANCE TO AMEND CHAPTER 39, ARTICLES 15 & 18 OF THE CODE OF THE CITY OF BIRMINGHAM TO REDUCE PERMITTED BUILDING HEIGHT IN THE B-3 ZONE DISTRICT

THE CITY OF BIRMINGHAM ORDAINS:

Title V, Chapter 39, Zoning, Article 15, Office-Residential District (B-3), Section 5.115, Required Conditions, Subsection (3), of the Code of the City of Birmingham is amended to read:

5.115. Required Conditions.

(3) Any building containing multiple-family dwelling units shall not have office or business uses above the first story. No office, business or parking use may be located on the same story or above a residential use.

Title V, Chapter 39, Zoning, Article 18, Schedule of Regulations, Section 5.155, B-3, Regulation of Maximum Building Height, of the Code of the City of Birmingham is amended to read:

Maximum Building Height:

un Feet:

60 feet for multiple family buildings and buildings containing business uses on the first story and tour Stories of multiple family dwelling units.

40 feet for buddings not containing multiple family (willing units.

in stopies:

j stories for multiple family buildings and buildings containing business uses on the first story and four storiles of multiple family dwelling units.

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ORDAINED this End day of September, 1986, to be tigethyerpronupublications



MEMORANDUM

Building Division

DATE: July 1, 2013

TO: Zoning Board of Appeals

FROM: Bruce R. Johnson, Building Official

SUBJECT: 555 S. Old Woodward Renovation

This report is to inform the Board of Zoning Appeals of a proposed renovation to the exterior of the existing building complex located at 555 S. Old Woodward. The buildings at this property are legal nonconforming in regards to building height. In response to concerns expressed by the City Commission, Planning Board, and residents of poor visual appearance of the exterior of the buildings, the owners have decided to renovate the exteriors of the buildings. The paragraphs below will discuss the proposed renovation and the attached renderings will visually detail the project. I am seeking confirmation from the Board of Zoning Appeals that the proposed renovation will be considered maintenance not an enlargement.

The existing complex consists of two buildings. The building located on the north side of the property is used for commercial purposes and the building to the South for residential. The commercial building is 7 stories and 77.5 feet tall. The residential building is 15 stories and 141.83 feet in height. If the property were developed utilizing the provisions of the today's ordinance, the provisions of the D4 Overlay District would be applicable. The maximum height for the commercial building would be 4 stories and 58 feet to the surface of the flat roof. The residential building could have 5 stories and 58 feet to the surface of its flat roof. Accordingly, the upper 19.5 feet of the commercial building and the upper 83.83 feet of the residential building are legal nonconforming. Other than their height, both buildings conform to all other ordinance requirements.

Article 06 of the Zoning Ordinance regulates nonconforming buildings. In accordance with Section 6.02, nonconforming buildings are allowed to continue as long as they are maintained in good condition. A previously mentioned, the City has been encouraging the owners of the subject property to maintain their buildings and improve their overall appearance. The owners hired the design firm of Smith Group JJR to develop plans to renovate the exterior of both buildings.

The attached renderings and plan sections were recently presented to me by Brooke Smith of Smith Group JJR. During this meeting it was explained to me that the design concept is to install a new curtain wall system in front of the existing one. The new system will eliminate air and water infiltration the building has been plagued with from the beginning, will bring it into compliance with today's wind load requirements, and will dramatically improve the buildings appearance as suggested by the City. Installing the new curtain wall first will allow the residents/occupants to remain in place during construction. The new system is designed to

properly transfer wind loads through girder beams into the buildings columns. The new system with its contrasting colors adds depth to the façade improving the buildings appearance. Once the new curtain wall is installed, the existing windows will be removed from within each unit and then the opening will be finished and trimmed back to the new curtain wall assembly creating a window box.

The depth of the new window box measured from the existing windows to the new glazing is 16 inches. The depth of the new curtain wall measured from the existing one varies from 16 inches to 20 inches where new brick veneer is utilized. While the new curtain wall system will be installed on the building, it will not increase the usable space within the building itself. In other words, the existing occupancy square footage of the building will remain the same. The question becomes whether or not the new curtain wall can be considered maintenance.

As mentioned earlier, the building complies with all other ordinance provisions except for its height. The new curtain wall will comply with all ordinance regulations including setbacks. The existing curtain wall is at the end of its useful life, does not comply with current wind load requirements, and needs to be replaced. The new curtain wall is designed to a minimum depth to install girder beams to properly transfer the wind loads in accordance with the code. Leaving the existing curtain wall in place provides space for insulation necessary to meet energy code requirements and provides protection to the occupants in the building during construction. All of these facts indicate that the new curtain wall is being installed to maintain the building in good condition and therefore should be considered maintenance. Accordingly, application to the Board of Zoning Appeals would not be necessary.

555 Old Woodward Exterior Maintenance Program

20 June 2013

Birmingham, MI





555 S. Old Woodward Avenue, 1974-2012



AGENDA











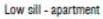






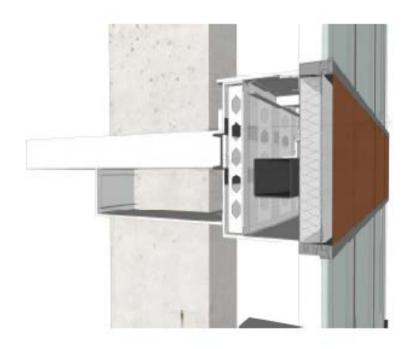
SECTION DEVELOPMENT





There are three typical window sections:

- Low sill apartment
- High sill apartment
- Office building





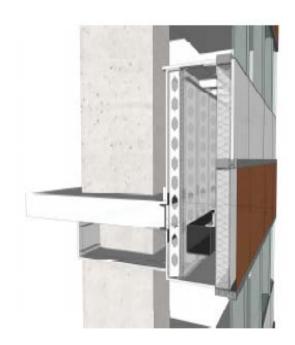
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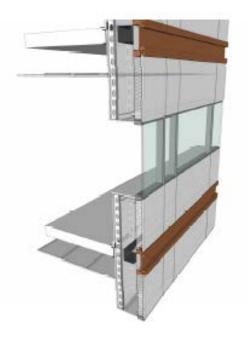


There are three typical window sections:

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- Office building



SECTION DEVELOPMENT

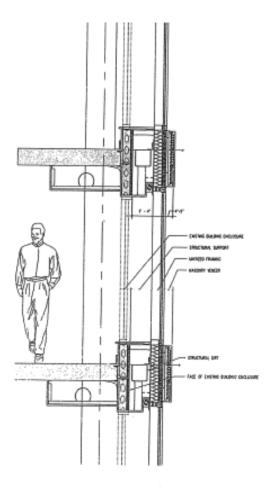




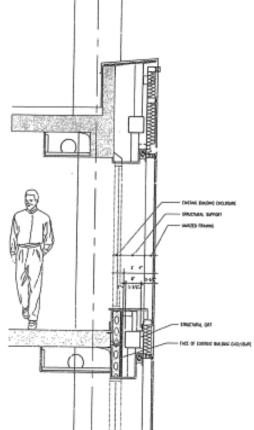
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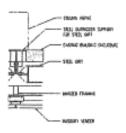




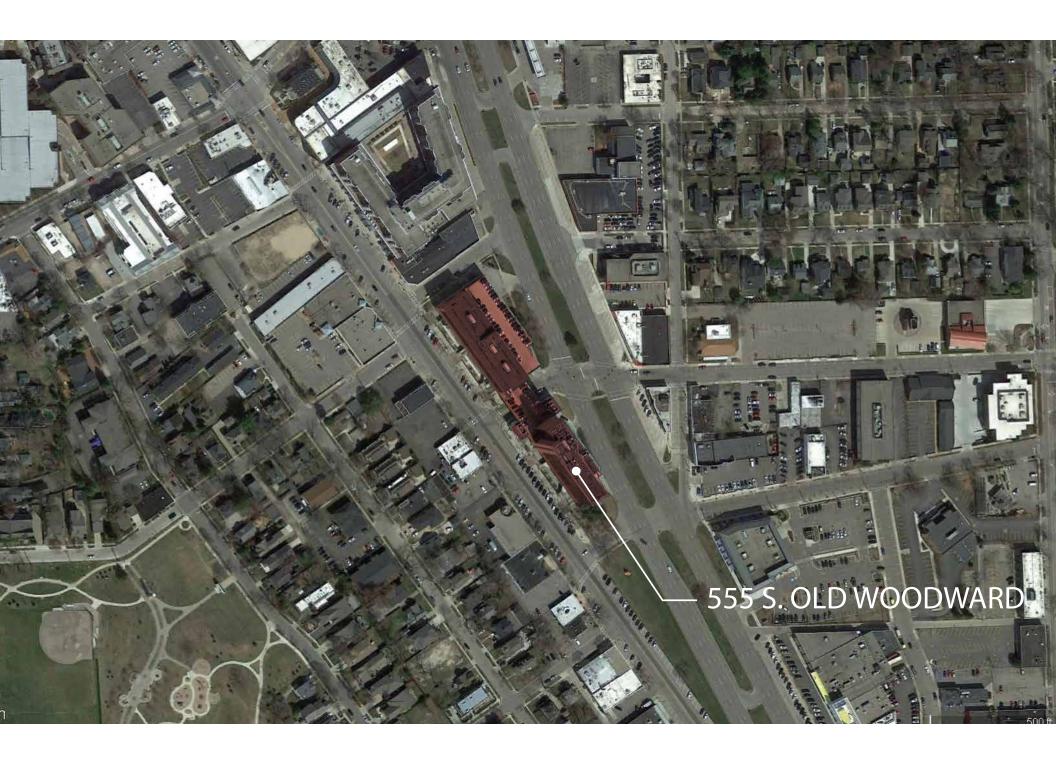


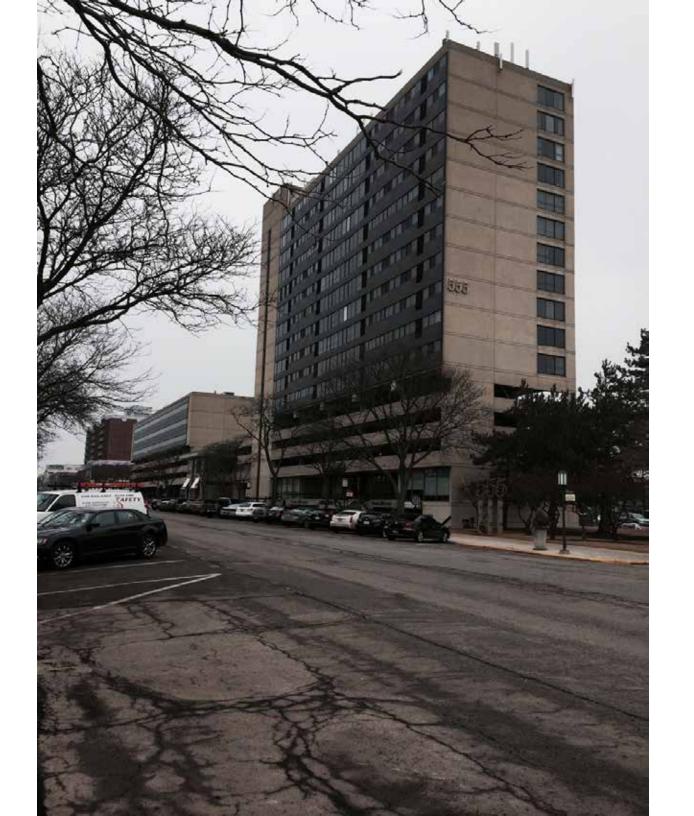
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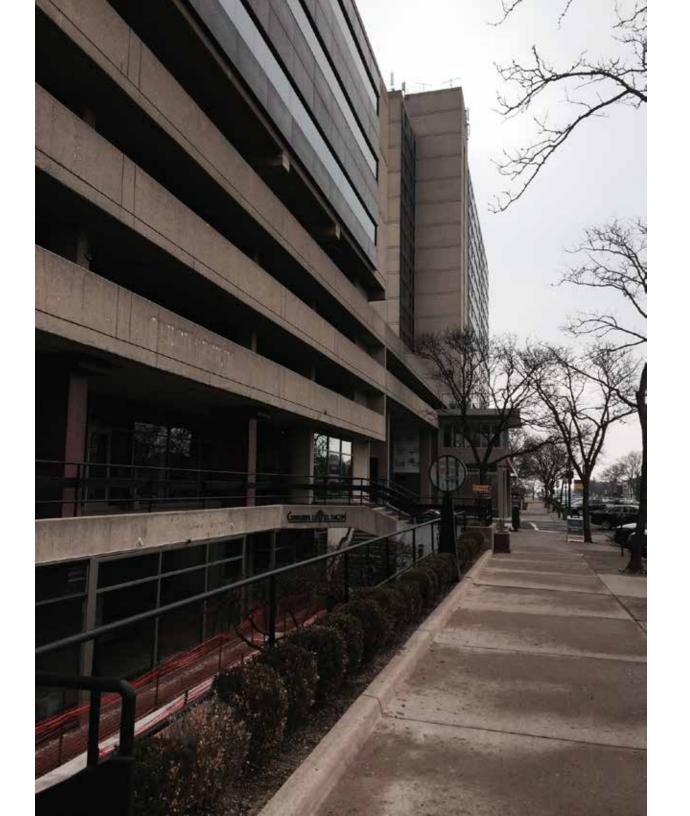




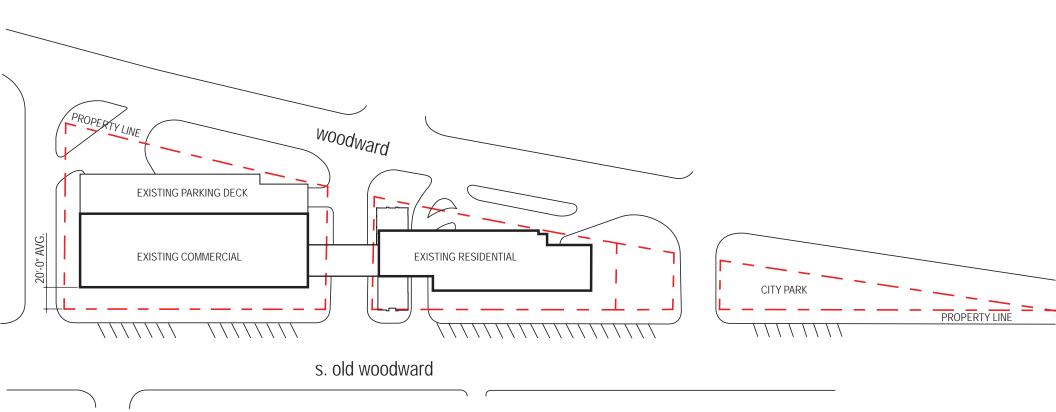
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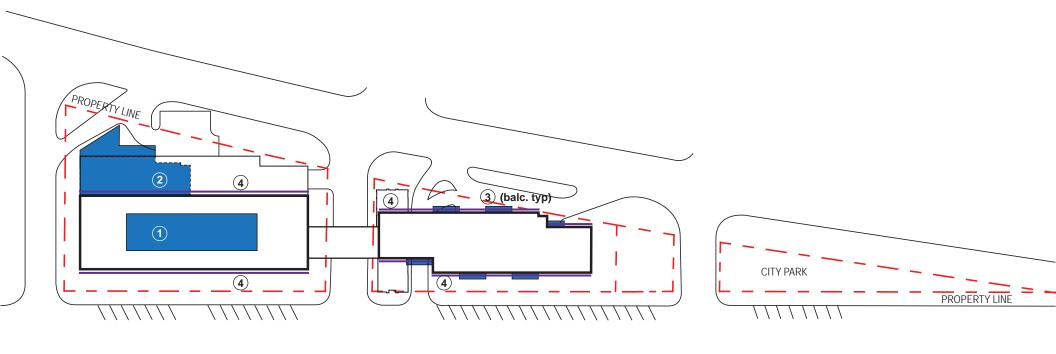
EXISTING





PHASE I

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





Current Downtown Birmingham Overlay District Ordinance With D-5 Text Amendments

Downtown Birmingham Overlay District

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 gateway as stated in the Downtown Birmingham 2016 Plan, as has been applied and updated.

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:
 - 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 Overlay 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

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.
- H. The requirements of Section 3.04 may be waived or modified by the Planning Board in the event that one or more of the requirements of this Downtown Birmingham Overlay District Ordinance is/are impracticable or impose an unreasonable burden on the applicant due to:
 - 1. The existing conditions or location of the property or structure that is the subject of a site plan application; or
 - 2. The existing or proposed future location of the property or structure to the surrounding buildings, structures or the street; or
 - 3. The existing condition, architecture or design features of an existing structure that is being renovated or rebuilt.

The Board of Zoning Appeals shall not have jurisdiction over these waivers and the waivers are not deemed to be variances from this Ordinance.

3.04 Specific Standards

- A. <u>Building Height, Overlay</u>: 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 minimum 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 five stories).
 - a. Subzone South of Bowers St., between S. Old Woodward Ave. and Woodward Ave.
 - (i) Eve line or roof height of any flat roof building shall be no more than 168 feet as measured to the average grade.
 - (ii) Peak or ridge of any slope roof shall be no more than 180 feet as measured to the above average grade.
 - (iii) Maximum overall height including mechanical and other equipment shall be no more than 180 feet.
 - b. Subzone North of Bowers St. and South of Hazel St., between S. Old Woodward Ave. and Woodward Ave.
 - (i) Eve line or roof height of any flat roof building shall be no more than 108 feet or a maximum of 9 stories, as measured to the average grade.
 - (ii) Peak or ridge of any slope roof shall be no more than 130 feet as measured to the above average grade.
 - (iii) Maximum overall height including mechanical and other equipment shall be no more than 130 feet.

- 5. C and P Zones: Downtown Birmingham Overlay District building height for zones D2-D4 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. Height of structures for D-5 zones shall be as set forth in 3.04 above.
 - 6. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling. The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.
 - 7. A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning.
 - 78. 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:
 - 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.
 - 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, screenwalls 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.
 - 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. Except 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** a frontage line.
- C. <u>Building use</u>. 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;
- 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, er D4 Zone, OR D5 ZONE 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 façade** line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.
- 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 the 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;
- 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.
- 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 purpose 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.

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.
- 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 façade on a frontage line or between the building facade and the frontage line.
- 6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

- E. <u>Architectural standards</u>. All buildings shall be subject to the following physical requirements:
 - 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 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 façade 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 the D5 Zone above street level.
 - 10.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 the D5 Zone that as of the date of the enactment of this amendment do not meet those requirements and standards.
 - 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:

- 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.

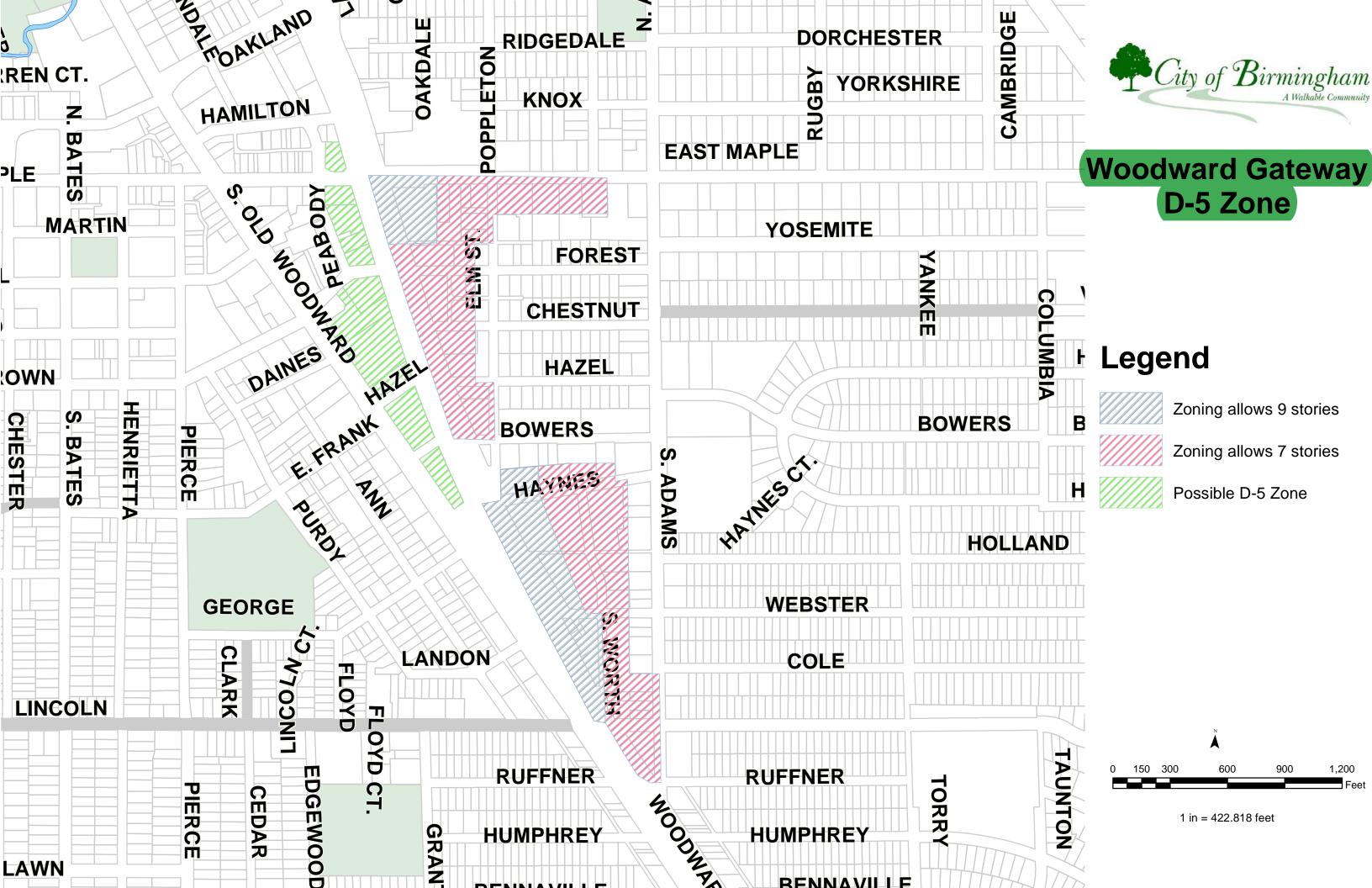
4. Sign Band:

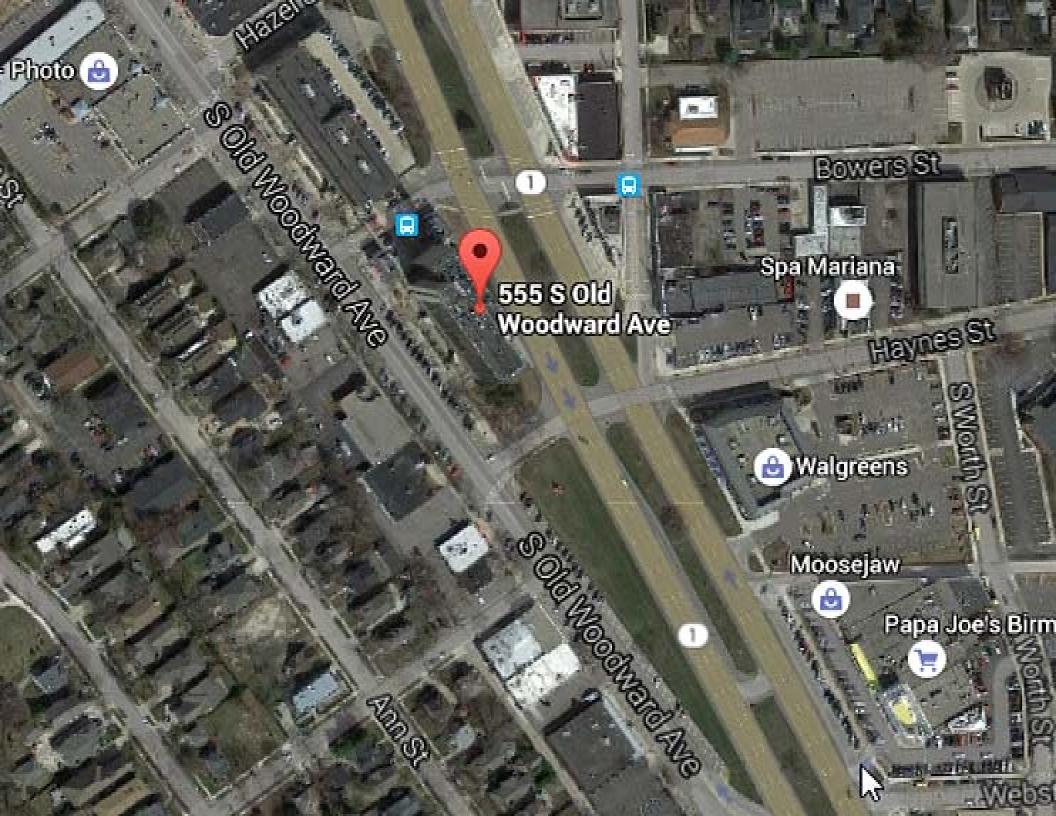
- a. General: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.
- b. Woodward Avenue Address: The external sign band or zone shall be a 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.
- 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.
- 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. Signage identifying the entire structure by a building name may be permitted on the sign band, or in the D-5 zone, above the first floor.
- b. One sign will be allowed on the principal building frontage.
- c. Two identical signs will be allowed on each elevation of a corner building.
- d. 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.
- 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.

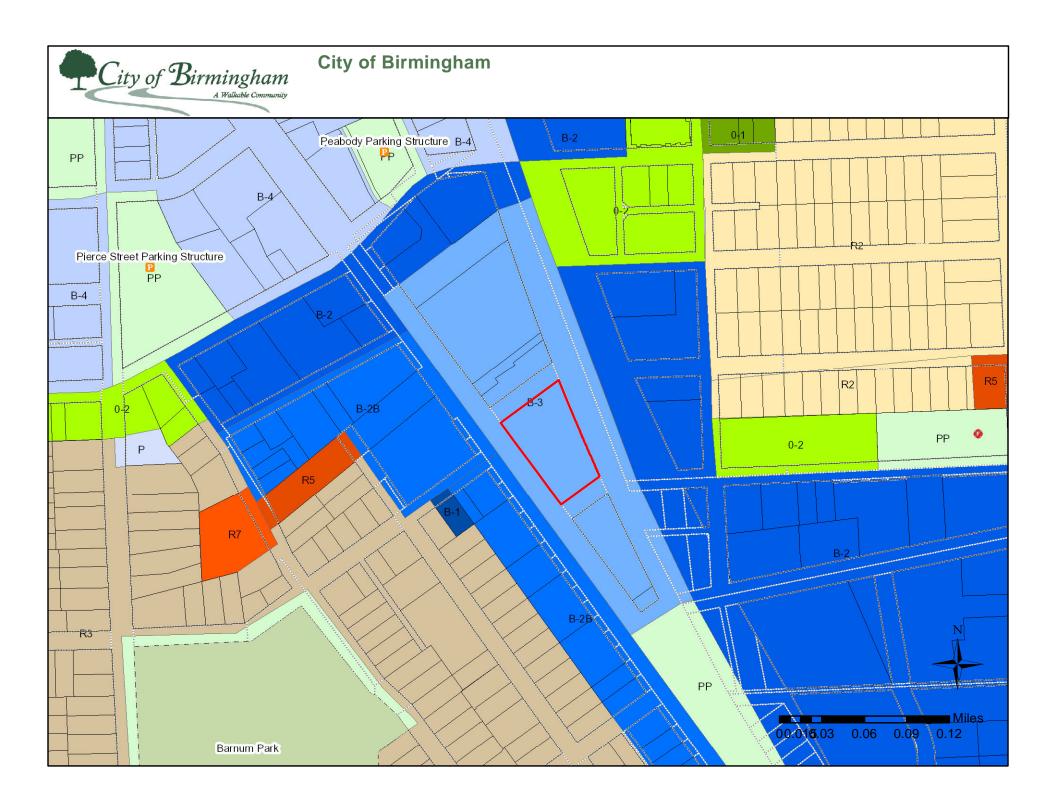






555 S. Old Woodward





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 upperfloor 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.

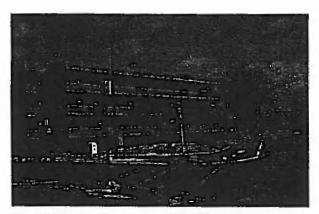
References: This has never been done as a redevelopment project before.

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

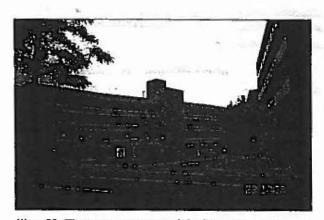
SPECIFIC PROJECT 8: MAPLE GATEWAY

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.

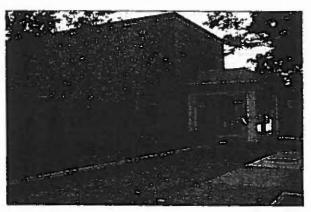
Discussion: As a site for a more urban building, the lot north of Maple is too small to contain its own on-site parking, but the Park Street Garage is near enough to fulfill the need. The site to the south is substantially larger. It is adequate, not only for a habitable building, but for a substantial 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. 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.



Illus. 59. This type of glass storefront may be used to mask the Pierce Street Garage, although a multi-story mixeduse 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.

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,

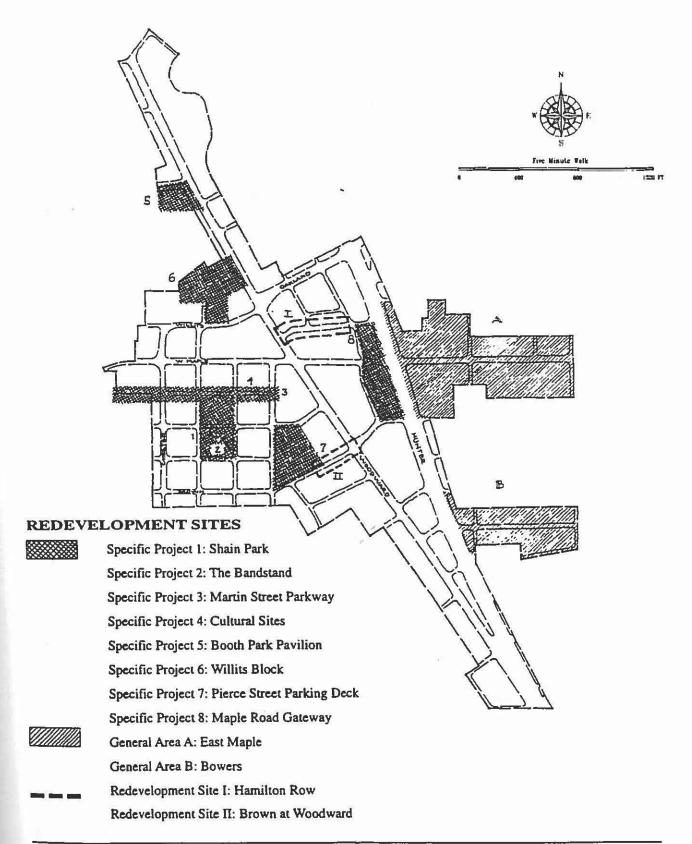


Illus. 60. The current Maple gateway to the CBD is a pair of gasoline stations.

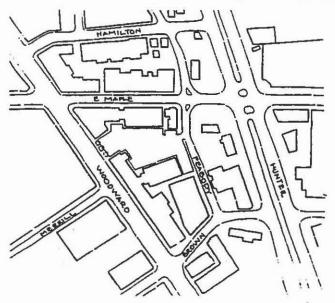


Illus. 61. This pair of buildings replaces the pair of gasoline stations at Maple Road.

SPECIFIC PROJECTS 1 TO 8 AND GENERAL AREAS 1 & 2



SPECIFIC PROJECT 8: MAPLE ROAD GATEWAY



Plan of Existing Conditions



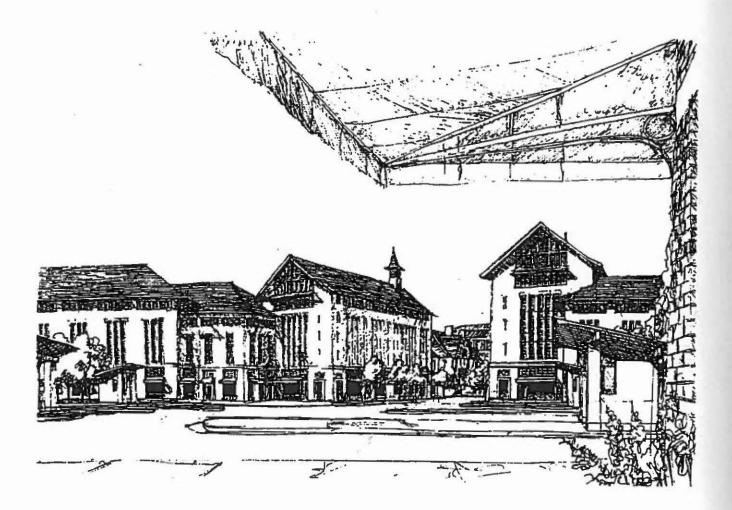
Plan of Proposed Modifications



Parking Deck

Mixed-Use Liner Building

SPECIFIC PROJECT 8: MAPLE ROAD GATEWAY



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

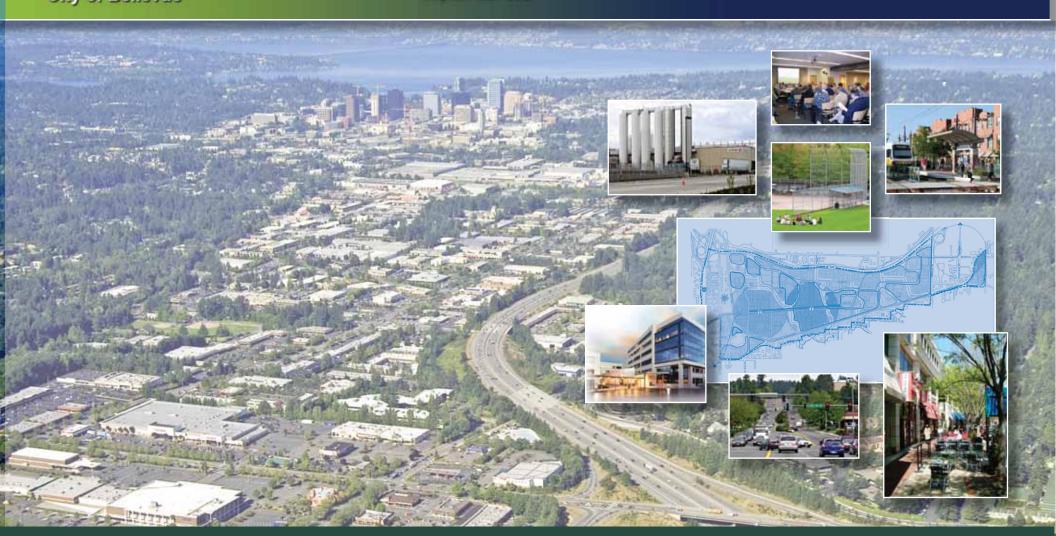






Bel-Red Corridor Project final REPORT

September 2007



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Section 4 Preferred Alternative

Section 5 Implementation



Steering Committee Recommendation

September 2007



Steering Committee

BELRED corridor project **City of Bellevue Core Staff**

Matt Terry, Planning & Community Development Director

Voting Committee MembersGoran Sparrman, *Transportation Director*

Mike Creighton (Co-Chair) Dan Stroh, Planning Director

Terry Lukens (Co-Chair) Kris Liljeblad, Assistant Transportation Director

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Committee Alternates Michael Paine

Jan Holler Kit Paulsen

Kurt White Bernard Van de Kamp

Section 1 Transmittal Letter

Dear Mayor Degginger and City Council members:

On behalf of the entire Bel-Red Steering

Committee, it is our pleasure to transmit to the

City Council the committee's recommendations for
the future of the Bel-Red corridor. We are excited
about the extraordinary potential of the Bel-Red
area, and we believe the committee's recommendations set the stage for transforming the area into
a model of sustainable development, where land
use, transportation, environment and economy
are closely linked.

As the Council is aware, the committee has been working the past two years on processing a great deal of technical information, considering a large amount of public input, and developing future alternatives and then a preferred alternative for how we believe the Bel-Red corridor should develop in the future. Consistent with our charge from the City Council, we were guided by the project principles established by the Council at the beginning of the project; we solicited and deliberated upon input from the general public; and we carefully considered the perspective of each member of the committee in arriving at our recommendation. Each member of the committee participated actively in the process, and each member was instrumental in developing the recommended vision.

As outlined in the attached report, the committee's vision for the corridor is that the land use pattern would change in portions of the corridor to reflect a more mixed use (housing/office/retail) area that supports the City's economic development strategy by establishing office and housing development opportunities not found elsewhere in Bellevue. This land use pattern would be supported by a more robust, integrated, and multi-modal transportation system; would support future light rail extensions and service in the corridor; and would include parks, open space, and environmental amenities that the area currently lacks. The open space strategy is particularly significant in that it would restore the 'headwaters' of many of Bellevue's open streams, and reestablish many of the ecological functions that these areas have lost over the last 50 years.

Much of the area east of 134th Ave NE and the area north of NE 20th will remain largely as is between now and 2030. This decision was based on the conclusion that Bel-Red should continue to provide many of the small service and retail uses that serve the surrounding neighborhoods and community.

Steering Committee Recommendation





As the Council and community review the committee's report, we would like you to consider several key themes embedded in our conclusions:

- As outlined in our vision statement, we believe that the Bel-Red corridor has the opportunity to be an area unique within Bellevue, and within the Puget Sound region generally—an area that combines vibrant neighborhoods, a strong economic base, a multi-modal transportation system, and environmental/open space amenities. Positioned as it is between Downtown Bellevue and Microsoft, this area offers unparalleled opportunity for high-quality office and residential development. The City should expect the best that the private sector can offer for its redevelopment.
- Bel-Red redevelopment and change should improve the entire city: One thing that is very important to the committee is that as Bel-Red changes and redevelops, what happens within the corridor benefits not only property owners and businesses/residents within its boundaries, but also surrounding neighborhoods and the entire city. These types of broader amenities include riparian corridor improvements that would benefit the entire Kelsey Creek system; connecting the area to the broader city and its system of regional parks and open space; and connecting the area to surrounding neighborhoods through an enhanced and integrated bicycle and pedestrian network.

One area that deserves additional mention in terms of overall improvements is housing. The committee has felt strongly all along that housing should be added to the corridor as a way to help enliven the area, create new neighborhoods and allow for new housing types, provide a new location in Bellevue to accommodate residential development, and support transit. We also believe that this area provides a unique opportunity for affordable and/or workforce housing. While we

- realize that this is a citywide challenge, Bel-Red provides opportunities that may not be found in other parts of the city to locate more affordable housing types in close proximity to jobs, services, and transit.
- Bel-Red should be a model of environmental sustainability:
 Environmental sustainability was one of the Council's framework principles, and was an issue that the committee considered throughout our work.
 Sustainability, as we understand it, is not just about improving the natural environment, although we believe that to be a critical part of the overall vision. It also means having land use patterns in place that support transit and other forms of transportation, and allow people to live in close proximity to jobs and services; having connected sidewalks and bike paths; adding more green space in the corridor; and encouraging low impact development techniques in private construction and public infrastructure. We understand that Bellevue as a whole is moving towards advancing additional environmentally sustainability practices, and we believe that Bel-Red can provide an exciting pilot area to test many relevant ideas.
- The plan is more than just a "rezoning" exercise: During the course of our work, many questions have arisen from both property owners and surrounding neighborhoods about how the area might be rezoned in the future as a result of this planning effort. While we understand the concern, and acknowledge that the Planning Commission and City Council will be devoting careful consideration to amendments to the Land Use Code, this plan is about much more than zoning. It is about providing new neighborhoods for future Bellevue residents, supporting the city's overall economy, improving overall transportation mobility (both to and within the corridor), and adding parks and environmental amenities that improve both the

Steering

Committee

Recommendation



area itself and the rest of the city. This will require an array of public and private investments, catalyst projects, and other strategies in addition to the application of new zoning.

- The plan is not just about accommodating light rail: When we began this planning effort, one of the principles transmitted to us from the City Council was to look at high capacity transit as an opportunity to both enhance mobility and effect land use change within the corridor. We have spent considerable time looking at future light rail transit opportunities within the corridor, and evaluating different station options vis-à-vis alternative land use patterns. The recommended plan intentionally integrates land use and transportation, with a particular focus on potential transit stations that would be developed by Sound Transit as part of the East Link project. However, we believe that the overall land use pattern in the corridor has to make sense with or without light rail—and we believe that it does. There are many benefits to a more intense, mixed-use land use pattern than its compatibility with light rail. While light rail will be important in supporting the recommended land use pattern and the ultimate intensity of development, if it does not come to the corridor within the 2030 planning horizon, we believe that other types of transit can be implemented to support the land use vision. We also believe that transit should be improved within the corridor for the interim period before light rail is developed, and then to support light rail (through enhanced bus service) after it is operating.
- The plan respects existing businesses: While the committee sees change occurring over time within the corridor, we feel that it is very important to respect and acknowledge the rights of existing businesses in the

- corridor to stay in the area. Many businesses in the area provide valued services that are important to Bellevue residents. We received a great deal of public testimony about existing uses, carefully considered how to accommodate these uses, and evaluated several alternative approaches to doing so. The plan provides flexibility for accommodating existing businesses, and also provides many places for new retail and services uses to locate within the corridor.
- Implementation is critical, and requires a robust funding strategy: The time horizon for this planning effort is 2030. We recognize the challenges inherent in achieving this vision between now and then. The recommended plan includes many significant investments in transportation, parks, and environmental improvements, and we recognize that a robust finance plan will be required. Much of the investment in infrastructure and amenities needed to transform the area will need to come from properties undergoing redevelopment. As a key part of the funding strategy, the committee supports the use of incentives, so that, in exchange for greater zoning intensities or building height, development would build more of the needed infrastructure and amenities than would otherwise be expected. We also believe that development should be phased in over time in conjunction with the infrastructure needed to support it, and that this phasing will need to be part of the overall implementation strategy. We also strongly believe that implementation of the Bel-Red plan will have to be carefully integrated with implementation of the Overlake neighborhood plan in Redmond. This will help ensure that any cumulative impacts of the two plans are identified and mitigated, and also that there is synergy between the plans in terms of light rail implementation, streetscape design, pedestrian and bicycle facilities, and other issues.

corridor project



The Bel-Red Steering Committee is tremendously excited about the opportunities that Bel-Red offers for both the City of Bellevue and the greater region. Given its proximity to Downtown Bellevue and Overlake, and the amenities that can be created and enhanced within it, the Bel-Red Corridor presents a degree of potential that is rare in today's urban environment. We hope that the planning process we have just concluded has allowed a wider audience to envision that potential. We believe that this process has been careful and comprehensive, and that it requires an equally thoughtful, comprehensive implementation strategy. We urge the City Council and staff to make this a priority.

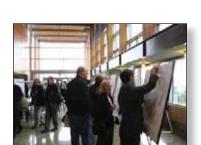
It has been a privilege to serve as co-chairs of this important committee, and we thank the City Council for this assignment. We look forward to seeing, and participating in, the future development of the Bel-Red area.

Sincerely,

Mike Creighton Committee Co-Chair Terry Lukens Committee Co-Chair













Section 2

Introduction/
Planning Context







While an important employment center, the Bel-Red corridor has been an area in transition, given it's proximity to Downtown Bellevue and the Microsoft campus in Overlake. The Bel-Red Corridor Project seizes an opportunity to capitalize on the corridor's strategic location, the city of Bellevue's economic strength, and the potential for light rail transit to serve the area.

Planning Context

As one of Bellevue's major employment areas, the Bel-Red Corridor includes more than 50 percent of all land in the City zoned for light industrial use; over 1,100 businesses; and nearly 17 percent of the City's

Bel-Red in the Region



total employment. In recent years, however, the corridor has been an area in transition. Several large employers have moved out of or have greatly reduced operations in the area. For example, Safeway, the corridor's largest landowner, has shifted most of its distribution operations out of the area and sold about half

Steering Committee Recommendation





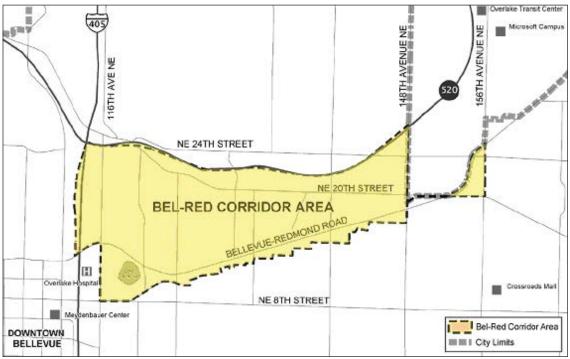
Section 2 Introduction/Planning Context

of the 75 acres it owned in the corridor. The former King County Journal also moved operations from the Bel-Red Corridor to Kent. Concurrently, employment has also declined: between 1995 and 2004, employment dropped by more than 5 percent in the Bel-Red Corridor while increasing by 20 percent in Bellevue as a whole.

The corridor's physical characteristics reflect its light industrial use pattern. The transportation network is sparse and discontinuous with little in the way of a street grid, particularly on the corridor's west side. Although the corridor is bordered by SR 520 along its northern edge, there are only two access points to the highway: one at 124th Avenue NE, which only provides access to and from westbound SR 520, and one full interchange at 148th Avenue NE. Six streams run through the corridor—most highly impacted by historical development, but some still providing natural functions and sustaining habitat for salmonids. There is one major recreational facility (Highland Community Center) in the corridor's 900-plus acres, but there are no substantial neighborhood parks or trails.

When it was last updated in 1988, the Bel-Red/Northup Subarea
Plan affirmed the area's light industrial and commercial land use pattern. Since
then, Downtown Bellevue has grown dramatically, and Redmond's Overlake
area has become a major regional employment center. With these two regional
urban centers as its "bookends" and major development occurring in both, a
reexamination of the corridor was appropriate. The need to consider future land
uses was heightened by Sound Transit's ongoing work to evaluate an extension
of light rail transit (LRT) through the Bel-Red Corridor and into Redmond. LRT
could support changes in the area's land use patterns by providing new transportation system capacity; experience in other urban areas has demonstrated
that LRT can serve as a catalyst for redevelopment to different types of uses
and greater densities. The corridor's current zoning, however, limits the extent to

Bel-Red Study Area



which land use could support LRT because industrial and commercial uses tend to be relatively low-intensity and oriented more toward driving than transit use.

The most recent update of the City's Comprehensive Plan identified particular economic challenges facing Bellevue in the years ahead. One of the challenges listed was the presence of aging commercial areas in various areas across the City that would need some repositioning to reach their full potential. The Bel-Red Corridor was identified as including some of these aging areas, and the plan noted that those uses in the corridor (primarily warehousing, distribution, and manufacturing) might not be the best long-term uses, given Bellevue's place in the current economy.

Steering

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Recommendation



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Project Purpose and Major Goals

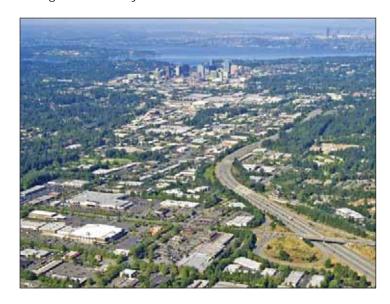
Bellevue's economy has been dynamic in recent years, with significant increases in overall employment and rapidly increasing land values. These land value changes, coupled with warehouse and distribution activities relocating to other areas in the region, have signaled an increase in market demand for office and residential uses in close-in locations. This employment decline previously noted, combined with requests for changes in land use in parts of the corridor and the fact that the area had not been planned for in a comprehensive manner in over 15 years, motivated the City to reexamine land use in the corridor.

The City had several other reasons for initiating the project. One was to be in a position to influence upcoming decisions by Sound Transit about the future of high-capacity transit (HCT), which is planned to serve the City of Bellevue and pass through the Bel-Red area. Another was the City's recognition of the corridor's strategic location connecting Downtown Bellevue and Overlake, prompting the desire to be proactive in determining the corridor's role in its overall growth management and economic development strategy.

Based on these factors, in 2005 the City Council approved launching the Bel-Red Corridor Project. The objective was to work with the community to plan and manage change, rather than to accommodate the inevitable change in a haphazard, piecemeal way. The major goals of the project are to:

- Identify a preferred long-term land use vision for the Bel-Red corridor that:
 - Provides clear and deliberate direction for the area's future.
 - Enhances the economic vitality of this area and of the larger city.
 - Complements Downtown Bellevue and other employment centers in the city.
 - Strongly integrates land use and transportation systems in an environmentally sustainable manner.

- Devise a multi-modal transportation system for the area that accommodates future growth, enhances overall mobility, and mitigates impacts on adjoining areas.
- Evaluate the impact and opportunities presented by HCT through the area on both land use and transportation, and identify a preferred HCT route and station locations through this corridor in coordination with Sound Transit.
- Identify community and neighborhood amenities that will complement the preferred land use vision for the area and serve the broader community.
- Protect adjoining areas from impacts of land use and transportation changes in the study area.

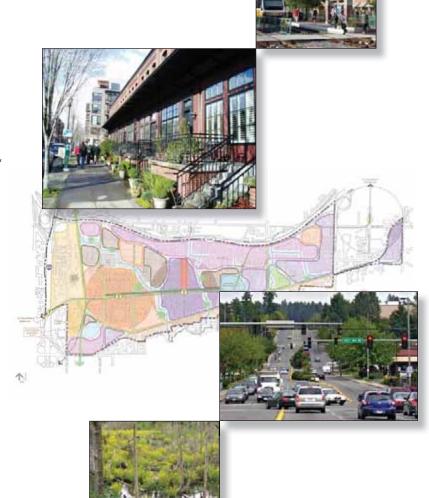


In August, 2005, the City Council decided to launch the planning effort, and endorsed a set of planning principles to frame this effort.



Council's Principles

- Long-Term Vision. The preferred vision resulting from this project should be long-term, ambitious, and rooted in reality, providing clear direction for the future of the Bel-Red area.
- Economic Vitality. This project should establish a solid and dynamic economic future for Bel-Red, enhancing the area's existing strengths and its future potential.
- Differentiated Economic Niche. Bel-Red should provide for future growth of jobs and firms that have significant potential for expansion, and which are not well accommodated ed in other parts of the city.
- Building from Existing Assets. This project should build on existing assets of the corridor, including the large number of viable, successful businesses in the area.
- High Capacity Transit as an Opportunity. This project should approach High Capacity
 Transit as a significant opportunity to both enhance mobility and affect desired land use
 change.
- Land Use/Transportation Integration. Given the importance of maintaining a wellbalanced transportation system, and the inter-dependence between transportation and land use, this project should closely integrate land use and transportation planning.
- Community Amenities and Quality of Life. The Bel-Red plan should protect existing
 natural resources and community amenities, and identify an extensive package of new
 amenities for the area.
- Neighborhood Protection, Enhancement, and Creation. This project must identify strategies to identify and mitigate potential neighborhood impacts related to future Bel-Red development.
- Sustainability. The vision for Bel-Red should identify opportunities to manage the area's natural resources in a sustainable manner.
- 10. **Coordination**. This planning effort requires solid coordination with other affected jurisdictions.



Steering

Committee

Recommendation

Section 3

Planning Process





Over its nearly two-year tenure, the committee studied a wealth of data, listened to public input, framed a range of policy choices—and, ultimately, recommended a preferred alternative for the future of the corridor.

Public Involvement

Involving affected members of the public in the planning process is a key priority for the City of Bellevue. Given the importance of the Bel-Red planning effort, the City Council decided that the corridor project should be guided by a Steering Committee that would be made up of a variety of community stakeholders.

These stakeholders included former City Council members, members of City Boards and Commissions (the Planning Commission, the Transportation Commission, and the Parks and Community Services Board), representatives from the Chamber of Commerce, and residents from neighborhoods surrounding the study area.

In October 2005, the City Council confirmed a 16-member committee that represented these broad interests.

Subsequent to beginning the process, one Steering Committee member resigned.



Section 3 Planning Process

The Council's charge to the committee said, in part:

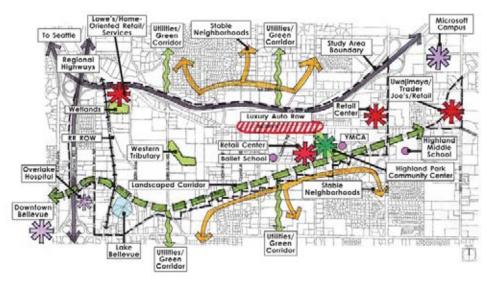
"The Bel-Red Steering Committee is directed to provide guidance to City staff in developing work products to accomplish the Bel-Red corridor project. Specifically, this work will involve developing future development scenarios for the Bel-Red corridor, evaluating those scenarios in an Environmental Impact Statement, and ultimately selecting a preferred land use and transportation alternative and identifying actions to implement the preferred vision. The



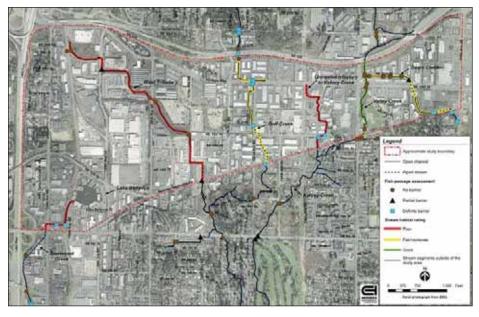
project will culminate with a final report summarizing the recommendations of the committee ... The Steering Committee will serve in an advisory capacity to the City Council, the Planning Commission, the Transportation Commission, and the Parks & Community Services Board. The City Council, upon review by City boards and commissions, will ultimately approve the final

report on the project, which will lead to follow-up work on Comprehensive Plan and subarea plan amendments, and potentially changes to the Land Use Code and Capital Investment Program Plan. In conducting its work, the Steering Committee should recognize that a wide representation of opinions, expertise, and objectives exists within the individual members of the committee. The Steering Committee members should respectfully consider each other's views and right to participate, and fully consider all aspects of any issue before drawing conclusions and recommendations. The Steering Committee should also participate in broader public outreach efforts on the project and solicit input from the general public and other key community stakeholders."

Assessment of Existing Assets



Assessment of Streams



Steering

Committee

Recommendation



corridor project

The Steering Committee conducted 19 meetings over the course of the planning effort, all of which were attended by members of the public. At each meeting the committee listened to comments from members of the public and business/property owners in the area. Committee members also attended, and participated in, events with the broader community and business/property owners in the corridor. The committee's recommendation on the future of the corridor is in large part informed by this public interaction.

In addition to their regular meetings, the committee held several special workshops, particularly focusing on the development of plan alternatives. Another special workshop was a tour of Portland's Tri-Met Max light rail system, with visits to a number of stations where members observed examples of transit-oriented development and redevelopment in the Pearl District.

In addition to the Steering Committee process, there was significant public outreach and involvement through the duration of the planning effort. Community meetings and open houses included scoping meetings at the beginning of the project, as well as community-wide meetings for review of draft land use alternatives and development of the preferred alternative. The City undertook special efforts to inform and involve property owners and business owners in the area, since these stakeholders will be most directly affected by the planning process. For example, the City convened "panels" of business and property owners in the corridor on three occasions: to get their feedback on the issues to be considered in developing land use alternatives, to request feedback on the draft alternatives, and to get input into creating the preferred alternative. These panels, each of which lasted approximately 2 hours, were run like focus groups; the information gained from them helped guide the work of City staff and was provided to committee members to help inform their decisions.

Throughout the course of the project, staff provided briefings to City boards and commissions, including the Planning Commission, Transportation Commission, Parks & Community Services Board, and the Environmental Services Commission. These boards and commissions have important long-term responsibilities in

the implementation of the Bel-Red Corridor Project vision. The City Council also received briefings at key milestones in the project, including a joint meeting with Redmond City Council at which issues of mutual concern were discussed.

Defining Existing Conditions in the Corridor

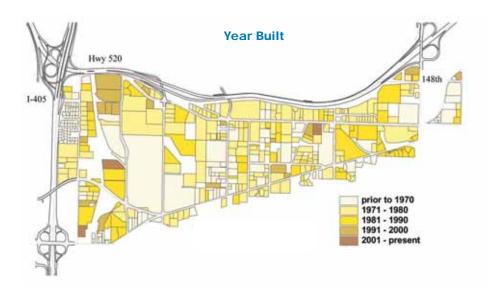
An important part of the Steering Committee's early work was gaining a clear understanding of what the Bel-Red Corridor is like today. Early on, the committee was presented background information and data on various aspects of the corridor. This included information on economic and employment trends, existing land use characteristics, environmental features (including an in-depth analysis of the conditions and restoration potential of several riparian corridors that run through the area), transportation patterns and trends, and environmental sustainability opportunities. The committee also received information summarizing relevant portions of the existing Bel-Red/Northup subarea plan, the Comprehensive Plan, and other relevant planning efforts, such as the Bel-Red Overlake Transportation Study (BROTS) and the 2005-06 update of Sound Transit's regional transit plan.

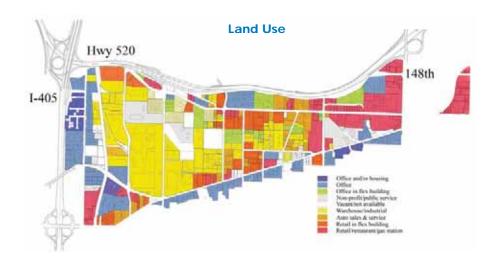
In addition to information on existing conditions, the committee was presented with data about the future development potential of the area (age of buildings, improvement to land ratios, parcel ownership patterns, etc.). This information was derived from the economic/market analysis, which was the first major product prepared as part of the project. Committee members also toured the area to gain a better understanding of its existing land use pattern, topography, and environmental features, and to discuss future development opportunities.

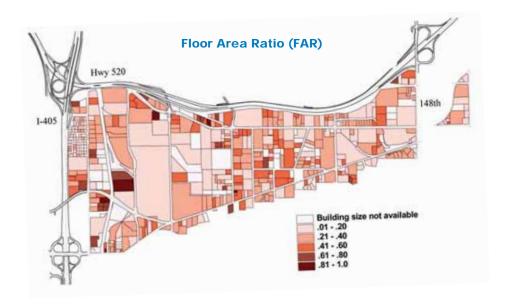
Supplementing the technical background and data, the committee also reviewed public input submitted as part of the scoping process for the Environmental Impact Statement. The scoping process, which included a well-attended community meeting, occurred in November and December of 2005. It generated a number of comments and concerns that helped inform the committee's thinking and perspective about the area in the early part of their work.

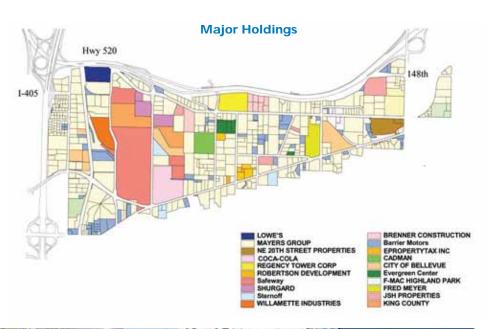


Section 3 Planning Process









Analyzing Economic Trends and Market Potential

In the summer of 2005, the city retained Leland Consulting Group to prepare a market/economic study of the Bel-Red Corridor area. The main purposes of the study were to assess future market conditions for various types of land uses, identify the amounts of various future land use that could be anticipated in the future based on those market conditions, and identify market strategies to encourage future development in the corridor.

Leland evaluated existing land use and development patterns in the corridor, projected employment and household growth patterns in Bellevue and the region, studied demographic data, and evaluated and mapped several features of the area, such as age of buildings, improvement-to-land ratios, and ownership patterns. In addition, Leland conducted stakeholder interviews with property owners, real estate experts, and developers to understand local perspectives on future development potential within the area. They also identified several subdistricts within the corridor which had unique characteristics: the 116th office corridor, the light industrial core area, a services core, and a retail core on the north and east ends of the planning area.

Based on this work, Leland forecast that the area could anticipate a strong future demand for office and housing units, and a less strong (but still increased) demand for retail and hotel uses. The upper range of the forecasted demand was 4 million square feet of additional office space, 500,000 square feet of additional retail space, and 5,000 housing units. They also concluded that warehouse/industrial uses were unlikely to locate in the area in the future due to already high, and rising, land prices. Other major conclusions included:

Overlake Hospital Medical Center and the Microsoft campus, located to the west and east of the corridor (respectively), function as economic anchors at each end of the corridor, and present opportunities to encourage redevelopment within it.

- Much of the land within the Bel-Red corridor is underdeveloped, as calculated on the basis of land values vs. improvement values.
- The Bel-Red area can provide space for large corporate employers who might want more of a campus-like setting, rather than a dense, high-rise setting.

Leland also identified several potential development themes and issues that could frame future planning of the corridor. These were shared with the Steering Committee in early 2006, and helped shape the committee's thinking about the area. These conclusions included:

- There are significant opportunities to build more housing in this area, given the strong housing demand in East King County generally, and access to close-by shopping and employment. Areas adjacent to Lake Bellevue or Highland Community Center might be places where this could occur in the shorter term.
- Wetlands and riparian corridors should be treated as an amenities, and improvement of these degraded environmental resources could be an asset for future development (either office or residential).
- Transit should be aligned with new development, and there are opportunities to create "transit villages" within the area, such as the area near the Safeway site or the "Uwajimaya triangle" area on the east end of the study area.
- A health care/medical office corridor could and should be created along 116th Avenue NE.

The committee and staff used the findings in the Leland study in the development of future land use alternatives that were evaluated in the next step of the process.



Developing and Evaluating Alternatives for the Corridor

Many of the early meetings of the steering committee involved presentations of reports and analysis by staff and consultants. These presentations, along with documents, field trips, and community input, armed the committee with a strong background on the important components that would eventually make up their preferred alternative. After considering this background—but prior to developing any alternatives—the committee articulated the attributes that they believed each alternative should contain. That discussion led to the development of a set of objectives that the committee adopted to frame development of the alternatives.

Steering Committee Objectives

The objectives used to help create the Bel-Red Corridor alternatives were developed after extensive committee discussion, and were based on:

- The ten planning principles adopted by the City Council.
- Public comments, which provided some clear themes: improving the natural environment; adding parks/open space amenities; accommodating service uses; supporting housing, office, and mixed-use development; and increasing transportation mobility (streets, non-motorized, and transit).
- Technical reports and analysis by City staff and consultants, including analyses of economic and market conditions, existing land use conditions, transportation, and riparian corridors.
- Steering Committee discussions.

In April 2006, the steering committee approved the following set of objectives. These objectives were used as a preliminary screening of the alternatives to ensure that each alternative analyzed would be a viable one.

Market Feasibility

- Incorporate elements of market forecast (office, housing, retail)
- Serve distinctive market niche
- Meet market needs and economic realities
- Leverage nearby opportunities (i.e., Overlake Hospital expansion)

Land Use

- Jobs-housing relationship (accommodate housing and commercial uses)
- Accommodate service uses
- Land use takes advantage of HCT stations (mixed use nodes)
- Appropriate scale of development within area

Neighborhood Impact

- Land use sensitive to surrounding areas
- Addresses transportation spillover impacts

Environmental Quality

- Improve environmental resources (streams, wetlands)
- Support sustainable development patterns

Parks and Open Space

- Parks integrated with future land use concepts
- Achieves critical mass of park improvements
- Adds value to overall system (include regional facility)

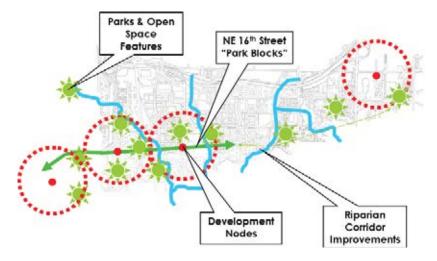


Transportation Accessibility and Mobility

- Addresses multi-modal transportation improvements in the corridor and adjacent neighborhoods
- Provides improved access to regional system
- Provides improved local access and circulation
- Accommodates planned level of development

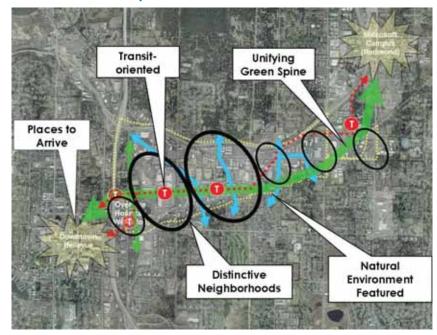
The steering committee, together with Bellevue staff and a consultant team led by Crandall Arambula, developed the action alternatives for the Bel-Red Corridor Project Draft Environmental Impact Statement (DEIS) through a structured process that involved analyzing market conditions and existing land use patterns, developing potential land use and transportation scenarios, and seeking input from the public, property owners, and business owners. As described earlier in this chapter, there was extensive public involvement during this phase, including two panels of area business and property owners.

Major Components



When developing and approving the alternatives for further review in the DEIS, the committee and staff made a conscious effort to make the alternatives different from one another. These differences allowed the committee to evaluate the effects of different policy choices, including varying land use patterns, amounts of future development, ways of dealing with light industrial or service uses, and locations of light rail stations. Framing the alternatives in this way allowed for a more robust discussion and evaluation of choices and preferences when it came time to develop the preferred alternative. In June 2006, the committee selected four alternatives (including the "No Action" alternative) for evaluation in the DEIS. Prepared by CH2M HILL, the DEIS was published in January 2007. It analyzed the environmental impacts of each alternative and identified mitigation opportunities.

Fundamental Concepts





Identifying the Preliminary Preferred Alternative

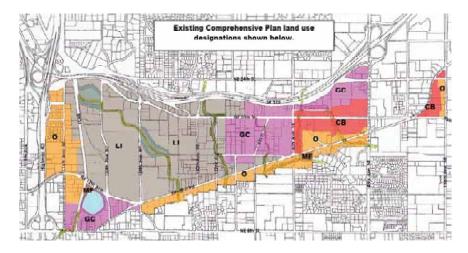
Public comment on the alternatives evaluated in the DEIS helped shape the development of a preliminary preferred alternative, and reflected the strong public interest in the project. The City received numerous written comments and considerable oral testimony on the DEIS. Each individual comment was responded to in the Final EIS (FEIS). Published in July 2007, the FEIS evaluated the preliminary preferred alternative as recommended by the Steering Committee. This alternative included components of each previously studied alternatives, including the No-Action alternative, but most closely resembled the land use development program proposed under Alternative 3 in the DEIS.

Several attributes of the preliminary preferred alternative embodied constant themes within each of the DEIS alternatives, including:

- A nodal development pattern based on potential future light-rail station locations
- Medical office uses along 116th Avenue NE
- Lower-intensity office uses south of Bel-Red Road
- Low-density mixed-use retail/housing along 156th Avenue NE
- Retail along NE 20th Street/Northup Way
- Stream and open space enhancements
- Parks and recreation opportunities

The following maps and table summarize and illustrate each of the Bel-Red Corridor alternatives evaluated in the environmental impact statement. The next chapter of this document describes the preferred alternative in greater depth.

No Action Alternative (DEIS)





Alternative 1 (DEIS)



FIGURE 2-3
Alternative 1: Midrange Employment and Midrange Housing (Nodes at 122nd and 152nd Avenues NE)
Bel-Red Corridor Draft Environmental Impact Statement

Alternative 2 (DEIS)

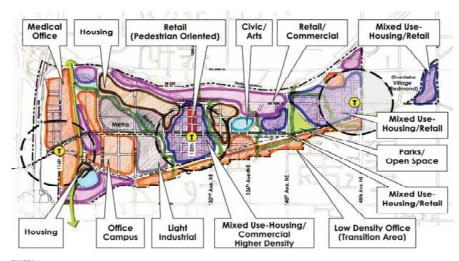


FIGURE 24
Alternative 2: Low Employment and High Housing (Nodes at 116th and 130th Avenues NE and near 148th Avenue NE)
Bol-Red Corridor Draft Environmental Impact Statement

Alternative 3 (DEIS)

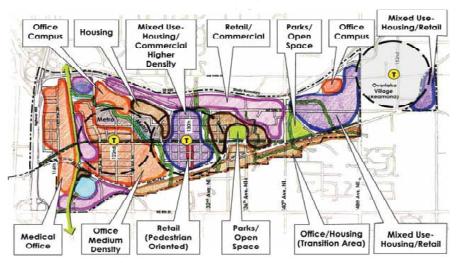


FIGURE 2-5
Alternative 3: High Employment and High Housing (Nodes at 122nd, 130th, and 152nd Avenues NE)
Bel-Red Contribor Draft Environmental Impact Statement



Sumary of Alternatives Evaluated

	DEIS				FEIS
Attribute	No-Action Alternative	Alternative 1	Alternative 2	Alternative 3	Preliminary Preferred Alternative
Net change in nonresidential development (square feet) through 2030	606,500 Office 124,000 Retail 300,000 Industrial	3,200,000 Office 300,000 Retail -2,690,000 Industrial	2,300,000 Office 200,000 Retail -1,980,000 Industrial	4,000,000 Office 500,000 Retail -2,490,000 Industrial	4,000,000 Office 500,000 Retail -2,490,000 Industrial
New housing units	None	3,500	5,000	5,000	5,000
Light-rail stations and locations	Two stations: • Overlake Hospital Medical Center vicinity • 152nd Avenue NE (Redmond)	Two stations: • 122nd Avenue NE • 152nd Avenue NE (Redmond)	Three stations: Overlake Hospital Medical Center vicinity 130th Avenue NE 148th Avenue NE	Three stations: • 122nd Avenue NE • 130th Avenue NE • 152nd Avenue NE (Redmond)	Four stations: Overlake Hospital Medical Center vicinity 122nd Avenue NE 130th Avenue NE 152nd Avenue NE (Redmond)
Other features		Services core	Light Industrial "reserve"		 Arts District No non-conforming light industrial and service uses; new service uses accommodated in the future Floor area ratio (FAR) of up to 2.5 in development nodes FAR of up to 1.0 outside of nodes Analysis of heights of up to 150/165 feet in development nodes



Preferred Alternative







The preferred alternative for the Bel-Red Corridor is a comprehensive array of components that respond to each of the project's planning principles: economic vitality, integration of transit and land use, environmental sustainability, preservation of existing assets, and protection of the surrounding neighborhoods, to name just a few. It represents a comprehensive vision for Bel-Red that is sufficiently detailed to allow the City to begin its planning for implementation. This section describes key features of the preferred alternative.

Components of the Preferred Alternative

The Steering Committee's recommended preferred alternative comprises a number of components that were developed over several committee meetings in the spring and summer of 2007. Discussed in detail below, these include a vision statement, land use components, transportation components, riparian corridor/green infrastructure components, and parks/open space components.

Vision Statement

The Bel-Red corridor in 2030 will be an area that is unique within the city of Bellevue and the entire Puget Sound region. It will be an area where thriving businesses will be adjacent to, and sometimes mixed with, livable neighborhoods, all served by a multi-modal transportation system that connects the area to the greater city and region. The area will also be distinguished by environmental and community amenities that will serve residents and employees in the area, as well as residents from surrounding neighborhoods and the entire city. The area will transition gracefully over time, with existing businesses being accommodated while new types of development occur as conditions warrant.

Steering Committee Recommendation





Specifically, the area will be distinguished by the following attributes:

- **A thriving, diverse economy.** Bel-Red will be home to major employers, types of businesses and employment sectors unique to this part of Bellevue, and services that are important to the local community.
- Vibrant, diverse neighborhoods. Bel-Red will contain a variety of housing types to meet the needs of a diverse population of varied income levels. Neighborhoods will have convenient access to shopping, jobs, and community amenities, and will also be well connected to the larger city and region.
- A comprehensive, connected parks and open space system. Bel-Red will have a park system that serves residents, employees, and visitors to the area, and



- **Environmental improvements.** Redevelopment of the corridor will provide opportunities for major environmental enhancements—including improving riparian corridors and adding trees and green spaces—and will implement a more sustainable approach to managing stormwater and other natural resources.
- A multi-modal transportation system. Bel-Red's transportation system will take maximum advantage of its proximity to Downtown Bellevue and Overlake by providing convenient access and short travel times within and outside the corridor for drivers, transit riders, vanpools and access vans, bicyclists, and pedestrians, while minimizing spillover traffic impacts on adjoining neighborhoods.

- A sense of place. Bel-Red will have a character that is different from Downtown Bellevue, Overlake, or other Bellevue neighborhoods. The area will build on its industrial past while incorporating new development types that will offer a unique experience for residents and employees.
- **Appropriate scale of development**. Development and redevelopment in Bel-Red should complement, not compete with, Downtown Bellevue, and should provide graceful transitions in scale in areas adjacent to residential neighborhoods.
- **Timing of development.** As the Bel-Red corridor redevelops over time, provision of infrastructure (particularly transportation infrastructure) and public amenities (such as parks) should occur concurrently with development.
- Sustainability. New neighborhoods, buildings, streetscapes, parks and open space systems, environmental enhancements, and transportation facilities will be planned, designed and developed using state-of-the-art techniques to enhance the natural and built environment and create a more livable community.







Land Use Components

The preferred alternative map, shown on the previous page, is the basis for the Steering Committee's land use vision. The land use components of the preferred alternative are outlined below. Parks and open space components and treatment of the riparian corridors are generally indicated on the land use map, and are discussed in greater detail in the sections on riparian corridor/green infrastructure and parks/open space components.

Development Nodes

A major theme of the preferred alternative is the "nodal" development pattern, which would concentrate development in the vicinity of potential future light rail stations (generally within a quarter-mile radius). The development nodes would be located in the vicinity of Overlake Hospital, at 122nd Avenue NE, at 130th Avenue NE, and 152nd Avenue NE (with a station in Redmond). These nodes would be mixed-use in nature, with a high level of pedestrian amenities. Land use intensities within transit nodes could reach a maximum development intensity of 2.5 FAR, but only if developers participate in an incentive system that provides public amenities in exchange for higher densities. The base FAR will be much lower than this maximum. Several factors framed the designation of appropriate FARs: the Council's desire that the area complement, but not compete with Downtown; the interest in having adequate FARs in some places to support light rail transit; and the finding in the economic analysis that there was demand for a more "mid-rise" office product in Bellevue. Building heights within nodes are discussed below.

The committee endorsed the following mix of land uses within the development nodes:

 Vicinity of Overlake Hospital—Office, with an emphasis on medical office

- 122nd Avenue NE—Office and housing, with more of an emphasis on office
- 130th Avenue NE—Housing, retail, and services, with pedestrian-oriented retail street
- 152nd Avenue NE—Mixed use housing/retail in the "Uwajimaya triangle" along 156th Avenue NE

The intensity of development and uses within the nodes is designed to support transit. The highest intensities are generally concentrated in the west half of the corridor. The decision to locate new employment-generating uses in the nodes is intended to link development areas to locations where the existing or planned expansion of transportation facilities could support development, and to protect residential neighborhoods located to the north, south and east of the corridor from cut-through traffic.

Land Uses Outside Nodes

A number of land uses would be designated outside of the development nodes. Some of these would be very consistent with existing plans and zoning in place today, while others would be different. Land use intensities outside nodes could reach a maximum of 1.0 FAR through an amenity incentive system. Land uses identified by the Steering Committee include:

Medical office uses along the 116th Avenue NE corridor. The vision is that medical office would be the emphasis along 116th Avenue NE north of NE 12th Street due to the proximity of Overlake Hospital Medical Center, but other office uses (not just medical) could be included as well. The highest intensities would center on the development node, which could be located near the hospital at NE 12th Street or further south.



Retail commercial emphasis along the NE 20th Street corridor. The preferred alternative includes retail along the central portion of the NE 20th Street corridor. This is not an area contemplated for more intense development, so uses in this corridor would generally have the same planned



development intensity as under current zoning.

- Mix of office and housing south of Bel-Red Road. The south side of Bel-Red Road is, for the most part, planned and zoned for office uses. The existing development pattern is low-intensity office buildings of one or two stories. This land use pattern is an appropriate buffer between the uses north of Bel-Red Road and the single-family residential neighborhoods to the south. The committee recommended that, while office should remain a focus, housing should also be included in the preferred vision for this area.
- Mixed housing and retail. The area just west of 148th Avenue NE within the Bel-Red corridor is currently planned, zoned, and developed as auto-oriented retail uses. Large and medium-size shopping centers are

located in this area, including the Fred Meyer store on 148th Avenue NE and Evergreen Center on 140th Avenue NE. The committee discussed whether the future development of the area should include housing as well as retail. They concluded that, while retail would remain an important element in future development, mixed-use development



with housing in addition to retail should be part of the preferred vision for this area. The committee also believed this same retail/housing land use pattern should be in place near Highland Community Center, in the Sherwood Shopping Center area, and in the triangular area south of NE 12th Street, east of 120th Avenue NE.

Housing in northwest portion of planning area (south side of NE 20th Street). The northwest portion of the study area (north of the Metro base along the south end of NE 20th Street) is shown as housing in the preferred alternative. This was driven in part by the idea that housing

in this area could take advantage of view corridors to the south and west (this is one of the highest points in the study area), and would also benefit from potential improvements to the West Tributary stream corridor.

Office. There are a few



- other areas outside development nodes designated for an office focus. These include the areas along 124th Avenue NE south of Northup Way, and off 148th Avenue NE south of NE 24th Street. The intensity of these office uses would be substantially lower than within development nodes.
- Retail/commercial southwest portion of study area (south of NE 12th Street). The southwest portion of the study area (generally south of NE 12th Street and contiguous to Lake Bellevue) is currently planned and zoned for general commercial uses, and has a combination of retail, office, and car dealerships. The committee elected to continue to designate this area as retail commercial in the preferred alternative.



Cultural/Arts District. The preferred alternative includes a Cultural/ Arts District in the vicinity of the Pacific Northwest Ballet School on 136th Place NE. The concept of the arts district is to build upon the PNB school concept through adaptive reuse of existing buildings for arts classroom or rehearsal spaces. This could result in a cluster of studio, rehearsal, and possibly performance spaces that could be used by artists and/or nonprofit organizations. Uses could also include the creation of crafts such as pottery, sculpture, and glass-blowing.

Building Heights in Development Nodes

As the Steering Committee began developing the preferred alternative, several prospective developers in the area stated that they were interested in development that could exceed the anticipated maximum building heights of up to 6 stories for new buildings in the corridor. Because greater building heights were not analyzed in the DEIS, the committee asked that an analysis of potential building heights of up to 150 feet within development nodes be included in the

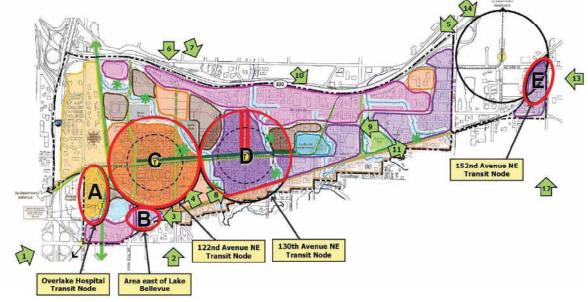
FEIS. Building heights outside of development nodes would generally be limited to up to 60 feet, with lower limits in place in areas such as the transition area south of Bel-Red Road.

There were several components to the building height analysis: visual impacts from public vantage points; urban form and its impact on community character and identity; locations of taller buildings in citywide context; relationship of building height to the Bel-Red implementation strategy; and the desire to maintain a differentiated economic niche that would not compete with Downtown Bellevue. An underlying assumption was that base heights would be substantially lower than any new maximum heights recommended, while taller buildings would be permitted as incentives to developers who provided amenities in the form of open space, stream buffers, and other benefits.

Following substantial discussion, the committee's recommendations regarding building height are listed on the following page (see map below).

Example of Building Height Analysis







BELRED

corridor project

Area A Overlake Hospital Medical Center vicinity transit node, east of 116th Avenue NE

Recommendation: Allow buildings up to 150 feet

Area B Area east of Lake Bellevue

Recommendation: Allow building heights up to 60 feet, except for areas within the transit node, which could be up to 75 feet

Area C 122nd Avenue NE transit node

Recommendation: Up to 150 feet in core of node, up to 125 feet on perimeter

Area D 130th Avenue NE transit node

Recommendation: Up to 150 feet in core of node, up to 125 feet on perimeter

Area E 152nd Avenue NE transit node (Uwajimaya/Angelo's Nursery)

Recommendation: Retain height limits consistent with existing zoning—generally 45 feet and 60 feet, depending on underlying zone

FEIS Analysis of Potential Locations of Taller Buildings



Bel-Red Height Analysis

It is important to note that the committee's recommendations for additional building height within development nodes do not equate to more density or intensity—they are a matter of urban form.

An important part of the building height recommendations is their relationship to the Bel-Red implementation strategy. The Steering Committee identified a number of enhancements to infrastructure, urban amenities, and the environment that will be needed to realize the vision of a redeveloped Bel-Red area. It is anticipated that all development will contribute to this package of improvements. Allowing for taller buildings could be a component of land use incentives granted in exchange for providing a higher level of public benefit than would otherwise be required for new development.

Strategy for Accommodating Traditional Light Industrial Uses

Approximately half of the study area is presently planned and zoned for light industrial (LI) uses. In addition, out of the 750 acres of land in Bellevue zoned for LI uses, approximately 450 acres, or 60 percent, is located in the Bel-Red corridor. Therefore, a strategy for "traditional light industrial uses" was an important topic for the Bel-Red work. Staff and the Steering Committee also heard many concerns expressed by existing businesses (such as the Coca-Cola bottling plant) that had been in the area for some time, and were interested in remaining. Thus, the deliberation on how to accommodate LI uses became an important part of the committee's overall discussion.

While there are a number of different uses in the LI-designated portion of Bel-Red, traditional "LI uses" are generally distinguished as either industrial and manufacturing (characterized by business activities, manufacturing, assembly, processing, and similar operations) or warehouse/distribution (characterized by businesses involved in the warehousing and distribution of wholesale goods and supplies—typically associated with heavy truck traffic). Understanding the unique attributes of the LI zoning was a source of some confusion, because many



of the area's service uses (see next section of committee's recommendation) are designated in the LI area, although such uses are also located in many other parts of the planning area and City.

In arriving at the preferred vision, the Steering Committee discussed four options for how to deal with LI uses in the corridor. After much discussion and deliberation, the committee decided on a strategy that allows existing uses to continue, but recognizes that market forces are likely to reduce the demand for these uses over time. The strategy can be summarized as follows:

- Existing LI uses will be allowed and may be continued by future owners.
- No new LI uses will be allowed.
- Expansions to existing LI structures will be permitted.
- Discontinued LI uses may not be re-established.
- Destroyed LI structures may be reconstructed.

Existing light industrial uses will not be considered "nonconforming" uses under the provisions of the Land Use Code. Bellevue's Land Use Code does not currently include a term for an existing use that is allowed to continue and



expand its structure, but would not otherwise be allowed as a new use. Accordingly, a new zoning term and approach will be developed to address the treatment of existing LI uses in the Bel-Red corridor.

Strategy for Accommodating Service Uses

One of the City Council's Planning Principles for the Bel-Red Corridor Project was to build from existing assets, including the many successful service-related businesses that serve the local community. Accommodating service uses is also one of the objectives adopted by the Steering Committee, and this objective has been widely supported by existing businesses and members of the public. This theme was consistently expressed by members of the community from the very beginning of the project. Therefore, the committee spent considerable time analyzing the composition of existing services uses in the corridor, and exploring how a future vision should best accommodate these important uses.

The services sector is very broad, and approximately 50 percent of existing businesses in the corridor fall into this category. Service uses include health care, business and professional office, household repair, and auto-oriented services (such as auto repair). The Steering Committee reached consensus that most uses in the broad service uses heading, which typically have characteristics of general retail as opposed to light industrial, would be appropriate throughout the corridor and should be included in the preferred alternative. The examples given ranged from medical-related services, to dry-cleaners, to an existing saw repair shop.

Strategy for Broad Service Uses (Those service uses with characteristics and impacts similar to general retail)

The committee recommends that all existing and future uses in the broad Service Uses sector (those services that have characteristics similar to general retail) should be allowed to occur throughout the corridor (e.g. health care, business and professional office, household repair).

The committee then shifted to those select service uses that display unique characteristics typically associated with light industrial uses. This focused definition of service uses includes auto repair, automotive parts and accessories (including tire shops), auto dealers and boat dealers (particularly the service/ repair component), car washing and detailing, and towing and car rental. These uses were distinguished from the many other service uses because they could have potential impacts on adjacent future uses (such as noise, odor, fumes, aesthetics) that are similar to those of light industrial uses.

Steering

Committee

Recommendation



The committee discussed a range of options to accommodate these specific types of service uses. After deliberation on the options, the committee recommended the following:

Strategy for "LI-type" Service Uses in nodes and standalone housing areas (Existing uses allowed, market forces could pressure)

- Existing service uses will be allowed and may be continued by future owners.
- No new service uses will be allowed.
- Expansions to existing service structures will be permitted.
- Discontinued service uses may not be re-established.
- Destroyed service structures may be reconstructed.

Strategy for LI-type Service Uses in area outside nodes and outside nonstandalone housing locations (New service uses allowed across the district)

- Existing service uses will be allowed and may be continued by future owners.
- New service uses will be allowed.
- Expansions of service uses will be allowed.
- Destroyed service structures may be reconstructed.

Service uses with LI characteristics located in transit nodes and standalone housing areas will not be considered "nonconforming" uses. As noted above, Bellevue's Land Use Code does not currently include a term for an existing use that is allowed to continue and expand its structure, but would not otherwise be allowed as a new use. Accordingly, the Land Use Code will address the treatment of existing service uses with LI characteristics in the Bel-Red corridor.

Principles on Workforce/Affordable Housing

The preferred alternative envisions the creation of 5,000 additional housing units in the Bel-Red Corridor. Bellevue has not created this much new housing potential in decades. The committee recognized the importance of this, and also the importance of developing a thoughtful strategy for incorporating a wide range of housing types in this new supply. This issue of housing diversity was also important to many members of the public. The committee recognized the complexity of the issue, but felt the need to provide some perspective on how to realize its vision of creating a variety of housing types available to a wide range of households. Accordingly, the Steering Committee developed some preliminary principles on housing that are included as part of its recommendation. These principles are as follows:

- **Vision.** One element of the Bel-Red Steering Committee's vision for Bel-Red is that the area "will contain a variety of housing types to meet the needs of a diverse population of varied income levels." While Bel-Red will likely include some high-end housing and a predominance of market rate prices, a deliberate strategy will be required to deliver on this vision of diversity in housing form and pricing.
- Integration with larger City. As Bellevue continues to experience the escalating prices of a very dynamic housing market, maintaining some housing options for low and moderate income workers and households on fixed incomes is a growing challenge for the City as a whole. The City also faces challenges in meeting the housing needs for a growing segment of our labor force who cannot afford the rising costs of housing in the Bellevue area. While no one area of the city will solve Bellevue's affordable housing challenges, Bel-Red provides an opportunity to contribute to City-wide solutions. Housing affordability approaches here should be integrated with the City's wider approach to the challenge of affordable housing.



- **Timing.** Bel-Red represents an extraordinary opportunity to develop new capacity for housing in Bellevue, with the potential for 5,000 housing units in an area that today accommodates virtually no housing. The time to consider workforce/affordable housing strategies is up-front, as part of the zoning and land use strategy to create this new housing capacity.
- Multi-pronged strategy. Providing a range of housing choices requires a multi-faceted approach. Bel-Red implementation should consider a wide range of options for encouraging affordable housing, including incentives, tax policy, and regulatory measures.

Transportation Components

To support the development program envisioned in the preferred alternative, additional transportation system infrastructure will need to be built for all transportation modes—cars, transit, and nonmotorized (pedestrian and bicycle). This need is not unique to the preferred alternative—new infrastructure would be needed under all the action alternatives analyzed in the DEIS. Traffic analysis for the 2030 planning horizon suggests that transportation capacity improvements would be needed mostly in the western part of the study area, because much of the potential employment and residential growth would be directed to this area. The map on page 4-14 shows the major transportation system improvements in the preferred alternative.

Existing Conditions

streets. The Bel-Red Corridor is characterized as having an "immature" street system. Many arterials within the study area have two lanes and no pedestrian or bicycle facilities. There are few east-west street connections, except for the major travel corridors of Bel-Red Road and NE 20th Street on the perimeter of the study area. In the western portion of the study area, 120th Avenue NE and 124th Avenue NE primarily serve light industrial users. Arterials further to the east carry commuter traffic through the study area and provide local access to retail and service uses.

- **Transit.** King County Metro provides limited bus service within the Bel-Red Corridor. That service is confined primarily to the roads on the perimeter of the study area: Bel-Red Road, NE 20th Street, 116th Avenue NE, 148th Avenue NE and 156th Avenue NE. Several bus routes provide peak-hour service only, with other routes operating on 30 to 60 minute headways.
- Non-Motorized Transportation. Sidewalks exist on some of the streets, but the system is discontinuous. Within the interior of the Bel-Red Corridor, many segments of road have no sidewalks. Bicycle accommodation is limited to shared roadway facilities; there are no exclusive bicycle lanes.
- BNSF Corridor. This existing rail line runs north-south in the western portion of the Bel-Red Corridor and provides only limited freight mobility. The planned removal of the Wilburton Tunnel to accommodate I-405 expansion will diminish the rail line's viability as a freight corridor. Regional efforts to acquire the BNSF Corridor would result in its preservation for public use, potentially including use as a pedestrian and bicycle facility.



Future Traffic Volumes

The location and intensity of proposed land uses will determine the pattern and volume of traffic in the future. Although it is difficult to know what modes of travel people will choose to use 20 or more years from now, it is important to note that the traffic modeling provides a forecast that is based on actual existing conditions and assumed future land use and transportation system changes.

Increases in traffic and corresponding increases in congestion would occur in the Bel-Red Corridor, surrounding neighborhoods, and the regional system with both the No-Action Alternative and the preferred alternative. In general, traffic volume



for the preferred alternative would increase by about 10 percent compared to the No-Action Alternative. This increase would be due in part to regional factors, including economic growth and land use changes outside of Bellevue.

In the No-Action Alternative, 86 percent of people would drive alone from home to work, 5 percent would use various ridesharing alternatives, and 9 percent of commuters would use transit. For the preferred alternative, only 75 to 80 percent are projected to drive alone, 4 to 5 percent would share a ride to work, and 19 percent are expected to take a transit mode.

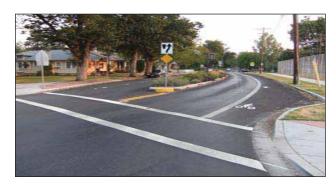
Work trips in the preferred alternative would increase by about 72 percent over the No Action Alternative. Because of increased roadway congestion and the availability of light rail, the use of transit would grow by 285 percent, while the percentage of carpool users would remain about the same.

Traffic Congestion at Intersections

Modeling results for traffic operations in the preferred alternative are somewhat counterintuitive. They show that the number of congested intersections is lower than under the No-Action Alternative, despite the fact that the preferred alternative has higher concentrations of commercial and residential development. Transportation capacity differences between the alternatives explain the results. For example, the preferred alternative includes light-rail stations surrounded by high-density uses, resulting in high transit ridership and fewer vehicle trips. Further contributing to reduced vehicle trips is a land use pattern that provides employment and housing opportunities close to transit. Also, there are a number of roadway capacity projects included in the preferred alternative. These differences would all help to diffuse the potential traffic impacts associated with the preferred alternative.

Neighborhood Impacts

Traffic modeling for the preferred alternative shows that new development in the Bel-Red corridor, combined with development around the region, is projected to cause some increase in traffic on arterials such as 140th Avenue NE and



116th Avenue NE that traverse residential neighborhoods. Mitigation for potential traffic impacts on arterials must create a roadway character that alerts drivers that they are in a neighborhood and encourages

them to drive accordingly. Medians, special paving, and other options for mitigation are identified in the DEIS. Specific measures to address traffic volume and speed on arterials will be developed in coordination with the affected neighborhoods.

Traffic-calming devices and traffic control measures would be considered on a case-by-case basis for non-arterial streets meeting Bellevue's Neighborhood Traffic Control Program criteria within residential neighborhoods in and around the Bel-Red Corridor.

Light Rail

The proposed light rail route between downtown Bellevue and Overlake would traverse the Bel-Red Corridor. An alignment through the center of the corridor along approximately NE 16th Street would maximize the potential to create transit-oriented, mixed-use neighborhoods and employment areas. Prior to the development of the light rail system, enhanced bus transit can help support additional land use. When light rail is operating, "feeder" bus service can be reallocated to connect neighborhoods with the light rail stations.





As described elsewhere in this report, the planning in the corridor has been based in part on a decision by Sound Transit and the City of Bellevue to develop light rail through the Bel-Red corridor as part of Sound Transit's East Link project, which will extend light rail from downtown Seattle to Redmond. The plan focuses development around transit-oriented nodes, and is designed to encourage mixed-use development in ways that depend on, and will also support, transit service. It is important to note that if light rail does not come to the area during the project's planning horizon (2030), the overall land use plan and development program will remain valid. However, the intensity and timing of development may need to be adjusted to reflect the level of transit service that can be delivered to the corridor by other forms of transit in the interim.

While the Bel-Red Corridor Project identifies a preferred alignment and station locations, and anticipates that a light rail maintenance base may be located somewhere in the Bel-Red corridor, the Sound Transit Board is the final decision-making authority regarding light rail.

Stations. Station locations in the vicinity of Overlake Hospital Medical Center, 122nd Avenue NE, 130th Avenue NE and at 152nd Avenue NE/NE 24th Street in Redmond's Overlake Village would support the Bel-Red Corridor land use vision. About three-quarters of residents and employees in the preferred alternative would have convenient, walkable access to the light rail stations.

Ridership. During the morning peak hour, the preferred alternative would generate substantial demand for light rail within the Bel-Red Corridor itself, with about 1,800 boardings and 5,300 alightings. This level of ridership is attributed primarily to the proximity of the light rail stations to areas of mixed-use housing, commercial, and retail uses.

Non-Motorized Transportation

The preferred pedestrian and bicycle system consists of sidewalks and bicycle facilities along roadways and stream corridors, plus a paved multi-purpose path on the BNSF railroad right-of-way. The preferred alternative offers the potential to create transit-rich development nodes and neighborhoods in which walking and bicycling opportunities abound. Some bicycle facilities would be geared toward the commuter, and others geared more for the recreational cyclist. Links to local parks and connections to the regional system are part of the vision. A few key components of the non-motorized transportation system are highlighted below.

BNSF Corridor. As noted above, the BNSF corridor may be acquired and preserved for future public use. Providing multiple access points to the BNSF corridor would allow opportunities to enhance the local and regional non-motorized transportation system. In accordance with the rail-banking legislation under which the BNSF corridor would be acquired, the corridor



would be used in the short term for non-motorized transportation. Long-term use is envisioned to include the trail together with a light rail or commuter rail system.



Stream Corridor Trails. A component of the Bel-Red Corridor "Great Streams" vision (described later in this chapter) is to make use of the stream corridors for multiple purposes to enhance the community and the environment. The riparian corridor along the West Tributary of Kelsey Creek is particularly well suited for a future trail system that would connect the BNSF Corridor to Bel-Red Road. A pathway and sidewalk system that is more urban in character along Goff Creek would knit together the new neighborhood. Trails are envisioned along other stream corridors in the area as well, and might be developed in partnership with adjacent private property owners.



■ **NE 16th Street.** As a major future arterial and light rail corridor, an extension of NE 16th Street is also proposed to be the primary component of an east-west non-motorized transportation system. Providing a high quality pedestrian and bicycling environment along this arterial would create auto-free access between neighborhoods, to regional trail systems, and to light rail stations. The east-west pedestrian and bicycle corridor is also intended to be the connective facility that links the various north-south trails and sidewalks.

Roadway Projects

To support the 2030 land use development program, additional roadway infrastructure would be required within the Bel-Red Corridor, along with improved connections to downtown Bellevue and to SR 520. New or extended east-west arterials are proposed for corridors along NE 4th Street, NE 10th Street and NE 16th Street. Arterial improvements and expansions are proposed for 116th Ave NE, 120th Ave NE, 124th Ave NE, and NE 136th Place. 130th Avenue NE would

be redeveloped as a pedestrian-oriented retail street. The following list and map describe the roadway capacity improvement projects in the preferred alternative. Intersection improvements would also be necessary for the transportation system to function properly; these are shown on the map and are described in the FEIS.



Recommended List of Transportation Projects

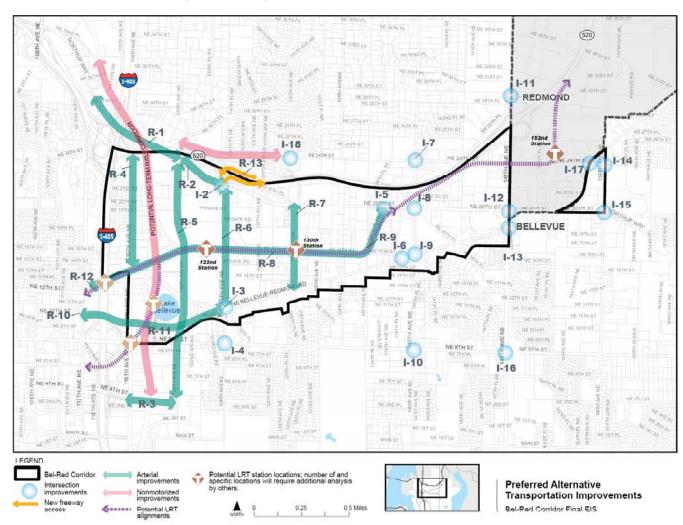
- R-1 Northup Way, two-way left-turn lane west of 120th Avenue NE
- R-2 Northup Way, add eastbound through lane between 120th and 124th Avenue NE
- R-3 NE 4th Street Extension, 116th to 120th Avenue NE, four lanes
- R-4 116th Avenue NE, develop to include two lanes in each direction plus a center turn lane
- R-5 120th Avenue NE, widen to five lanes between Northup Way and NE 4th Street
- R-6 124th Avenue NE, widen to five lanes between Northup Way and Bel-Red Road





- R-7 130th Avenue NE, redevelop to two lanes plus on-street parking between NE 16th Street and NE 20th Street
- R-8 NE 16th Street, five-lane roadway, linking core of study area to Downtown
 Bellevue via NE 12th Street
- R-9 NE 16th Street:
 - East end treatment with terminus at NE 20th Street via 136th Place NE
 - Five-lane to three-lane reduction following along 136th Place NE
 - Continue three-lane section to
 NE 20th Street along 136th Place NE
 - Two-lane non-arterial connection between
 136th Place NE and Bel-Red Road
- R-10 NE 10th Street/ I-405 overcrossing
- R-11 NE 10th Street extension, 116th to 124th Avenue NE Four-lane roadway with turn pockets
- R-12 NE 12th Street:
 - Widen to six lanes between 112th Avenue
 NE and new NE 16th Street connection
 - Reduce functional class and capacity between new NE 16th Street and 124th Avenue NE
- R-13 SR 520 and 124th Avenue NE interchange, complete the interchange by constructing ramps to and from the east

Preferred Alternative Transportation Improvements



Steering

Committee

Recommendation



Riparian Corridor/Green Infrastructure Components: The Great Streams Strategy

As described earlier in this report, several streams run through the Bel-Red area. These riparian corridors suffered severe impacts during the development that occurred in the area in the 1960s and 1970s, prior to the advent of current environmental regulations. One consistent message from the community was an interest in improving these corridors, and the Steering Committee made this part of their overall recommendation.

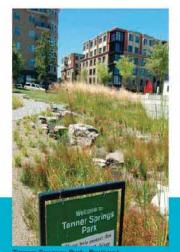
Four principles of stream restoration are embodied in the Bel-Red Corridor "Great Streams" Strategy: place-making, habitat enhancement, greenways and trails, and green infrastructure. The preferred alternative embraces the concept of enhancing the stream corridors to attain these multiple benefits. While there are opportunities along each stream corridor, and

each degraded stream system will accrue incremental benefits as redevelopment occurs, the greatest opportunities for enhancement have been identified along the West Tributary and Goff Creek.

Along the West Tributary, a natural systems approach would create wider buffers for habitat and open space. Trails, passive recreation areas, environmental education, and stormwater management are among the uses envisioned for this stream corridor. In particular, a trail following the creek that connects Bel-Red Road and the future BNSF Corridor trail will provide an important component of local and regional non-motorized transportation.

Goff Creek enhancement opportunities present an urban approach that highlights the creek as an important feature in urban plazas, where people can see, hear and touch the stream and watch salmon as they migrate to protected spawning areas. Much of Goff Creek south of NE 16th Street is currently in

Placemaking F



Habitat Enhancement



Goff Creek south of Bel-Red Road

Greenways and Trails



Big Dry Greek Bicycle Trail, Littleton, Golorado

Green Infrastructure



BELRED

corridor project

High Point, Seattle

a pipe. "Daylighting" this stream segment can create a significant urban amenity and improve fish and wildlife habitat in the creek as a whole.

Achieving this vision will require wider riparian corridors than currently exist, plus acquiring and developing "opportunity areas" where elements of the parks and transportation systems interface with the streams. Improving stream conditions and corridors in Bel-Red will not be accomplished through additional regulatory requirements. The baseline regulations would be those in the City's existing Critical Areas Ordinance. Enhancements to the stream corridors are planned to be accomplished through use of incentives that would offer increased density and/or building height to achieve greater setbacks. City investments would also play a role at key locations where parks, transportation, or stormwater projects could be integrated with habitat improvements.



The use of green infrastructure—or low-impact development techniques—would be encouraged throughout the study area, so that properties not immediately adjacent to a stream corridor would also contribute to environmental enhancements. Low-impact development techniques manage stormwater in a manner



that allows rainfall to infiltrate into the soil on the site, or even to be used on the site, rather than running off quickly and carrying contaminants into nearby streams. Green

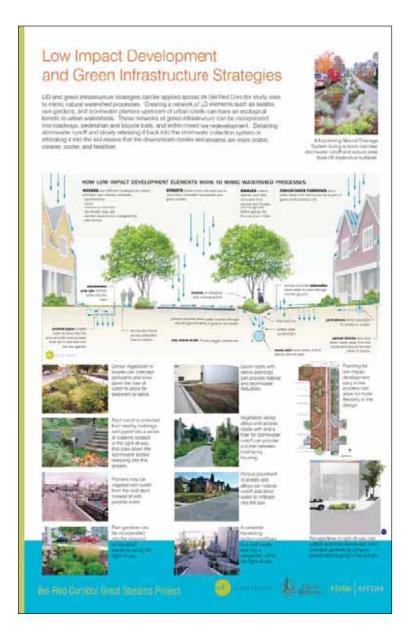
infrastructure would be incorporated in private-sector redevelopment, and also in transportation infrastructure and parks. "Green streets" would have abundant street trees and areas of landscaping to improve stormwater runoff, and in places, porous pavement would reduce the amount of runoff. A number of techniques are available, and a customized green infrastructure approach could be crafted to suit each location.

Opportunities for Stream Restoration

Each stream in the Bel-Red Corridor has been rated using criteria to indicate whether stream conditions are good, moderate, or poor with respect to the overall stream health and habitat suitability for fish. These ratings have been used to identify and prioritize the potential fish habitat and riparian rehabilitation

opportunities of the streams. The focus of potential enhancements is on improving the ecological health of streams, as well as creating open space amenities for the community.





Steering

Committee

Recommendation



All streams in the Bel-Red Corridor are degraded to some extent. Ecologically speaking, those with the least number of constraints are those with the highest potential opportunities for rehabilitation. Types of constraints include fish passage barriers, impervious surfaces and buildings adjacent to streams, piped streams, and poor water quality.

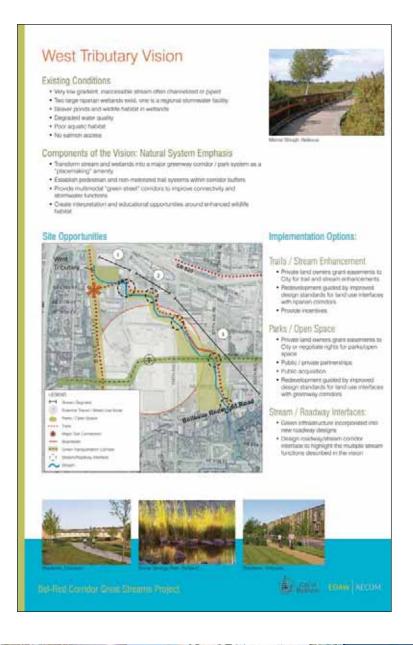
Opportunities to enhance Bel-Red Corridor streams are related to the potential land use changes adjacent to the stream and in the watershed. Ecological analysis, coupled with the opportunities inherent in recommended future land uses, indicates that enhancement efforts should be focused on the West Tributary and Goff Creek. Removing fish passage barriers, daylighting piped stream segments and restoring riparian habitat would transform these streams from their degraded conditions into community and environmental amenities.

Parks/Open Space Components

The Bel-Red corridor is a component part of the City's larger system of parks, streams, wetlands, plant, wildlife, and cultural/recreational elements. The preferred alternative supports park and community service enhancements that will help create and sustain new neighborhoods.

A robust park and open space system is a key element of the Bel-Red vision. Beautiful and functional open spaces will help transform the area, support new residential and commercial uses, improve the environment, and be an asset for the broader Bellevue community. A "critical mass" of parks and open space is needed. The preferred alternative includes





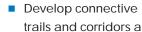


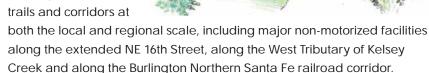
expectations for a park and open space system that is based on an urban approach to determine the type, amount and location of space. The Bel-Red park and open space system would be implemented through a mix of public funding and private development with potential City incentives.

Embedded in the preferred alternative is a park and open space concept that would be implemented as follows:

- Utilize opportunities along stream corridors, especially the West Tributary and Goff Creek, to enhance open space, provide fish and wildlife habitat, develop trails, and improve stream water quality.
- Develop community park facilities that can serve new Bel-Red residents and employees as well as city-wide patrons.







- Incorporate "green infrastructure" in park development to provide community amenities and watershed benefits by allowing for stormwater to infiltrate on site through such features as swales, rain gardens, and pervious pavement.
- Manage the area's natural resources in a sustainable manner to preserve and rehabilitate environmentally sensitive natural areas.
- Consider the Bel-Red Corridor study area as a suitable location for a potential major recreation facility that would meet an identified city-wide need for both indoor and outdoor recreation. Elements such as indoor soccer, basketball, fitness activity, an aquatic center, and outdoor sports fields are potential components. If this city-wide facility were to locate in Bel-Red, it should also serve as a community park for the new neighborhoods in this area.
- Some of the committee's vision for parks and open space is captured on the preferred alternative map. Other elements cannot be precisely sited in advance of additional work on land assembly opportunities, road and trail projects, the interface with redeveloped stream corridors, and other factors.











Section 5

Implementation









To implement the Bel-Red Corridor Project land use and transportation vision will require a comprehensive, challenging effort that will equal or exceed that of the planning process. In the near term, implementation will involve a complex and interrelated set of City actions that will require further deliberation by City Boards and Commissions, the City Council, and the public. In the longer term, implementing the plan will require a combination of private redevelopment and public facilities, and a long-term commitment that will need to be well thought-out, yet flexible, as it proceeds.



In the near term, implementation of the Bel-Red vision will consist of the following general components:

- Comprehensive Plan amendments
- Land Use Code amendments
- A phasing plan
- A financing plan
- An update or successor to the Bel-Red Overlake Transportation Study (BROTS) agreement





Section 5 Implementation

The committee considered a number of specific details relating to these various items. These are listed and described in more detail below.

Comprehensive Plan Amendments

Comprehensive Plan amendments will capture the Bel-Red vision from a policy perspective, provide background and context, and provide the basis for regulatory decisions, public investments, and other implementing actions. Two parts of the Comprehensive Plan would be amended. The first part is the General Elements—such as Land Use and Transportation—that apply citywide and also must be consistent with the Bel-Red vision. The second set of amendments would be to the Subarea Plans, which map the area land use and describe specifics about the vision and how it is to be implemented.

Comprehensive Plan amendments are anticipated to include:

- A new Subarea Plan for the Bel-Red area that articulates the vision for the area's future.
- A new land use plan map for the Bel-Red area.
- A detailed description of the necessary transportation infrastructure and parks and open space system to support anticipated development. The plan will be developed in a manner that protects arterial road, transit and pedestrian/bicycle system right-of-way.
- The City's preference for Sound Transit's light rail routing and stations through the Bel-Red Corridor.
- Modified level-of-service (LOS) standards for the Bel-Red area to acknowledge the creation of a higher intensity mixed-use area with multi-modal transportation choices. The standards would change from an average volume/ capacity ratio of D (0.85) to E+ (0.95). This would be accompanied by policy direction to consider amendments to parking standards, transportation demand management (TDM) measures, improved local transit service, and other mechanisms to reduce SOV use and encourage other travel modes.

Amendments to other Subarea Plans and the Comprehensive Plan General Elements as necessary to be consistent with the new Bel-Red vision.

Land Use Code Amendments

The Land Use Code is the document that establishes the regulatory structure for new development and redevelopment. These regulations will implement the Bel-Red vision as follows:

- Direct a majority of the office and residential development capacity to identified transit-oriented development nodes.
- Establish three transit-oriented development nodes of higher density, mixed land use:
 - Overlake Hospital Medical Center vicinity: intended principally for office/medical office uses
 - 122nd Avenue NE: intended principally for office use with some residential and retail
 - 130th Avenue NE: intended principally for residential and service uses

In addition to these three nodes, there is an opportunity on the east side of Bel-Red to take advantage of a transit station in Redmond's Overlake district.

- Utilize an incentive zoning structure as follows:
 - A base floor area ratio (FAR) and height would be permitted outright, with the maximum FAR/height to be achieved only through participation in an amenity incentive system.
 - Amenities would include stream restoration, "green" infrastructure, affordable housing, parks and open space, and other potential amenities.
 - Administrative Design Review would be required for individual projects, and master plan review for large phased projects.





- Allow for a continuation/expansion of existing service and light industrial uses in the manner described elsewhere in this report.
- Provide for a range of housing densities and types.
- Require development to meet basic standards and requirements, and to participate in the Bel-Red financing plan.
- Provide for light rail facilities including light rail guideway and stations, electrical power systems, and an operations and maintenance facility.
- Explore use of regional transfer of development rights (TDRs), a tool intended to help preserve rural open space, habitat and resource lands proposed by the Cascade Land Conservancy. This idea should be further evaluated in the context of the full suite of investments needed in the Bel-Red corridor.

Phasing Plan

One foundation for the Bel-Red Plan has been the integration of planning for land use and transportation. This same integration needs to take place with respect to implementation. Neither the land use nor the transportation infrastructure can be accomplished all at once. A phased approach to both will ensure that adequate public facilities are available to support new residential and commercial development. Phasing will:

 Link new commercial development to the City's incremental expansion of multi-modal transportation capacity, supplementing the City's current concurrency system.







Section 5 Implementation

- Allow residential development, which will bring home and work trips in the area closer together, to occur as the market warrants, limited only by concurrency.
- Rely on the current development capacity in the BROTS (Bel-Red Overlake Transportation Study) Interlocal Agreement, until the agreement is modified or expires.

Financing Plan

Key to the phasing of public facilities is the financing available to pay for them. Funding for public facilities is anticipated to come from a variety of public and private sources, with Bel-Red development paying for a significant share of the infrastructure and amenities needed to transform the area. A comprehensive financing plan will:

- Provide an overall funding strategy to accomplish investment needed to support the development program.
- Link financial participation with benefits derived from the investments.
- Include examination of a broad array of financing strategies, including impact fees, benefit districts, Local Improvement Districts, use of new tax revenues from new development, general CIP investment, outside grants or loans, and other strategies as appropriate.
- Be coordinated with the land use incentive system, which can also provide for some of the area's infrastructure and amenities.
- Be robust enough to provide for the first phase of infrastructure investment, along with investments in parks and other amenities to support residential development in the first development cycle.

Bellevue/Redmond Growth Impact Reconciliation

Both Bellevue and Redmond have engaged in separate planning efforts that will intersect where transportation facilities are involved. These neighbors will engage in joint efforts to understand the transportation system impacts from growth, and devise a method to mitigate those impacts that cross City borders. This reconciliation process is intended to:

- Model the combined effects of growth from both cities' plans to identify transportation system impacts.
- Identify key infrastructure projects and growth phasing to maintain mobility and mitigate interjurisdictional impacts.
- Fund interjurisdictional impact mitigation from development occurring in Bellevue and Redmond.
- Require the current agreement between the two cities to be modified or re-drafted, extending the timeline consistent with each city's updated planning horizon (2030).

Conclusion

Achieving the Bel-Red Steering Committee's vision will require more than just adopting changes to City plans and codes. It will require an ongoing, vigilant effort to advance the vision over the long term. This may include the need for staff devoted to coordinating plan implementation, development of a local association of businesses and residents (such as the Bellevue Downtown Association), and new financing mechanisms. The Bel-Red area has the potential to be an extraordinarily vibrant, unique, and environmentally sustainable area of Bellevue and the greater Eastside and Puget Sound region. It will require a dedicated, ambitious, and on-going implementation effort to get there.



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



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 onstreet parking. More efficient use of shared parking facilities will allow for redevelopment that is more pedestrian oriented and less dominated by parking lots.

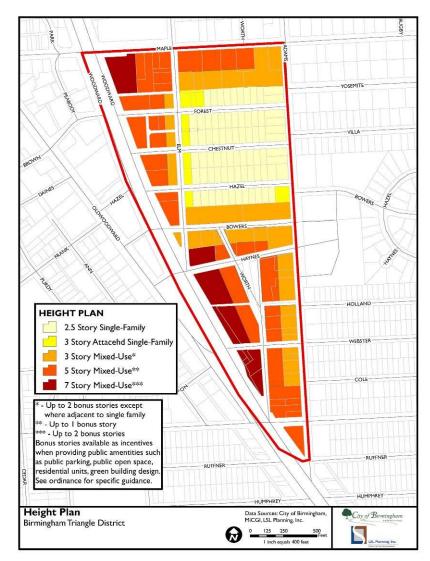
The development plan is a long-term vision for the Triangle District; the pace and order of which is dependent on a variety of factors. To facilitate the orderly and successful implementation of the plan, a phasing plan has been developed. (See the Implementation section.)



Sample Building Design



Sample Townhouse District



Triangle District Height Plan

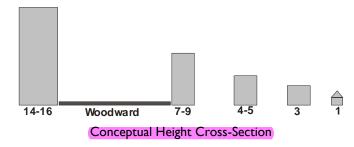
Building Heights

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.



Height Defines Streetscape

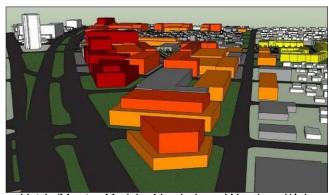
Recommended building heights will help to define streetscapes and create a strong sense of enclosure. This enclosure is a vital component to creating a more human-scale environment that is inviting to pedestrians and induces automobile traffic to slow down.

Currently, automobiles dominate Woodward Avenue, with its wide rightof-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.

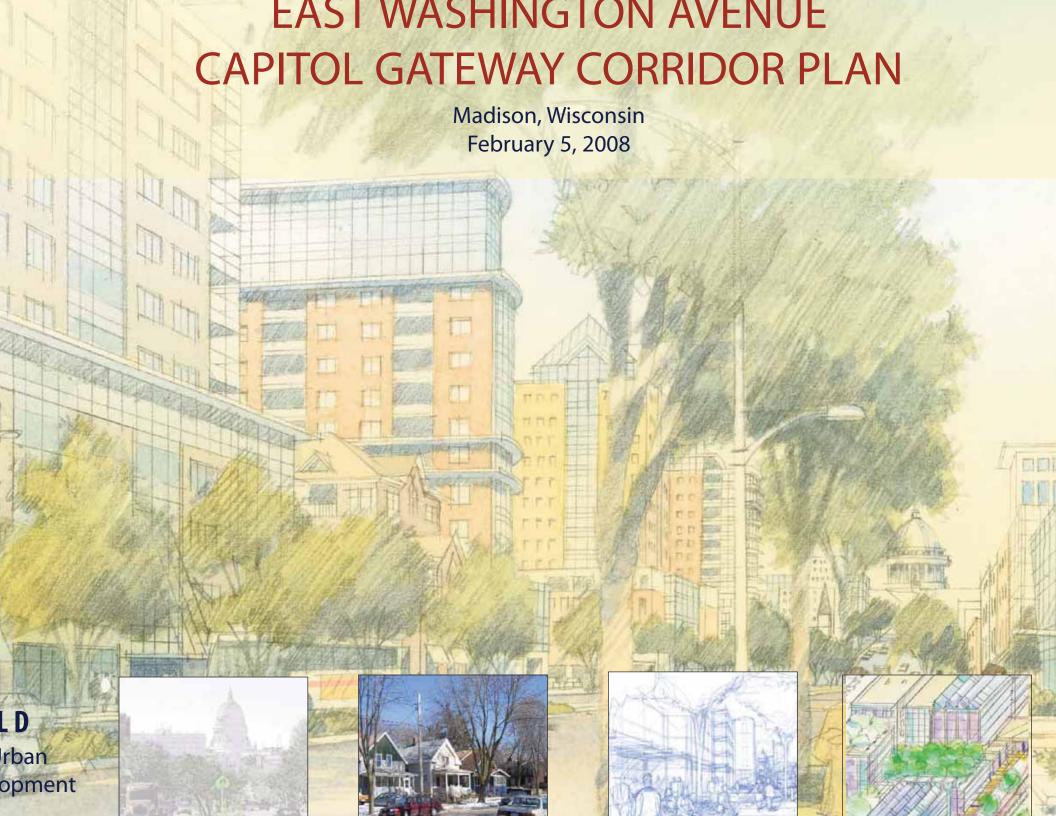


Height/Massing Model - South down Woodward



Height/Massing Model - North down Woodward/Adams





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Planning Council 1321 E. Mifflin Street Suite 201 Madison, WI 53703 608-204-0834 - Rebecca Krantz, Facilitator - Pamela Hathaway, Recorder

East Isthmus Neighborhoods

MENTS

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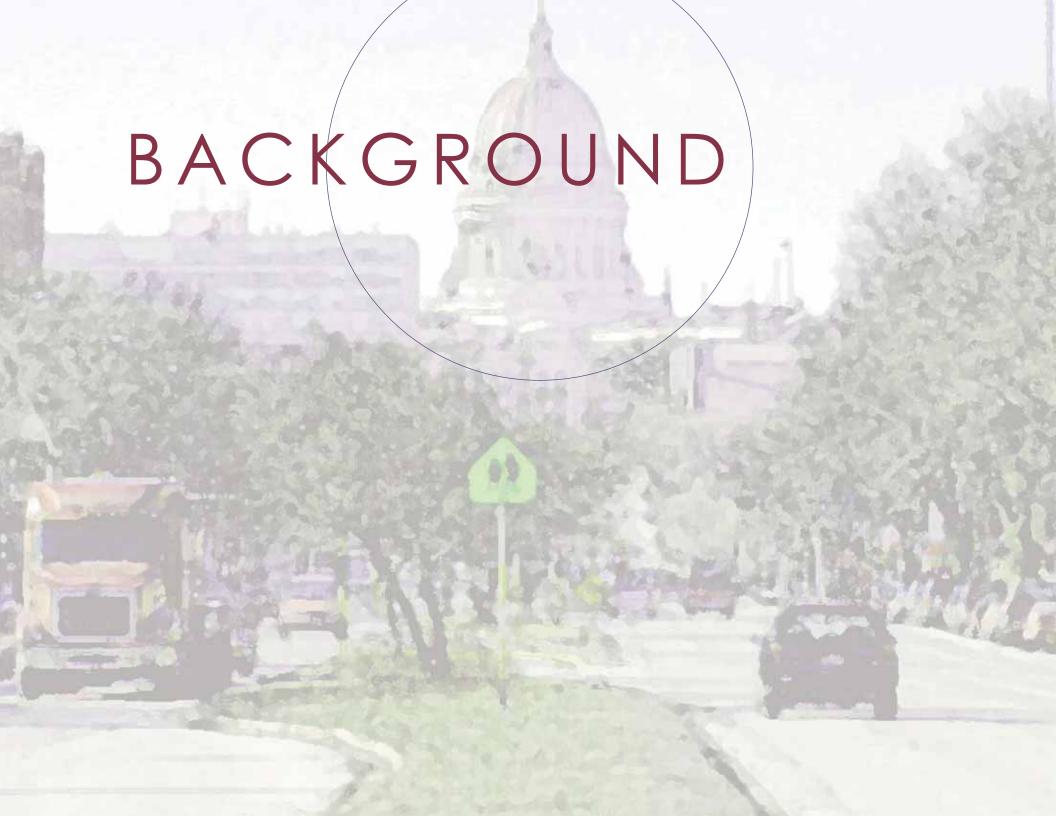
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G PROVIDED BY:

The Mullins Group

BACKGROUND1	Bulk Standards
Introduction2	Setbacks and Stepbacks
Relationship to Urban Design District #83	Street Level Facade Heights
Study Area3	Recommended Maximum Heights
	Maximum Building Height Comparation
Existing Conditions	Profile Cross Sections
Street Network	Example Urban Form
Other Transportation Connections4	Design Guidelines
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	APPENDICES



capitol Gateway Corridor Plan is an initiative of cal framework for addressing the significant a centered on East Washington Avenue from een Blair and First Streets - one of the most the heart of our community and our region. In arded a \$25,000 matching grant from Dane elopment) Program and received additional ghborhood association to develop a focused

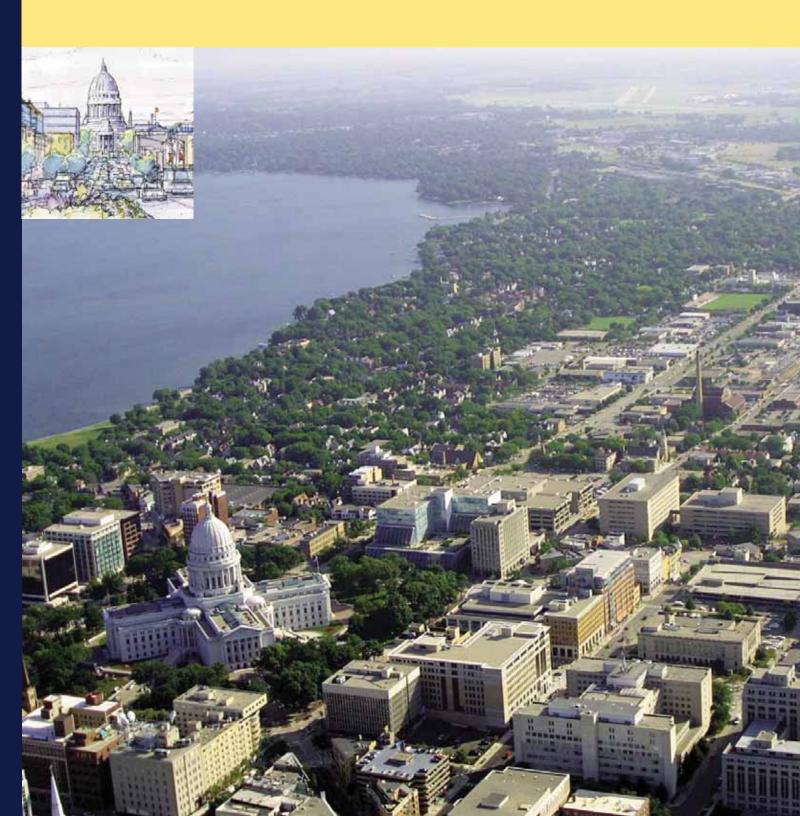
ment of this plan began in earnest in February sember Steering Committee and selection of design/planning consultant. In addition, the g Council (EINPC) was retained to facilitate seetings. Public outreach in the process nterviews" conducted by Vandewalle & 05 with land owners and business owners in March 2005 to review past planning efforts facilitated by EINPC and Vandewalle & d/public priorities for the study area; 14 Steering larch 2005 and October 2006, all of which public comment; and a public open house November 2005.

report were prepared by Vandewalle and ee. After a draft plan was completed, City staff on October 11, 2006, the Committee adopted City staff and adopted the report, including

Committee report in November 2006, the plan 2007. The Plan Commission referred final portunity to refine transportation issues, and lan and the draft Tenney-Lapham Corridor Plan.

sion Sub-Committee was appointed to work Sub-Committee made its recommendation to sted the recommendations and forwared to esolution of Council is included as Appendix 5. Plan Commission Sub-Committee and Council

Development Principles and nniques needed to achieve them including delines, and transportation and parking also contains several recommended plan to fruition, including some that address sing District #36 that covers much of the study





RELATIONSHIP TO DESIGN DISTRICT 7

A key implementation mechanism of thi Urban Design District #8 covering the er for the Design District were developed s and are intended to further the four Cor by further refining the recommended te Plan provides a foundation for the stand District ordinance. It establishes the goa area and it documents the context to be development and redevelopment project City of Madison that this Plan be a "living referred to in the consideration of propo redevelopment projects. Accordingly, de business owners, neighborhood residen encouraged to become fully familiar wit proposed development projects will be recommendations as well as the more d standards.

STUDY AREA

Located in the heart of the East Isthmus, Washington Avenue Corridor have been planning efforts. While those plans prov recommendations, this BUILD planning date that attempts to look at the Corridor and its importance to the Isthmus, City at the more significant/recent planning efforts.

DITIONS

ridor is the primary transportation spine of Madison, and plays a prominent role of the city. The Corridor is bounded by on the north and south, and First and The Corridor's location between the Dane State Capitol positions it at the and future redevelopment potential.

the Capitol, there are a number of other fithe Corridor, the most significant of

ALE

portation patterns reflect the of rail-connected industries in the area gton Avenue and Wilson Street. To the es line East Washington Avenue and rominent beyond this area within a the south, commercial and industrial Williamson Street where residential uses or is actually at the northern edge of the t of the East Isthmus. The predominant o to East Washington Avenue, therefore, bouth sides of the Avenue.

currently have very little visual effect on beyond the existing MG&E power aller structures, the area is dominated as of parking and storage. However, ortunity for outstanding views to both com taller buildings.

d of a hierarchy of street types:

olso U.S. Highway 151, the central spine primary entryway into the city of its considered to be the "Gateway to polic to the city and state.

re arterial roadways, marking the of the study area. Portions of these

- 3. Paterson, Ingersoll, and Baldwin Streets are collector or minor arterial streets that cross East Washington Avenue.
 These streets provide critical north-south connections to important retail and community gathering centers along Williamson and East Johnson Streets.
- 4. East Main and East Mifflin Streets run parallel to East Washington Avenue. East Mifflin Street is primarily a residential street while East Main Street is heavily commercial and industrial with limited traffic that relates mostly to those uses located directly on it.
- 5. The remaining streets are secondary streets currently carrying light vehicular and pedestrian traffic.

OTHER TRANSPORTATION CONNECTIONS

A confluence of railroad lines occurs within the Corridor and will likely affect development densities and land uses in the East Isthmus. Scenarios include plans for regional commuter rail, light rail, or a local trolley system. The rail system is important as a transportation asset, a potential orientation for redevelopment, a noise source, and as a barrier to circulation.

The Capital City Trail passes near the Corridor. It is a recreational and commuter asset that adds value to the area's location and influences the uses and urban design recommendations.

SURROUNDING DEVELOPMENT PATTERNS

Although land use and transportation play an important role in the redevelopment of this Corridor, there are place-specific "edges" that also will shape development. These edges, shown in Figure 2, are primary parameters that define logical boundaries, create a likely redevelopment area, and determine the variety, size and shape of future redevelopment sites.

These edges include:

- Well-defined residential edges along the north and southeast.
- Important public and quasi-public institutions, including Burr Jones Field, Breese Stevens Field, Reynolds Field, Lapham School, and the MG&E campus.
- The Yahara River Parkway.
- Commercial and industrial buildings along most of the south edge of the Corridor.

Surrounding, building scale includes a variety of heights and massing, ranging from small two-story homes, mostly to the north, to moderate-sized office buildings, to larger footprint industrial and commercial buildings, mostly to the south.



about 180 feet above the ground in most area). This limitation applies to sites betwee Street. In addition, the Federal Aviation Act the airspace of the Dane County Regional entire Corridor and restricts building heigh median sea level, or approximately 160 fee

The view of the Capitol from East Washing importance. The Capitol comes into view development will never directly block the has occurred along John Nolen Drive, red Avenue will affect the "framing" of the Cap

PARKS AND OPEN SPACE

Parks and open spaces are urban amenitic BUILD Capitol Gateway Corridor will be predevelopment patterns and densities. As open space amenities include:

- Yahara River Parkway
- Burr Jones Field
- Breese Stevens Field
- Reynolds Field
- Capital City Bike Trail
- The proposed "Central Park"

CULTURAL RESOURCES & PUBLIC INFRASTRU

The location, size, character, and pattern infrastructure also will influence urban de

As shown on Figure 2, these include histo and places, and public infrastructure. The

- Madison Historic Landmarks and con-
- Lapham Elementary School
- MG&E campus and power plant
- State Capitol power plant
- Johnson Street commercial area
- Williamson Street corridor
- Electrical power lines along East Main
- Excellent infrastructure, especially rec
- Madison Metro Transit main offices ar

On Figure 2, "Madison Landmarks" are thosand are already designated as a local land.

Those buildings classified as "Nominated or

march 30, 2005, IG

was held at Lapham School to
ad desires for the Corridor and to
ance to them. Following a brief
efforts on the Isthmus, members of the
ey Values for the study to focus on in
Transportation/ Accessibility, Building
Business Development. Figure 3
he Key Values identified by the public

INITIAL SURVEY COMMITTEE

olic meeting, the project Steering en a detailed list of nearly 90 potential apprised of the recommendations of ts on the East Isthmus as well as new staff and the project consultants. heir level of agreement/disagreement Figure 4 contain the Key Values receiving by the entire Steering Committee at

Summary of Key Values Identified by the Public at the meeting on March 30, 2005

- 1. Protect Capitol views
- 2. Create a grand gateway, promenade to the Capitol
- 3. Create a destination/identifiable sense of place
- 4. Increase density of Corridor while still respecting all of the other key values
- 5. Create/retain employment-based uses
- 6. Create/retain neighborhood-scale services

- 7. Ensure compatibility among uses along C
- 8. Ensure compatibility of land uses and characteristic Corridor and surrounding neighborhood
- 9. Protect and enhance pedestrian walkabilit
- 10. Preserve the many significant, historic str
- 11. Create a transit-compatible neighborhood
- 12. Minimize the negative effect of parking

Summary of Initial Survey of Key Values by the Steering Committee

Character of Development

- 1. Fully utilize infrastructure/reduce urban sprawl
- 2. Provide vibrant mix of businesses
- 3. Protect neighborhood character
- 4. Enhance recreation open space
- 5. Create live-work environment

Identity

6. Preserve and enhance attractiveness of area to the "new, creative workforce"

Building Facades & Architecture

- 7. Create a dynamic skyline
- 8. Encourage high-quality development that is visually compatible with architectural context
- 9. Enhance pedestrian experiences through architectural design

Streetscapes

- 10. Create pedestrian-scale environments and public spaces
- 11. Encourage visible building activity
- 12. Bury overhead utility wires
- 13. Encourage and support public art
- 14. Encourage energy-efficient and low-glare outdoor lighting
- 15. Emphasize grand entranceway.

Neighborhood Character, Compatibility & Co

- 16. Ensure compatibility along Corridor with neighborhoods.
- 17. Ensure development adjacent to public ar facades and bicycle and pedestrian conne

Employment

- 18. Retain and attract high wage employmen
- 19. Retain and attract businesses that provide employment to Isthmus residents

Types of Businesses

- 20. Provide incubator space
- 21. Provide post-incubator space
- 22. Attract light industrial and office business
- 23. Focus business development on job creat family-supporting wages, and neighborho

Transportation

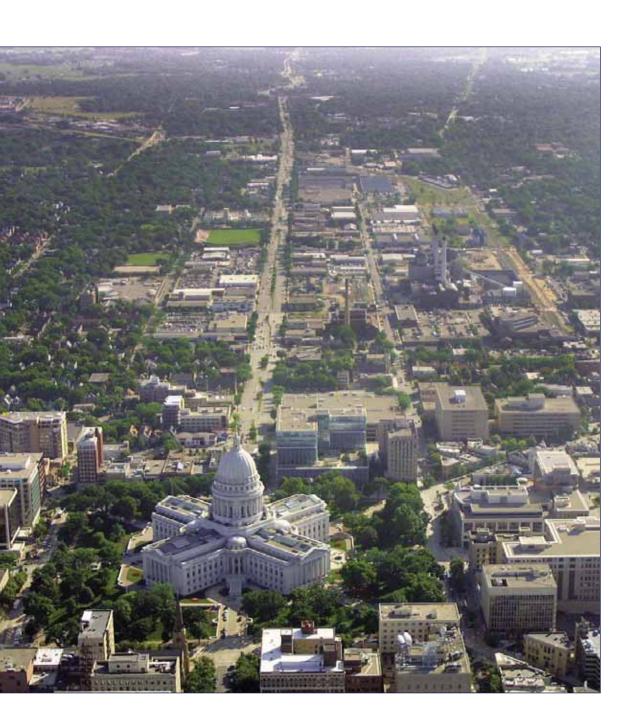
- 24. Coordinate transportation options and lan
- 25. Establish an efficient and safe transportat

Trucks

26. Respect US-151 as a regional commuter a

Parking

27. Provide (public and private) parking for b



DEMOGRAPHIC AN MARKET CONDITIO

RESIDENT PROFILES

A profile of those living on the East Isthm to the north, Lake Monona to the south, and Blair Street to the west) finds the are

- A HIGHER SHARE OF YOUNG, SINGLE PERSON Madison's households have children, in the East Isthmus do. The median a 29.7 and 31.3 for the City as a whole.
- A HIGHLY EDUCATED WORKFORCE. Over 64 of the East Isthmus have either a Back the City, this figure is just over 48%.
- SLIGHTLY LESS DIVERSE THAN THE REST OF T INCREASE IN DIVERSITY OVER TIME. Although East Isthmus are white, as compared to ethnic diversity is expected to increase
- A COMMITMENT TO ALTERNATIVE TRAVEL MC of the East Isthmus residents reported their car, as compared to 66% for the
- A HIGHER PERCENTAGE OF RENTAL HOUSING. units were rentals, as compared to 50th
- **SLIGHTLY MORE AFFORDABLE RENTS.** Those affordable, however, than the City as of \$616 per month, compared to \$62!

ne key findings indicated by the market ese summaries are intended only to and are not intended to be used rket conditions. In fact, some project took exception to the data and some of the eetings. Past and current market bear in mind that the scope of a Corridor is vast. Accordingly, future see new residents and employees they will quificantly influence future market trends

, the Services and Government industries udy Corridor, with 489 (30%) and 348 v. Major employers in the Corridor (shown as and Electric (MG&E), Metro Transit, and

rs where people leave an area to obtain ther words, the residents' needs are not inity causing them to shop elsewhere. On ents that experience more than 90% leakage and of \$1 million or more in expected wn in Figure 6. There are a number of factors tess for new business at both locations the customer base, but opportunities may be segments, particularly as the customer esidential development.

lus of certain industry segments, meaning in the area than there are customers in the inesses tend to draw people into the area gments on the East Isthmus that have a 20% on consumer demand within the immediate ome businesses, like restaurants and taverns, ments can be very positive and actually more of these uses even though the data over-served". For other business types, new ficult to get off the ground in areas that apetition. Accordingly, the importance of sinesses is dependent on the specific type that are beyond the scope of this Plan. ovided here is helpful in understanding the inesses within the East Isthmus.

Figure 5: Major Employers in the East Washington Avenue Corridor, 2005

Business	Type of Business	Location	Number of Employees in Corridor
Madison Gas & Electric	Utility Company	133 S. Blair	700
Metro Transit	Urban Transit System	1101 E. Washington Avenue	460
Research Products	Indoor Air Quality Products Manufacturing	1015 E. Washington Avenue	231
Don Miller Auto Group	Auto Dealership with Vehicle Service Garage	801 E. Washington Avenue	100

Source: City of Madison Office of Business Resources and Vandewalle & Associates, 2005

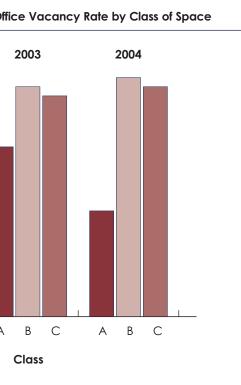
Figure 6

Under-represen

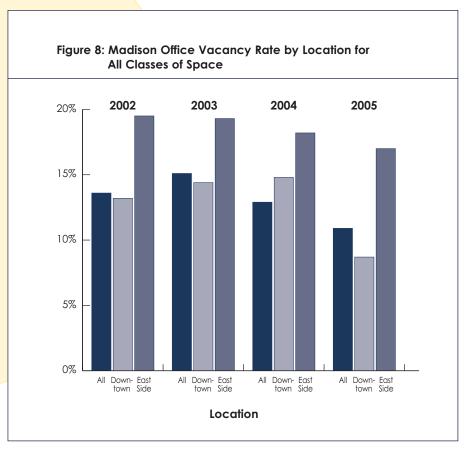
- Furniture StorNon-store Re
- Shoe Stores
- General Mer
- Department
- Other Gener
- Electronic Sh

Over-represent

- Used MerchaMiscellaneou
- _ /////
- Full-Service R
- Sporting God Musical Instru
- Special Food
- Food Service
- Drinking Place
- Automobile
- Beer, Wine, o
- Motor Vehic



Source: Grubb & Ellis | Oakbrook, 2005



Source: Grubb & Ellis Oakbrook, 2005

Grubb & Ellis/Oakbrook annually produce the most current being published in early for 2005 have been provided for this Plan advance of publication of the 2006 report rates by class of space over the last severa rates in Madison declined overall due to a office space and despite slight increases in Due to a four-year low in construction of r space in 2004 actually exceeded the compute to the report, given the lowered vacancies new projects under construction, develop space are expected to increase.

The area within the Corridor is split between and East side office markets, with the divention Street. Figure 8 provides vacancies for all and East side for all types of office space to the report, Downtown vacancies were State's continued efforts to cut employed decrease in asking rents for existing space other hand, are down, although the over at 18.2%. In conversation with the prima D. Caulum, much of the vacancy in the E Class C space, lies within the Corridor. He buildings in the Corridor could be upgrawhich, as noted above, does appear to he

MARKETING & BRANDING

The Corridor has several significant assets and innovative employers such as direct p state offices; the University of Wisconsin of Downtown employers; a highly skilled and views; and historic buildings. However, the perceived disadvantages, such as: a lack of of parking. As indicated by the market data space, there is potential for increased busilot of competition within Madison and Data Corridor's favor, though, is the ongoing commercial and low-scale residential parchigh-rise condominiums. The is having the new office space of all types toward the Eathose businesses and non-profits needing and State offices.

Currently, the "market" has difficulty seei growth potential and locational advanta Although recent, large-scale developme increase interest in the area, the Corrido marketed and "branded" in order to realist the City will need to make full and creative.

y of Madison and the larger region was letermining the Corridor's future development East Rail Corridor Plan, completed in 2004, olstering employment uses. The Corridor's her major activity/economic centers makes it and creative industries, including the arts, as fits needing proximity to the Capitol (see

JSES

e majority of other regional office are located outside of central Madison. These ne City and the suburbs, such as Fitchburg, hington Avenue Corridor presents a loyment in the heart of Madison, near transit . The importance of keeping jobs within the en people live closer to where they work, nal roadway systems and greater potential to on, such as transit, walking and bicycling. In ential to creating and maintaining a healthy ent continues to flourish and densities nployment options on the East Isthmus, the l balance of employment and residential uses, orridor uniquely positioned for employment vantages and the highly educated and t neighborhoods.

tential in the Corridor include:

es - providing affordable and flexible work red entrepreneurs, such as recent graduates capital to invest in buildings and

ed Uses - providing creative/off-beat spaces who prefer to co-locate with allied businesses t work environment, many of whom are

hat focus on the emerging regional and phasize family-owned farms, locally grown net and hand-crafted foods, and related food

pusinesses needing direct proximity to the offices, such as trade organizations, and rations elsewhere in Wisconsin or the U.S. Capitol.

CORRIDOR ROLE EAST WASHINGTON CAPITOL GATEWAY CORRIDOR

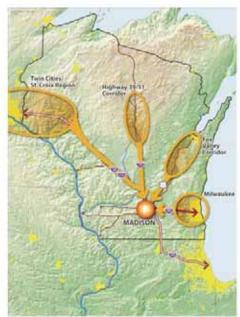


Figure 9





Potential Employment-Ger

URBAN START-UPS/ ACCELERATOR SPACE

- Information Technology
- Software design
- Biotechnology
- University Research Tech Campus

FOOD-R

- ✓ Public
- ✓ Comr distrib
- ✓ Food
- ✓ State i
- ✓ Small-
- ✓ Incuba

DESIGN/CREATIVE CENTER AND RELATED USES

- Design firms
- Communications
- Arts studios/galleries
- ✓ Media
- Advertising

WISCOI

- ✓ State
- ✓ State Wisco
- ✓ Satell comp
 - ✓ Non-j
- ✓ State relate
- ✓ Finan



IC VIEW OF THE

ılar goal.

ghts for buildings that nue that may then step up

acks to protect the view of

acks to frame views of the one side of East

d varied roof designs

a walling/canyon effect of effect of flat and uniform

and exterior colors that and do not attract the Capitol.

G NEIGHBORHOODS

ther with the existing ods, provides he Corridor.

rve the needs of the elopment within the e existing commercial uses he Corridor.

es, incorporate building

sistent with the existing

BULK STANDARDS es, adopt height limits and de a compatible street

live-work options.

areas.

4. Permit intensive development of parcels identified for employment including a high percentage of lot coverage, high floor area ratios, and multiple stories as an off-set to high land costs and to maximize existing infrastructure investments.

5. Orient primary vehicular entries to side streets, where possible, and

6. Provide building orientations and scales, streetscape features, and

public gathering areas along the north-south side streets to create

safe and inviting pedestrian and bicycling connections between

East Washington Avenue to encourage and direct pedestrian traffic

neighborhood residents as well as users of the development within

III. FIRMLY ESTABLISH THE CORRIDOR AS AN EMPLOYMENT

1. Permit a broad range of employment land uses, especially on the

employment to support the needs of employees and employers

(such as small-scale retail, personal and business services, and,

free-standing commercial and residential development in these

appropriate on the north side of East Washington Avenue that

would be attractive to employees on the south side to increase

possibly, limited residential or live-work spaces) - discourage

2. Permit a mix of integrated uses within areas designated as

3. Encourage development of housing where identified as

7. Enhance street-oriented activities and concentrate streetscape

amenities on corners with signalized crosswalks across

traffic and effects on East Mifflin and East Main Streets.

the neighborhoods and East Washington Avenue.

between the north and south sides of the street.

8. Provide transit shelters and other amenities that serve

CENTER SUPPORTED BY TRANSIT

south side of East Washington Avenue.

PUBLIC IMPROVEMENTS

the Corridor.

LAND USES

locate service areas in internal courts to minimize development-related

BUSINESS DEVELOPMENT

- 5. Work with existing businesses to determine future plans and needs so they can grow and prosper in their current location.
- 6. Work with existing property owners to develop a complete inventory of available space, lease rates, and build-to-suit opportunities.
- 7. Develop marketing materials and a marketing strategy to actively promote the Corridor to new and expanded businesses.

TRANSPORTATION AND PARKING

- 8. Recognize East Washington Avenue's designation as the primary auto and truck route into downtown to and from the east, and ensure that development patterns do not inadvertently direct through traffic to other east-west streets on the Isthmus.
- 9. Use TIF funds and other revenue sources to provide parking, transit, and related public amenities needed to attract new employers to the Corridor.
- 10. Provide incentives for employers/employees to use transit and modes of transportation other than automobiles.
- 11. Develop additional transit options including commuter rail and/or streetcars.
- 12. Use TIF and other programs to encourage the building of shared-parking facilities concurrent with new development.
- 13. Widen sidewalks and add streetscape amenities to encourage pedestrian activity along East Main Street.
- 14. Recognize that mobility is the key to area's redevelopment and encourage a full range of transportation options to move people, goods, and services within and through the Corridor.

IV CREATE AN INVITING, VIBRANT BOULEVARD ALONG East Washington Avenue

LAND USE

1. Promote a mix of active ground floor uses consistent with the land use plan.

BULK STANDARDS

2. Establish uniform minimum and maximum heights for buildings fronting directly on East Washington Avenue that may then

.... au danna annan fuana tha Annania

Orient main building e incorporating entry pla

elements.

3. Incorporate uniform se

4. Incorporate compleme

a comfortable environr

distances from moving

from one side of East V

the Capitol and provid

DESIGN GUIDELINES

- 6. Develop a consistent p other landscaping witl terraces, and medians of the Corridor to the
- views of the Capitol. 7. Create a consistent rhy
- of the Corridor to the 8. Incorporate uniform se
- entry plazas, and outd dining and art displays 9. Incorporate design ele stepbacks, that clearly upper floors and that
- 10. Provide a high level of buildings - prohibit lar
- 11. Require a continuous, interruptions for vehic
- unless no other option 12. Respect and highlight
 - stepping back new de

environment for pede:

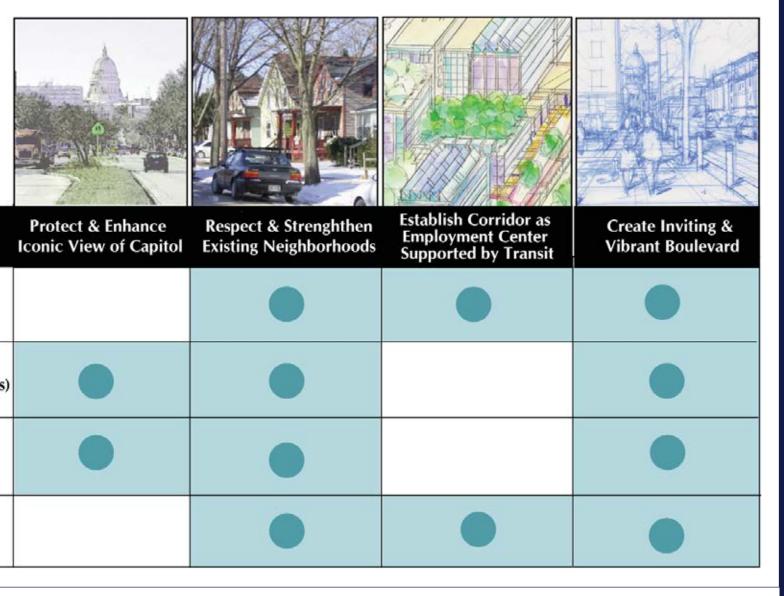
13. Promote the use of hid and materials that inco materials, energy effici

green roofs, etc. TRANSPORTATION AND PA

14. Prohibit new surface pa along East Washington

on Capitol Gateway Corridor

Core Development Principles



IMPLEMENTATION TECHNIQUES

Figure 13 indicates the implementation to important for realizing each Core Development in greater detail in the following

Figure 14: FUTURE LAND USE DEFINITIONS

undation on which all other aspects of on to the Core Development Principles, recommendations are existing land as called for in past planning efforts. The Plan contained on Figure 15 seeks to neighborhoods and long-standing uses also seeking to maximize the loyment center as envisioned in the East 2020 Plan.

nmarized in Figure 14 are those defined ensive Plan, and the Future Land Use rally consistent with the Generalized in the City's Comprehensive Plan. Please re Plan (2006) for a further description of

CITY OF MADISON COMPREHENSIVE PLAN (2006) FUTURE LAND USE DISTRICTS

| MDR | Medium-Density Residential: Medium-Density Residential Districts are locations recommended primarily for relatively dense multi-family housing types, such as larger apartment buildings and apartment complexes. The Medium-Density designation is also applied to portions of some established neighborhoods that are composed primarily of "houselike" residential buildings, although there may also be a scattering of apartment buildings. In these areas, the Medium-Density designation reflects the large number of houses that were originally built as multi-unit, duplex, two-flat, or three-flat structures, or have subsequently been converted to contain several dwelling units. In these situations, it is recommended that these areas continue to maintain the "house-like" character, and the designation is not intended to encourage further conversion or replacement of existing housing with apartment-style buildings, except as may be specially recommended in an adopted neighborhood or special area plan. Note that there may be little outward visible difference between portions of these mixed-housing-type neighborhoods designated as Medium-Density and those portions designated Low-Density.

CMU Community Mixed-Uses: Community Mixed-Use areas should be located adjacent to Medium- and High-Density Residential areas whenever possible. As an alternative when adjacent to Low Density residential areas, the Mixed-Use district should be large enough to include a significant amount of relatively high-density housing within the defined district. Community Mixed-Use districts should also be located along existing or planned high-capacity public transit routes, and a transit stop should be located at, or very close to, all activity center focal points within the district. Because of their location along transportation corridors, it is recommended that many of the city's aging strip commercial centers and suburban-style shopping centers be considered for eventual redevelopment as Mixed-Use districts.

Employment: Employment districts (as distinct from Commercial districts) are recommended as predominately office, research and specialized employment areas and generally do not include retail and consumer service uses serving the wider community. Limited retail and service establishments primarily serving employees and users of the district are encouraged. Although primarily used to identify relatively large, multi-establishment employment districts, such as the University of Wisconsin Research Park, the designation may also be applied to an individual property, such as a hospital, for example.

P Park and Open Space: Park and Oper recommended locations for public parks, sor outdoor recreational facilities, conservation a management drainageways and detention a relatively extensive uses that have an open serecommended for eventual development with park features, including urban squares, green shown, although they are encouraged in neighborhood and special area plans.

EAST WASHINGTON AVENUE CORRIDOR PLAN USE DISTRICTS

Building from the generalized future land us Comprehensive Plan, this Corridor Plan sugg refined mix of uses:

Employment: Principal uses that are Comprehensive Plan definition of Employment

Commercial: Primarily retail users, su adjoining neighborhoods and businesses, as users, that are compatible with residential users.

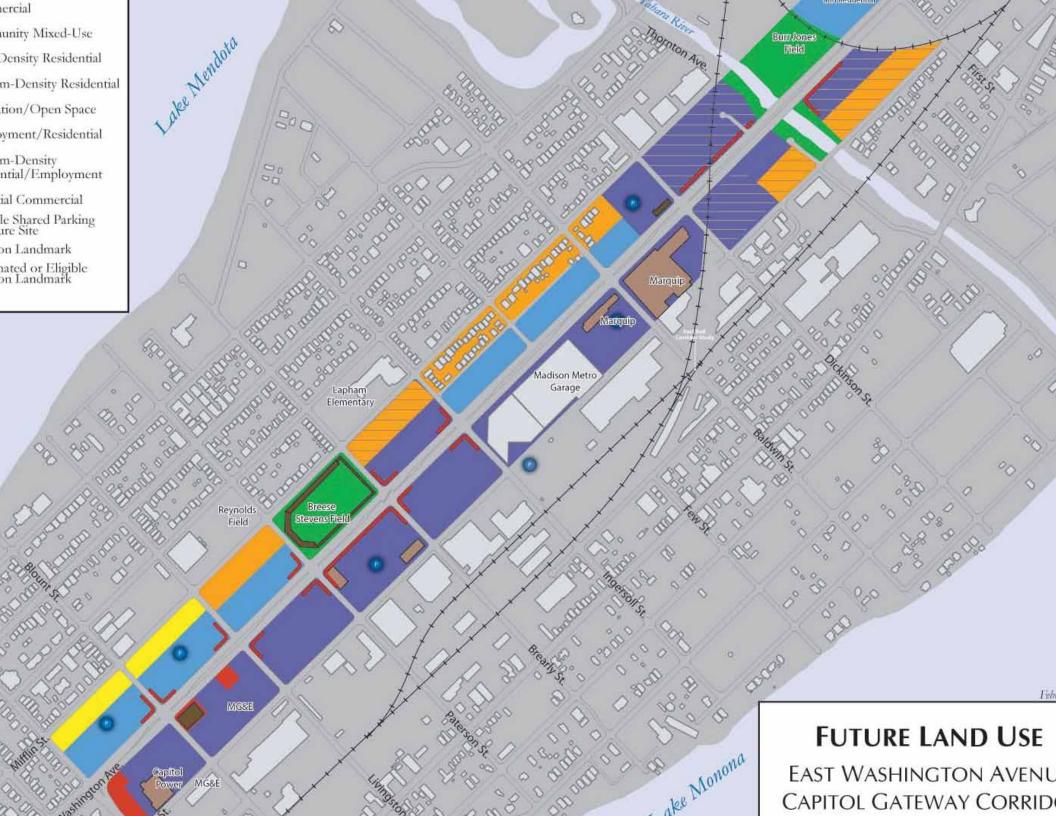
Residential: All housing, including a and mix (including live-work units), which ca adjoining neighborhoods from the more into within the Corridor.

Park: Public parks and open space in Burr Jones Park and the Yahara River Parkwa

Mixed-Use: The solid color represent and the stripe color indicates the secondary vertically and/or horizontally.

Recommended locations for ground flot those that appeal to customers in the district neighborhood, which are intended to general adjoining sidewalks, including outdoor dining

P Possible locations for shared parking Transportation and Parking sub-section of the



d, the character, look and feel of the Bulk Standards to be applied to new oclude building setbacks (distance from evel facade heights (heights of lower se), stepbacks (upper floor "indents" maximum building heights.

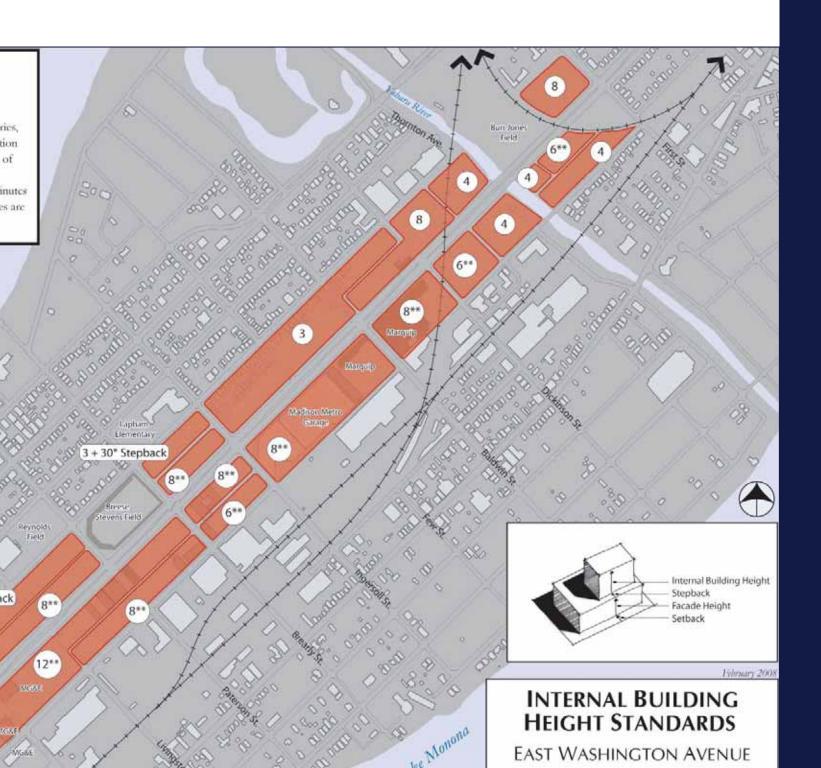
eights, building setbacks directly affect or from the perspective of pedestrians. acks throughout the Corridor.

ouilding stepbacks. These are the ns of buildings that are taller than the t be stepped back from the facade wall ce in the elevation to achieve the level and, where an angle is specified, buildings on smaller-scale development lditional benefit of building stepbacks is eeds that rush down the faces of tall e sidewalk.

e a significant effect on the character of live of pedestrians and motorists. Lower lines help keep pedestrians from buildings, and consistent street level he view of the Capitol looking down the e heights shown on Figure 17 provide ange of heights at the setback lines. ed these heights must provide a

setback num-maximum)	(minimum)	
15'	15'	
5 - 20'	30°	
15'	15'	
15'	0-15'*	
15' t)	15'	
5 - 10'	15'	
0 - 10'	15'	





MAXIMUM BUILDING HEIGHTS

RECOMMENDED MAXIMUM HEIGHTS

Maximum building heights will have a nintensity of development and character any other bulk standard. However, previneed to be considered as well as local, so Applicable regulations include the Capit contained in both City and State regulat Administration (FAA) Airport Approach Epath clearances around the Dane Count the northeast of the Corridor). The Capit apply within the Corridor from Blair to Ir cover the entire Corridor. Recommendat East Rail Corridor Plan also covered build of East Washington Avenue.

Recommended building heights along the Figure 18. Height is provided in stories, it of 9 to 12 feet (15 feet for ground floors) heights should have fewer stories according to the Capitol View Preservation or about 180 feet above the ground), and variance is granted by the FAA to exceed height (1009 feet AMSL, or about 160 feet heights in the Corridor above the FAA line.

PARATIVE

iew Preservation height limits, the FAA ndations of the East Rail Corridor plan for on Avenue within the study area. Figures a building height limits recommended in sides of East Washington Avenue.

, this represents the maximum height, in ng bonuses. Consideration of bonuses on of amenities as described in Plan Gateway Corridor Plan Minutes of heights with bonuses are 15 for 12*, 10

at the recommended maximum heights establish an "envelope" for development. s and blocks are expected to have ts and towers that result in a skyline upen spaces as shown on Figure 22.

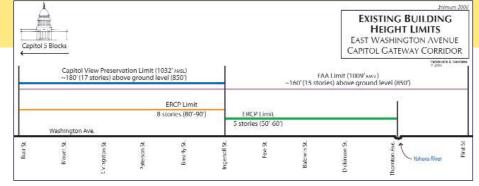
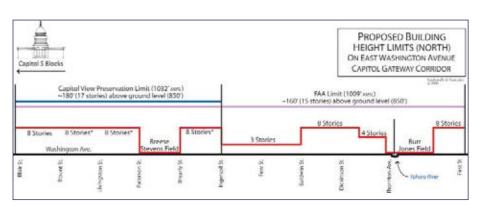


Figure 19



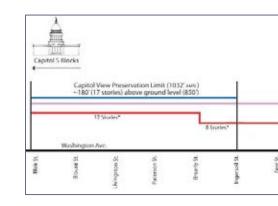
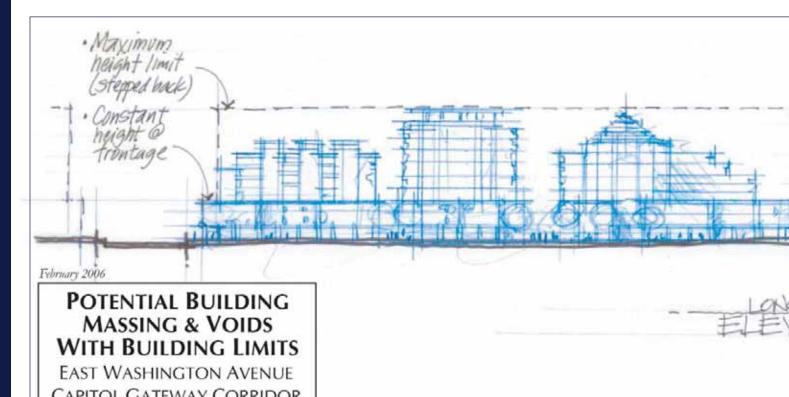
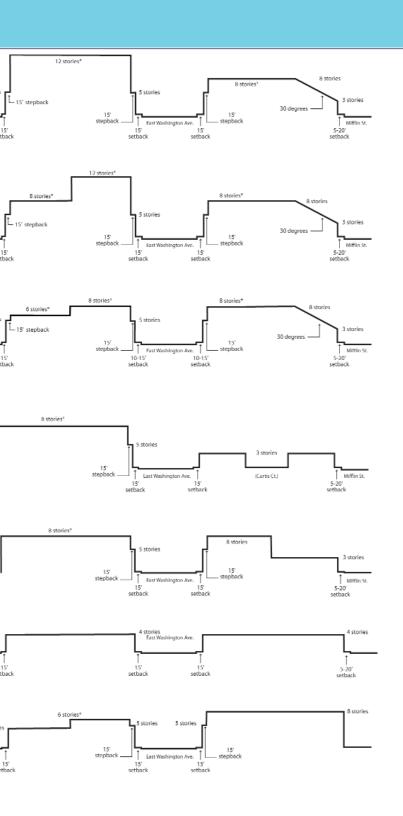


Figure 20

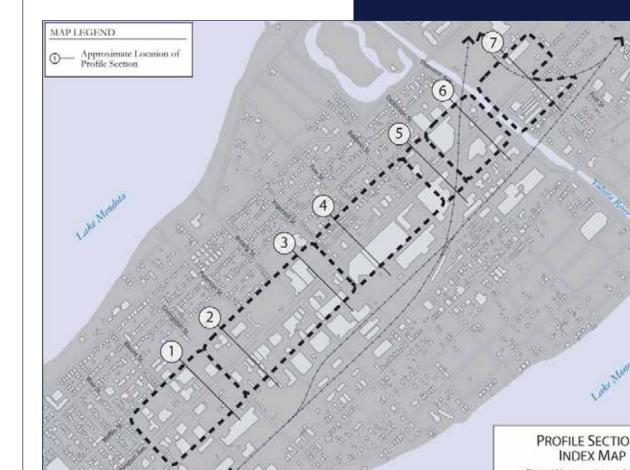




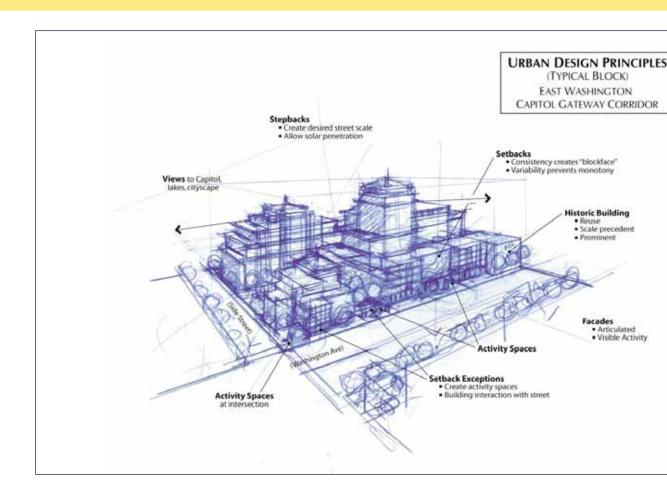
PROFILE CROSS SECTIONS

Figure 23 indicates the locations of the s shown in Figure 24. These cross sections discussed above for each location.

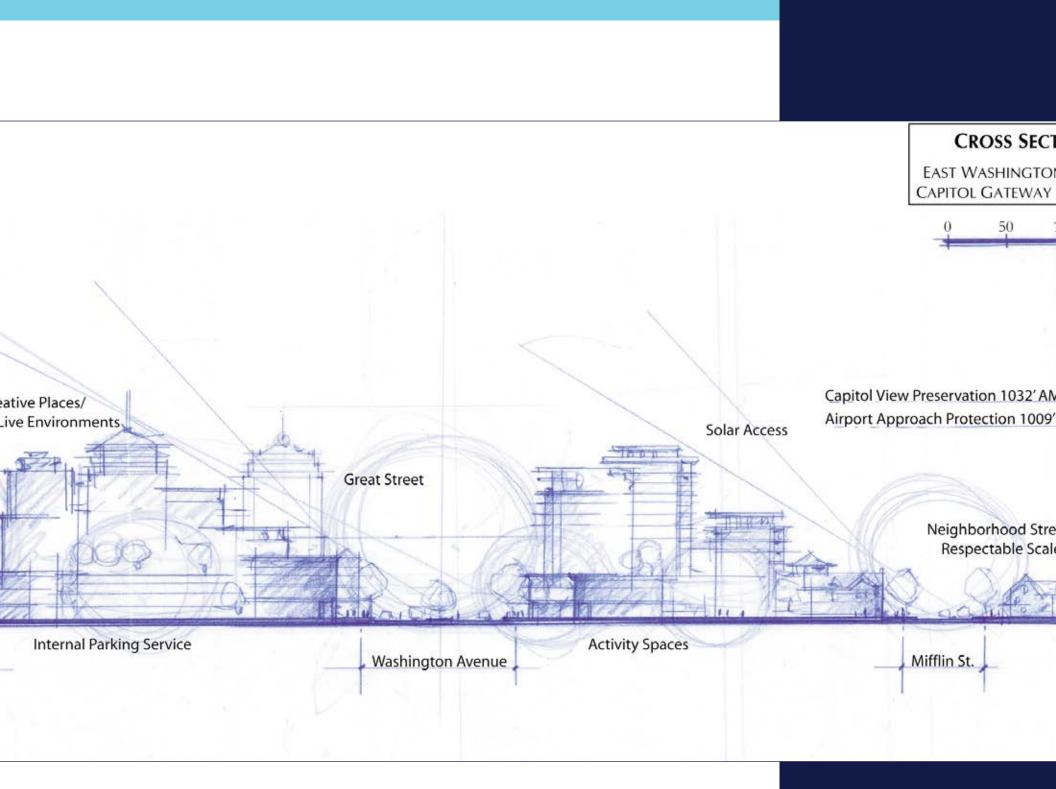
Please note in Figure 24, this represents the allowed without requiring bonuses. Considependent on provision of amenities as a Committee Capitol Gateway Corridor Plant 2007. Maximum heights with bonuses ar 6*.



eer mass of buildings, the bulk standards defining elements of the Corridor. evel activities like outdoor plazas and the view to the Capitol (setbacks and disunlight and shadows (stepbacks and alle the profile cross sections shown in tanding the minimum and maximum ament, actual building projects will not Upon the adoption of this Plan by the eveloping standards for Urban Design District ordinance contains more ilding design guidelines to ensure that ality and will contribute to an overall ad character of the Corridor as reflected







LINES

ds, the design guidelines included in in the Urban Design District #8 velopment is sensitive to the "context" of ext includes the land uses, sizes and a spaces, and transportation facilities, velopers must take into account when poses of identifying the existing d for the primary streets (East Street and East Mifflin Street) and the on, the Corridor has been segmented h having a unique set of

ne public rooms of the Corridor. It is in some ways preserve the existing in these public rooms. The public deast Washington Avenue will be while East Main Street will be sy as a more prominent and important re 28).

on Avenue should be formal and uniform g orientation, setbacks, and street level are recommended bulk standards; yet at esting, vibrant character with variety, see Figure 29). The scale and amount of sould vary along the Avenue along with a however, should always frame the

ts, East Washington Avenue should be adison's front door to employment and thoroughfare that should remain connections for pedestrian and transit ering and activity. Key intersections at Streets should have active urban open ransit riders provide an active presence









Figure 29: East Washington Avenue Character

In order to achieve a consistent and cohesive appearance along East Washington Avenue, as well as a diverse and interesting Avenue environment, some urban design elements should be consistent and others should vary.

Unifying Elements

- Uniform setbacks
- Limited palette of building materials
- Consistent Streetscape design and amenities
- Focused view of the Capitol
- Lower street level facade heights
- Gateway features
- Signage types and locations

Elements Adding Variety

- Architectural styles
- Overall building heights (within defined limits)
- Areas of different focus (i.e., river orientation, neighborhood orientation)
- Areas of different scale (i.e., neighborhood scale, Corridor center scale, park orientation)

Blair to Ingersoll Streets - This is a working industrial functions, and parking lots while many small and established businesses. H become more pedestrian friendly as a streetain its cluster of historic industrial brick facades should include pedestrian entries and loading areas should be concealed w north-south side streets, where possible.

Dickinson Street to the Yahara River - This buildings, industrial businesses, parking led development. While the area is currently revitalized as an active street with pedest on-street parking serving both the new rereuse of historic buildings on the north. A are recommended for the north side of the more intensive development should be converted by Washington Avenue frontage and step do Street frontage.

Yahara River to North First Street - This sector have, a residential character. Traffic sho and low speed; development/redevelopment be concentrated toward East Washington existing homes on the south side of East

EAST MIFFLIN STREET

Blair to Ingersoll Streets - This segment is and light industrial uses; a number of pu Stevens Field, Reynolds Field, and Lapha of residential uses. Future plans for this a defined streetscape at a walkable, pedes parking. The area should remain mixed us and public uses connected by the existir Ingersoll to Dickinson Streets - This is prin

Ingersoll to Dickinson Streets - This is prir area with tree-lined streets. This area sho with on-street parking and be protected development along East Washington Av

YAHARA RIVER & THORNTON STREET

The Yahara River frontage and Thornton St uses that do not relate to the river or the ribecome an active, recreation and pedestria residential and mixed-use/retail developm development should be cohesive with the pathways and underpass and should tie in development should provide adequate set frontage on Thornton to provide solar access.

structures fronting on Burr Jones and the r

en identified within the Corridor, elopment, uses, street level activity, and ities that may influence redevelopment. an design recommendations for ing redevelopment within each area.

est to the Capitol. The dominance of the bouth side means that most e north side. A symbolic structure placed ashington Avenue west of Blair would be surrounded by permanent, quality of Blair Street and East Washington this gateway to the Capitol.

Redevelopment:

l commercial uses

t and East Washington Avenue

tate Capitol power plants and Das Kronenberg Condominiums a-density residential

outh side of East Washington Avenue arcels on the north side of

est proposed buildings in the Corridor th Paterson and Ingersoll Streets. This e employment center where people foot to work in taller, urban-scale eviews to the city, surrounding lakes and engs in Segment 2 could surround es who utilize these active public spaces engs. Across the street from the lti-story residential buildings and

ain a high layed of activity after business

Factors Potentially Influencing Redevelopment:

- Existing utility, office, and industrial uses
- Landmark presence of Breese Stevens Field
- Adjacent to Reynolds Field and Lapham School
- Clusters of landmark buildings on the south side of East Washington Avenue
- Proximity to MG&E power plant, storage facilities, and ATC transmission line
- Importance of Paterson and Ingersoll Street intersections
- Larger and contiguous parcels including whole block ownership
- Existing redevelopment proposals

SEGMENT 3

Segment 3 is characterized by the predominance of the Marquip campus and Metro Transit. Enhancements on the south side of East Washington Avenue should frame the Capitol building and shape the facade of Marquip as it becomes active with new businesses. Across the street, a vibrant, small-scale mixed-use commercial development could serve the upstairs residents of the development and the adjacent neighborhood. Pedestrian nodes at Ingersoll and Baldwin Streets would allow cross-Corridor connections.

Factors Potentially Influencing Redevelopment:

- Existing office, commercial, industrial, and residential uses
- Large existing commercial/industrial facilities (e.g., Marquip and Metro Transit)
- Activity at Baldwin and Ingersoll Street intersections
- Proximity of single-family residential neighborhood to East Washington Avenue
- Proximity to rail and proposed Central Park
- Shallow redevelopment sites and alley on the north side of East Washington Avenue

SEGMENT 4

This Segment serves as the nexus of rail, bus, bike, boat, and auto transportation in the Corridor. The Segment presents the opportunity for riverfront office, residential, and commercial development with a master

river and recreational areas. Residents and we buildings could lunch along the river and rer the Segment.

Factors Potentially Influencing Redevelopme

- Existing office, commercial, industrial
- Borders the Yahara River Parkway
- Activity at Baldwin Street intersection
- Adjacent to new Yahara riverfront resi
- Railroad line passes through area and or
- Large contiguous parcels
- Irregular shaped remnant parcels

SEGMENT 5

In Segment 5, the Capitol Building comes in North First Street when approaching from the new Yahara River bridge. The south side employment/mixed-use, with decreasing he East Main Street. On the north side, resident Burr Jones Field with distant views to the lal down toward North First Street and the low east. Transparent facades would allow visibit East Washington Avenue. The river in this are entertainment, residential, commercial, and outdoor activities connecting to the river page.

Factors Potentially Influencing Redevelopme

- Existing commercial and residential u
- Borders the Yahara River Parkway and
- Importance of North First Street inters
- Proximity to City maintenance facilities
- Includes, and adjacent to, existing sin-
- Railroad spur passes through area and
- Large contiguous parcels



etches intended to convey the sense of lor once the land uses, bulk standards, ied. Figure 31 provides a perspective son walking along a typical block on

riding in a car along a typical block on E of the buildings in Figures 31 and 32 are reflective of what could happen. Howev intended to be place- or building-specif of the desired character and feel of the C



TATION AND PARKING

of the Madison Comprehensive Plan is that land ortation planning must be integrated and work ally true for the geographically compact area of nd East Isthmus where the Capitol Gateway scale and intensity of development shown in this it demands on the existing transportation system, ysis and implementation of alternative modes of elopment potential indicated by the s and bulk standards in the plan cannot be natic decrease in the percentage of employees, the area using personal automobiles. In addition, d access points for large parking areas need to be not to conflict with the Core Development n and character recommendations in the Plan. he implementation of strategies and programs to arking typically required for individual e Capitol Gateway Corridor in order to reduce the rolume which must be devoted to parking and to the existing transportation system.

development potential along the East pitol Gateway Corridor is substantial, the more significant amounts of development, and t development, is relatively moderate. It is a the Corridor as an employment and business er time as projects consistent with the adoption ed, and as the improvements and amenities upitol Gateway Corridor Plan, the East Rail ent neighborhood plans are implemented.

t the long-range options to provide alternative in to serve the Downtown and the Isthmus hington Avenue Capitol Gateway Corridor and community-wide basis. The Plan, however, also ods should be used to encourage the use of insportation and to reduce the demand for project basis as development occurs. The City dress both the long-term need to better integrate is serving the Isthmus with land use planning and in demand management and traffic effects on a

DOWNTOWN/ISTHMUS AREA TRANSPORTATION AND PARKING STUDY/PLAN

In order to manage current and future transportation demand across multiple modes and to integrate the transportation infrastructure and services needed to serve the land use and development recommendations emanating from the City's adopted plans, the City should commit to the development of a comprehensive multi-modal Isthmus Area Transportation Plan and Parking Strategy. This multi-modal planning initiative should bring together and coordinate the recommendations from the transportation studies recently completed or currently underway including:

- 1. Transport 2020 Commuter Rail
- 2. Madison Streetcar Study
- 3. Platinum Bike Task Force
- 4. Ad Hoc Long-Range Madison Metro Committee
- 5. Parking Utility Strategic Plan and Policies
- 6. Metropolitan Planning Organization 2030 Regional Transportation Plan
- 7. High Speed Intercity Rail

Figure 33 shows the current possible future transportation services covering the Corridor.

Components or elements of such a study should include:

Establishing a realistic vision, expectations, and strategy for how people and goods will move to, through, and around the Isthmus in the future (a 2030-2040 planning horizon is recommended).

Expanding upon, and incorporating into an updated Isthmus Area Transportation Plan, the recommendations of the Madison Comprehensive Plan, the MPO Regional Transportation Plan, and several mode-specific plans currently being prepared.

Focusing on maximum inter-operability among present and future modes.

Introducing a fiscal policy perspective to balance investments across all modes.

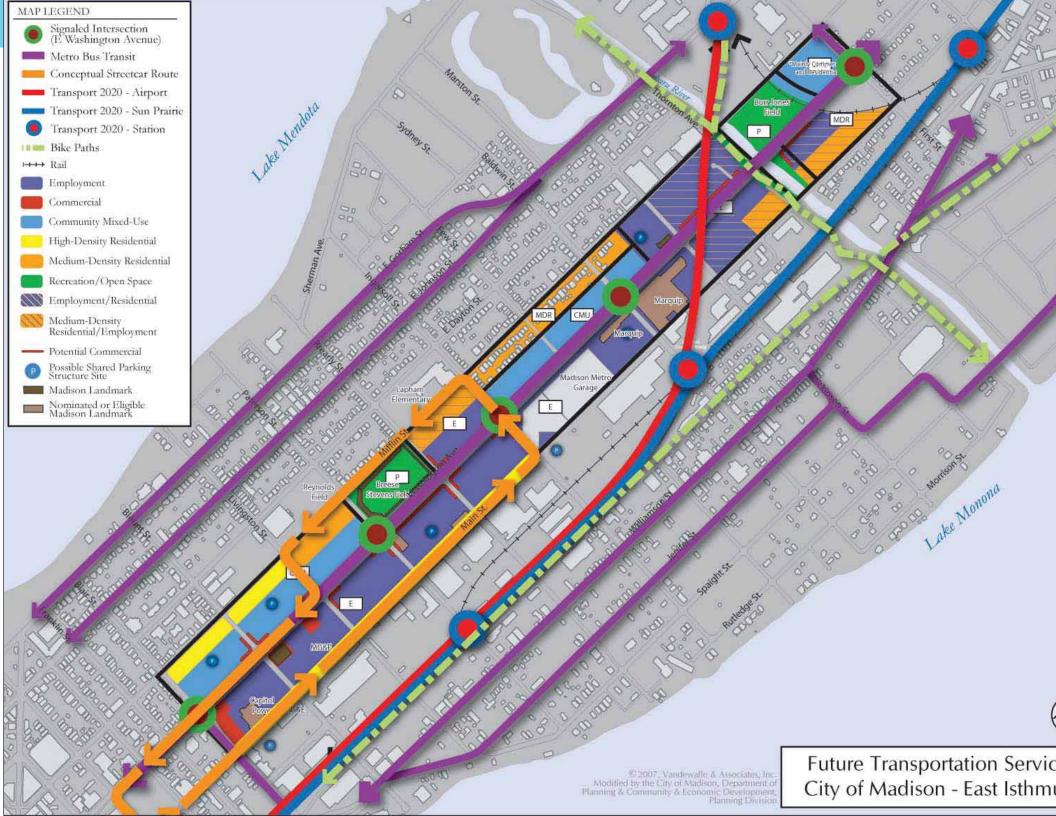
Integrating Downtown and Isthmus Transportation Plan recommendations with the various land use recommendations included in adopted plans, including the Comprehensive Plan, Downtown Plan, Corridor Plans, neighborhood plans, and special area plans.

Both the City of Madison Comprehensive Plan and the Madison Area Metropolitan Planning Organization's Regional Transportation Plan recommend an update of the Isthmus Area Traffic Redirection Study that was substantially completed in 1979 and followed studies of particular recommended componer plans request traffic studies to evaluate change address specific traffic concerns and issues we Studies such as this, while including the down broader in order to adequately evaluate alternative choices.

Traffic circulation studies for individual neigh study for the downtown/Isthmus area, includ Area Traffic Redirection Study, would conside automobile traffic to, through, and within the evaluate the role of transit and other transpo people and goods through and within the lst implications of traffic on the downtown, the larger community would need to be conseflective of elements commonly included in transportation plan.

To conduct an analysis such as this and prepared transportation Plan would be a significant multi-modal travel-demand and travel operation would be required. Data requirements to feed the travel demand and operations models we public participation effort would also be required.

A multi-year transportation planning initiative above including an update of the Isthmus Are should include all modes of transportation ar the implications for the Downtown/Central B neighborhoods, existing commercial corridor community. Because the vitality of the City's I neighborhoods is directly related to the healt extension the region, significant changes in traccess to, from, within, and through the Isthmus Area Traffic Redirection Plan (as record Comprehensive Plan) should not be underestidentify adequate resources and budget fundaments.



A comprehensive transportation and parking strategy will enable higher density development to occur in a more sustainable manner; will enhance mobility for employees, customers, visitors and residents; will differentiate the Downtown and greater Isthmus from suburban centers and be a catalyst for more successful growth.

ALTERNATIVE TRANSPORTATION MODES AND PARKING EFFECTS

Figure 33 (See Page 29) indicates the typical amount of parking required by professional guidelines and the zoning ordinance to serve a stand alone 100,000 square foot office building and the physical size of the structure needed to accommodate all of the cars. Without alternative modes of transportation, programs designed to reduce automobile use for this stand alone use and initiatives to reduce project-by-project off-street parking, a significant amount of land area and building volume will have to be devoted to parking. Methods which can be used to encourage the use of alternative modes of transportation and reduce the demand for parking and provide for shared parking among uses within the corridor should be explored and addressed before individual development projects occur. Methods exist that can reduce the aggregate need for parking and can be successfully implemented by businesses and developers working with the City to address the effects of the proposed development on the City's traffic circulation system. These tools include the preparation of project-specific traffic studies, and transportation demand management plans, the use of shared parking, parking cash-outs, transit opportunities, live-work development, and community cars.

PROJECT-SPECIFIC TRAFFIC STUDIES

Redevelopment projects needing conditional use approval or a zoning map amendment should submit a traffic study for the development when requested by the alderperson and by the Traffic Engineer. A typical traffic study would include a description of the proposed project, an estimate of the projected transportation and vehicle traffic generation from the project, and an analysis and recommendations for addressing any potential traffic congestion or conflicts resulting from the project.

A study would include, for example, recommendations regarding required parking, site ingress and egress, potential traffic circulation diversion into or through the surrounding neighborhoods, traffic on primary access routes and at intersections, and recommended traffic control or traffic calming measures as may be needed to respond to the projected traffic increases. This evaluation should be based on the recommendations

phase of the project. The assumptions and retraffic study should be coordinated and constant recommendations used in the transportage. In their review of development propose Avenue Corridor, the Plan Commission will coprovided by the traffic study regarding the peffects, and the adequacy of the measures protential traffic concerns, prior to recommendations.

TRANSPORTATION DEMAND MANAGEMENT PLAN

Recommend that redevelopment projects not approval or a zoning map amendment, and we Engineer, provide a transportation demand reand/or participate in a transportation manage one is available in the area. Transportation Member-controlled organizations that provide particular area such as a commercial or emplean institutional framework to implement TDM TDM plan should generally describe the application of single-occupant autimethods the applicant intends to use. These the transportation choices currently available they include an agreement to provide all emprice to purchase a monthly Madison Metro the following options:

- Ride sharing/carpool matching
- Preferred parking for ride sharers
- Secured bicycle parking, showers and loc
- Employee commuting subsidies or award
- Emergency ride home program
- Employer subsidized bus passes
- Provision of real-time transit information
- Other options proposed by the employer single-occupant vehicles and as approved

The provisions of an employer's TDM plan shemployees. The plan should describe the traff proposed development and should provide smeasures the employer will use to monitor the Developers are encouraged to seek ways to requirements. The TDM plan should be review concert with the Planning Division Director, as

of alternative parking, existing and potential ber of residential parking permits issued within site parking or lack thereof on adjacent

earlier in this chapter identifies several possible nese are large parking structures that would could be developed, owned and operated by ties usually have fewer stalls than the total differing work hours and the fact that not of the time. Further, as use of alternative modes wridor, the parking needs of new development of facilities in the spaces that are being vacated by comobile use.

constructing parking (which can cost in excess including the cost of land), employers may ees who use other transportation modes. Not osts, but operating and maintenance costs as cost-effective for the employer to pay will vary the parking and the number of employees

n obvious and critically important method for rway are two transit studies that could have a a streetcar study being led by the City and the led by Dane County. However, both are still d, assuming the studies prove them to be viable. Metro Transit continues to provide an important

ile still covering costs, Metro Transit
e Unlimited Ride Pass Program to very large
yees). Under the program, the employers are
loyees who use the bus. The employer is then
at a substantially discounted rate from the
currently limited to only the largest employers, it
aployers to negotiate a similar reduced fare

income tax dollars. This is a federal program, but staff from Metro Transit can provide information to interested employers. Another incentive that any employer can provide is purchasing bus passes and providing them to employees at a discounted rate. This would be in lieu of the cashout described above but would provide the same benefits to the employer.

LIVE-WORK RELATIONSHIP

Providing housing for workers within direct proximity to their places of employment also can yield significant reductions in parking demand, as well as a host of other benefits. As noted in the previous chapter of this document, about 53% of the residents on the East Isthmus reported traveling to work alone in their car, as opposed to 66% for the city of Madison as a whole. A large number of the alternative trips include walking and riding a bike to employers who are close by. The opportunity to improve on this trend should be given serious consideration when planning housing developments on the north side of East Washington Avenue as a means of providing housing for those who will be working on the south side.

COMMUNITY CAR

Community cars are a growing concept across the country, including Madison. The Madison program, Community Car (www.communitycar.com), is a member-based business that provides cars by the hour to its members. The fleet currently includes several hybrid or fuel-efficient vehicles stored in locations near the University, Downtown and East Isthmus. The City and developers should coordinate with Community Car to provide additional vehicles and storage locations within the East Washington Avenue Corridor as new development/redevelopment occurs.

Under the Madison program the organization owns the cars; however, there are other models that also could reduce parking within the Corridor. One such program is the provision of cars for shared use by residents of new housing projects or employees of new businesses. As part of the development approval, the developer/business owner would agree to provide the cars in exchange for a reduction in the number of required parking spaces to be constructed with the development.

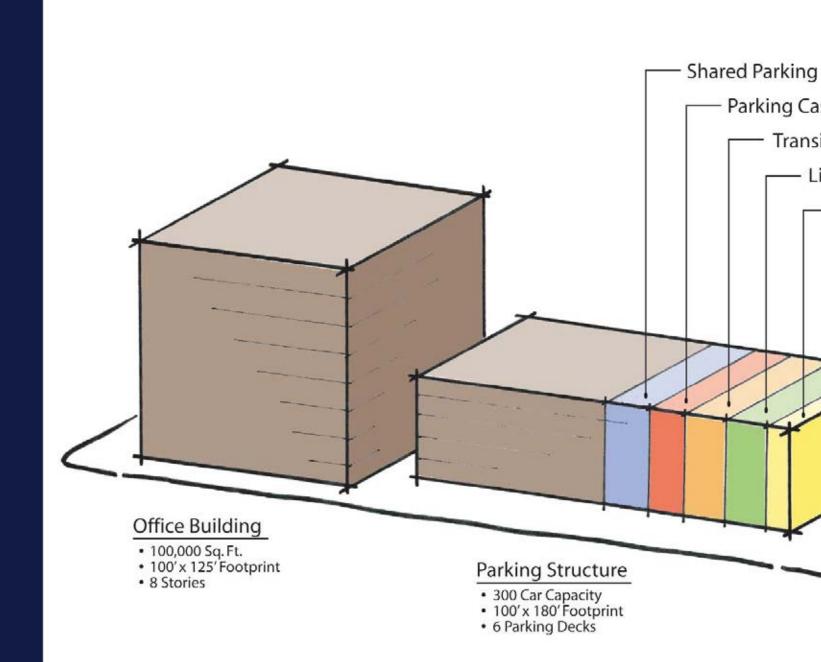
ptions, parking — and lots of it — ridor; however, it must not dominate eened with ground floor uses or, at that belie the parking area behind parking should be kept to a minimum buildings. In general, surface parking serves, and not in front of it. Surface t corners. Although access to parking a side streets as described below, no ominated by exposed surface or

s should be limited to the r possible. Given the high volume of e and the desired character of the arking areas and entries off of this ould be avoided if other access is not available, access points on East pt to a minimum by sharing them

er of East Mifflin Street, parking areas ept to a minimum and, where present, hat directly fronts on East Mifflin ain Street should be minimized by estreets.

of East Main Street be viewed as "back of Washington Avenue. Again, no by East Main and East Mifflin Streets, areas or structures.

these various tranpsortation and for parking within the Corridor.



APPENDICES

APPENDIX 1: Upper Level Development Standards

APPENDIX 2: OVERALL DEVELOPMENT POTENTIAL

APPENDIX 3A: CAPITOL GATEWAY CORRIDOR VIEW SERIES, EAST WASHINGTON A

APPENDIX 3B: CAPITOL GATEWAY CORRIDOR VIEW SERIES, EAST WASHINGTON A

APPENDIX 3C: CAPITOL GATEWAY CORRIDOR VIEW SERIES, MAIN STREET INBOUNT

APPENDIX 3D: CAPITOL GATEWAY CORRIDOR VIEW SERIES, MIFFLIN STREET INBOU

APPENDIX 4: POTENTIAL DEVELOPMENT SCENARIO, LARGE-SCALE CORPORATE H

APPENDIX 5: RESOLUTION RES-08-00166, LEGISLATIVE FILE ID No. 05532,

ADOPTED FEB. 5, 2008



ndards proposed illustrate concepts, pefore being finalized as part of the rds. These concepts would only be

ocks with 12-story and 15-story height

a street facade of up to 5 Avenue.

ries on larger lots.

nay have a tower element:
ies may not exceed a footprint envelope
g East Washington Avenue, with a
see Figures A& B).
and/or site characteristics deem it
may be exceeded by 10%.

above 5 stories, not confined within the low a 45% stepback. (See Figure C)

ere height ranges are discussed are only ess several criteria, or design elements Plan Commission. Height ranges occur

ige ige nge nge

hat would allow the Plan Commission oper range of building heights will be Irban Design Commission and the Plan rds for Urban Design District #8 are



Figure A: 12-15 Story Tower

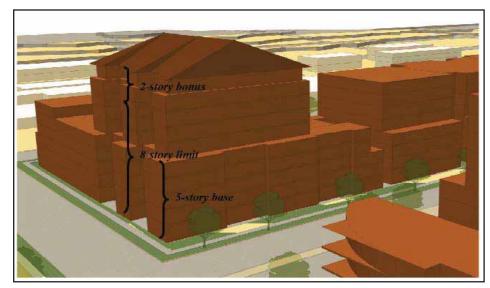


Figure B: 8-10 Story Tower



Figure C: 6-8 Story Tower

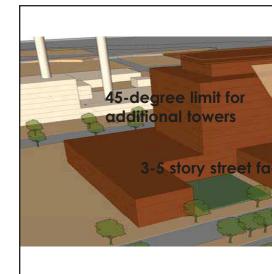
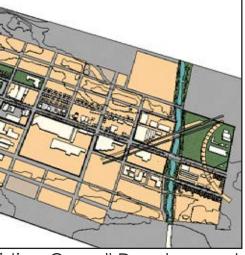
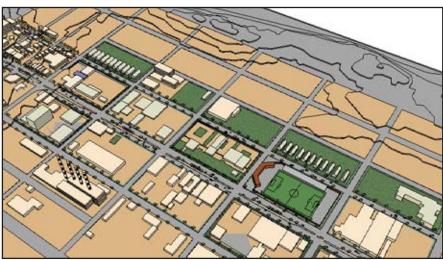


Figure D: 45 degree setback stories



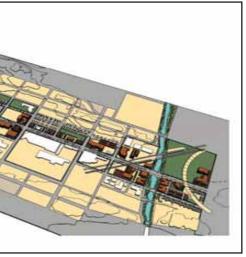
isting Overall Development



Existing Tenney-Lapham Neighborhood



Existing Yaha



ential Overall Development





preserve the residential character of the Tenney-Lapham Neighborhood while allowing more intensive development along the East Washington Corridor.



Potential Yaho

The height limit of 3-4 stories along the help preserve the recreational sett development potential more cond

ows the significant development potential along the Capitol Gateway Corridor.

IDOK **3** EKIE3

East Washington Avenue Inbound



Development



Yahara River Approach: Existing Development



Baldwin Street Approach: Existing Development

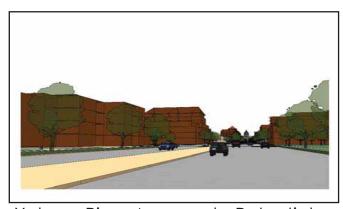


Few Street Appro Existing Developm



Development

pment potential at the East Washington Avenue. e street are limited to 3-4 e residential character the Schenk/Atwood to the south. A height ide of East Washington odate potential intensive nter development.



Yahara River Approach: Potential Development

A 3- to 4-story height limit exists across East Washington Avenue from Burr Jones athletic fields and open space, as well as along the Yahara River Corridor.



Baldwin Street Approach: Potential Development

The former Marquip Equipment manufacturing facility remains on the south side of East Washington, and new development may occur on the former Trachte Properties on the North side near Dickinson Street.



Few Street Appro

The Madison Metro Bus factories development, limited to 3 opposing half block betwee and Curtis Court. The 3-stocomplement the residential Curtis Court.



et Approach: Development



Brearly Street Approach: Existing Development



Livingston Street Approach: Existing Development



Blount St Existin



eet Approach: Development

on between the lower of the most intensive epback requirement is f the street, to the left, f building facades that riendly to pedestrians.



Brearly Street Approach: Potential Development

The existing Madison Dairy building and Breese Stevens
Field is shown on the right, the north side of the street,
while a high intensity employment facility is displayed
on the south side of the street. This view illustrates the
massing standards as discussed in Appendix 1,
(See Page 34). The light colored building tops illustrate
the bonus available to developers if they provide an
architectural building top or roof element that exceeds



Livingston Street Approach: Potential Development

This view towards the Capitol Square from Livingston Street is in the heart of the four blocks that have the highest and most intensive development potential. While some restrictions, such as the 30 degree setback along Mifflin Street, north of East Washington help mediate character differential with surrounding neighborhoods, these blocks still will provide the best opportunity for intensive employment uses.



Bloun Pote

This final view illustrate frame the Capitol Building a to the Capitol Square. Ne intensive near the Cap Business District and create interaction between exi

RIDOR SERIES

East Washington Avenue Outbound



king East: Existing



Blair Street Outbound: Existing Development



Blount Street Outbound: Existing Development



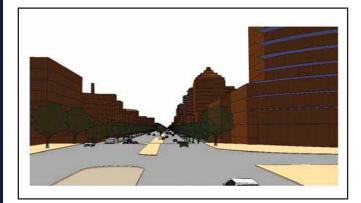
Livingston Street (Existing Developn



king East:

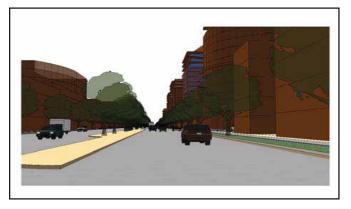
and after images is time, we can see the ravel from the Capitol

nk building dominates e potential development nt change down to Blair



Blair Street Outbound: Potential Development

Once at Blair Street the most intensive development potential is again visible.



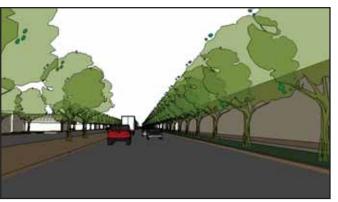
Blount Street Outbound: Potential Development



Livingston Street (Potential Develop



et Outbound: Development



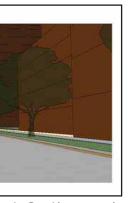
Few Street Outbound: Existing Development



Baldwin Street Outbound: Existing Development



Yahara Existir



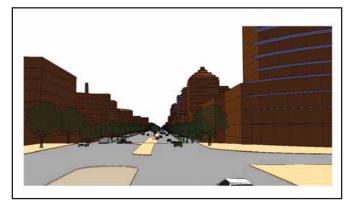
et Outbound: Development

ld is plainly visible on orth side of the street.



Few Street Outbound: Potential Development

The Madison Metro Bus facility is plainly visible on the south side of the street, while lower-scale development is seen on the half-blocks between East Washington Avenue and Curtis Court.



Baldwin Street Outbound: Potential Development

Marquip on the right, medium-scale development on the left.



Yahara Potenti

3 to 4 stories on the right to co uses and to provide 'breat

Main Street Inbound





Existing



Main & Ingersoll Streets: Existing Development



Main & Paterson Streets: Existing Development

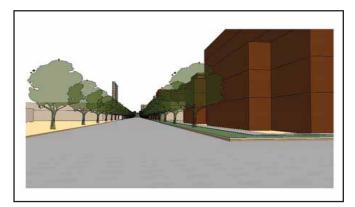


Main & Blount Str Existing Developr

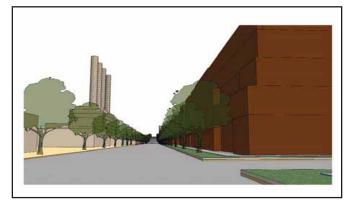


ent

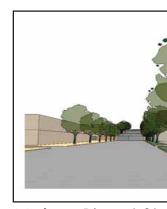
pares existing and he East Main Street



Main & Ingersoll Streets: Potential Development



Main & Paterson Streets: Potential Development



Main & Blount Stre Potential Develop

MIIIIII 211661 111000110

GATEWAY CO



& Few Streets: Development



Mifflin & Brearly Streets: **Existing Development**



Mifflin & Paterson Streets: **Existing Development**



Mifflin Existii



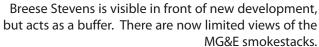
& Few Streets: Development

shields the view from

Washington Avenue.









Mifflin & Paterson Streets: Potential Development

New residential development is visible here and takes advantage of the park and open space on the north side of Mifflin Street.



Mifflin Potent

The 30 degree development st higher than three stories protection Dome, and allows new development the existing residentia

EXAMPLE

Plan is designed such that new otential is created adjacent to the rict. Through its flexible ng and land use recommendations, elopment of both small start-up less incubators, as well as the stablishment of regional or national ecale employment project.

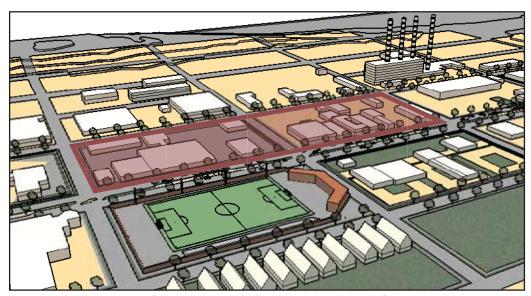
ntral Business District and the caccess to the airport and interstate ladison's public transit system, open ows for unique development idor.

lustrated on the right, shows how a t needing over one million square 2,200 parking spaces could develop the Corridor.

oroject does not even use the site to In order to create a development adings, the building's massing is tower elements, each of a different r semi-public/private open spaces are t redevelops an existing historic brick

ban office park development, es approximately the same amount of os, but doesn't have the immediate siness District, the University, and is a uable land on the periphery of the

nd 44 further refine the massing studies ovides a clear example of how the use provide a radically different perspective or

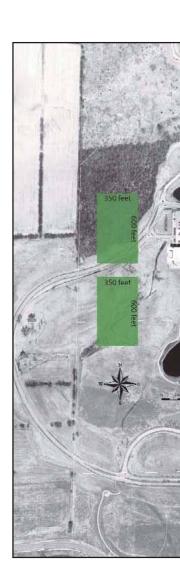


Two City Blocks (Brearly - Livingston Streets): Each 330 feet by 600 feet = 210,000 sq. ft. each



Development Potential:

Block 1: 600,000 sq. ft. of employment uses and 1,120 parking spaces
Block 2: 600,000 sq. ft. of employment uses and 1,120 parking spaces
**This development scenario also provides a large common open space, and does not
fully build out the development to the maximum massing as allowed by the Plan's



Comparison Office The two green blocks sym city blocks within the Capi

Similar in size to our devel national headquarters dev approximately 1 million so 2,200 parking spaces.





Orridor Series

KESOLUIION KES-UO-U

FEBRUARY 5, 2008

le the redevelopment of certain portions of the sessed values over time but these changes legree of certainty.

of the East Washington Capitol Gateway Plan ast Washington Capitol Gateway Corridor Plan ment to the City of Madison Comprehensive uide future land use and development within cridor.

nsive Plan adopted January 17, 2006 (Substitute doption of neighborhood plans and special phorhoods and other development and and

air Street, East Mifflin Street, East Wilson Street nington Capitol Gateway Corridor, and

on Avenue Road Reconstruction Projects and s, including the 2004 East Rail Corridor Plan, the orhood Plan, the 1998 Yahara River Parkway and e Neighborhood Center Master Plan, the 2000 8 Emerson East-Eken Park Neighborhoods Plan, aborhood Plan, recommend that more detailed ashington Capitol Gateway Corridor to identify e, urban design changes and implementation at and redevelopment within the Corridor to mmunity objectives regarding business and lopment, infrastructure planning, streetscaping,

ateway Corridor Plan follows the format of the es additional and more detailed f land use, urban design and implementation areas; and

ateway Corridor Plan Advisory Committee, ctober 2004, guided the preparation of the Plan as and neighborhood associations and esidents and other interested stakeholders; and WHEREAS the East Washington Capitol Gateway Corridor Plan Advisory Committee was charged with the following tasks:

- Find a community consensus on how the Corridor will function and what it will look like as new investment and redevelopment occurs over time;
- Assemble a comprehensive profile of the current uses in the Corridor and an analysis
 of key development and business location opportunities;
- Recommend preferred land uses for properties both north and south of the Corridor, including major redevelopment sites and key areas of overlapping interest between numerous neighborhoods;
- Create corridor design guidelines and standards for new and renovated buildings and sites;

WHEREAS, during Phase Two (Fall 2005 through Fall 2006), the Advisory Committee revisited, refined, and expanded the level of detail and direction contained in the land use plan and urban design district recommendations based upon continued community input and deliberations centered around consensus building; and

WHEREAS, the Advisory Committee hosted two large public information meetings to gather public input and present planning issues and background information, alternative development concepts for the planning area, and the draft recommended land use plan and urban design guidelines; and

WHEREAS, throughout both Phases of this process, multiple opportunities were provided for community input, questions and concerns, including 1) wide distribution of meeting agendas and minutes and other meeting materials to interested parties, 2) opportunities for public comment at all scheduled Advisory Committee meetings, 3) posting Plan drafts on the Capitol Gateway Corridor Plan website, 4) hosting two public information meetings, and 5) the use of East Isthmus Neighborhood Planning Council (EINPC) as a hired facilitator to provide direct linkages to the neighborhood associations affected by the plan; and

WHEREAS, after carefully considering and discussing the input from all committee, public, and neighborhood meetings on the draft Plan and after making final revisions, the Advisory Committee at their October 11, 2006, meeting approved a motion to adopt the East Washington Capital Gateway Corridor Plan Advisory Committee Final Report and submit it to the Madison Common Council; and

WHEREAS, the Final Report has been reviewed by City agencies.

WHEREAS, this plan was deemed to be inconsistent with some previously adopted neighborhood plans, as well as one presented in draft form leading to the appointment of and charge to a subcommittee of the Plan Commission to reconcile those inconsistencies.

NOW THEREFORE BE IT RESOLVED, that the Com Washington Capitol Gateway Corridor Plan Advi amended by the Plan Commission Subcommittee Washington Capitol Gateway Corridor Plan and the City of Madison Comprehensive Plan and reliparkway plans outlined above, to be used to guithe East Washington Capitol Gateway Corridor; a

BE IT FURTHER RESOLVED, that the Comprehens land use classifications recommended in the East Plan during the next annual Comprehensive Pla and

BE IT FURTHER RESOLVED, that the appropriate on eighborhood and business associations, proper groups to begin to implement the East Washing recommendations, and particularly adoption of incorporating the Plan's design recommendation adoption; and

BE IT FURTHER RESOLVED that the appropriate of recommendations of the East Washington Capit Design Guidelines in future work plans and bud stated in the Plan; and

BE IT FURTHER RESOLVED that in situations whe design recommendations in the East Washingto 600 through 1800 blocks of East Washington Av East Mifflin and East Main Streets, shall supersec 2004 East Rail Corridor Plan; and

BE IT FURTHER RESOVLED that Planning Unit sta in the East Rail Corridor Plan to reflect these diff

BE IT FINALLY RESOLVED, that the East Washingt Advisory Committee will remain in effect until so for Urban Design District #8 are complete, and to opportunity to review the urban design guideling

33.526 Gateway Plan District

33.526

Sections:

General

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33.526.020 Where These Regulations Apply

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Map 526-1 Gateway Plan District

Map 526-2 Maximum Heights

Map 526-3 Floor Area Ratios

Map 526-4 Enhanced Pedestrian Streets

Map 526-5 Bonus Option Areas

General

33.526.010 Purpose

Gateway is Portland's only regional center. As designated in the Outer Southeast Community Plan, the Gateway Regional Center is targeted to receive a significant share of the city's growth. Gateway is served by Interstates 205 and 84, MAX light rail, and TriMet bus service. At the crossroads of these major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City. Future development will

transform Gateway from a suburban low density area to a dense, mixed-use regional center that maximizes the public's significant investment in the transportation infrastructure.

The regulations of this chapter encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Center Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district:

- Promote compatibility between private and public investments through building design and site layout standards;
- Promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;
- Ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center;
- Create a clear distinction and attractive transition between properties within the regional center and the more suburban neighborhoods outside; and
- Provide opportunities for more intense mixed-use development around the light rail stations.

33.526.020 Where These Regulations Apply

The regulations of this chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this chapter, and on the Official Zoning Maps.

33.526.030 Early Design Consultation

Applicants are encouraged to meet with staff of the Bureau of Planning and Sustainability, the Bureau of Development Services, the Portland Development Commission, the Portland Office of Transportation, and Portland Parks and Recreation three to six months before applying for a preapplication conference or a land use review. This consultation provides an opportunity for both funding and regulatory agencies to work closely with the property owner to determine the best combination of plan, regulation, and urban renewal involvement to meet the fiscal needs and responsibilities of the owner, accomplish public purposes, and leverage public dollars on behalf of new development.

Use Regulations

33.526.100 Purpose

The use regulations of this chapter encourage uses that support transit patrons and pedestrians. They do this by limiting auto-oriented uses and promoting small scale commercial development. Small scale commercial development increases the variety and diversity of services and goods available; helps reduce traffic congestion associated with large-scale retailers; enhances the mixed-use character and pedestrian environment of the plan district; and improves the economic viability of higher density residential development.

33.526.110 Prohibited Uses

- **A.** Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.
- B. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles is prohibited on the portion of a site within 200 feet of a light rail alignment. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

33.526.120 Retail Sales and Service and Office Uses

- **A.** On sites in the EX zone, Retail Sales And Services uses are allowed up to 5,000 square feet of floor area for each use.
- **B.** On portions of sites zoned Institutional Residential, IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of floor area for each use. The Retail Sales And Service uses must be included in a Conditional Use Master Plan or Impact Mitigation Plan for the site. Retail Sales And Service uses larger than 10,000 square feet of floor area for each use are prohibited.
- C. On sites in the RX zone, Retail Sales And Service and Office uses are allowed as follows. Adjustments to the regulations of this paragraph are prohibited.
 - 1. Commercial uses in new residential development.
 - a. Up to 40 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
 - b. On the portion of a site within 1/4 mile of a Transit Station, up to 50 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
 - Commercial uses in existing residential buildings. Up to 40 percent of existing net building area in a building that is totally residential may be converted to Retail Sales And Service or Office uses. The conversion may not result in a net loss in the number of dwelling units on the site.

Development Standards

33.526.200 Purpose. The development standards foster an intense mixed-use urban character with a high quality pedestrian environment and an interconnected, dense street grid. They do this by:

- Promoting the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district and focusing more active uses and pedestrian amenities on these streets;
- Increasing the development potential throughout the district and focusing the most intense development potential around the light rail stations;
- Discouraging development, such as exterior display and storage and drive-throughs, that adversely affect the pedestrian environment;
- Requiring larger sites within the plan district to provide connectivity, open space and a mixture of uses; and

• Ensuring an attractive transition between the higher density zones within the plan district and the adjacent single-dwelling residential zones.

33.526.210 Building Height

- **A. Purpose.** These regulations encourage intense development throughout the plan district, with the highest level of intensity occurring around the light rail stations. This increased development opportunity reinforces Gateway's role as a regional center. In addition, the regulations reduce adverse effects on adjacent single dwelling zones by creating a stepdown of building heights at the edge of the plan district.
- **B.** Maximum building height. The maximum building heights are shown on Map 526-2, except as specified in Subsection C. Heights greater than shown on Map 526-2 are prohibited unless allowed by Section 33.526.230.

C. Transition at edges of plan district.

- 1. Where these regulations apply. The regulations of this subsection apply to sites that have a maximum building height of 75 feet or more and either:
 - a. Abut a site zones R7 through R2.5 that is not in the plan district; or
 - b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the plan district.
- 2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:
 - a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and
 - b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.
- Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows.
 See Figure 526-1:
 - a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and
 - b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

33.526.220 Floor Area Ratio

- **A. Purpose.** These regulations encourage intense development throughout the plan district with a higher level of intensity occurring around light rail stations. This increased development reinforces Gateway's role as a regional center. In addition, the standards ensure a minimum level of development on some sites.
- **B.** Maximum floor area ratio. The maximum floor area ratios (FAR) allowed are shown on Map 526-3 at the end of this chapter.

- 1. On sites with a maximum FAR of 6:1 or less where at least 80 percent of the proposed floor area on the site will be in Residential uses, an additional 2:1 FAR is allowed.
- 2. FARs greater than shown on Map 526-3 or allowed by Paragraph B.1 are prohibited unless allowed by Section 33.526.230.
- **C. Minimum floor area ratio.** The minimum floor area ratio (FAR) for new development is shown on Map 526-3.
- **D. Limit on increased floor area.** Increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited.

Boundary of the Gateway Plan District (GPD) -Site zoned R7 through R2.5 (R5 zone is shown in this example) either adjacent to or across the street from the GPD. Maximum 75' building or higher height 501 30' max. max. **SECTION VIEW** SITE WITHIN THE GPD STREET OR SITE **OUTSIDE OF THE GPD** -25'→←25' Maximum height 50' -Maximum height = height of residential zone abutting or across the street Boundary of the SITE/PLAN VIEW Gateway Plan District (GPD)

Figure 526-1
Height Limits on Sites Abutting R7 – R2.5 Zones

33.526.230 Floor Area and Height Bonus Options

A. Purpose. Floor area and height bonus options are offered as incentives to encourage facilities and amenities that are desired around the light rail stations and on sites with a Gateway Master Plan.

B. General regulations.

- 1. Eligible sites. The bonus options may be used only in areas shown on Map 526-5, and on sites with a Gateway Master Plan. The residential bonus option may be used only in those areas on sites in a C or E zone.
- 2. New floor area. Only new floor area is eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.
- 3. Number of bonus options. Proposals may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
- 4. Maximum floor area increase. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.526.220.D.
- 5. Maximum height increase. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 526-2 unless eligible for bonus height.
- **C. Bonus floor area options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 526-3.
 - 1. Residential bonus option.
 - a. Proposals providing housing receive bonus floor area. New development and alterations to existing development are eligible for this bonus. For each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1.
 - b. The additional floor area may be used entirely for housing or partially for nonresidential uses.
 - c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance or at the same time as an occupancy permit for any nonresidential portion of the project. The property owner must execute a covenant with the City ensuring continuation and maintenance of the housing by the property owner. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
 - 2. Open Space bonus option. Proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of one square foot of additional floor area is earned. To qualify for this bonus, the following requirements must be met:
 - a. Size and dimensions. The open space must include at least 5,000 square feet of contiguous area;

- b. Ownership and use. One of the following must be met:
 - (1) The open space must be dedicated to the City, subject to paragraph 2.d.; or
 - (2) A public access easement must be provided that allows for public access to and use of all the open space;
- c. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City; and
- d. Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau.
- 3. Eco-roof bonus option. Eco-roofs are encouraged in the Gateway Regional Center because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES).
 - a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:
 - (1) Where the total area of the eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.
 - (2) Where the total area of the eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area.
 - (3) Where the total area of the eco-roof is at least 60 peercent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area.
 - b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof.
 - c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
- **D. General bonus heights.** Bonus height is also earned in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 526-2. The height bonus allowed is based on the floor area bonuses and transfers listed in paragraph D.1., below. The amount of bonus height awarded is specified in paragraphs D.2. and D.3., below.

- 1. The height bonus allowed is based on the floor area bonus options of Subsection 33.526.230.C., above;
- 2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:
 - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
 - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
 - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.
- 3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
 - a. For achieving bonus floor area of at least 20,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.
 - b. For achieving bonus floor area of at least 40,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
 - For achieving bonus floor area of 80,000 square feet or more, a height bonus of 45 feet is earned.

E. Bonus height option for housing.

- 1. Generally. In the bonus height areas, building heights may be allowed to be greater than shown on Map 526-2 if the bonus height is for housing.
- 2. Standard. The maximum height bonus that may be allowed is 75 feet. Projects may use both the bonus height options of this subsection and Subsection D., above. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be exclusively for housing, and may not be used to qualify for the residential floor area bonus option in Subsection C.1., above.
- 3. Approval criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height will be approved if the review body finds that the applicant has shown that the following criteria have been met:
 - a. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in the R zone; and
 - b. The increased height will result in a project that better meets the applicable design guidelines.

33.526.240 Open Area

- **A. Purpose.** The open area requirement ensures provision of adequate amounts of open area, including light and air, for those who live, work and visit the Gateway plan district. Open area can provide passive or active recreational opportunities, and help to soften the built environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.
- **B.** Calculations. For purposes of this section, site area dedicated for public right-of-way is subtracted from the total site or lot area;
- **C.** Where these regulations apply. The requirements of this section apply to sites 5 acres or more in area.
- **D.** Additions of floor area to the site. The requirements of this subsection apply to sites where the proposal will result in an increase of at least 5,000 square feet of floor area on the site. The applicant may choose from the three options below:
 - 1. On-site option. If the open area will be on-site, the following standards must be met:
 - a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
 - b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children's play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
 - c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.
 - d. The open area must be located outdoors on the site and abut either the public sidewalk or the site's pedestrian circulation system.
 - e. Open area may be provided in a variety of sizes, but each open area must be large enough that a 20-foot x 20-foot square can fit entirely within it.
 - f. The application must identify the location, proposed improvements, and timing of the improvements.
 - 2. Off-site option. If the open area will be off-site, the following standards must be met:
 - a. The area that will be used to meet this requirement must be:
 - Identified as proposed open space on the Gateway urban design concept or approved by Portland Parks and Recreation;
 - (2) Under the applicant's control; and

- (3) Vacant or used for surface parking.
- b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
- c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.
- 3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:
 - a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;
 - b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.
- **E. Land Divisions.** The standards and approval criteria of this subsection apply to sites where a land division is proposed:
 - 1. The regulations of this subsection do not apply to proposed lots 5 acres or more in area. The regulations will apply if such lots are divided further.
 - 2. The regulations of this paragraph apply to proposed lots less than 5 acres in area.
 - a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.
 - b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.
 - (1) If the open area requirement will be met on the lot, the applicant must specify the location.
 - (2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.
 - (3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs C.2 or C.3 must be met:

- c. If the requirements of this subsection will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the open area, what the extent of the improvements will be, and who will be responsible for the improvements and maintenance of the improvements. The following additional approval criteria must also be met:
 - (1) Location. Each open area must be located on a part of the site that can be reasonably developed to meet the standards of this section;
 - (2) Improvements. The proposed improvements must be consistent with the purpose of this section; and
 - (3) Timing. The timing of the improvements must be reasonably related to the timing of other development on the site.

33.526.250 Connectivity

- A. Purpose. The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development and access for emergency vehicles. This regulation implements the Gateway Master Street Plan and improves vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Where full street connections are not feasible, pedestrian and bicycle connections provide access for those most sensitive to the lack of direct connections.
- **B.** Where these regulations apply. The requirements of this section apply to all sites in the plan district.

C. Requirements.

- 1. The Portland Office of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on the Gateway Master Street Plan in the Transportation Element of the Comprehensive Plan.
- 2. Proposed development that may obstruct new street alignments as identified in the Gateway Master Street Plan is regulated by Chapter 17.88.

33.526.260 Pedestrian Standards

A. Purpose. These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.

B. Standards.

- 1. All sites in the plan district are subject to the Pedestrian Standards of Paragraph 33.130.240.B.1. through 3.
- 2. Improvements between buildings and the street. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4 must meet Standard B.2.b.

Development on all other sites must meet the standards of either B.2.a or b. Development where there has been a school use on the site since June 18, 2004, must meet the standards of either B.2.a. or b.

- a. Landscaped. The area between a building or exterior improvement and a street lot line must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening;
- b. Hard-surfaced. The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one or these amenities must be provided for each 100 square feet of pedestrian use area in the setback.
- 3. Bicycle parking may be located in the area between a building and a street lot line.

33.526.270 Entrances

- **A. Purpose.** These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.
- **B.** Where these regulations apply. In R1, RH, RX, C, and EX zones, buildings must meet the standards of Subsection C., below.
- **C. Entrances.** For portions of a building within the maximum building setback, at least one main entrance for each tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. Entrances that open into lobbies, reception areas, or common interior circulation space must also meet the standards of this section. The entrances must:
 - 1. Face a public street or light rail alignment;
 - 2. Be within 15 feet of the public street or light rail alignment it faces;
 - 3. Be oriented to nearby transit facilities as follows:
 - a. If a site abuts a light rail alignment along East Burnside Street, the main entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.
 - b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.

- c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.
- d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45 degree angle to both streets or within 25 feet of the corner along either transit street.

33.526.280 Enhanced Pedestrian Street Standards

- A. Purpose. These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.
- **B.** Where these regulations apply. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4, where the development is new development or that adds at least 40,000 square feet in floor area to the site, must meet the standards of this section. Development where there has been a school use on the site since June 18, 2004 is exempt from this requirement.
- **C. Required building lines.** Either Paragraph C.1. or C.2., below, must be met. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high.
 - 1. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - 2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.
- **D. Ground floor active uses.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards:
 - 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - 2. The area must be at least 25 feet deep, measured from the street frontage wall;
 - 3. The area may be designed to accommodate a single tenant or multiple tenants;

- 4. The street-facing façade must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
- 5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

33.526.290 Ground Floor Windows

- **A. Purpose.** In the Gateway plan district, blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- **B. Standard.** All exterior walls on the ground level which face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.

33.526.300 Required Windows Above the Ground Floor

- **A. Purpose.** These regulations prevent large blank walls above the ground floor from facing residential sites outside the plan district. Together with the height regulations, this helps lessen the impact of tall buildings in the regional center on adjacent residential neighborhoods.
- B. Required windows above the ground floor. Sites across a street and within 50 feet of R7 through R2.5 zones outside the plan district must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

33.526.310 Exterior Display and Storage

Exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.526.320 Drive-Through Facilities

Drive-through facilities are prohibited.

33.526.330 Gateway Master Plan

A. Purpose. The Gateway master plan adds development potential and flexibility for projects in specified areas. A carefully considered master plan has the potential to ensure that new development moves sites in the plan district closer to the goals of the Gateway Regional Center, while allowing for flexibility, additional development capacity, and phasing of change. The additional development potential and flexibility are possible because the

master plan demonstrates that the policy objectives of the Outer Southeast Community Plan are advanced and can be met in the long term. The Gateway master plan is an option; it is not a requirement.

- **B. Flexibility achieved.** An approved Gateway master plan allows additional flexibility in any of the following situations:
 - 1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;
 - 2. Allows uses to be arranged on the site in the most appropriate manner by allowing uses to be located in zones where they are otherwise not permitted.
 - 3. Defers the building of any required housing;
 - 4. Allows the development of required housing at an alternate location;
 - 5. Defers the building of required open area;
 - 6. Defers the construction of required streets, accessways, and other transportation elements; or
 - 7. Allows applicants to take advantage of bonus options in 33.526.230.
- **C. Contents of a Gateway master plan.** In addition to the application requirements of Section 33.730.060, a Gateway master plan must contain the components listed below. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases. The plan must include:
 - 1. Floor area. How allowable floor area will be distributed throughout the site. This can be shown by location of buildings, by subareas of the site, or by amount assigned to each lot. Floor area may be reallocated within the site.
 - 2. Location of uses. The location of proposed uses on the site. If a use is allowed on the site, it may be located on a portion of the site where the zoning would otherwise not permit it. Regardless of use, the base zone development standards will apply.
 - 3. Housing.
 - a. The location, density, and general type of housing to be built. If residential development is required by the base zone, the plan must show how the requirement will be met. If the required housing is not proposed to be built in advance or concurrently with other development, the plan must demonstrate that the proposed location for housing is of suitable size and location for the required amount of housing. The plan must identify a schedule or development phase when the required housing will be built.
 - b. If the required housing is proposed for a location outside of the residentially-zoned area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Gateway plan district and

be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing.

- 4. Minimum and maximum requirements. The total combined floor area for the entire site and for each use must be within the minimum required and maximum allowed, including bonus floor area, for the plan area. Floor area transfers outside of the Gateway master plan site are prohibited.
- 5. Infrastructure capability. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.
- Circulation. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.
- 7. Open area. The plan must identify when and where the open area will be built.
- 8. Connectivity. The plan must identify when and where the streets, accessways, and other internal connections will be built.
- Proposed reviews and criteria. Required reviews, such as design and other land use reviews, for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development.
 - a. If the applicant requests that all of the required reviews be done as part of the review of the master plan, the plan must explain and provide enough detail on how the proposals comply with the approval criteria for the reviews.
 - b. If the applicant decides to defer these reviews to the time of future development, the plan must specify what review procedures and approval criteria will be used for reviewing that development.
 - c. Adjustments and modifications. If any adjustments or modifications are being requested in conjunction with the Gateway master plan review, the application must include a statement as to how each adjustment and modification complies with the approval criteria for the adjustment or modification.

D. Duration and expiration of a Gateway master plan.

- 1. A Gateway master plan must include currently proposed developments and developments that might be proposed within at least 3 years.
- 2. An approved Gateway master plan remains in effect until development allowed by the plan has been completed, the plan is amended or superseded, or it becomes void as specified in Paragraph D.3., below.
- 3. If there has been no development on the site within 10 years after the Gateway master plan is approved, the Gateway master plan is void, and no further development will be allowed on any area previously covered by the plan until a new or updated plan is approved.

E. Implementation.

- 1. Development in conformance with a Gateway master plan.
 - a. Development that is consistent with and conforms to the specific Gateway master plan is not required to go through another Gateway master plan review, but may be subject to additional reviews specified by the plan.
 - b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.
- 2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

33.526.340 Parking

A. Purpose. The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site and take into account the intensity of development in the area, on-street parking supply, pedestrian activity, and proximity to frequent transit service.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

B. Number of parking spaces.

- 1. Minimum required parking spaces. There is no minimum number of required parking spaces.
- 2. Maximum allowed parking spaces.
 - Except as specified in B.2.b., the maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking and Loading. The maximums apply to both surface and structured parking.
 - b. Exceptions.

- (1) Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 204 square feet of floor area. The maximum applies to both surface and structured parking.
- (2) Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 294 square feet of floor area.
- (3) Park-and-ride facilities. There is no maximum for park-and-ride facilities.

C. Location.

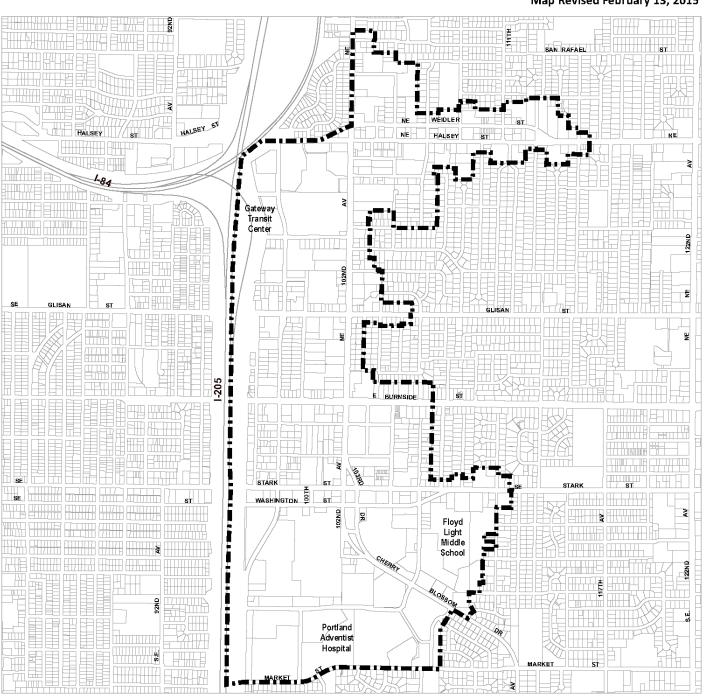
- Vehicle areas are not allowed between a primary structure and any street, except as follows:
 - a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.
 - b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.
 - c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.
- 2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.
- **D. Structured parking near light rail.** In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D, Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.

33.526.350 Required Design Review

The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design Overlay Zone.

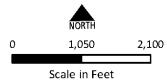
(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14.

Map Revised February 13, 2015





Plan District Boundary

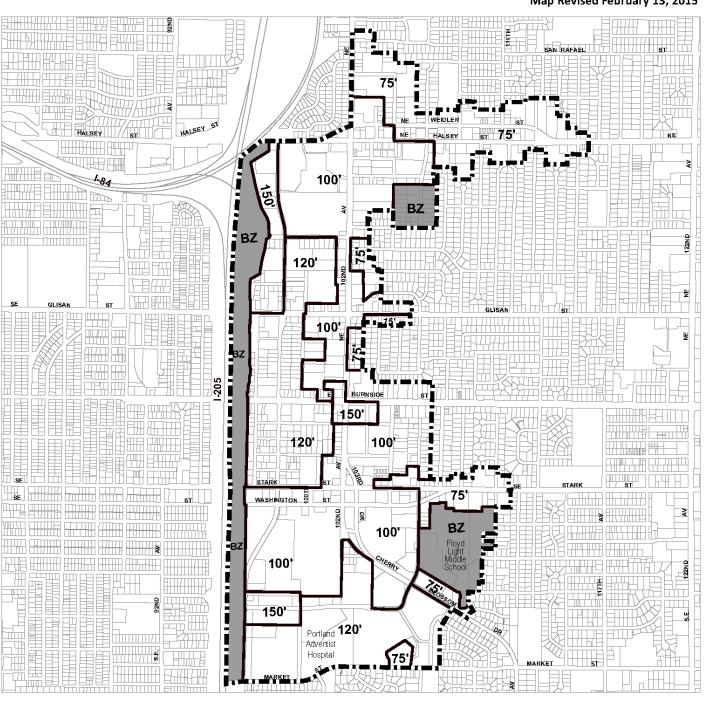


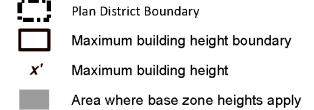
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Portland, Oregon

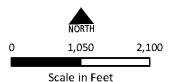
Gateway Plan District Maximum Heights

Map 526-2

Map Revised February 13, 2015





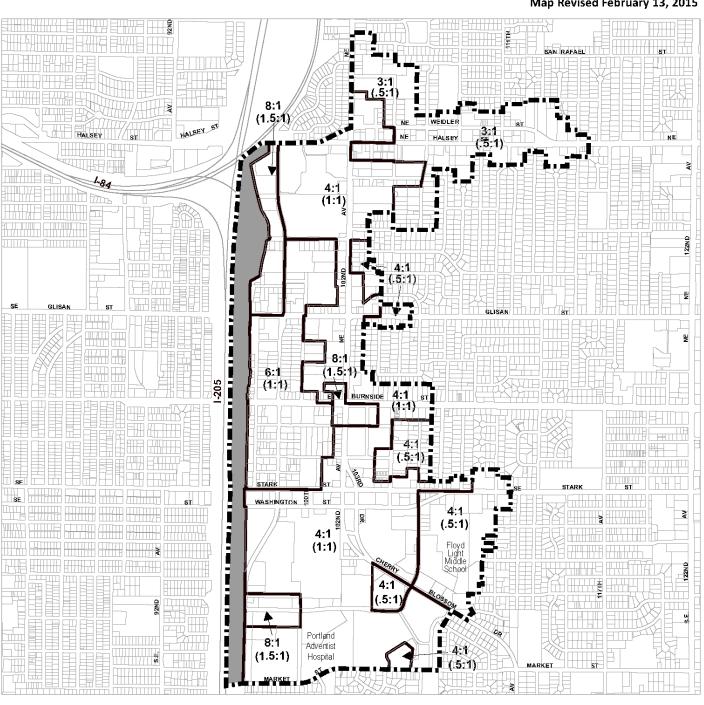


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Gateway Plan District Floor Area Ratios (FAR)

Map 526-3

Map Revised February 13, 2015





Plan District Boundary

FAR Boundary



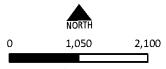
Area where FAR is determined by the Base Zone

= Gross square Foot of building

= Square foot of site

X:Y Maximum FAR

(X:Y) Minimum FAR

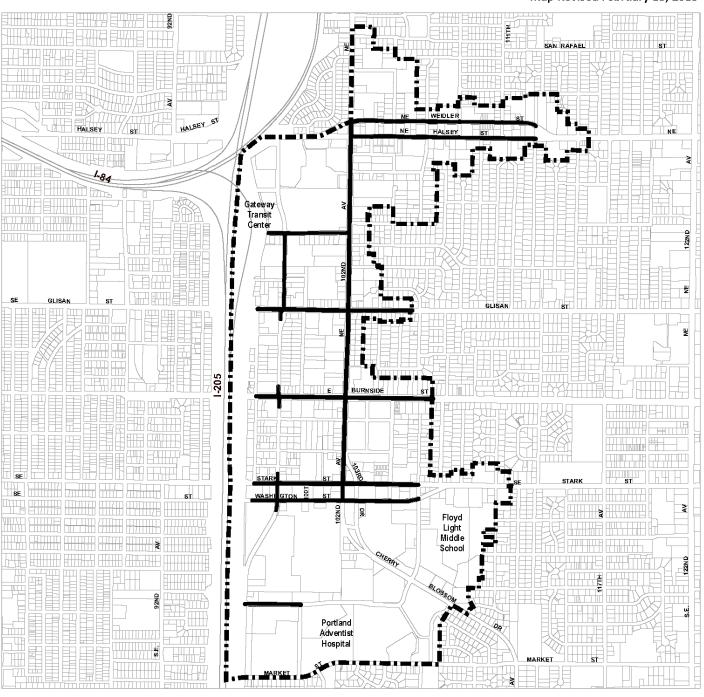


Scale in Feet **Bureau of Planning and Sustainability** Portland, Oregon

Gateway Plan District Enhanced Pedestrian Streets

Map 526-4

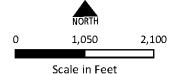
Map Revised February 13, 2015





Plan District Boundary

Enhanced Pedestrian Streets

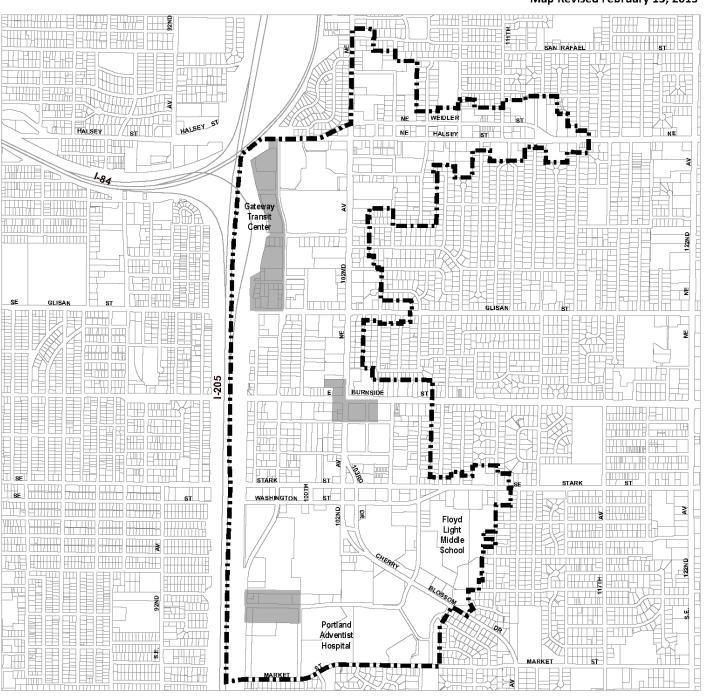


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Gateway Plan District Bonus Option Areas

Map 526-5

Map Revised February 13, 2015

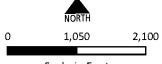




Plan District Boundary



Areas eligible for bonus height and FAR



Scale in Feet
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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. 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 quarantee 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 quests 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

Non-Conforming Users

SERIES I: Basic Tools and Techniques, Issue Number 4

DEFINITION

A nonconforming use is created when a zoning provision is adopted or amended to prohibit a particular use that lawfully existed prior to the enactment or amendment. Nonconforming land uses are not defined by New York state statutes but are defined in most local zoning codes. A typical local ordinance may state, for example: "a nonconforming use is any use, whether of a building or tract of land or both, existing on the effective date of this chapter, which does not conform to the use regulations of the district in which it is located." Nonconforming use issues arise when the zoning code is first adopted. When a district is zoned residential, for example, all existing nonresidential uses in that district are rendered nonconforming. Later amendments to the zoning ordinance may have the same effect.

When property owners propose the improvement, expansion, rebuilding or other change to their nonconforming property, they must be certain to comply with local regulations governing those matters. Normally, these regulations are found in a discrete article of the local zoning code, entitled "Nonconforming Uses." The nonconforming use article of the zoning code may prohibit or limit changes in buildings and lot uses that are nonconforming and provide in a variety of ways for the termination of nonconforming uses, such as limiting their expansion or enlargement; prohibiting the reconstruction of damaged structures; disallowing the reestablishment of nonconforming uses after they have been discontinued for a time; or simply terminating them after the passage of a stipulated amount of time.

PURPOSE

The policy of allowing nonconforming uses to continue originated in concerns that the application of zoning regulations to uses existing prior to the regulations' enactment might be construed as confiscatory and unconstitutional. It was assumed that, by limiting their enlargement and reconstruction, they would disappear over time. The allowance of nonconforming uses has been characterized by the courts as a "grudging tolerance" of them; the right of municipalities to adopt reasonable measures to eliminate them has been recognized. The ultimate goal of the zoning code is to achieve uniformity of property uses within each zoning district which can only be accomplished by the elimination of uses that do not conform to the specifications of district regulations.

WHEN

Normally, nonconforming use provisions are included in the zoning code when it is originally adopted. They are contained, typically, in a separate section, or article, of the code. Such provisions afford protection against judicial findings that, without them, the zoning ordinance might be deemed to be confiscatory as applied to existing development and as a method of obtaining popular support for zoning in general.

The state statutes that delegate to local governments the authority to adopt zoning regulations implicitly authorize local legislatures to adopt reasonable measures to protect the legitimate investment expectations of owners of developed land. There is no express reference, however, in these authorizing statutes to the authority of local legislatures to allow the continuation of nonconforming uses.

IMPLEMENTATION

There is obvious tension between protecting the investment of the owners of nonconforming uses and achieving uniformity of land use within zoning districts. To achieve this latter goal, a variety of provisions have been added to zoning codes to discourage the continuation of nonconforming uses over time. These include provisions that limit an owner's right to reconstruct such use after substantial damage, expand or enlarge the nonconforming use, change the property's use to a different nonconforming use, and may require the termination of the use after a specified period of time.

Reconstruction and Restoration

The local zoning ordinance may prohibit the restoration of a nonconforming structure that suffers significant physical damage and require that any reconstruction conform to the zoning ordinance. Significant physical damage is usually defined as damage that exceeds a certain percentage of the structure's value. Typical standards range from 25% to 50%. These provisions are premised on the theory that owners do not have a right to reconstruct a nonconforming building after it suffers significant damage because their property rights were destroyed by the disaster, rather than by the ordinance. The owner, therefore, is in a situation similar to the owner of a vacant lot and must comply with the applicable zoning restrictions.

Restrictions on reconstruction can raise interesting issues of interpretation. For example, if one of two separate apartment buildings that are operated as a single enterprise is damaged by fire, how would a local ordinance be applied that prohibits reconstruction if the nonconforming use is damaged by 50% or more. If the damage to one of the buildings exceeded the 50% standard, but the damage to the enterprise did not, could the locality prohibit the reconstruction of the heavily damaged building? New York courts tend to look at the economic and functional interdependence of the properties in such a case and have held that the locality must permit reconstruction, in this case because the enterprise was not damaged by 50% or more.

Enlargement, Alteration or Extension

Local ordinances often prohibit the enlargement, alteration or extension of a nonconforming use. To allow such activity would defeat the underlying policy of eliminating nonconforming uses. Normally, such prohibitions do not extend to structural maintenance and repair, or internal alterations that do not increase the degree of, or create any new, noncompliance with the locality's zoning regulations. In some cases, the restrictions do not extend to improvements needed to modernize a nonconforming business, even when the number of customers served will be increased.

Courts have upheld prohibitions on the construction of an awning over a courtyard outside a restaurant, on the theory that it would create additional space for patrons to congregate and, in this sense, increase the degree of the nonconforming use. Similarly, the prohibition of the conversion of seasonal bungalows to year-round residences has been upheld as an acceptable method of preventing the enlargement of a nonconforming use.

Where nonconforming business operations are proposed to be expanded, the case law is somewhat less clear. Where roads and structures built on a parcel used as a gravel mining operation exhibited the owner's intention to use the entire parcel, the court held that expanding the mining operation to another location on the property was permitted. The addition of a body-toning operation to the premises containing a nonconforming beauty

parlor, however, was considered a prohibited extension of the prior nonconforming use. The court's interest in protecting the owner's demonstrated investment in the gravel mining operation could explain the difference between these cases.

These provisions may vary considerably from one locality to another. A municipality, particularly intent on eliminating nonconforming uses may prohibit any physical expansion of a building; another may favor property use by allowing, for example, the construction of an additional story because it does not increase the footprint, or lot coverage, of the structure.

Changing to Another Nonconforming Use

The property owner's right to continue a nonconforming use does not allow the owner to change to a materially different use. The important question here is what constitutes a material change. The consequence of a finding that a material change in use has occurred is to deem the prior nonconforming use abandoned and, therefore, terminated. The property owner could argue that the change of a nonconforming use from one commercial use to another, for example, should not be prohibited by the zoning ordinance: to change a building's occupancy from a dairy plant to a business that rents machinery simply shifts the type of nonconformance from one commercial category to another. It has been held, however, that it is not only a change in the volume of business conducted but in the character of that business that determines whether one business use is a continuation of another. This is true despite the generic similarity between the old and new proposed use.

Occasionally, courts hold that changes from one use to another within the same category of use are permitted. In one case, for example, the owner was allowed to establish a storage business in a building that had been occupied as a nursery and florist enterprise. Determinations in these cases depend on the particular facts involved, the court's interpretation of how material the change will be, and the specific language of the local ordinance that regulates changes in nonconforming uses.

Abandonment

A property owner's right to continue a nonconforming use may be lost by abandonment. Local zoning ordinances frequently stipulate that any discontinuance of the nonconforming use for a specified period constitutes abandonment. Where the established period is reasonable, discontinuance of the use for that time amounts to an abandonment of the use. It has been held that local discontinuance periods apply even when the owner can prove that he did not actually intend to abandon the nonconforming use.

Amortization

Some local ordinances require certain nonconforming uses to be amortized over a specified period at the end of which they must be terminated. The term "amortization" is used to describe these provisions because they allow the owner some time during which to recoup his investment in the nonconforming use. The Court of Appeals has upheld such provisions "where the benefit to the public has been deemed of greater moment than the detriment to the property owner." The courts have said that the test for when an amortization period is reasonable is "a question that must be answered in the light of the facts of each particular case. Certainly, a critical factor is the length of the amortization period in relation to the investment. The critical question, however, is whether the public gain achieved by the exercise of the police power outweighs the private loss suffered by the owners of the nonconforming uses."

Contexts in which amortization provisions are likely to be upheld are:

1. When the common law of nuisance would allow neighboring property owners to enjoin the continuation of a nonconforming use. For example, a gravel pit, auto wrecking operation, or junkyard, harmful to children in a developing residential area might be enjoined under a private nuisance action. Likewise, a zoning ordinance can legally require such a nonconforming use to be terminated in an appropriate case. If an amortization provision is challenged, the municipality can show that the owner's property interest is slight because of his

vulnerability to a nuisance action. In this context, however, the label "amortization" is inappropriate. The grace period, if any, allowed by the local statute is gratuitous if, in fact, the owner's use may be enjoined as a nuisance.

2. When the nonconforming use is somewhat noxious and the owner has little investment in it. For example, a provision requiring the owner to cease raising pigeons on the roof or to remove an old outdoor sign will withstand challenge because of the minimal nature of the owner's investment and the significant harm done to the zoning scheme if the owner's activity is allowed to continue. Harder cases are presented when the owner has a larger investment in the use and the public interest in removing it is clear but where the threat to public health and safety is not imminent.

LIMITATIONS AND CONCERNS

Noncomplying Buildings

The local legislature, in adopting zoning regulations, is most concerned with the separation of incompatible uses among zoning districts. When a building that preexisted the zoning requirements is out of compliance with setback, area, or height restrictions, it is not a nonconforming use in the technical sense; it is simply out of compliance with the dimensional requirements of zoning: a noncomplying building. Since noncomplying buildings do not offend the legislative policy of separation of incompatible uses, zoning provisions often do not constrain their enlargement or reconstruction as severely. A typical zoning provision may require, for example, that no enlargement or reconstruction of a noncomplying building can increase the degree of noncompliance or create any new noncompliance.

Awarding Use Variances

Some municipalities extend the life of nonconforming uses by awarding use variances thereby allowing the nonconforming use to be enlarged, expanded or reconstructed. This can occur when an owner is denied a building permit to enlarge or reconstruct a nonconforming use. The owner can apply to the zoning board of appeals for a use variance and, if the owner can show that the statutory criteria are satisfied, the board can award the requested variance. Although the board can impose reasonable conditions on the use of the property, the award of a use variance frees the property from the provisions of zoning that limit nonconforming uses. The effect of a variance is to declassify the use as nonconforming.

The property owner seeking a use variance must prove that the variance, if granted, will not alter the essential character of the neighborhood. The property owner must also show by competent financial evidence that he cannot realize a reasonable return by using the property under any use allowed in the district or by continuing the nonconforming use in its unaltered condition. This financial requirement makes it very difficult for most owners of existing nonconforming uses to prove that they are entitled to a use variance.

Interpretations of Provisions

Another local practice that influences the continuation of nonconforming uses is the interpretation of the building inspector as to what types of building improvements are prohibited by the language of the local zoning code. Usually, the provisions permit the repair and maintenance of nonconforming uses, or improvements that do not "enlarge or expand" the nonconforming use. Some building inspectors take a broad view of what repair and maintenance is and have a limited view of what constitutes an expansion or enlargement of the nonconforming use. By awarding building permits to improve nonconforming uses, the building inspector indirectly encourages their continuation.

Although allowing the expansion and reconstruction of noncomplying buildings, granting variances to allow the expansion of nonconforming uses, and issuing building permits to improve nonconforming uses do not advance the policy of discontinuing nonconforming uses, they allow the municipality flexibility in accommodating the needs of nonconforming use property owners while mitigating and protecting the community.

CITATIONS

- 1. Cave v. Zoning Bd. of Appeals of Village of Fredonia, 49 A.D.2d 228, 373 N.Y.S.2d 932 (4th Dep't 1975), establishes that the purpose of zoning provisions limiting the expansion, alteration or restoration of a nonconforming use are intended to encourage the disappearance of nonconforming uses in zoning districts.
- 2. In Darcy v. Zoning Board of Appeals of the City of Rochester, 185 A.D.2d 624, 586 N.Y.S.2d 44 (4th Dep't 1992), the court upheld a local determination that a nonconforming use was abandoned when evidence showed discontinuance for at least 20 months, well beyond the six month period specified in the ordinance.
- 3. Two Court of Appeals cases that articulate the tests used to determine the purpose and validity of requiring the termination of nonconforming uses over time are: Harbison v. City of Buffalo, 4 N.Y.2d 553, 559, 176 N.Y.S.2d 598, 600, 152 N.E.2d 42, 44 (1958) and Modjeska Sign Studies, Inc. v. Berle, 43 N.Y.2d 468, 402 N.Y.S.2d 359, 373 N.E.2d 255, 262 (1977).

Apply Now Alumni Connections Support Us





Property Owner

Name:

Email:

Address: Phone Number: Fax Number:

CITY OF BIFMEN AND A

COMMITY DEVELOPMENT DEFERTMENT

Administrative Approval Application Planning Division

Form will not be processed until it is completely filled out

Email: CHRIS QUINOBUILT. COM

Name:

Fax Number:

The very Hills will Phone Number: 24x 5

2. Applicant's Attorney/Contact Person	Project Designer
Name: CHRIS JUNEAU	Name: Kim Very Versing
Address: 32355 WEST 4124	Address: 768 HENRIETTA ST
DEVERTY HILL MI 48025	Phone Number: 248 318 1998
Phone Number 248 506 4787	Fax Number:
Fax Number:	- 12 - 1
Email: CARIS Q DINOBULTICOM	Email: KIME KIMDENT DESING. COM
3. Project Information	1/2
Address/Location of Property: 2296 Celt ST	Name of Historic District site is in, if any:
Binimaly kan MI 48009	Date of HDC Approval, if any:
Name of Development:	Date of Application for Preliminary Site Plan:
Parcel ID #:	Date of Preliminary Site Plan Approval:
Current Use:	Date of Application for Final Site Plan:
Area in Acres:	Date of Final Site Plan Approval:
Current Zoning:	Date of Revised Final Site Plan Approval:
Current Zonnig.	- // / / / / / / / / / / / / / / / / /
4. Attachments	
	Six (6) folded copies of plans including an itemized list of all
Warranty Deed with legal description of property	changes for which administrative approval is requested, with
 Authorization from Owner(s) (if applicant is not owner) 	the changes marked in color on all elevations
Completed Checklist	the changes marked in color on all elevations
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PRODUCT DATA SHEET

VisionGuard[™] L10 Angled Louver Updated 11.18.2015



www.roofscreen.com

VisionGuard™ L10 Angled Louver

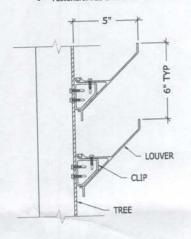
Description:

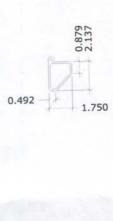
VisionGuard™ Angled Louvers are inverted 45° straight blade louvers designed for architectural and vision proofing applications. The continuous blade design with concealed snap-in retainer clips eliminates the need for unsightly vertical mullions or frame flanges.

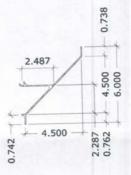
Physical Characteristics:

- Louvers: 6063-T6 extruded aluminum .100" thick.
- Clips: 6063-T6 extruded aluminum .125" thick.
- Vertical Tree: 6063-T6 extruded aluminum 3" x 3" x .188"
- Fasteners: #12-24 x 1.25" Tek 5 self-drilling screw.









Finish Options:

- Kynar 70%
- Clear Anodized
- Mill Finish

SCREEN PAWEL WILL BE CONSTRUCTED FROM VISIONGLIAND PAWELS OR SIMILAR AS INDICATED ABOVE,

Name:

Address:

Address:

Email:

Fax Number:

Administrative Approval Application Planning Division

Form will not be processed until it is completely filled out

CITY OF BRMINGHAM Property Owner NATY DEVELOPMENT SEPARTMENT

Phone Number: 248-644-4641

Phone Number: 248-258-5707

CITY OF EIRMINGHAM

AUG 0 3 2015

1964 SOUTHFIELD ROAD

BIRMINGHAM, MI 48009

430 N. OLD WOODWARD

BIRMINGHAM, MI 48009

248-258-5515

JOHNNY KARMO / MARKET SQUARE PROPERTIES

VSAROKI@SAROKIARCHITECTURE.COM

1. Applicar	nt	
Name: JOHI	NY KARMO / MARKET SQUARE PROPERTIES.	
Address:	1964 SOUTHFIELD ROAD	
Accessed to the	BIRMINGHAM, MI 48009	
Phone Numbe	r: 248-644-4641	
Fax Number:	248-644-1849	
Email:	JKARMO@MARKETSQUARESTORES.COM	

ax Number:	248-644-1849	Fax Number:	248-644-1849
	JKARMO@MARKETSQUARESTORES.COM	Email:	JKARMO@MARKETSQUARESTORES.COM
2. Applicant's Attorney/Contact Person		Project Designer Name: SAROKI ARCHITECTURE	

Name:	SAROKI ARCHITECTURE
Address:	430 N. OLD WOODWARD
	BIRMINGHAM, MI 48009
Phone Number:	248-258-5707
Fax Number:	248-258-5515
Email:	VSAROKI@SAROKIARCHITECTURE.COM

	District site is in, if any: N/A
Date of HDC Appr	
Date of Application	n for Preliminary Site Plan: 06-20-2014
	y Site Plan Approval: 07-09-2014
	n for Final Site Plan: 02-23-2015
Date of Final Site	

Address/Location of Property: 1964 SOUTHFIELD ROAD BIRMINGHAM, MI 48009 Name of Development: MARKET SQUARE Parcel ID #: 19-35-481-029, 19-35-481-030

Current Use: BUSINESS Current Use: Area in Acres: 0.172 ACRE + 0.310 ACRE = 0.482 ACRE TO Current Zoning: B-1, P

4. Attachments

· Warranty Deed with legal description of property

- · Authorization from Owner(s) (if applicant is not owner)
- · Completed Checklist
- · Material Samples
- · Digital Copy of plans

Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

5.	Details of the Request for Administrative	Approval
	EE ENCLOSED DOCUMENT OUTLINING CHANGES	

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant

Office Use Only Date Received:

Date of Denial:

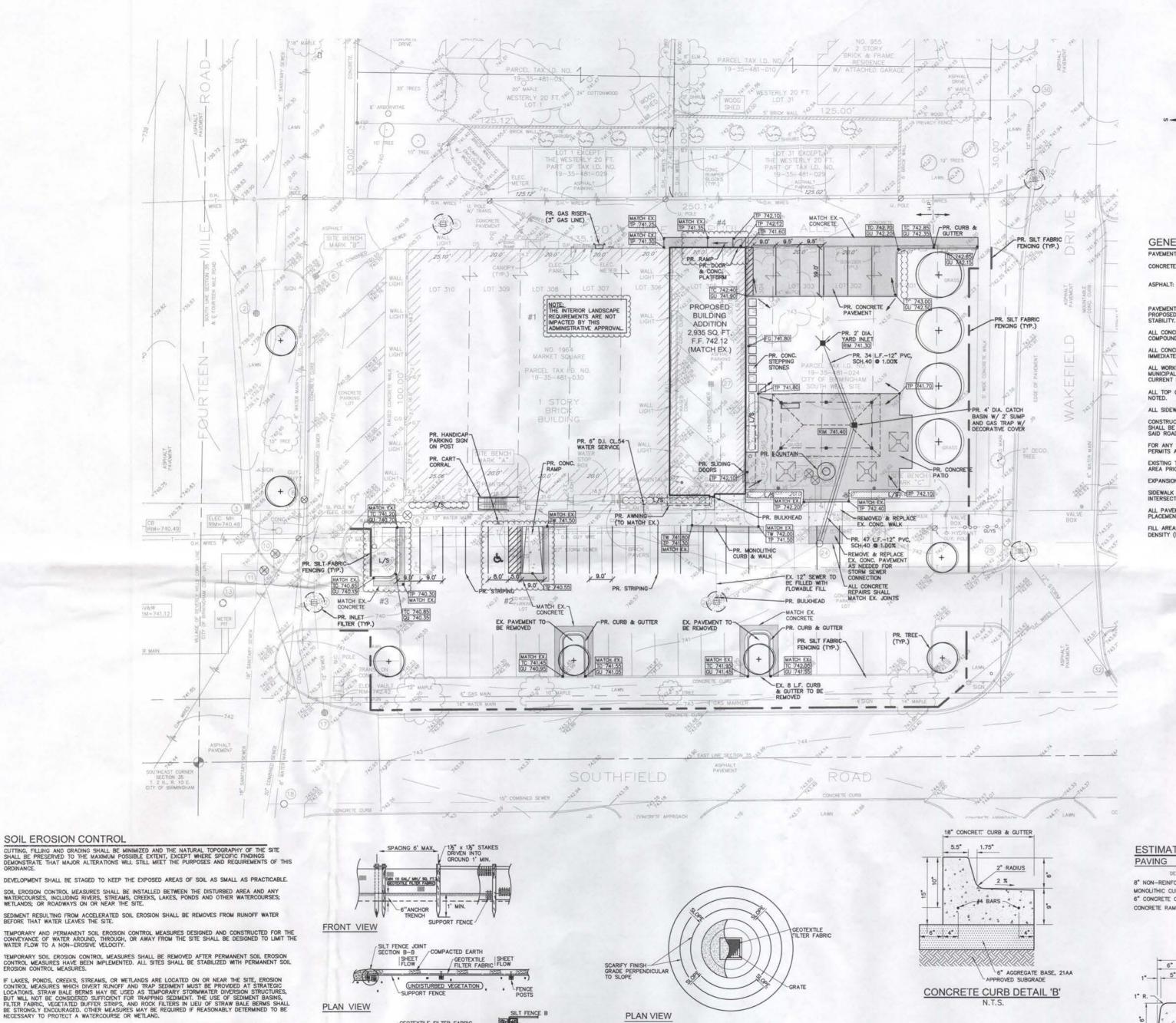


August 3, 2016

Details of the Request for Administrative Approval:

(See sheet SP-1 Site Plan for proposed revisions)

- Proposed landscape island near Southfield Rd. to be eliminated. Proposed street tree will be planted nearby. *Note: The interior landscape requirements are not impacted by this administrative approval.
- Barrier-free parking space will be moved closer to building entry, along with reducing the entry ramp width to that of a 9'-0" parking space. Parking spaces along the storefront will be re-striped accordingly.
- 3. Existing walk near SE building corner to be converted to landscape bed.
- Added a proposed ramp and landing at new door to alley due to grade differential.



SOIL EROSION CONTROL

WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH CHANGE HAS BEEN COMPLETED OR WHEN SIGNIFICANT EARTH CHANGE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED.

PERMANENT EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES, OR ANY DISTURBED LAND AREA SHALL BE COMPLETED WITHIN 15 (FIFTEEN) CALENDAR DAYS AFTER FINAL GRADING OR THE FINAL EARTH CHANGE HAS BEEN COMPLETED. ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED.

VEGETATED BUFFER STRIPS SHALL BE CREATED OR RETAINED ALONG THE EDGES OF ALL LAKES, PONDS, CREEKS, STREAMS, OTHER WATERCOURSES, OR WETLANDS.

EROSION AND SEDIMENTATION CONTROL MEASURES SHALL RECEIVE REGULAR MAINTENANCE TO ASSURE PROPER FUNCTIONING.

ALL GRADING PLANS AND SPECIFICATIONS, INCLUDING EXTENSIONS OF PREVIOUSLY APPROVED PLANS, SHALL INCLUDE PROVISIONS FOR EROSION AND SEDIMENT CONTROL IN ACCORDANCE WITH, BUT NOT LIMITED TO, THE STANDARDS CONTAINED IN THE "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION

AND SEDIMENT CONTROL", PUBLISHED BY THE OAKLAND SOIL CONSERVATION DISTRICT.

Location Map

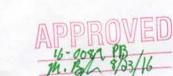
GENERAL PAVING NOTES

BASE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MDOT SS-1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED. ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS. EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.





PAVING LEGEND PROPOSED CONCRETE SIDEWALK

PROPOSED CONCRETE PAVEMENT

LLOL	LIAD		
-	MANHOLE	EXISTING	
HYDRA	NT GATE	VALVE SAN. CLE	A
MANH	OLE CATCH	EXISTING	١
	OLE CATCH	EXISTING	2.00
-	X	EX. R. Y.	
UTILITY F	POLE GUY PO	DLE EXISTING	2
	-1-0-	WIRE OVERHEAD	0
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	GU 600.00	PR. GUTT	E
	TW 600.00	PR. TOP	C
	TP 600.00	PP TOP	

LEGEND SANITARY SEWER EAN OUT WATERMAIN STORM SEWER CATCH BASIN BURIED CABLES D LINES GAS MAIN TARY SEWER R MAIN RM SEWER CATCH BASIN D LICHT POLE OF CURB ELEVATION TER ELEVATION OF WALK ELEVATION PR. TOP OF PVMT. ELEVATION FG 600.00 FINISH GRADE ELEVATION

Know what's belo Call before yo

02-04-2016 Revised Per Cl

07-13-2016 Revised Per Cli 08-18-2016 Revised Per Cli

DRAWN BY: C. Hazzard DESIGNED BY: P. Williams APPROVED BY:

P. Williams

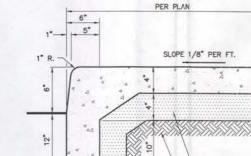
September 22, 201:

DATE: SCALE: 1'' = 20'10 0 NFE JOB NO.

1633-01

ESTIMATED QUANTITIES

8" NON-REINFORCED CONCRETE MONOLITHIC CURB & WALK 6" CONCRETE CURB & GUTTER 200 LF. CONCRETE RAMPS



8" CONCRETE PAVEMENT (3500 PSI MIN.) 6" AGGREGATE BASE, 21AA

PLAN VIEW

FINISH GRADE -

PROFILE VIEW

SILT FENCE B

COUPLER

SILT FENCE JOINT

SECTION B-B

100

SILT FENCE A

-FABRIC TO B

SILT FENCE B

WRAPPED AROUND FENCE POST

FASTENED ON UPHILL SIDE,
TOWARDS EARTH DISRUPTION
SILT FENCE A

COMPACTED EARTH ON UPHILL SIDE OF FILTER FABRIC

SHEET FLOW

6" x 6" ANCHOR TRENCH

SILTFENCE DETAIL

NTS

1' MIN.

SECTION A-A

LOW POINT INLET FILTER N.T.S.

PEA STONE FILTER MATERIAL

FOR USE DURING CONSTRUCTION AND BEFORE PAVING ONLY. GEOTEXTILE FILTER FABRIC SHALL BE USED AFTER PAVING UNTIL RESTORATION HAS BEEN ESTABLISHED.

GRAVEL WRAPPED IN GEOTEXTILE FILTER FABRIC

PROOF-ROLLED SUB BASE CONCRETE PAVEMENT SECTION

6" AGGREGATE BASE, 21AA ROVED SUBGRADE 6" MONOLITHIC CURB AND WALK

ENGINEER NO. PROJECT Market Square -Birmingham CLIENT Market Square 1964 Southfield Ro Birmingham, MI 4

ENGINI

CIVIL ENGI LAND SURV LAND PLAN

NOWAK & FRAUS E

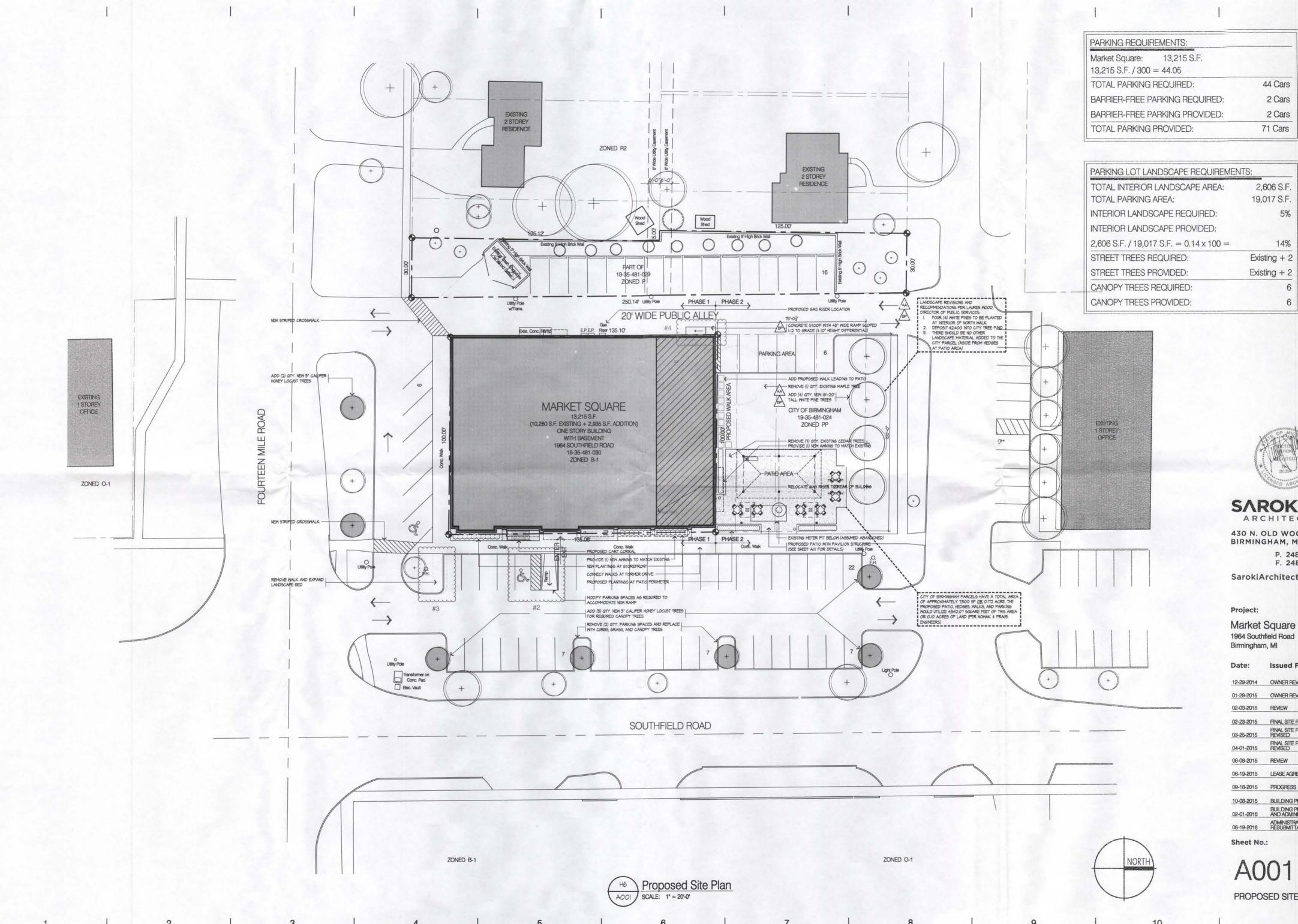
46777 WOODWA PONTIAC, MI 48 TEL. (248) 332 FAX. (248) 332

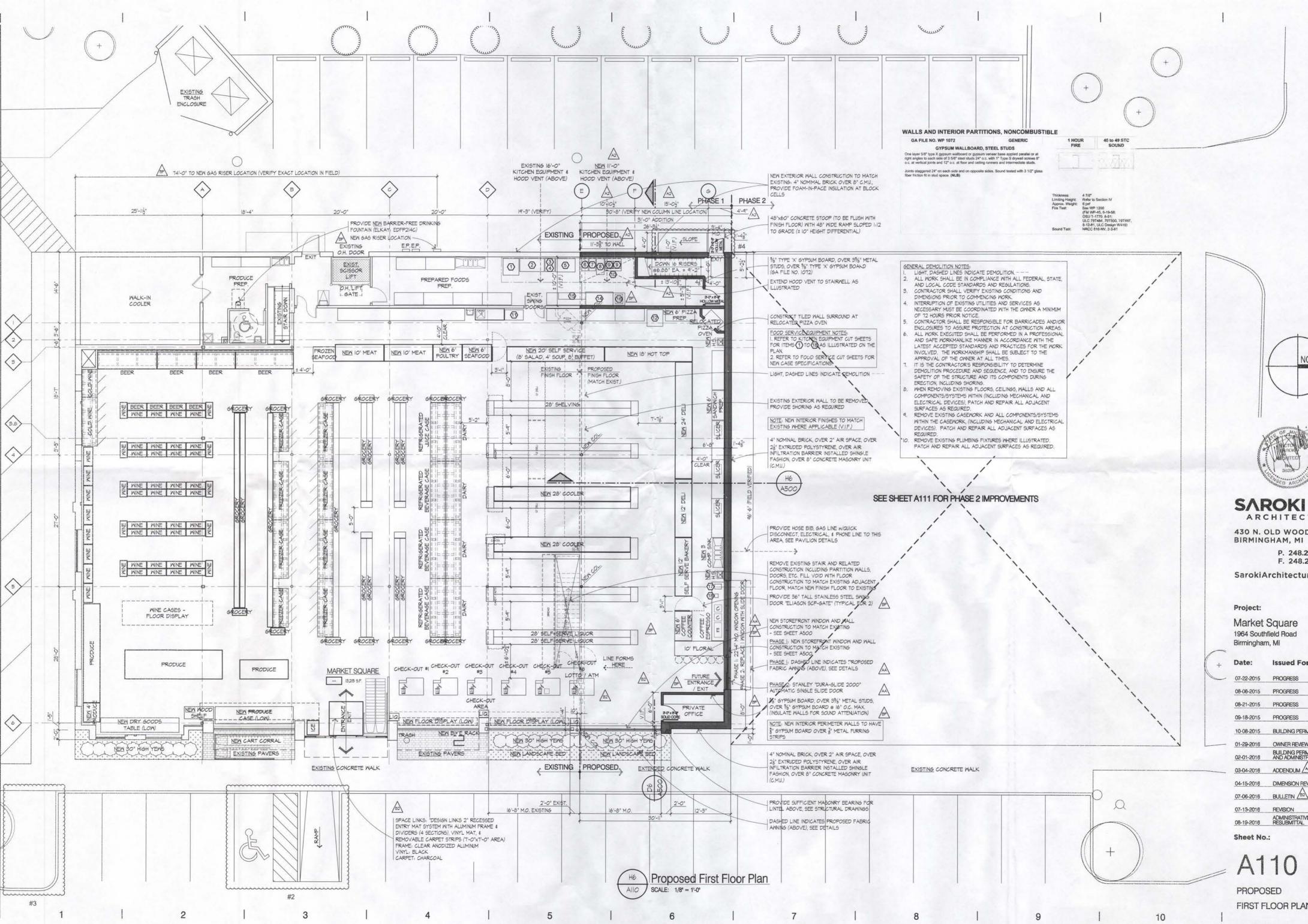
PATRICK J WILLIAMS

Contact: Johnny Karmo Tel.: (248) 334-457

PROJECT LOCATION Part of the SE 1/4 of Section 35 T.2N., R.10E., City of Birminghan Oakland County, N

SHEET Site Plan



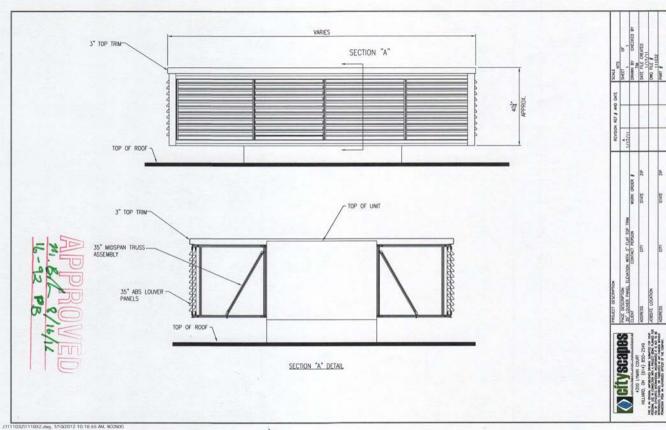


Date 08/16/2016 2:42:11 PM Ref 00131048 Amount \$100,00 AUG 1 6 2016 CITY OF BIRMINGHAM

CITY OF BIRMINGHAM

Administrative Approval Application Planning Division
Form will not be processed until it is completely filled out

Form will not be processed until it is completely line	COMMUNITY DEVELOPMENT DEPARTMENT
1. Applicant Fled Lavery Company Name: Frederick A. Lavery The Address: 34602 Woodward Avenue Birmingham, MI +8009 Phone Number: 248-645-3930 Fax Number: 248-540-1260 Email: Fredlovery Ous outogroup. Com	Property Owner Name: Oreentree investment Company Address: 440 IAKE PARK BIEMINGAPON, M. 148009 Phone Number: 248-645-5930 Fax Number: 248-645-5930 Email: Fred lavery Dusauto group. Com
2. Applicant's Attorney/Contact Person Name: FREDERICK A. LANERY TR. Address: 34602 WOODWOOD ANE. DIEMINGTON, MI 48009 Phone Number: 348-645-5930 Fax Number: 348-540-1260 Email: Fredlavery Quisqutogroup.Com	Project Designer Name: Norley Filis Devereaux Address: 26913 Northwestern Hay Dute 1300, Southfield, M. 1 48033 Phone Number: 248-262-1500 Fax Number: 348-262-1515 Email: McKaraba Dhedey. Com
3. Project Information Address/Location of Property: 3H602 Woodward Ave Bremingham, M. 1 48009 Name of Development: Parcel ID #: Current Use: Au +omobile Dealership Area in Acres: Current Zoning: 4. Attachments • Warranty Deed with legal description of property • Authorization from Owner(s) (if applicant is not owner) • Completed Checklist • Material Samples/Specification Sheets • Digital Copy of plans	Name of Historic District site is in, if any: Date of HDC Approval, if any: Date of Application for Preliminary Site Plan: Date of Preliminary Site Plan Approval: Date of Application for Final Site Plan: Date of Final Site Plan Approval: Date of Final Site Plan Approval: Date of Revised Final Site Plan Approval: Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations
5. Details of the Request for Administrative Approximation Changes providing ANAC equipment.	Date: Flogs 15, 2016 President
Date of Approvat: O/10/18 Date of Definat.	





An affordable solution for equipment screening is finally here...

Envisor equipment screens now offer architects the flexibility to create affordable, clegant, customized screening solutions that integrate with their building design, all with no rooftop penetration.

Our patented equipment screens also provide a viable solution for municipal screening code requirements on everything from HVAC units to



52" Louver Panels

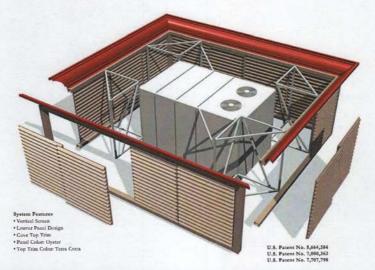


The Obio State University Foundation - Columbus, Obio

chillers, air handlers, power exhausts, roof stacks, communication equipment, dumpsters - you name it!

Customizing a screen to fit your needs is easy...

Simply choose between canted or vertical, decide on a panel design, select a top trim (optional), and pick a color. It's that simple! We can customize any feature to your particular design requirements, including custom panel designs, custom colors, and custom top trim designs. If you don't see what you need, tell us what you want. We'll build it for you.



	CITY OF BIRMINGHAM
T City of	Birming ham Date 08 40 9/2016 3:54:49 PM
Annexel Applicatio	Receipt 326517 Abloon 3 208.00
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me: 1470 Dull Hall of the	ON Adams HE
dress: 1. 1. 100 / 11 / 12 48013 - 10	bu promorom mi 48009
one Number: (3/3) 433-4086	Phone Number: (248) 348-8483 Fax Number:
Number: Nove dad war 400 yano cum	Email: 16 DO Hiday O yaho com
nail:	
Applicant's Attorney/Contact Person	Project Designer N/A
me: Dawn Clemoens	Name:
dress:	Address:
one Number:	Phone Number:
x Number:	Fax Number:
	Email:

Phone Number: (3/3) 403-403	Fax Number:
Fax Number: NOVE	Fax Number: Email: 18 No Hiday & yaho com
Email: dad hvoc-go o yano com	Email:
	11/1
. Applicant's Attorney/Contact Person	Project Designer N/A
Name: Dawn Clemouns	Name:
Address:	Address:
Address:	
Phone Number:	Phone Number:
Fax Number:	Fax Number:
	Email:
Email:	
3. Project Information GED Adams #15	Name of Historic District site is in, if any:
Address/Location of Property:	Data of HDC Approval if any:
Address/Location of Property: 550 Adams 45	Date of Application for Preliminary Site Plan:
Name of Development: 21101111111111111111111111111111111111	Date of Preliminary Site Plan Approval:
Parcel ID #: Current Use: De Si de Ofia	Date of Application for Final Site Plan:
Current Use: besidential	Date of Final Site Plan Approval:
Area in Acres:	Date of Revised Final Site Plan Approval:
Current Zoning:	Date of Revised Final Site Fian Approval.
Attachments Warranty Deed with legal description of property	 Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with
Authorization from Owner(s) (if applicant is not owner)	changes for which administrative approval is requested, with
Completed Checklist	the changes marked in color on all elevations
Material Samples/Specification Sheets	
Digital Copy of plans	
5. Details of the Request for Administrative App	proyal
Residential A/C Installation	N
	t and understands that it is the responsibility of
The undersigned states the above information is true	and correct, and understands that it is the responsibility of
the applicant to advise the Planning Division and / or	Building Division of any additional changes to the approved
site plan.	0/0/00/1
DAN //M	Date: 8/3/20/6
Signature of Applicant:	177
W	
Off	Tice Use Only
Application #: 16-0690 Date Received:	8/3/16 Fee: 110
1. Principal de la companya del companya del companya de la compan	7261
Date of Approval: \\ \\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Reviewed by:
Date of Approval: Date of Denial:	
Date of Approval: \\\\ \\ \\ \ \ \ \ \ \ \ \ \ \ \ \ \	

Dusk to Dawn Heating & Cooling Services, LLC. P.O. Box 741 Birmingham, MI 48012-0741 Tel 313-433-4080 d2dhvac-go@yahoo.com



JULY 26, 2016

City of Birmingham
Planning Department
151 Martin Birmingham, MI 48009

Dear Mr. Matthew E. Baka,

I am submitting this drawing of the condenser location for the mechanical permits I pulled on Friday July 22nd 2016. It is for a condominium located at 850 Adams #5 Birmingham, MI 48009. I attached a copy of the receipt, and the clerk said she'd forward permit copies once you reviewed the drawing.

Please don't hesitate to call, and/ or email me directly with any questions and concerns.

Dawn Clemoens

Ad PAR E STATE BUNDANCE ON BOY OF THE STATE OF THE STATE





Date 08/31/2016 4:04:23 PM Ref 00131408 Receipt 331480 Amount \$100.00

Administrative Approval Application Planning Division

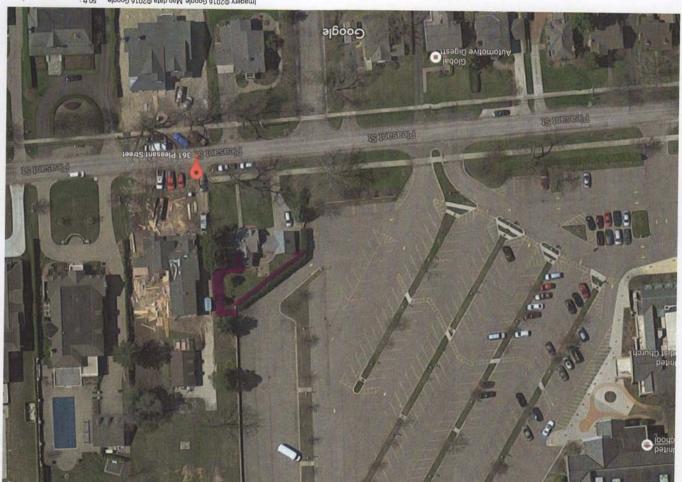
Form will not be processed until it is completely filled out

1. Applicant	Property Owner Name: FIST United Methodist Church
Name: Kimberly teach and Jupply	Address: 1589 W Maple
Address: Lutto F 9 Mile 150	Address: 1589 W Maple Bilanylan MT 48009
Phone Number: 561-920-2014 Fax Number: 561-510-4939	Phone Number: 346-396-8963
Phone Number: 564-920-2014	
Fax Number: 584 - 510 - 4939	Fax Number:
Email: Sales @ Kinberly Ferce. com	Email: building@ funcbicninghan ofg
Email: Salo E MADELY FOLL.	
10 1 1 D	Project Designer
2. Applicant's Attorney/Contact Person	Name: Tony K
Name: Paul Laskaw	Address: 1589 W Maple
Address: 6470 E 9 Mile 124	Bilminghan MI 48609
1/20100 -7 42041	Phone Number: 348-396-8963
Phone Number: 584-940 - 3014	Phone Number. 4 10 510
Fax Number: 366 - 510 - 7937	Fax Number:
Email: Sales @ Kinbery force.com	Email: building & funchilminghon org
Email. 300 C Tur-1	
3. Project Information	erry District site is in if any
Address I postion of Property: 3(a) PIEOSON 1 31	Name of Historic District site is in, if any:
Bininghan, MI 48009	Date of HDC Approval, if any:
Name of Development:	Date of Application for Preliminary Site Plan:
Parcel ID #:	Date of Preliminary Site Plan Approval:
Current Use: Residence	Date of Application for Final Site Plan:
	Date of Final Site Plan Approval:
Area in Acres:	Date of Revised Final Site Plan Approval:
Current Zoning:	
4. Attachments	Two (2) folded copies of plans including an itemized list of all
Warranty Deed with legal description of property	Two (2) folded copies of plans including an includin
Authorization from Owner(s) (if applicant is not owner)	changes for which administrative approval is requested, with
Completed Checklist	the changes marked in color on all elevations
Material Samples/Specification Sheets	
Digital Copy of plans	
5. Details of the Request for Administrative App	proval link on North side of
T III Was at 4 CAUVINICION CIN	
property. Install 110 of 6 cedal	Shudowbex on South side of
710/21 70 2 10 10 11	
projectly.	
the shows information is true	and correct, and understands that it is the responsibility of
The undersigned states the above mor matter is true	Building Division of any additional changes to the approved
the applicant to advise the Planning Division and 7 of	Building Division or my
site plan.	A 2/4 1/4
	D. 1820 10 10 10 10 10 10 10 10 10 10 10 10 10
Signature of Applicant:	Date: A D D D TO
Signature of Applicant.	
	ffice Use Only A 1170
Application #: 16-101 Date Received:	9/31/1/ Fee: 7/100
Application #: 16-101 Date Received:	0/31/16
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Date of Approval: Date of Denial:	1 0 //
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Date of Approval Bate of Denial:	Reviewed by: M. B./
Date of Approval: Date of Denial: Ati6 3 1 2016	Reviewed by: M.B./
Date of Denial: Aii: 3 1 2016 CITY OF BURMINGHAM	10/
Date of Approval: Date of Denial: Ati6 3 1 2016	Reviewed by: M. B.



PostMaster® Steel Posts





Imagery ©2016 Google, Map data ©2016 Google 50 ft

Administrative Approval Application Planning Division Form will not be processed until it is completely filled out

4 Applicant	Property Owner OMINITY DESCRIPTION OF HIS MAN AND AND AND AND AND AND AND AND AND A
1. Applicant	Name: Trining Legale Both Dirmingham, ML
Name:	Address "4 h. O. N. Din Wood ward LAVE.
Address: 460 N. old Woodward Ave.	Name: John Cardy Address: 44 of Addr
Birmingham, MI 48809	Phone Number 248 - 203-9841
Phone Number: 24X- de 3- 1841	Fax Number: 248 - 203 - 98 4 7
Fax Number: 248 - 203 - 48 4 1	- Fax Number: Ada Boy to Diff. All.
Email: office @ jlbham.org	Fax Number: 248-203-4847 Email: office @ jlbham. org
2. Applicant's Attorney/Confact Person	Project Designer
2. Applicant's Attorney/Contact reson	Name: TD EMI-14 COMSTRUTION
Name: RICK RAUGH	Address 12/10 MARGAMAN CHUMIA
Address: 13600 MERCHAM, LIVENIA	Phone Number:
Phone Number: 317-701 - 95 08	Phone Number:
Fax Number:	Fax Number:
	Email:
Email:	
3. Project Information	
Address/Location of Property:	Name of Historic District site is in, if any:
Addition and the second	Date of HDC Approval, if any:
Name of Development:	Date of Application for Preliminary Site Plan:
Parcel ID #:	Date of Preliminary Site Plan Approval:
Parcel ID #: Current Use:	Date of Application for Final Site Plan:
Area in Acres:	Date of Final Site Plan Approval:
Current Zoning:	Date of Revised Final Site Plan Approval:
Warranty Deed with legal description of property Authorization from Owner(s) (if applicant is not owner) Completed Checklist	 Six (6) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations
5. Details of the Request for Administrative App	proval
A show information is true	and correct, and understands that it is the responsibility of
the applicant to advise the Planning Division and / or site plan.	Building Division of any additional changes to the approved
Signature of Applicant:	Date:
Application #: 16-0091 Date Received:	Fee: \$100
Application #: 10 Date Received.	Reviewed by: 79.BL

1	UPRIGHT FENCE INC. Sub. 37915 FORD ROAD, WESTLAND, MICHIGAN 48185 Inherier Let Cerner Let Hole Inspection Final Inspection Www.upright-fence.com Www.upright-fence.com Date 1-6-16 Warney Marrier Dire 1-6-16 Warney Marrier Dire 1-6-16 Warney Marrier Dire 1-6-16 Dire 1		
-	We propose to furnish, deliver and exect the following, as per ground p	of:W. of:W. of:	In on: Mark # Gauge # ft. wide. SAPLY + FATALL SO CF. OF 7 HEAD
PROPERTY AND FENCE PLAN	6 70 4		COMMERCIAL CARDE LATA 12-DX2 POST PLATED & ANCHORED TO CEMENT LATA COVERS ALSO: 48 CE of MARISON CRAB BALL
044	* 6"	APPROV 16-91 PB 12-8/11	PENET.
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	UPRIGHT FENCE INC.	OWNER/PURCHASER OWNER/PURCHASER	







Administrative Approval Application

Form will not be processed until it is completely	filled out
1. Applicant	Property Owner COMMINITY DEVELOPMENT DEPARTMENT
Name: LMB REPORTES LIL	Name: LMB Mogettes ale
Address: 36800 Wood Evans	Address:
SUITE 115 BAD HUS MI	330 Jone Number:
Phone Number: 248-644-4910 Fax Number: 248-594-4797	Fax Number:
rax Number: 278 397 9797	
Email: RKHAND WIAMDO GMAIL, COM	Email:
2. Applicant's Attorney/Contact Person	Project Designer
Name: GREG GAMACSEI	Name: English Right & Assoc
	Address: // MILE ROAD
Phone Number: 248-451-7125	povaroak, mi
Phone Number: 248-457-7/25	Phone Number: 248-414-9270
Fax Number:	Fax Number:
Email:	Email: JEFF C KRIEGOREIGHT, COM
3. Project Information	
Address/Location of Property: 885 Redding	Name of Historic District site is in, if any:
/ 200 /	Date of HDC Approval, if any:
Name of Development:	Date of Application for Preliminary Site Plan:
Parcel ID #:	Date of Preliminary Site Plan Approval:
Current Use:	Date of Application for Final Site Plan:
Area in Acres:	Date of Final Site Plan Approval:
Current Zoning:	Date of Revised Final Site Plan Approval:
4. Attachments	
Warranty Deed with legal description of property	Two (2) folded copies of plans including an itemized list of all
Authorization from Owner(s) (if applicant is not owner)	changes for which administrative approval is requested, with
Completed Checklist	the changes marked in color on all elevations
Material Samples/Specification Sheets	the changes marked in color on an elevations
Digital Copy of plans	
5. Details of the Request for Administrative App MINOR DESIGN HINGE	roval
- This out of the state of	
The undersigned states the above information is true a	nd correct, and understands that it is the responsibility of
	Building Division of any additional changes to the approved
	runding Division of any additional changes to the approved
site plan.	
	(alm tinner
Signature of Applicant:	Date: Of The S
	AIPIPINUVILE
Offic	re Use Only
Application #: 16-0093 Date Received:	2/17/16 Fee: \$100
	11.11.11
Date of Approval: 8/17/16 Date of Denial:	Reviewed by: M. B/L
Date of Approval: 8/17/16 Date of Denial:	Reviewed by:



LMB PROPERTIES, LLC

885 Redding - PERMIT PLAN TO APPROVED PLAN COMPARISON

9-Aug-16

Most/Many issues below relate to getting a properly draining roof which was determined during construction plan phase. We do not incurr the cost of complete structural design before site plan is approved by Planning Commission.

Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	Notes
ear - Unit #2			
	A200	A203	Stone changed to handmade brick
			2. Roof dormers in attic changed to to single window dormers
			 Bedroom dormers on left and right side viewed from side have changed from lean to roofs to hip roofs to allow head room in bedroom without running off roof.

Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	Notes
East - Unit #2			
	A201	A203	 Window box removed from kitchen window as it is in awkward to maintain location that no one will see.
			2. Upper roof changed to add hip roof on south side of gables. This was done to allow us to move the bathroom and bedroom rearward on this unit. It would not fit with the design of the front elevation for unit #2 which was never shown on the approved plans. This was a structural issue. You will see we have a balancing dormer on both sides of the gable. The result was better symetry
			3. we added a window into the mud room. We believe it will be dark without the window.
			4. We changed the stone columns on porch to Azek. We learned these were awkward when we did the full front elevation of Unit #2, again, this was not shown on the approval plans.
			5. We changed the garage doors, the doors drawn by artist are not a standard door.

Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	
West Elevation - I	Unit #2		

A200	A204	 We replaced siding on master bedroom panel (south end of unit) with brick. We did the same on the garage rear wall. This was part of a plan to add more masonry and reduce some higher maintenance siding.
		2. We eliminated two angled, buttresses
		We added a required egress window for basement and a daylight window for basement to provide natural light in lower level family room.
		4. In order to make the roof drain properly, when we did the roof plan structure, we realized the small gable on the west elevation had to be widened, so we slightly widened the main roof gable.
		5. We added a second flue to top of chimney.

Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	700000	
North Elevation -	Unit #2			
	No Shown	A202	Very consistent with rest of Unit #2 materials and design.	MIT THE PARTY OF T

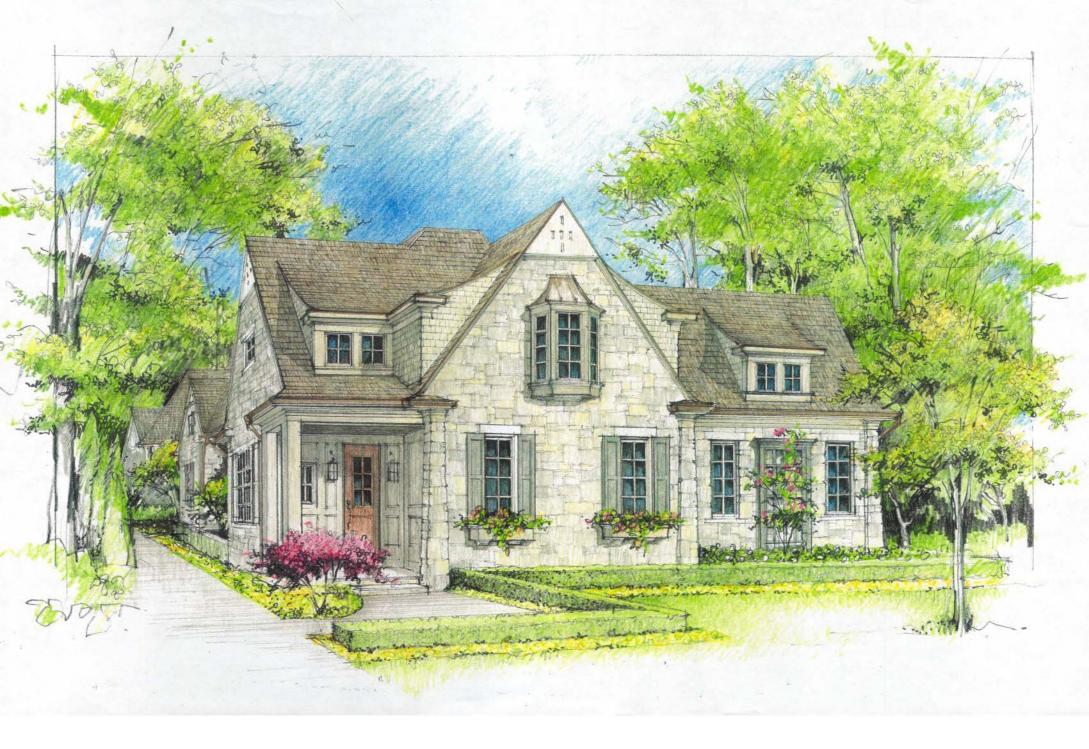
Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	Notes
North Elevation	- Unit 1		
	A201	A200	We widened the bay window in the bedroom on second floor so it would meet egress, we believe it is better proportioned.
	in Est Ele		We raised roof on dormers flanking left and right of main front facing gable to make them more substantial looking.
			We changed front porch roof so main roof could be raised enough to allow code required head room for staircase going to second floor.
			4. We softened the entry porch by adding recessed paneling which we feel is more "approachable" than a stone wall.
			We added stone to the right of the main gable to keep the materials more consistent (less visual chaos).
Tales 1			We added a custom metal "climbing hydrangea" frame so it would feel in the large blank space between the two windows - SEE COLOR RENDERING.

Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	The state of the s	
East Elevation - U	Init 1			
	A201	A200	We replaced the brick on the side elevation to stone for this unit for consistency.	

We widened the side staircase area of the house to allow headroom to second floor. The caused us
to eliminate on window immediately behind this element.
3. We eliminated the stone butresses on this elevation and replaces with Azek square columns which will look more substantial and less awkward. These butresses seems to work in stone when they are against a corner of stone, but look bad when free standing as columns with four sides exposed. There is not foundation on two sides.
 We changed the garage doors, the doors drawn by artist are not a standard door.
Mud room porch was drawn out of scale on rendering, corrected on plans.
 We keep Unit #1 primarily stone and siding this caused us to remove brick butress on south end of garage.

Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	Notes
West Elevation -	Unit 1		
	A200	A201	 I apparently eliminated shutters on Master Bedroom and Family room window. I think this is done because these are not frequently viewed. Need Matthews thoughts.
			2. We traded stone on rear Family wall with Brick on Front Master Bedroom wall so the front unit will be wrapped in stone for most of the unit. We transition now to brick for the rear of Unit #1 and the entirety of unit #2.
			We added a window on upper dormer to get more light into room.

Elevation	Plan Page As Approved By	Corresponding Plan Of Construction Documents	WALKER TO THE PARTY OF THE PART
South Elevation -	Unit 1		
	Not Shown	A202	1. Looks great!



885 Redding Rd.

ew Construction 5 Redding Rd. mingham, MI 48009

eneral Scope of Work

onstruction of a new two-family residence with ttached garages

ilding Code Information

IBC 2012

01

.03

01.1

01.2

00.1

00.2

01.2

NICHIGAN UNIFORM ENERGY CODE 2009

MICHIGAN MECHANICAL CODE 2012

MICHIGAN PLUMBING CODE 2012

ATIONAL ELECTRIC CODE & THE MI PT. 8 ELECT. RULES 2014

eet	Index
00	Title Sheet & Architectural Site Plan
01	Site Plan & Drainage Plan
02	Site Plan & Drainage Plan
03	Abbreviations & Symbols Legend
04	Project Specifications
00.1	Foundation Plan: Unit 1
00.2	Foundation Plan: Unit 2
01.1	Finished Lower Level Plan: Unit 1
01.2	Finished Lower Level Plan: Unit 2
02.1	First Floor Plan: Unit 1
02.2	First Floor Plan: Unit 2
03.1	Second Floor Plan: Unit 1
03.2	Second Floor Plan: Unit 2
04.1	Roof Plan: Unit 1
04.2	Roof Plan: Unit 2
00	Exterior Elevations: Unit 1
01	Exterior Elevations: Unit 1
02	Exterior Elevations: Unit 1 & 2
03	Exterior Elevations: Unit 2
04	Exterior Elevations: Unit 2
00	Building Section
01	Building Section
02	Building Section
03	Building Section
04	Building Section
OF	Puilding Section

Building Section Section Details Section Details Section Details Typical Section Details Second Floor Framing Plan: Unit 1 Second Floor Framing Plan: Unit 2 Roof Framing Plan: Unit 1 Roof Framing Plan: Unit 2 Lower Level Electrical Plan: Unit 1 Lower Level Electrical Plan: Unit 2 First Floor Electrical Plan: Unit 1 First Floor Electrical Plan: Unit 2 Second Floor Electrical Plan: Unit 1

Second Floor Electrical Plan: Unit 2

Zoning Information (City of Birmingham)

ZONED: R-4, TWO-FAMILY RESIDENTIAL LOT AREA: 17,250 SQ. FT. MAXIMUM % OF LOT COVERAGE ALLOWED: N/A

MAXIMUM TOTAL FLOOR AREA: 40%

40% X 17,250 SQ. FT. = 6,900 SQ. FT. MAX.

PROPOSE LOT COVERAGE (FOOTPRINTS)

TOTAL:	6,372.0 SQ. FT. < 6,900	0.0 SG
7. COVERED PORCH (C)	55.0 SQ. FT.	
6. COVERED PORCH (B)	35.0 SQ. FT.	
5. COVERED PORCH (A)	49.0 SQ. FT.	
4. GARAGE: UNIT 2	558.0 SQ. FT.	
3. GARAGE: UNIT 1	626.0 SQ. FT.	
2. HOUSE: UNIT 2	2,470.0 SQ. FT.	
1. HOUSE: UNIT 1	2,579.0 SQ. FT.	

6,372.0 SQ. FT. / 17,250 SQ. FT. = 37.0% < N/A

SETBACK INFORMATION

FRONT YARD REQUIRED: 25.0

- FRONT YARD PROPOSED: 36.7

SIDE YARD REQUIRED:

9.00' OR 10% OF LOT WIDTH (WHICHEVER IS LARGER)

- TOTAL OF TWO SIDES:

14.00' OR 25% OF LOT WIDTH (WHICHEVER IS LARGER)

- TOTAL SIDE YARD REQUIRED: 18.75' (75.00' X 25%)

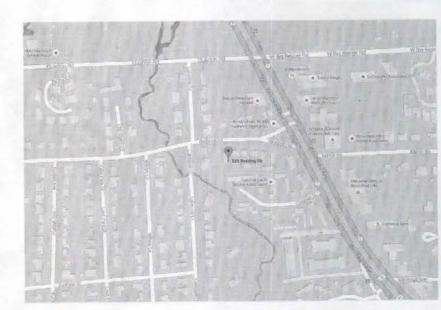
9.75 - PROPOSED EAST SIDE: 9.00" - PROPOSED WEST SIDE: 18.75 - PROPOSED TOTAL SIDE:

REAR YARD REQUIRED: 30.0'

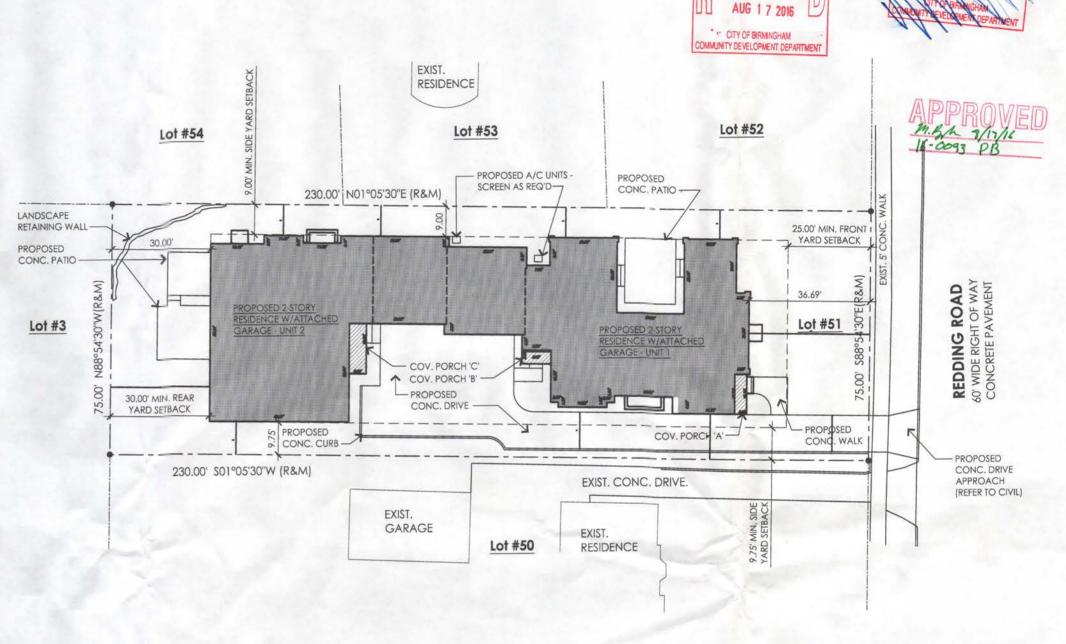
- REAR YARD PROPOSED:

REQUIRED DISTANCE BETWEEN STRUCTURES: 18.75'

MAXIMUM BUILDING HEIGHT (TO MIDPOINT): 35.0' PROPOSED ROOF HEIGHT (TO MIDPOINT): 22.6'







General Contractor

Hunter Roberts Homes / Wellington Chase Homes Suite 115 36800 Woodward Ave. Bloomfield Hills, MI 48301 P. 248.644.4910 F. 248.594.9797

Architect

Krieger I Klatt Architects Inc. (Jeff Klatt R.A.) 1412 E. 11 Mile Rd. Royal Oak, MI 48067 P. 248.414.9270 F. 248.414.9275

Civil Engineer

Horizon Engineering Inc. (Nathan P. Robinson, P.E.) P.O. Box 182158 Shelby Twp., MI 48318 P. 586.453.8097 F. 586.580.0053

Structural Engineer

Maverick Consulting Engineers, Inc. (Scott Lidgard, P.E.) 3190 Walnut Lake Ct. Commerce Twp., MI 48390 P. 517.669.9642 F. 517.668.0027



THIS SITE PLAN IS FOR GENERAL DESIGN PURPOSES ONL' ALL CIVIL DOCUMENTS & LANDSCAPE PLAN TO BE SUPPLIED BY H.R.H. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE MEASUREMENTS

Site Construction Notes:

- SEE CIVIL ENGINEERS DRAWINGS FOR GRADING INFORMATION. ALL GRADES ARE TO SLOPE MIN. 1/4" PER FOOT AWAY FROM THE HOUSE AND OUT TO TH
- 2. SILT FENCE WILL BE MAINTANED DURING CONSTRUCTION. SEE CIVIL ENG.
- 3. SEE CIVIL ENGINEER DRAWINGS FOR ANY TREE REMOVAL INFORMATION
- 4. PROTECT EXISTING TREES AS REQUIRED LOCAL CITY BUILDING STANDARDS
- 5. FOR LANDSCAPE DESIGN INFORMATION SEE PLANS PREPARED BY H.R.H. / LANDSCAPE ARCHITECT
- PROVIDE IRRIGATION SYSTEM AS DESIGNED BY H.R.H. / LANDSCAPE
- VERIFY REQUIREMENTS FOR SITE LIGHTING W/ H.R.H. PROVIDE UNDERGROUND
- VERIFY IF UNDERGROUND DRAINAGE IS REQ'D FOR DOWNSPOUTS W/ H.R.H.
- 9. VERIFY GAS / ELECTRICAL SERVICE LOCATION W/ H.R.H.

HUNTERROB

krieger klatt

architecture interiors co

Client:

Hunter Roberts H Suite 115 36800 Woodward A

Bloomfield Hills, MI

Project:

New Constructi 885 Redding Road Birmingham, MI 48009

Issued:

05-26-2016 Construction

Seal:



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North Arrow:



Sheet Title:

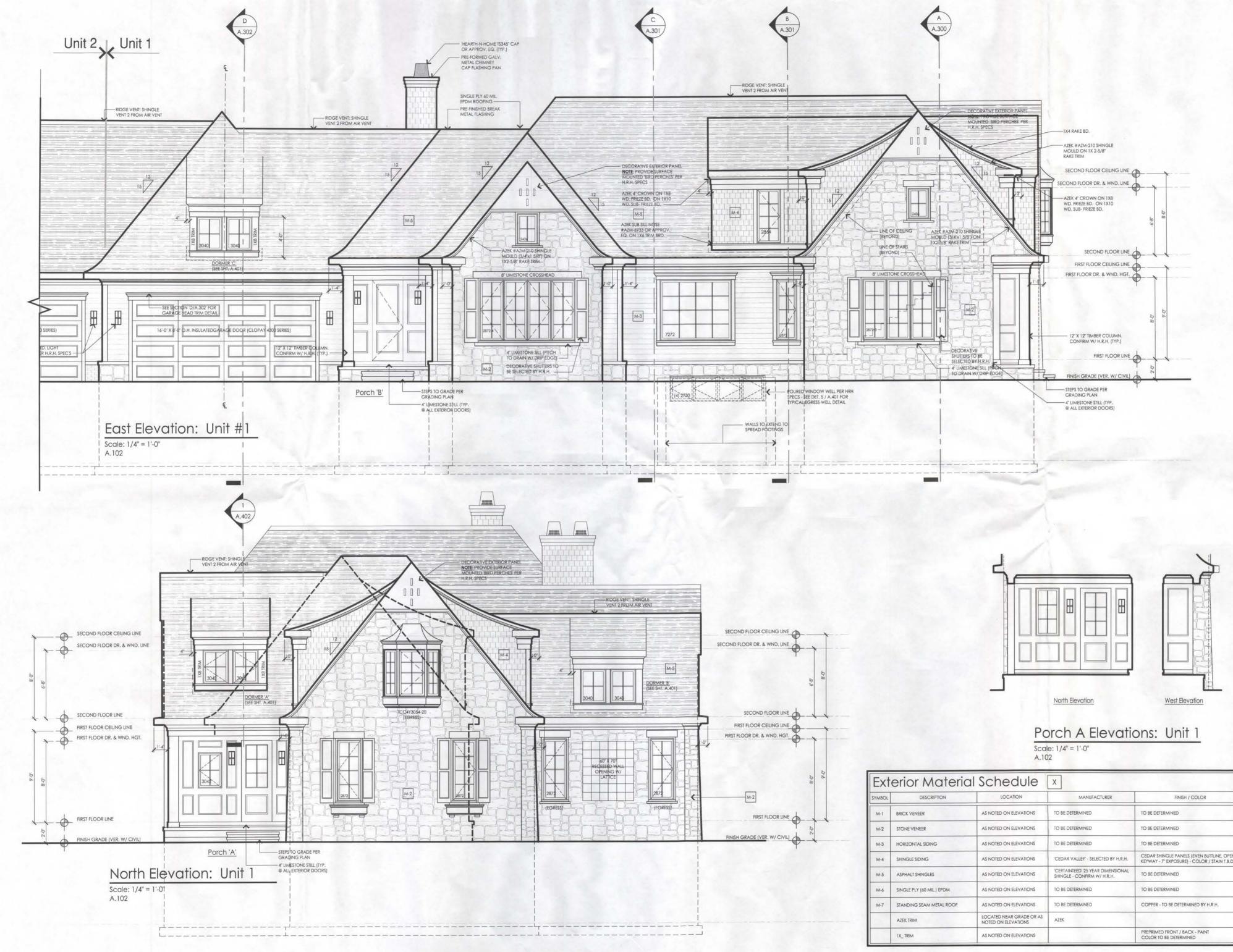
Title Sheet & Architectural Sit

Scale:

As Noted

Project Number

15-203



HUNTERROB

krieger klatt
ARCHII
architecture interiors con 1412 East Eleven Mile Road. Royal Oc Phone: 248.414.9270 Fax: 248.414.9275 Web: kg

Client:

Hunter Roberts Ho Suite 115 36800 Woodward A Bloomfield Hills, MI 4

Project:

New Construction 885 Redding Road Birmingham, MI 48009

Issued:

05-26-2016 Construction

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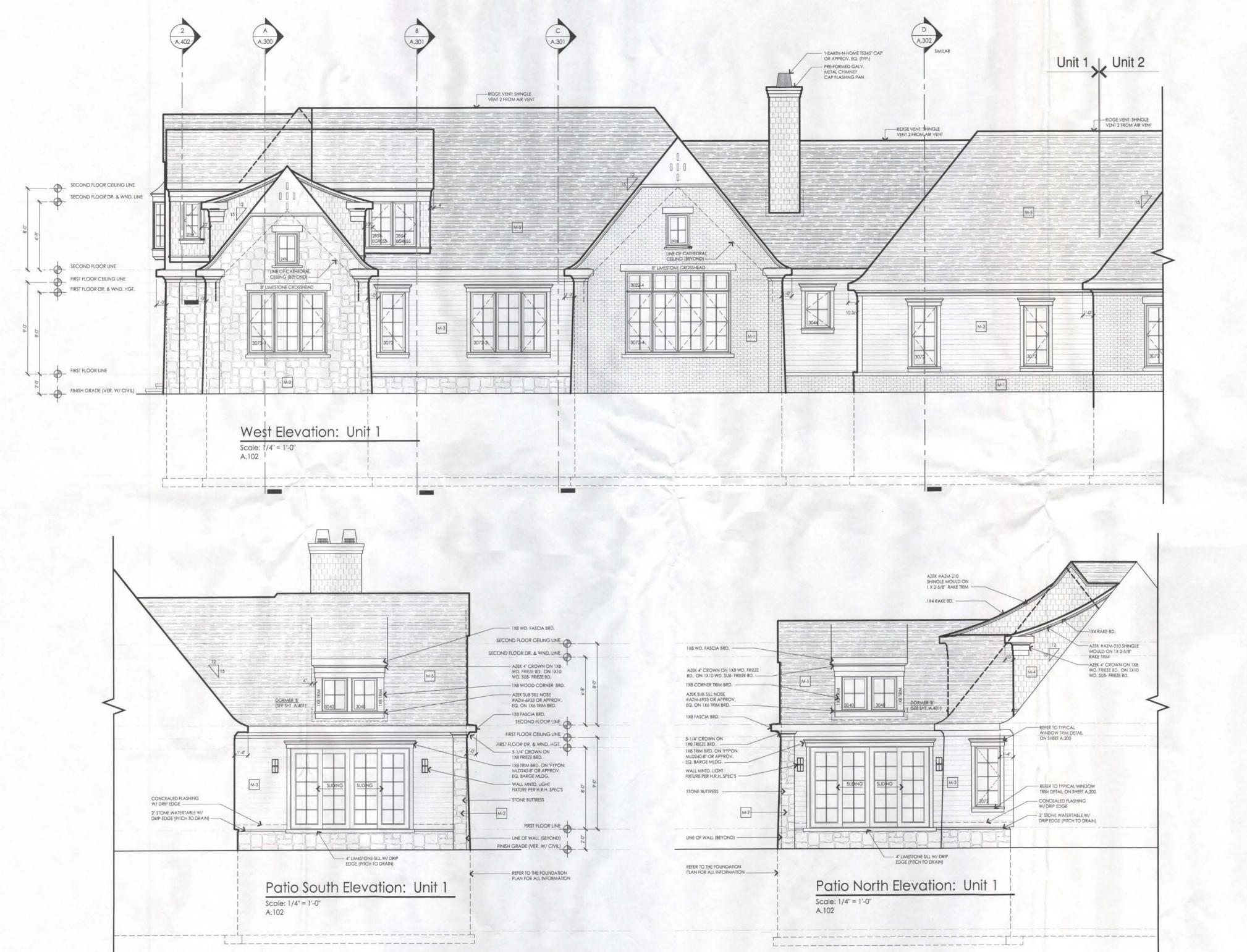
Exterior Elevation Unit 1

Scale:

As Noted

Project Number:

15-203



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krieger klatt

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architecture interiors co 1412 East Eleven Mile Road, Royal Or Phone: 248.414.9270 Fax: 248.414.9275 Web; k

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Note:

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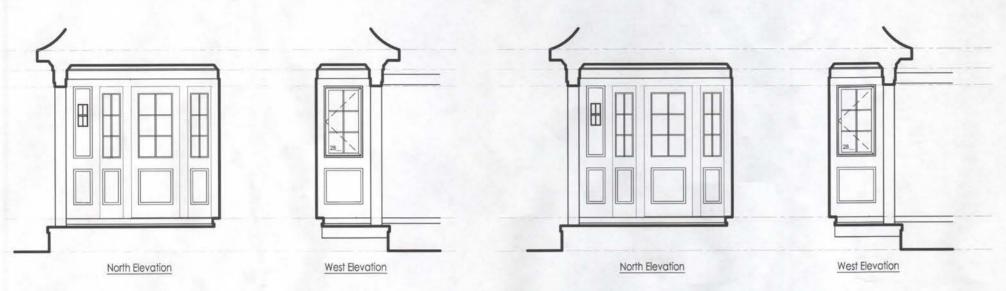
Exterior Elevation Unit 1

Scale:

As Noted

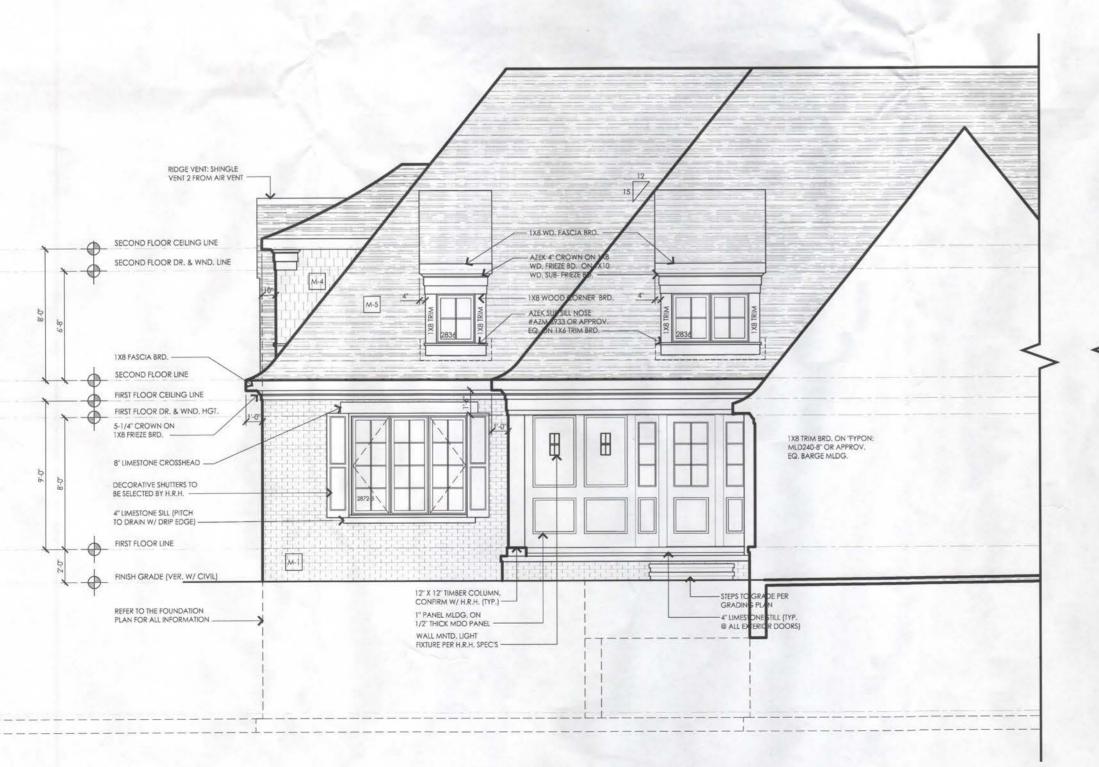
Project Number:

15-203



Porch B Elevations: Unit 1

Scale: 1/4" = 1'-0" A.102



North Elevation (Porch C): Unit 2

Porch C Elevations: Unit 2

Scale: 1/4" = 1'-0"

A.102

Exterior Material Schedule X DESCRIPTION FINISH / COLOR LOCATION MANUFACTURER TO BE DETERMINED BRICK VENEER AS NOTED ON ELEVATIONS TO BE DETERMINED TO BE DETERMINED TO BE DETERMINED M-2 AS NOTED ON ELEVATIONS STONE VENEER TO BE DETERMINED TO BE DETERMINED HORIZONTAL SIDING AS NOTED ON ELEVATIONS CEDAR SHINGLE PANELS (EVEN BUTTLINE, OPEN KEYWAY - 7" EXPOSURE) - COLOR / STAIN T.B.D. 'CEDAR VALLEY' - SELECTED BY H.R.H. SHINGLE SIDING AS NOTED ON ELEVATIONS 'CERTAINTEED' 25 YEAR DIMENSIONA SHINGLE - CONFIRM W/ H.R.H. TO BE DETERMINED AS NOTED ON ELEVATIONS SINGLE PLY (60 MIL.) EPDM AS NOTED ON ELEVATIONS TO BE DETERMINED TO BE DETERMINED AS NOTED ON ELEVATIONS COPPER - TO BE DETERMINED BY H.R.H. STANDING SEAM METAL ROOF LOCATED NEAR GRADE OR AS NOTED ON ELEVATIONS AZEK TRIM

Window Specification:

- ALL WINDOW DESIGNATION REFER TO WEATHERSHIELD WINDOWS.
 CONFIRM FINAL SELECTION W/ H.R.H. FOR ACTUAL ROUGH
 OPENING INFORMATION REFER TO DOCUMENTS PROVIDED BY
 WINDOW SUPPLIER / H.R.H.

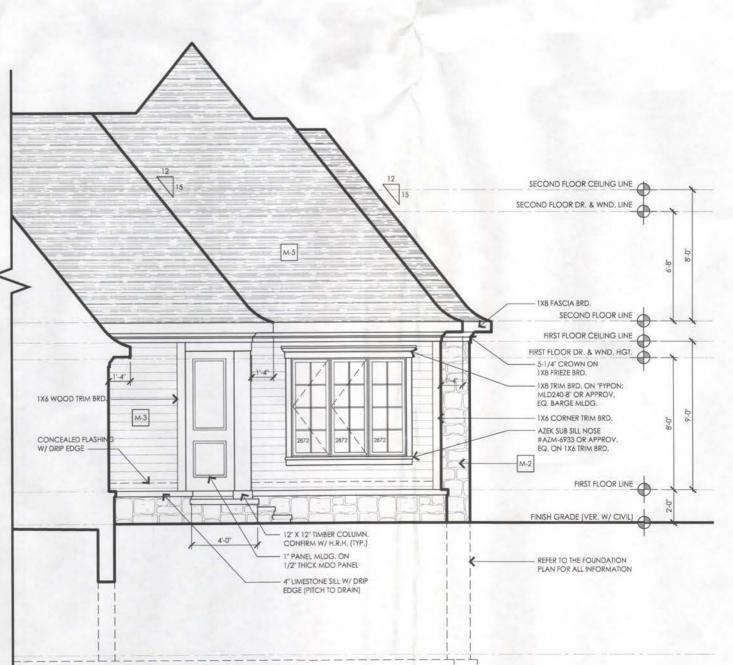
 PROVIDE MULLION REINFORCING AS REQUIRED. COORDINATE

General Elevation Notes:

ALL OPERABLE WINDOWS LOCATED MORE THAN 72" ABOVE GRADE, THE LOWEST PART OF WINDOW CLEAR OPENING SHALL BE 24" MIN, ABOVE FINISHED FLOOR, PROVIDE "WINDOW OPENING LIMITING DEVICES" IF BELOW 24" PER SECTION 612 OF M.R.C. 2009

PREPRIMED FRONT / BACK - PAINT

- DOWNSPOUT LOCATIONS TO BE CONFIRM W/ H.R.H. PRIOR TO INSTALLATION
- LUMBER SUPPLIER TO SUBMIT SHOP DRAWINGS OR SAMPLES OF ALL DECORATIVE BRACKETS, CROWN MOLDINGS, SILLS, PANEL MOLDINGS, ETC. FOR H.R.H. APPROVAL PRIOR TO ORDERING
- ALL TRIM IS TO BE PACKED OUT WITH 1/2" MATERIAL AS REQUIRED IN ORDER FOR SIDING TO ABUT TRIM
- 5. ALL CUT ENDS OR DRILLED LUMBER IS TO BE REPAIRED W/ PRIMER
- ALL TRIM BOARDS THAT ARE GREATER THAN 12" NOMINAL ARE TO BE CUT FROM AZEK OR FROM JAMES HARDIE BOARD AND TO BE 3/4" THICK MATERIAL



South Elevation (Porch B): Unit 1

Scale: 1/4" = 1'-0"

HUNTERROB

krieger klatt

ARCHI

architecture interiors co

1412 East Eleven Mile Road. Royal O Phone: 248.414.9270 Fax: 248.414.9275 Web:

Client:

Hunter Roberts H Suite 115 36800 Woodward A Bloomfield Hills, MI

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Issued:

05-26-2016 Construction

Seal:



Note:

Do not scale drawings. calculated dimensions Verify existing condition

North Arrow:

Sheet Title:

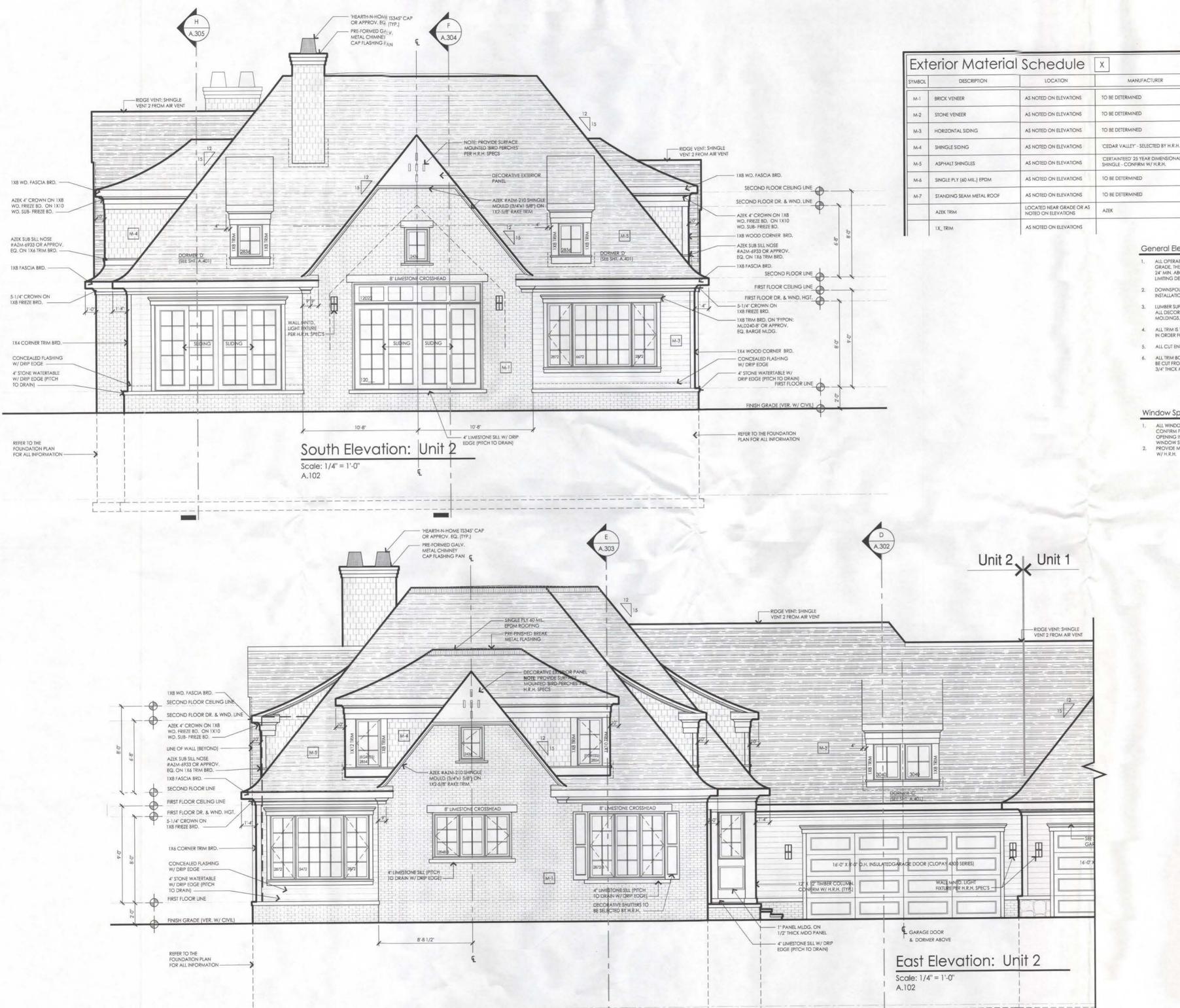
Exterior Elevation Units 1 & 2

Scale:

As Noted

Project Number:

15-203



FINISH / COLOR TO BE DETERMINED TO BE DETERMINED 1412 East Eleven Mile Road, Royal O Phone: 248.414.9270 Fax: 248.414.9275 Web: N TO BE DETERMINED Client: CEDAR SHINGLE PANELS (EVEN BUTTLINE, OPEN KEYWAY - 7" EXPOSURE) - COLOR / STAIN T.B.D. TO BE DETERMINED TO BE DETERMINED

General Elevation Notes:

- ALL OPERABLE WINDOWS LOCATED MORE THAN 72" ABOVE GRADE, THE LOWEST PART OF WINDOW CLEAR OPENING SHALL BE 24" MIN. ABOVE FINISHED FLOOR, PROVIDE "WINDOW OPENING LIMITING DEVICES" IF BELOW 24" PER SECTION 612 OF M.R.C. 2009
- DOWNSPOUT LOCATIONS TO BE CONFIRM W/ H.R.H. PRIOR TO INSTALLATION

COPPER - TO BE DETERMINED BY H.R.H.

PREPRIMED FRONT / BACK - PAINT COLOR TO BE DETERMINED

- LUMBER SUPPLIER TO SUBMIT SHOP DRAWINGS OR SAMPLES OF ALL DECORATIVE BRACKETS, CROWN MOLDINGS, SILLS, PANEL MOLDINGS, ETC. FOR H.R.H. APPROVAL PRIOR TO ORDERING
- 4. ALL TRIM IS TO BE PACKED OUT WITH 1/2" MATERIAL AS REQUIRED IN ORDER FOR SIDING TO ABUT TRIM
- 5. ALL CUT ENDS OR DRILLED LUMBER IS TO BE REPAIRED W/ PRIMER
- 6. ALL TRIM BOARDS THAT ARE GREATER THAN 12" NOMINAL ARE TO BE CUT FROM AZEK OR FROM JAMES HARDIE BOARD AND TO BE 3/4" THICK MATERIAL

Window Specification:

- 1. ALL WINDOW DESIGNATION REFER TO WEATHERSHIELD WINDOWS. CONFIRM FINAL SELECTION W/ H.R.H. - FOR ACTUAL ROUGH OPENING INFORMATION REFER TO DOCUMENTS PROVIDED BY WINDOW SUPPLIER / H.R.H.

 2. PROVIDE MULLION REINFORCING AS REQUIRED. COORDINATE

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architecture interiors co

Hunter Roberts H Suite 115 36800 Woodward A Bloomfield Hills, MI

Project:

New Constructi 885 Redding Road Birmingham, MI 48009

Issued:

05-26-2016 Construction

Seal:

Note:

Do not scale drawings. calculated dimensions Verify existing condition

North Arrow:

Sheet Title:

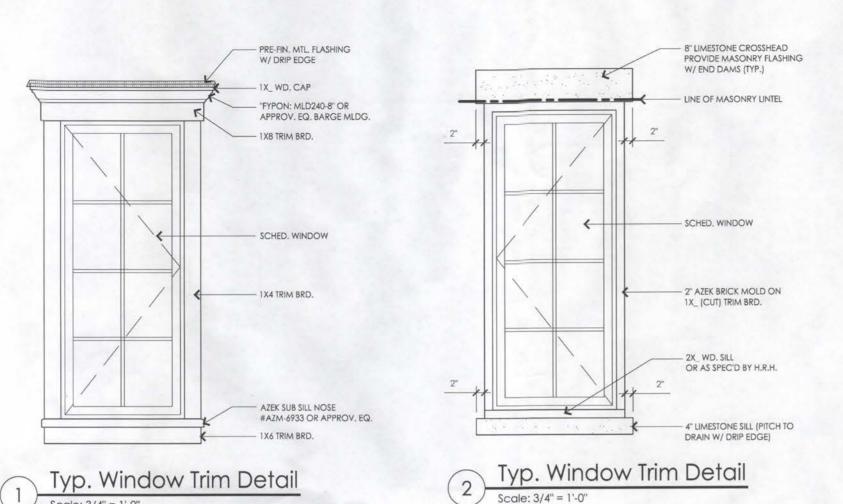
Exterior Eleve Unit 2

Scale:

As Noted

Project Number

15-203



A.204



General Elevation Notes:

- ALL OPERABLE WINDOWS LOCATED MORE THAN 72" ABOVE GRADE, THE LOWEST PART OF WINDOW CLEAR OPENING SHALL BE 24" MIN. ABOVE FINISHED FLOOR. PROVIDE "WINDOW OPENING LIMITING DEVICES" IF BELOW 24" PER SECTION 612 OF M.R.C. 2009
- DOWNSPOUT LOCATIONS TO BE CONFIRM W/ H.R.H. PRIOR TO INSTALLATION
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Window Specification:

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- PROVIDE MULLION REINFORCING AS REQUIRED. COORDINATE W/H.R.H.



Project Number:

Sheet Number:

West Elevation: Unit 2

krieger klatt

ARCHI

architecture interiors co

1412 East Eleven Mile Road, Royal O Phone: 248.414.9270 Fax: 248.414.9275 Web: 1

Client:

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Project:

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Issued:

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Seal:

Note:

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North Arrow:

Sheet Title:

Exterior Elevo Unit 2

Scale:

As Noted

15-203



MISSION TOPICS PODCAST

EVENTS MEMBERSHIP



The shopping mall is the epitome of America's Suburban Experiment. From a local government standpoint, it was the golden chalice of development, a winner-take-all prize in our race to the bottom. Whoever got the mall was able to steal from their neighbors that fraction of a sliver of retail taxes that local



governments receive. When consolidated in one place, that could add up to a significant amount of money, at least for a while.



The losers with their crumbling downtowns....well, they could eat cake.

Did the people who built this think it would fail in less than a generation? The answer might surprise you.

Until now. As kind of an indicator species in this great auto-oriented paradigm we've created, the shopping mall is in <u>what one industry insider calls</u>, "*a death spiral*." This dinosaur of another age is finding it hard to exist amid an ecosystem that has more nimble, adaptable competition:

"We are extremely over-retailed," said Christopher Zahas, a real estate economist and urban planner in Portland, Ore. "Filling a million square feet is a tall order."

That's what happens when we have a one-size-fits-all tax system mashed together with a winner-takes-all development pattern; we end up with too much of the easiest thing to generate quick cash with.

In the <u>Curbside Chat presentation</u>, I show two similarly-sized pieces of property. One is the highly-coveted big box store with an auto-dealership and gas station on the edge of town. The other is the run down, neglected downtown with all of its vacancies and burned-down buildings that are now parking lots. The headline from the comparison is that the downtown -- despite being old and not having a real competitive set of offerings -- is worth 78% more than the big box complex. It dominates in the enduring wealth category.



Even if this were not the case — although the <u>Urban 3 folks</u> let us know that it pretty much always is — the Strong Towns subtext of the comparison is what matters most.

When that big box store closes — and it will someday — what happens then? What replaces it? These buildings, their parking lots and loading docks aren't designed to last more than a couple of decades. When the site is no longer viable for the scale of retail that it was built for, what is its next life?

There are all kinds of brilliant people working on "sprawl repair", as if cities will have the capital, not to mention the desire, to convert their malls and big box stores way on the edge of town into walkable urban villages. Why not just fix your existing walkable urban village (or move to one that is being restored)?

There are also many example of these buildings receiving a second life as churches, Salvation Army depots and public buildings. That's charming, but where's the tax base? These buildings require millions of dollars of pipes, streets, sidewalks and curbs to function. When they were originally built,

"That's charming, but where's the tax base?"

loose money from the Fed along with a myriad of federal, state and local tax incentives made it easy for the Wal-Marts and Bass Pro's of the world to absorb these costs. Now the cost of maintenance is the city's, i.e. the local taxpayer.

Walking away from these really bad investments would be easy if it weren't for the fact that most cities use these "investments" to juice horizontal growth in other, less-accessible areas. So you *can* ignore that pipe that needs replacing, but then you have to deal with the plethora of housing subdivisions, low-value retail and storage sheds upstream.

Contrast this with the traditional development pattern of the downtown. When one of those businesses close, what happens? We all know: something else takes it place. In our nasty downtown here I've seen — in my short life — one storefront be home for dozens of different things, from a pizza restaurant to office space to retail establishment. Downtown, we may not be able to get 48 different kinds of mustard in the same store where I can buy car tires and flannel underwear, but we're also not going to go broke as a community.

After the malls, the <u>big box stores</u> will be the next species to falter and go on the endangered list. Strip malls and drive-through restaurants may hang around longer and may, in some places, find ways to adapt, but their general model is going to die as well. Cities that tethered their future to this experiment are going to struggle while those that still have a pulse in their core neighborhoods will have a chance at renewed prosperity.

The time to adopt a Strong Towns approach is now.

(All photos by Nicholas Eckhart)

This article was originally published in 2015.

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Jul 23, 2016 · Strong Towns



CHARLES MAROHN

Charles Marohn - known as "Chuck" to friends and colleagues - is a Professional Engineer (PE) licensed in the State of Minnesota and a member of the American Institute of Certified Planners (AICP). Chuck is the **Founder and President of Strong Towns**. He has a Bachelor's degree in Civil Engineering from the University of Minnesota's Institute of Technology and a Masters in Urban and Regional Planning from the University of Minnesota's Humphrey Institute.

He is the author of <u>Thoughts on Building Strong Towns (Volume 1)</u> and <u>A</u> <u>World Class Transportation System</u> as well as the host of the Strong Towns Podcast and a primary writer for Strong Towns' web content. He has

spoken in dozens of towns and cities across North America, and speaks regularly for diverse audiences and venues.

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