

**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, MARCH 29, 2017**  
**7:30 PM**  
**CITY COMMISSION ROOM**  
**151 MARTIN STREET, BIRMINGHAM**

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- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of **March22, 2017**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Study Session Items  
Rules of Procedure for Study Sessions: Site Plan and Design Review, Special Land Use Permit Review and other review decisions will not be made during study sessions; Each person (member of the public) will be allowed to speak at the end of the study session; Each person will be allowed to speak only once; The length of time for each person to speak will be decided by the Chairman at the beginning of the meeting; Board members may seek information from the public at any time during the meeting.
  - 1. **Window Tinting**
  - 2. **Transitional Zoning (TZ2)**
  - 3. **Parking Requirements for all uses**
  - 4. **Shared Parking Standards**
  - 5. **Definition of Retail**
- F. Miscellaneous Business and Communications:
  - a. Communications – **2016 – 2017 Annual Report**
  - b. **Administrative Approval** Correspondence
  - c. Draft Agenda for the next Regular Planning Board Meeting (**April 26, 2017**)
  - d. Other Business
- G. Planning Division Action Items
  - a. Staff Report on Previous Requests
  - b. Additional Items from tonight's meeting
- H. Adjournment

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Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).*



## MEMORANDUM

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Planning Division

**DATE:** March 23, 2017

**TO:** Planning Board Members

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Window Standards Study Session

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At the July 25, 2016 City Commission meeting, a public hearing was held to consider proposed amendments to the current window standards in the Zoning Ordinance. The purpose of these amendments was to implement several minor changes to the standards contained in Article 04 of the Zoning Ordinance, as well as the elimination of additional standards in Article 07 that are in conflict with other areas of the Zoning Ordinance. The proposed changes would have added a requirement to have at least 30% glazing on rear elevations with a public entrance, increased the amount of glazing permitted on upper floors, prohibited blank walls longer than 20' on all elevations facing a park, plaza or parking lot, and would also have provided the reviewing board with the flexibility to allow adjustments to the amount of glazing under specific conditions.

During the public hearing, the City Commission identified two additional issues that they would like the Planning Board to consider. These issues were the clarification or elimination of the provision that allows window glazing to be "lightly tinted". Currently there is no definition for the term "lightly tinted", so there is no objective standard that applicants must meet in order to comply with this standard. Secondly, The City Commission also asked the Planning Board to consider whether there should be a glazing requirement in alleys and passages that are subject to the Via Activation Overlay Zone. Accordingly, the City Commission sent the matter back to the Planning Board for further consideration. Please find attached the staff report presented to the Planning Board and City Commission, along with the proposed ordinance language and minutes from previous discussions on the topic.

Since that time, the Planning Board has held several study sessions to discuss this issue and examine potential changes to the ordinance to address the concerns of the City Commission. These study sessions included research and analysis of the various treatments and techniques that are commonly used to tint and provide filters for sunlight, heat, and UV radiation. As a result of those discussions, a general consensus was reached that prohibiting the tinting of windows would promote the intent of the creating a pedestrian friendly interactive condition in the commercial areas of the City. Accordingly, the Planning Board directed the Planning staff to draft Zoning Ordinance amendments that would require clear glazing on the first floor and allow light tinting on the upper floors. Draft ordinance language is attached to this report reflecting that

request. This draft language also includes the original ordinance amendments that were recommended to the City Commission in July of 2016.

With regards to the treatment of glazing in passageways and vias, the Planning Board decided not to recommend a required amount of glazing in these spaces. While it was agreed that windows in alleys or vias are an important enhancement, it was also discussed that there are important "back of house" functions to most commercial businesses which must be accommodated and that requiring similar glazing percentages on the scale that is required on the building frontages may impede those functions and have a negative impact on businesses. Currently, the Via activation overlay standard does indicate a requirement for windows but does not set a specific percentage that is required. The following is an excerpt from the Via Activation Overlay District in the Zoning Ordinance that contains the current regulations that deal with windows:

- H. Design Standards: All portions of buildings and sites directly adjoining a via must maintain a human scale and a fine grain building rhythm that provides architectural interest for pedestrians and other users, and provide windows and doors overlooking the via to provide solar access, visual interaction and surveillance of the via. To improve the aesthetic experience and to encourage pedestrians to explore vias, the following design standards apply for all properties with building facades adjoining a via:
1. Blank walls shall not face a via. Walls facing vias 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. Awnings shall be straight sheds without side flaps, not cubed or curved, and must be at least 8 feet above the via at the lowest drip edge;

As currently written, this provision allows the Planning Board to evaluate projects on a case by case basis but does not provide a baseline or minimum amount of glazing that is required in these spaces.

#### SUGGESTED ACTION

The Planning Division recommends that the Planning Board review the draft ordinance amendments. If the Board is satisfied with the draft language then the Planning Staff would recommend that the Planning Board set a public hearing for May 10, 2017 to allow the public to comment on these proposed changes and for the Planning Board to make a recommendation to the City Commission on these issues.

**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 04 DEVELOPMENT STANDARDS, SECTION 4.90, WN-01 (WINDOW STANDARDS) TO ALTER THE REQUIRED GLAZING ON COMMERCIAL BUILDINGS.

Article 04, section 4.90 WN-01 shall be amended as follows:

**4.90 WN-01**

This Window Standards section applies to the following districts:

O1, O2, P, B1, B2, B2B, B2C, B3, B4, MX, TZ3

The following window standards apply ~~on the front façade and any façade facing a street, plaza, park or parking area:~~

- A. Storefront Windows: Ground floor **façades** shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
1. No less than 70% of a storefront/groundfloor façade between 1 and 8 feet above grade shall be clear glass panels and doorway.
  2. Glass areas on storefront **façades at the first floor** shall be clear. Lightly tinted glazing in neutral colors **above the first floor may be permitted.** Mirrored glass is prohibited.
  3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
  4. Windows shall not be blocked with opaque materials or furniture, products, signs, blank walls or the back of shelving units.
  5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
  - ~~6. Blank walls of longer than 20 feet shall not face a public street.~~
- B. ~~Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.~~ **Ground floor building elevations: Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% glazing between 1 and 8 feet above grade.**
- C. **Blank walls of longer than 20 feet on the ground floor façade shall not face a plaza, park, parking area or public street.**



- D. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.**
- E. To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:**
- a. The subject property must be in a zoning district that allows mixed uses;**
  - b. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;**
  - c. The proposed development must not adversely affect other uses and buildings in the neighborhood;**
  - d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;**
  - e. Windows shall be vertical in proportion.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

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Mark Nickita, Mayor

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Cheryl Arft, Acting City Clerk

**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 07 ARCHITECTURAL DESIGN REQUIREMENTS, SECTION 7.05, REQUIREMENTS.

Article 07, section 7.05 shall be amended as follows:

**7.05 Requirements**

(See architectural design checklist on Site Plan Review application).

A. Building materials shall possess durability and aesthetic appeal.

~~B. A minimum of 50% of that portion of the first floor facade of a building with a commercial use(s) on the first floor and that faces a public street, private street, public open space or permanently preserved open space shall contain clear glazing.~~

~~B~~C. The building design shall include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.

~~C~~D. Colors shall be natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors may be used as accents to provide visual interest to the facade.

~~D~~E. The building design shall provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, roof lines, and massing elements such as towers, cupolas, and stepping of the building form.

~~E~~F. These architectural elements shall be arranged in a harmonious and balanced manner.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

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Cheryl Arft, Acting City Clerk



## MEMORANDUM

Planning Division

**DATE:** June 1, 2016

**TO:** Planning Board

**FROM:** Jana Ecker, Planning Director

**SUBJECT:** Public Hearing to consider amendments to Chapter 126, Zoning, Article 04, Section 4.90 WN-01 (WINDOW STANDARDS) and Article 07, section 7.05 (ARCHITECTURAL DESIGN REQUIREMENTS)

At the November 11, 2015 Planning Board meeting the Board held a public hearing to discuss proposed amendments to the current window standards in the Zoning Ordinance. The purpose of these amendments was to reduce the recurring need for applicants to seek variances from the Board of Zoning Appeals due to difficulty meeting those requirements. At that time it was acknowledged that additional changes needed to be made beyond what is currently proposed and it was determined that there needs to be further study on certain aspects of the standards before additional changes can be recommended. It was decided however, that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 feet above grade. Accordingly, the Planning Board recommended approval of the proposed amendments to the City Commission, which were later adopted by the Commission. Since that time, the Planning Division has held several study sessions on the subject of window standards.

### **Background**

Over the past several years the Planning Board has performed site plan reviews where the Planning Board expressed support for the proposed design but the applicant has been forced to pursue variances because they were not able to meet the window standards contained in the Zoning Ordinance. Accordingly, the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas.

There are currently four sections of the Zoning Ordinance that regulate the amount of glazing, or windows, that are required in various commercial areas. Those sections are as follows:

### **Downtown Overlay**

Article 03 section 3.04(E):

4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 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.

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.

### **Triangle Overlay District**

Article 03 section 3.09:

#### **B. Windows and Doors:**

1. Storefront/Ground Floor. Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor facade between 1 and 8 feet above grade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear, or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.

### **All other Commercial zones**

Article 04 section 4.90:

The following window standards apply on the front facade and any facade facing a street, plaza, park or parking area:

**A. Storefront/Ground Floor Windows:** Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:

1. No less than 70% of the storefront/ground floor facade between 1 and 8 feet above grade shall be clear glass panels and doorway.
2. Glass areas on storefronts shall be clear or lightly tinted in neutral colors. Mirrored glass is prohibited.
3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
4. Windows shall not be blocked with opaque materials or furniture, products, signs, blank walls or the back of shelving units.
5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
6. Blank walls of longer than 20 feet shall not face a public street.

- B. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

In addition, there is an obscure section of the Zoning Ordinance that includes an additional provision that also regulates the amount of glazing required on commercial buildings. This section of the code only requires 50% clear glazing at street level.

Article 07 section 7.05, Architectural Design Review:

## **7.05 Requirements**

- B. A minimum of 50% of that portion of the first floor facade of a building with a commercial use(s) on the first floor and that faces a public street, private street, public open space or permanently preserved open space shall contain clear glazing.

### **Potential changes**

During recent site plan reviews where variances have been pursued, the subject properties have all been located outside of the overlay zones. Accordingly, the focus of the study sessions up to this point has been on the standards contained in Article 04 section 4.90, which affect all areas not within an overlay zone. The Board has discussed creating a waiver that is contingent on a set of criteria that would allow the Planning Board, Historic District Commission, or Design Review Board to alter the glazing requirements under certain circumstances. The Planning Board developed a list of criteria that must be met in order to qualify for the modification of the standards. The draft language of the waiver criteria is attached for your review.

Another potential change that was discussed at the previous Planning Board study session was combining the provisions of Article 04 and Article 07 into one set of standards that requires 70% glazing on the facades that face the street and then reducing the requirement to 50% on secondary facades that face parking areas and open space. At the last study session the Planning Board discussed an error that was discovered by staff in the Zoning Ordinance that has a significant effect on how the existing language is enforced. The definition of façade was inadvertently altered when the Zoning Ordinance was reformatted in 2005. The current definition of façade reads as follows:

**Facade:** The vertical exterior surface of a building that is set parallel to a **setback line**.

However, prior to the reformatting of the Zoning Ordinance the definition of facade read as follows:

**Facade** means the vertical exterior surface of a building that is set parallel to a **frontage line**.

The change from frontage line to setback line significantly alters what is considered a façade as a frontage line is defined as follows:

**Frontage line:** all lot lines that abut a public street, private street, or permanently preserved or dedicated public open space.

With this discovery the window standards would only be enforced on facades as defined in the Zoning Ordinance prior to the reformatting. As this is a clerical error, it will be corrected. This eliminates glazing required on non-street facing facades and will reduce the number of variance requests but will still provide glazing on elevations of buildings that face the street. Accordingly, the Planning Division is of the opinion that this clerical error correction would bring the regulations back in line with the original intent of the window standards. This would eliminate the need for creating definitions for primary and secondary facades as discussed at previous study sessions. As a result of this discovery, the Planning Board decided to eliminate the draft language that delineated between facades that face a street and those that do not. However, the Board did determine that building elevations that have a public entrance should contain some element of glazing. Accordingly, the Board directed staff to draft a provision that requires 30% glazing on those elevations that have a public entrance but do not face a frontage line. In addition, the Planning Division recommends adding Article 4, section 4.90(C) to prevent blank walls in most situations, and would also recommend the removal of Article 7, Processes, Permits and Fees, section 7.05(B), Architectural Design Review, as it is out of place in this location, and would be best addressed in Article 4, Development Standards – Window Standards, as noted above.

On May 11, 2016, the Planning Board discussed the proposed amendments to the glazing standards, and voted unanimously to set a public hearing for June 8, 2016. No changes have been made to the proposed language since that time. Draft ordinance language is attached for your review, along with relevant meeting minutes.

**Suggested Action:**

To recommend to the City Commission approval of the proposed changes to Article 04, Section 4.90 WN-01 and Article 07, Section 7.05 of the Zoning Ordinance to amend the glazing standards.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, OCTOBER 24, 2012  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held October 24, 2012. Chairman Robin Boyle convened the meeting at 6:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams;

**Absent:** Student Representative Kate Leary

**Administration:** Matthew Baka, Planning Specialist  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**10-180-12**

**FINAL SITE PLAN REVIEW**

**995 S. ETON** (postponed from the meeting of October 10, 2012)

**Saretsky, Hart, Michaels & Gould Law Firm**

**Two-story addition to building in existing outdoor courtyard**

Ms. Ecker highlighted the proposal. The site located at 995 S. Eton is a one-story building that currently houses a law office. The petitioner intends to build a two-story addition at the southeast corner of the building (facing Cole Ave.) at the location of an existing outdoor courtyard. The addition will add 1,043 sq. ft. for a total of 5,423 sq. ft. The existing parking lot will remain, though new plantings are proposed to buffer the addition from the parking lot. The applicant proposes an aluminum and glass façade with swinging window treatments for the addition. The applicant is also proposing the installation of a new rooftop mechanical unit on the existing roof with mechanical screening to match existing screens. The existing site is zoned MX, Mixed Use. The law office is a permitted use within this district.

The increase in square footage increases the applicant's parking requirement by three spaces. The applicant intends to convert one barrier-free parking spot to an unrestricted parking spot, and seeks to utilize two on-street parking spaces on Eton St. toward their parking requirement in exchange for making improvements in the right-of-way. ***In order to count these spaces, the applicant will be required to obtain approval from the City Commission. If approval is not granted, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA") or enter into a shared parking agreement that must be approved by the Planning Board.***

The second level of the south elevation on Cole St. does not meet the glazing requirements of the MX District. The applicant has agreed to reduce the amount of glazing on the second floor of the addition to comply with the maximum 50 percent glazing requirement. *If the glazing requirement is not met, a variance will be required from the BZA.*

*All exterior design changes to the existing building will also be reviewed by the Design Review Board.*

Mr. Roman Bonaslawski from Ron & Roman Architects was present for the applicant. With regards to the parking along Eton, if the Engineering Dept. believes there is a problem with the tightness of Cole as it resolves itself on Eton, he suggested the opportunity exists to make modifications on the south side of Eton if they believe it is too tight of a condition. Secondly, if there is opportunity to find 50 percent glazing going up from the top of the existing parapet they would prefer to have the glass up there or have it continue behind the louvers. It seems reasonable to add an additional tree on Cole. He requested that lighting not be a street improvement along Eton until there is a determination of what is happening along the entire Eton Corridor, and an understanding on how that street lighting can work.

Mr. Miles Hart from the law firm said their employee base is not growing. They need more space to spread out and into offices in order to have better working conditions. They don't have an issue with parking.

Mr. Williams thought the glazing on the second floor adds interest to the building. Mr. DeWeese agreed. To him it looks better if the top and bottom windows are the same size and the second floor is defined as starting at the top of the existing building.

There were no comments from the public at 8:55 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. DeWeese to approve the Final Site Plan and Design Review for**

**995 S. Eton, Saretsky, Hart, Michaels & Gould Law Firm, with the following conditions:**

- 1. Applicant obtain approval of the City Commission for the use of two parking spaces on S. Eton or obtain a parking variance from the BZA;**
- 2. Applicant submit details for administrative approval for all landscaping, plant material, the location of the Knox box, and a recalculated glazing requirement on the south and east elevations that incorporates calculating the second floor glazing from the line of the existing building's roofline. A tree will be added on Cole.**
- 3. Applicant replace non cut-off light fixtures with cut-off fixtures to bring the site into compliance with the current ordinance;**
- 4. Applicant obtain approval from the Design Review Board for the proposed addition.**

Members of the public had no final comments at 9 p.m.



**Motion carried, 7-0.**

VOICE VOTE

Yeas: Whipple-Boyce, DeWeese, Boyle, Clein, Koseck, Lazar, Williams

Nays: None

Absent: None

**10-183-12**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (none)
- b. Administrative Approvals
  - 335 E. Maple Rd. – To slightly re-design the proposed storefront at grade level to include an additional entrance door for the office component of the building.
  - 953 S. Eton – Install five ton condenser on roof/"Lamsl" painted to match building. Height of unit: 33 in.; height of screening: 41 in.
- c. Draft Agenda for the Regular Planning Board Meeting on November 14, 2012
  - Park St. re-zoning application;
  - Max and Erma's space for Stoney Creek Steakhouse; and
  - 550 W. Merrill, School Administration Building, for office use.
- d. Other Business
  - 2013 Bistro Update – The City Commission has sent three bistros for the Planning Board to look at: What Crepe?, Birmingham Sushi, and Crush.
  - Mr. Baka thought it might be useful in the future to give this board the flexibility to vary from the glazing requirement. Board members also agreed that applicants should not be required to appear before two boards for their reviews.

**PLANNING BOARD MINUTES  
FEBRUARY 27, 2013**

**PUBLIC HEARING**

**1. TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:**

**TO AMEND ARTICLE 04 DEVELOPMENT STANDARDS, SECTION 4.83, WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN FLEXIBILITY AS PERMITTED BY THE PLANNING BOARD, DESIGN REVIEW BOARD OR HISTORIC DISTRICT COMMISSION.**

Chairman Boyle opened the public hearing at 7:38 p.m.

Mr. Baka recalled that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning ordinance. At that time, it was discussed whether the Ordinance could be amended to give the reviewing City board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance.

Mr. Baka said that consideration of window standards normally would only go to one or two relevant boards. Mr. Koseck thought that requiring an applicant to appear before two boards adds confusion. The board's consensus was that either board could make the call.

No one from the public wished to speak on this matter at 7:45 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Clein to recommend approval to the City Commission to amend Article 04, Section 4.83 Wn-01(Window Standards) to encourage flexibility in design. These standards may be waived by a majority vote of the Planning Board or Design Review Board and the Historic District Commission, when required, for architectural design considerations.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: DeWeese, Clein, Boyle, Koseck, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: None

**CITY COMMISSION MINUTES  
MAY 6, 2013**

**05-148-13                      PUBLIC HEARING – ZONING ORDINANCE  
AMENDMENT WINDOW STANDARDS**

The Mayor opened the Public Hearing at 7:40 PM to consider an amendment to the Zoning Ordinance, Chapter 126, Article 04 Development Standards, Section 4.83, WN-01 (Window Standards).

Mr. Baka explained that the Planning Board requested a modification to the ordinance to allow some flexibility regarding window standards due to a recent site plan review. Mr. Currier recommended the Planning Board develop effective standards for when the second floor window requirements could be waived.

The Mayor closed the Public Hearing at 7:42 PM. The Commission took no action.

**PLANNING BOARD MINUTES  
AUGUST 14, 2013**

**STUDY SESSION  
Glazing Standards**

Ms. Ecker noted that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning Ordinance. At that time, several members of the Planning Board expressed support for the proposed design. It was discussed whether the Ordinance could be amended to authorize the reviewing City Board to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing Board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance amendment.

On February 27, 2013 the Planning Board recommended approval to the City Commission.

On May 6, 2013 the City Commission reviewed the ordinance amendment and sent it back to the Planning Dept. The City Attorney asked for more specific requirements to be added that would allow the Planning Board to waive the glazing requirements on the upper levels.

The Planning Board reviewed the revised ordinance and changed the wording as follows:

" . . .To encourage flexibility in design these standards may be waived by a majority vote of the Planning Board and/or Historic District Commission for architectural design considerations. . . "

b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site; and

c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Clein to schedule a public hearing on Glazing Standards for September 11, 2013.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Clein, Boyle, DeWeese, Williams

Nays: None

Absent: Koseck, Lazar

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 25, 2013  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held September 25, 2013. Chairman Robin Boyle convened the meeting at 7:32 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck (arrived at 7:35 p.m.), Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

**Absent:** None

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**09-168-13**

**PUBLIC HEARING**

**Glazing Standards** (rescheduled from September 11, 2013)

**TO CONSIDER AN AMENDMENT TO CHAPTER 126, ZONING, ARTICLE 04,  
SECTION 4.83 WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN  
FLEXIBILITY AS APPROVED BY THE PLANNING BOARD, DESIGN REVIEW  
BOARD AND/OR HISTORIC DISTRICT COMMISSION**

Chairman Boyle opened the public hearing at 7:37 p.m.

Mr. Baka advised that the Planning Board has been discussing whether the ordinance could be amended to give the reviewing City Board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After several meetings on this topic, the Planning Board, at their August 14, 2013 meeting, held a study session detailing ordinance changes to the Glazing Standards and requested staff to set a public hearing date to consider amendments to Chapter 126, Article 04, section 24.83 B.

Mr. Williams received confirmation that the City Attorney is happy with the suggested ordinance amendments. Ms. Ecker verified that if a proposal goes before two different City boards, the Planning Board and the Historic District Commission ("HDC"), the HDC determination would take priority.

Chairman Boyle observed this is an example of the City listening to applicants and developers.

At 7:43 p.m. there were no comments from members of the audience.

**Motion by Mr. Williams**

**Seconded by Mr. DeWeese to recommend approval by the City Commission to amend Article 04, Section 4.83 WN-01 (Window Standards) to allow design flexibility as permitted by the Planning Board, Design Review Board, and/or Historic District Commission.**

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

**Motion carried, 7-0.**

ROLLCALL VOTE

Yeas: Williams, DeWeese, Boyle, Clein, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: None

The chairman formally closed the public hearing at 7:45 p.m.

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JANUARY 27, 2014**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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**01-15-14 PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT TO  
CHAPTER 126, ARTICLE 04, SECTION 4.83 WN-01**

Mayor Pro Tem Sherman opened the Public Hearing to consider an ordinance amendment to

Chapter 126, Article 04, Section 4.83 WN-01 at 8:44 PM.

Planner Ecker explained that the proposed ordinance amendment was the subject of a public hearing on September 25, 2013, after a request from the City Commission to add more specific criteria in order to waive the current 50% glazing requirement on upper level windows.

Planner Ecker explained that the Planning Board does not want to change the glazing standards for the first floor windows, which is 70% in the downtown area as well as in the triangle district; the change would apply to the upper levels only. There are no window glazing guidelines in the Rail District.

In response to Commission discussion regarding the amount of flexibility in the proposed ordinance, Planner Ecker noted that the Planning Board wanted to be able to respond to design changes in the marketplace and to prevent the glazing requirements from getting in the way of a good development.

Commissioner Nickita suggested the ordinance be more flexible in the rail district, less so in the triangle district, and more restrictive in the downtown district. Commissioner Dilgard suggested changing "to encourage flexibility", to "to allow flexibility".

Mayor Pro Tem Sherman closed the Public Hearing at 8:57 PM.

The commissioners took no action on the proposed ordinance amendment, and directed staff to review the discussion with the Planning Board.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 22, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 22, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Stuart Jeffares; Student Representative Andrea Laverty (left at 9:30 p.m.)

**Absent:** Board Member Robin Boyle, Alternate Board Member Daniel Share; Student Representative Scott Casperson

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-80-15**

**STUDY SESSION  
Glazing Standards**

Mr. Baka explained that as a result of applicants having to revise their architectural designs in order to meet the window standards established in the Zoning Ordinance, members of the Planning Board have discussed whether the ordinance could be amended to give the reviewing City Board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After many prior meetings and review by the City Commission, the Planning Board at their March 11, 2015 meeting conducted a study session to continue discussion on improving the window standards. There was consensus that the 70% glazing requirement should be limited to between 1 and 8 ft. above grade in all zones and districts. It was also agreed that the current requirements of section 4.83 WN are problematic as they have required excessive glazing on several recent projects which has resulted in multiple variance requests to the Board of Zoning Appeals.

Although no specific modification standards were recommended over others, the Planning Board clearly indicated that the intent of the ordinance was to engage pedestrians in commercial zones. The board directed the Planning Dept. to review the various ways of accomplishing that intent. Accordingly, revised draft ordinance language is presented for the consideration of the Planning Board.

In order to provide consistency throughout the ordinance, the Planning Staff recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade.

Mr. Baka advised that the window standards apply on the front façade and any façade that includes the primary entrance where the façade faces a street, plaza, park or parking area. Blank walls are not permitted on elevations with public entrances.

It was concluded that a definition of "blank wall" is needed. Ms. Whipple-Boyce thought that some flexibility should be written into the ordinance. Say that blank walls are not permitted on elevations, period. Mr. Koseck thought this matter needs another layer of study so they don't end up with a bunch of windowless buildings or uninterrupted walls that don't make for good architecture. Mr. Baka clarified that what is being discussed does not apply in the Downtown or the Triangle. It only applies in areas that are more likely to have a stand-alone building. Ms. Lazar thought the board needs definite parameters to work with.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, OCTOBER 14, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on October 14, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Member Stuart Jeffares

**Absent:** Board Member Bryan Williams; Alternate Board Member Daniel Share; Student Representatives Scott Casperson, Andrea Laverty

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**10-201-15**

**STUDY SESSION**

**1. Window Glazing Standards**

Mr. Baka recalled that on October 24, 2012 several members of the Planning Board discussed whether the ordinance could be amended to permit the reviewing City board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements. Since that time several study sessions and public hearings have been held to examine this topic.

At their meeting on January 27, 2014 the City Commission suggested that the ordinance amendment recommended by the Planning Board be modified to allow the proposed flexibility in the MX District but to have more restrictive requirements in the Downtown and Triangle District.

The first-floor glazing standards are inconsistent throughout the zones. The result of this difference is that outside of the Downtown Overlay a significantly larger amount of glazing is needed to satisfy the requirement. Therefore, the Planning Division recommends as a starting point amending the first-floor window standards in all districts in section 4.83, the General Standards, to require 70% glazing between 1 and 8 ft. above grade on any facade facing a street, plaza, park, or parking area. Blank walls of longer than 20 ft. shall not face a public street. It is believed that the addition of these provisions to these two areas of the City will significantly decrease the frequency of variance applications while still achieving the intent of the standards. Also, the Planning Division recommends amendments to Article 3, section 3.09(b)(1) to make the glazing standards consistent in the Triangle Overlay District.

The board discussed that unique circumstances might allow flexibility in design to modify the standards. They decided to come back to that later after a little more thought.

Board members concluded that consideration of the Downtown Overlay would be a separate issue.

The consensus was to amend Article 04, section 4.83 WN-01 A and B and strike C. Further, amend Article 03, Section 3.09 b (1) Commercial/Mixed Use Architectural Requirements in the MX District as presented.

**Motion by Mr. Boyle**

**Seconded by Mr. DeWeese to send this matter to a public hearing on November 11, 2015.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Boyle, DeWeese, Clein, Jeffares, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Williams

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, NOVEMBER 11, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on November 11, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Stuart Jeffares, Daniel Share

**Absent:** Board Member Gillian Lazar; Student Representatives Scott Casperson, Andrea Laverty

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**11-220-15**

**PUBLIC HEARINGS**

- 1. TO AMEND ARTICLE 03 SECTION 3.09 (B) (1) TO REQUIRE GLAZING IN THE TRIANGLE DISTRICT BETWEEN 1 FT. AND 8 FT. ABOVE GRADE ON THE GROUND FLOOR;**  
**AND**  
**TO AMEND ARTICLE 04, SECTION 4.83 WN-01 (WINDOW STANDARDS) TO SPECIFY THAT THE REQUIRED 70% GLAZING IS BETWEEN 1 AND 9 FT. ABOVE GRADE ON THE GROUND FLOOR IN ALL ZONE DISTRICTS**

Chairman Clein opened the public hearing at 7:34 p.m.

Mr. Baka recalled that at the October 14, 2015 Planning Board meeting the board discussed the issues related to the current window standards and the recurring need for applicants to seek variances from the Board of Zoning Appeals ("BZA"). Although it was acknowledged that additional changes need to be made beyond what is currently proposed, it was determined that there should be further study on certain aspects of the standards before additional changes can be recommended. It was decided however, that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 ft. above grade. Accordingly, the Planning Board set a public hearing for November 11, 2015 to consider amendments to the window standards contained in the Zoning Ordinance.

The first floor glazing standards are inconsistent throughout the zones. In the Downtown

Overlay the 70% requirement is only applied between 1 and 8 ft. above grade. In the Triangle District and window standards of section 4.83, the 70% requirement is applied to the entire first floor. The result of this difference is that outside of the Downtown Overlay it requires a significantly larger amount of glazing to satisfy the requirement. A lot of developments are having a hard time meeting this standard. In order to provide consistency throughout the ordinance and still achieve the pedestrian and public interaction intended by the standards, the Planning Division recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade. Staff believes that the addition of this provision to these two sections will significantly decrease the frequency of variance applications, while still achieving the intent of the standards.

The other proposed standard to be added to section 4.83 is that blank walls of longer than 20 ft. shall not face a public street.

There were no comments from the public at 7:36 p.m.

**Motion by Mr. Boyle**

**Seconded by Mr. Williams to accept the amendments to the Zoning Ordinance as follows:**

*Article 04, section 4.83 WN-01*

**A. Storefront/Ground Floor Windows: Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:**

- 1. No less than 70% of the storefront/ground floor facade between 1 and 8 ft. above grade shall be clear glass panels and doorway.**
- 6. Blank walls of longer than 20 ft. shall not face a public street.**

*Article 03, section 3.09 (b) (1)*

**B. Windows and Doors**

**1, Storefront/Ground Floor, Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor facade between 1 and 8 ft. above grade shall be clear glass panels and doorway.**

No one from the audience wished to comment at 7:37 p.m.

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Boyle, Williams, Clein, Jeffares, Koseck, Share, Whipple-Boyce

Nays: None

Absent: Lazar

The chairman closed the public hearing at 7:38 p.m.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 9, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

**Absent:** Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**03-39-16**

**3. Glazing**

Mr. Baka advised that over the past several years the Planning Board has performed site plan reviews where the board expressed support for the proposed design but the applicant has been forced to pursue variances because they were not able to meet the window standards contained in the Zoning Ordinance. Accordingly, the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the objective of the window standards remains in place. The intent has been stated as the activation of the streets and public spaces of Birmingham by creating an interactive relationship between pedestrians and the users of the buildings in commercial areas.

During the study sessions held previously, the Board has discussed creating a waiver that is contingent on a set of criteria that would allow the Planning Board to waive the glazing requirements under certain circumstances. The City Commission has been hesitant to embrace this approach due to the subjective nature of such criteria. Accordingly, in previous study sessions the Planning Board developed a list of requirements that must be met in order to qualify for the exemption.

Another potential change that staff would like the Planning Board to discuss is combining the provisions of Article 04 and Article 07 into one set of standards that requires 70% glazing on the facades that face the street and then reducing the requirement to 50% on secondary facades that face parking areas and open space.

Mr. Baka recalled the Planning Board has been talking about glazing for quite a long time. The origination of the glazing requirements came from the Downtown Overlay Zone and/or the 2016 Plan where 70% glazing is required between 1 ft. and 8 ft. above grade. In the downtown that is just along the storefronts. When the Triangle Plan was created in 2006, glazing standards were also added. Then there were additions made to Article 4, the Development Standards which would apply to all commercial properties outside of the two Overlays. Last fall, an amendment was completed to make the three criteria consistent in that they were all being measured between 1 ft. and 8 ft. The Triangle and the General Commercial areas did not have that, so staff was forced to measure glazing for the whole facade which made it difficult for people to comply.

Right now section 4.90 dealing with all other commercial zones states that window standards requiring 70% glazing apply on the front facade and any facade facing a street, plaza, park, or parking area. The board has been talking about altering the language so that the requirements are not quite as difficult to meet. Staff has come up with a way to give this body the authority to waive those requirements if they see fit and has developed a list of requirements that must be met in order to qualify for the exemption:

To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

- a. The subject property must be in a zoning district that allows mixed uses.
- b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site on which it is located.
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

Ms. Whipple-Boyce along with other members suggested adding the following:

- d. No less than 50% glazing between 1 ft. and 8 ft. above grade on the secondary facades that don't face a public or private street. Note that the primary facade faces the street and contains the address.

Mr. Baka advised that current standards for upper story windows say that openings above the first story shall be a maximum of 50% of the total facade area. Windows shall be vertical in proportion. It was discussed that current office design calls for expansive use of glazing on the upper floors. Board members considered allowing no more than 70% glazing on the upper floors. Chairman Clein suggested coming back next time with the language that was discussed for the first floor along with language that says that the second story can have no more than 70% glazing.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 13, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Colin Cusimano

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-61-16**

**STUDY SESSION  
Glazing**

Mr. Baka recalled that the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas.

Since the last study session an error was discovered in the Zoning Ordinance that has a significant effect on how the existing language is enforced. However, the Planning Division is of the opinion that this clerical error correction would bring the regulations back in line with the original intent of the window standards. This would eliminate the need for creating definitions for primary and secondary facades as discussed at the last study session. It will reduce the amount of glazing required on non-street facing facades and will reduce the number of variance requests, but will still provide glazing on elevations of buildings that face the street. The question is whether the board wants to add more requirements for non-street facing facades.

Board members decided to strike 4.90 WN-01 (C) (e) that states glazing on the ground floor facade shall not be reduced to less than 50% between 1 and 8 ft. above grade. Discussion considered whether glazing should be required on buildings where a public entrance not on the frontage line is in the back. It was thought there must be a minimum of 30% glazing between 1 and 8 ft. above grade.

Mr. Baka agreed to write out the changes for the board to see one more time before this topic goes to a public hearing.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 11, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on May 11, 2016. Vice-Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

**Present:** Board Members Stuart Jeffares, Bert Koseck, Gillian Lazar, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cusimano

**Absent:** Chairman Scott Clein; Board Member Robin Boyle.

**Administration:** Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**05-84-16**

**STUDY SESSION ITEMS**

**1. Glazing**

Ms. Ecker recalled the only changes from the last meeting were:

(1) That the board determined they would like minimum glazing required on any façade that has a public entrance, even if it is not in the front. That alteration was made to Article 4.90 WN-01 (B) Ground floor building elevations that now states "Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% glazing between 1 and 8 feet above grade." However, if the façade is on a frontage line and faces the street, 70% glazing is required.

(2) Also (C) Blank walls of longer than 20 ft. on the ground floor shall not face a plaza, park, parking area or public street.

For Chairperson Lazar, Ms. Ecker explained that Article 4.90 WN-01 (B) (5) means the bottom part of the window has to be in the pedestrian zone, which is no more than 3 ft. above the adjacent exterior grade.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to set a public hearing for June 8, 2016 to consider the proposed changes to Article 04, Section 4.90 WN -01 and Article 07, Section 7.05 of the Zoning Ordinance to amend the glazing standards.**

At 7:40 p.m. there was no public to comment on the motion.

**Motion carried, 7-0.**

ROLLCALL VOTE

Yeas: Williams, Lazar, Jeffares, Koseck, Share, Whipple-Boyce

Nays: None

Absent: Boyle, Clein

## **Planning Board Minutes**

### **June 8, 2016**

#### **PUBLIC HEARING**

**1. To consider amendments to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards**

Chairman Clein opened the public hearing at 7:40 p.m.

Mr. Baka recalled that the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas. The Planning Board decided that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 ft. above grade in all zoning districts. Accordingly, the board recommended approval of the proposed amendments to the City Commission, which were later adopted by the Commission. Since that time, the Planning Division has held several study sessions on the subject of window standards.

At the last study session the Planning Board discussed an error in the Zoning Ordinance that was discovered by staff and that has a significant effect on how the existing language is enforced. The definition of facade was inadvertently altered when the Zoning Ordinance was reformatted in 2005. The reformatting changed the definition of facade to the vertical exterior surface of a building that is set parallel to a setback line which is all four sides of the parcel; rather than a frontage line which is elevations that front on a public street. The change from frontage line to setback line significantly alters what is considered a facade.

This discovery eliminated a lot of the need to make drastic changes to the window standards. However, the board did determine that building elevations that have a public entrance should contain some element of glazing on elevations that are not on a frontage line. Accordingly, the board directed staff to draft a provision that requires 30% glazing between 1 and 8 ft. on those elevations. In addition, the Planning Division recommends adding Article 4, section 4.90 (C) to prevent blank walls longer than 20 ft. in most situations, and would also recommend the removal of Article 7, Processes, Permits and Fees, section 7.05 (B), Architectural Design Review, as it is out of place in this location, and would be best addressed in Article 4, Development Standards – Window Standards.

Also a section has been added to allow flexibility in architectural design considerations. These standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission provided certain conditions are met.

Discussion brought out that the ordinance dictates which board an applicant will appear before.

On May 11, 2016, the Planning Board discussed the proposed amendments to the glazing standards, and voted unanimously to set a public hearing for June 8, 2016. No changes have been made to the proposed language since that time.

There were no comments from the public on the proposed amendments at 7:52 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Share to recommend to the City Commission approval of the proposed changes to Article 04, section 4.90 WN-01 and Article 07, section 7.05 of the Zoning Ordinance to amend the glazing standards.**

No one from the audience wished to discuss the motion at 7:53 p.m.

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Share, Klein, Jeffares, Koseck, Lazar

Nays: None

Absent: Boyle, Williams

The chairman closed the public hearing at 7:53 p.m.

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JULY 25, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor, called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Assistant to the Manager Haines, DPS Director Wood, BPS Director Heiney, City Planners Ecker & Baka, Fire Chief Connaughton, Deputy Fire Marshal Campbell, Finance Director Gerber, Deputy Treasurer Klobucar, Police Chief Clemence

**07-241-16 PUBLIC HEARING TO CONSIDER ORDINANCE AMENDMENT  
REGARDING GLAZING STANDARDS**

Mayor Hoff opened the Public Hearing to consider amendments to Zoning Ordinance – Glazing Standards at 9:54 PM.

Planner Baka explained that there are three sets of standards that govern how window standards are applied in the City – for the downtown overlay, the triangle district, and for all other commercial properties in the City which includes the rail district. He explained that as the Planning Board was reviewing projects, they started seeing projects that were forced to obtain variances to accomplish the design or had to alter the design of the façade in order to gain approval without a variance.

Mr. Baka explained the recommendation to add a provision that would require glazing on not just the frontage lines, but also on any side of the building where there is a public entrance. In certain situations, specifically along Woodward where there are only two sides to the building and there are rear entrances, a lot of stores need storage rooms and back of house type of situations. The recommendation includes a minimum requirement of 30% on secondary entrances, which is half of what is required on the front. The other recommendation is that no blank walls longer than twenty feet that face a plaza, park, parking area or street.

Mayor Pro Tem Nickita stated that the ability to provide glass on a passageway is one of the fundamental goals that is trying to be achieved and should be included as well. He commented that it is identified in the 2016 Plan and is promoted throughout the retail is that glass must be clear. The City needs language that is enforceable and "lightly tinted" is not legally binding.

The Commission agreed to direct this back to the Planning Board to consider the changes as discussed.

The Mayor closed the Public Hearing at 10:16 PM.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 10, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on August 10, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cousimano (left at 9 p.m.)

**Absent:** Board Members Robin Boyle, Stuart Jeffares; Alternate Board Members Lisa Prasad, Daniel Share

**Administration:** Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**08-140-16**

**STUDY SESSION ITEMS**

**1. Glazing Standards Update**

Ms Ecker reported that at the July 25, 2016 City Commission meeting, a public hearing was held to consider proposed amendments to the current window standards in the Zoning Ordinance. The purpose of these amendments was to implement several minor changes to the standards contained in Article 04 of the Zoning Ordinance, as well as the elimination of additional standards in Article 07 that are in conflict with other areas of the Zoning Ordinance. The proposed changes would have added a requirement to have at least 30% glazing on rear elevations with a public entrance; increased the amount of glazing permitted on upper floors, prohibited blank walls longer than 20 ft. on all elevations facing a park, plaza or parking lot; and would also have provided the reviewing board with the flexibility to allow adjustments to the amount of glazing under specific conditions. The City Commission decided to send the draft ordinance back to the Planning Board for further consideration.

During the public hearing, the City Commission identified two additional issues that they would like the Planning Board to consider. These issues were the clarification or elimination of the provision that allows window glazing to be "lightly tinted." Currently there is no definition for the term "lightly tinted," so there is no objective standard that applicants must meet in order to comply with this standard. Secondly, The City Commission would like the Planning Board to consider whether there should be a glazing requirement in alleys and passages that are subject to the Via Activation Overlay Zone.

Therefore, there are two things the City Commission wants this board to look at, which is whether only clear glazing should be allowed; or if lightly tinted is allowed, define lightly tinted. The second issue is whether a minimum glazing standard should be added for facades that front on vias.

Ms. Whipple-Boyce thought 70% glazing is excessive for the side facing a via.

Discussion turned to tinted glass. Ms. Lazar thought there might be some accommodation for a building that will receive an excessive amount of sunlight. Mr. Koseck cautioned that the board should make sure what they are asking for is technically achievable. Once the glass is tinted it loses that interaction with the outside.

He continued that buildings need a back of the house. Mr. Williams maintained that the back of the building should have protection at the lower levels which is where the dumpster is located.

Ms. Whipple-Boyce favored having no tint on the windows. She doesn't think tint will determine whether or not people will cover their windows from the inside. As far as the via, maybe there is something that talks about locating a percentage of windows in the active part of the building. However, people should be encouraged to come to the street.

Chairman Clein said he is hearing support for no tinting except for energy code compliance, but making sure that it is enforceable.

Ms. Ecker noted the existing ordinance encourages more glazing and pedestrian scale details in the Via Activation Overlay without specific strict mandates. Mr. Williams thought what is currently in the ordinance is fine - it gives the board flexibility.

Chairman Clein suggested that the board come back to discuss this and consider language that still provides flexibility but addresses the significance of via glazing standards. Make sure that conversation is finalized because a commissioner did specifically call it out.

Ms. Ecker said she will find something that shows some of the limits of tint so the board is clear whether they are happy with no tint. She will investigate whether low-E coating counts as a tint, and what the Energy Code mandates. Further, she might be able to find samples.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 11, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on January 11, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary  
Bruce Johnson, Building Official  
Mike Morad, Building Inspector  
Scott Worthington, Asst. Building Official  
Jeff Zielke, Building Inspector

**01-06-17**

**STUDY SESSION ITEMS**

**1. Window tinting requirements**

Mr. Baka reported that at the July 25, 2016 City Commission meeting, a public hearing was held to consider proposed amendments to the current window standards in the Zoning Ordinance. The proposed changes would have added a requirement to have at least 30% glazing on rear elevations with a public entrance; increased the amount of glazing permitted on upper floors; prohibited blank walls longer than 20 ft. on all elevations facing a park, plaza or parking lot; and would also have provided the reviewing board with the flexibility to allow adjustments to the amount of glazing under specific conditions. These standards would have applied to every Commercial Zone in the City. The City Commission decided to send the subject back to the Planning Board for further consideration.

During the public hearing, the City Commission identified two additional issues that they would like the Planning Board to consider. These issues are whether only clear glazing should be allowed; or if lightly tinted is allowed, to provide a definition for lightly tinted. The second issue is whether a minimum glazing standard should be added for facades that face vias.

With respect to vias and passages, there is language in the ordinance that requires windows but not a certain amount. Sites directly adjoining a via must provide windows and doors overlooking the via to provide solar access, visual interaction and surveillance of the via. Additionally, the ordinance states walls facing vias shall include windows and architectural features customarily found on the front facade of a building. So, the issue is addressed, but not with concrete numbers.

Staff has conducted research with respect to window tinting, and determined there are three basic categories or ratings that are measured when evaluating the efficiency of a window, which are as follows:

- U-factor - measures the rate of heat transfer (or loss). Predominately determined by the number of glass panes and the type of gas barrier sealed between those panes.
- Solar Heat Gain Coefficient (SHGC) - measures how much heat from the sun is blocked. The lower the SHGC the more a product is blocking solar heat gain. SHGC can be controlled through tinting, reflective coatings or low-e coatings.
- Visible Transmittance (VT) - measures how much light comes through a window. The higher the VT, the higher the potential for daylighting. VT is generally controlled with tinting and reflective coatings.

Modern technology has gotten to a point where low-e coatings that don't have a tint are effective in blocking solar heat gain. From that point of view, the board should not be concerned about whether or not they are affecting the Energy Code.

Mr. Koseck spoke in favor of clear glass, and as in the AAA Building blinds can be added, such as for a western exposure. Ms. Whipple-Boyce was also in favor of maintaining clear glass on all floors along with specifying a VT percentage in the ordinance. People will want window treatments whether or not the glass is tinted.

No one from the public wished to join the discussion at 8:10 p.m.

Mr. Baka agreed to bring in samples of low-e coatings for next time as well as pictures of recent projects that have tinting for comparison purposes.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, FEBRUARY 8, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on February 8, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad

**Absent:** Board Member Gillian Lazar; Alternate Board Member Daniel Share

**Administration:** Matt Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary  
Bruce Johnson, Building Official  
Mike Morad, Building Inspector  
Scott Worthington, Asst. Building Official  
Jeff Zielke, Building Inspector

**02-26-17**

**STUDY SESSION ITEMS**

**1. Window Tinting Requirements**

Mr. Baka noted that at their July 25, 2016 meeting, the City Commission identified two issues that they would like the Planning Board to consider. These issues were the clarification or elimination of the revision that allows window glazing to be "lightly tinted." Secondly the City Commission also asked the Planning Board to consider whether there should be a glazing requirement in alleys and passages that are subject to the Via Activation Overlay Zone.

Currently, the Via Activation Overlay standard does indicate a requirement for windows but does not set a specific percentage that is required. This would allow the Planning Board to evaluate projects on a case-by-case basis but does not provide a baseline or minimum amount of glazing that would be required in these spaces. The draft ordinance for building elevations with secondary entrances not on a frontage line would require 30% glazing on those elevations. The Planning Board may wish to consider a similar requirement in the vias.

Staff has conducted research with respect to window tinting and found there are three basic categories or ratings that are measured when evaluating the efficiency of glazing, which are as follows:

- U-factor - measures the rate of heat transfer (or loss). Predominately determined by the number of glass panes and the type of gas barrier sealed between those panes.
- Solar Heat Gain Coefficient ("SHGC") - measures how much heat from the sun is blocked. The lower the SHGC the more a product is blocking solar heat gain. SHGC can be controlled through tinting, reflective coatings or low-e coatings.
- Visible Transmittance ("VT") - measures how much light comes through a window. The higher the VT, the higher the potential for daylighting. VT is generally controlled with tinting and reflective coatings.

Modern technology has gotten to a point where low-e coatings that don't have a tint are effective in blocking solar heat gain. From that point of view, the board should not be concerned about whether or not they are affecting the Energy Code.

Comments received during the January 11, 2017 Planning Board meeting indicated general support for the use of clear glass only. However, the Planning Board requested Planning Staff to provide local examples of clear and tinted glass in the City and/or provide glass examples so that board members could view the levels of VT in person.

Mr. Baka passed around samples of clear and tinted glass. Also he identified recent local projects where clear glass and lightly tinted glass were used. Due to the ambiguity of the current glaze tinting regulations contained in the Zoning Ordinance, the City does not have any information on file as to the level of tinting that was applied to the examples provided in regards to VT. In general, 70% VT is considered light tinting.

Mr. Koseck announced he is in favor of clear glass on the first floor and lightly tinted on the floors above. Clear glass even has a green tint. It was discussed that the grey, black and bronze colors seem neutral. A light tint may not automatically be enough to deal with certain exposures to the sun. It may be necessary to use shades or blinds.

Ms. Whipple-Boyce was in favor of clear glass on all floors and indicated that most likely some sort of window treatment will be used. She likes the idea of evaluating the amount of glazing used in the vias on a case-by-case basis because of where back of the house uses may fall.

Mr. Baka said that with lightly tinted glazing there would be minimal filtration of the heat gain.

Ms. Ecker summarized the discussion. The board generally likes the idea of clear glass on the ground floor and some measure of grey or bronze tint allowed above. They prefer to keep the via glazing standards as they are and allow more glazing above.

Mr. Baka agreed to bring back some draft amendments at a future study session.



## MEMORANDUM

Planning Division

**DATE:** March 24, 2017

**TO:** Planning Board

**FROM:** Matthew Baka, Senior Planner

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

**SUBJECT:** Update Memo on Transition Zone 2 (TZ-2)

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On September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission took action to create the TZ-1 and TZ-3 zoning classifications, and rezoned several properties into each of these zone districts.

However, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board, along with those properties that had been recommended for rezoning to the new TZ-2 zone district. The City Commission referred these matters back to the Planning Board for further study, and asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 district Special Land Use Permits. Please see attached meeting minutes in the appendices for further detail.

On March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction of the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ1, TZ2 and TZ3 at the next meeting, and to prepare aerial maps for each of the proposed TZ2 properties to assist the board in understanding the neighborhood context in each case. These are included in the attached appendices.

On April 13, 2016, the Planning Board discussed the uses and development standards for the previously proposed TZ2 district. Consensus was that the biggest issue was regarding permitted uses in TZ2. There was much discussion regarding whether to reduce the number of permitted uses, increase uses permitted with a SLUP, or move some of the previously proposed SLUP uses into the permitted use column. The Board recommended removing grocery stores, drycleaners, delicatessens and parking structures as permitted uses in TZ2 (either with or without a SLUP), to remove the need for bakeries and coffee shops to obtain a SLUP, and to move health club/studio from the list of permitted uses into the column requiring a SLUP. Board



members requested these changes be made to the draft ordinance language and indicated they would discuss the revised uses again at the May study session.

On May 11, 2016, the Planning Board further discussed uses within the TZ2 zone and whether there was enough differentiation between the permitted uses in TZ2 and TZ3. This led to a discussion regarding the basis for this study as rooted in the O1-O2 discussion from several years ago. It was decided through the course of this discussion that the history of how these two studies progressed and their links to each other needed to be reframed for the benefit of the Planning Board and City Commission. The Planning Board requested that this topic be placed on the joint City Commission/Planning Board agenda for June of 2016.

On June 20, 2016, the City Commission and Planning Board held a joint study session/workshop where the TZ2 topic was discussed at length. This discussion included a lengthy summary of the background of this topic and how it evolved from the earlier O1-O2 zone studies. At the conclusion of this discussion the City Commission instructed the Planning Board to revisit the TZ2 issue with inclusion of the O1-O2 history. It was suggested that the Board hold another public hearing to allow for additional public input and then make a recommendation to the Commission. The commission would then consider how to proceed with the newly proposed zone. The possibilities suggested included implementing the zone and then applying it to specific properties or to allow property owners to request a rezoning individually.

Accordingly, the Planning Division has assembled the relevant information and history regarding both the TZ discussion and the O1-O2 discussion.

Please find attached the following for review and discussion:

- **Appendix A:** Previously proposed TZ2 ordinance amendments (**blue text** and ~~strike-through~~ text shows changes made based on April 2016 comments of the Planning Board);
- **Appendix B:** Minutes from recent study sessions regarding TZ2
- Zoning map of the City identifying all parcels previously considered for TZ2 zoning classification;
- **Appendix C:** Aerial imagery of each area containing parcels previously considered for TZ2 zoning classification;
- **Appendix D:** Charts detailing current vs. proposed uses and development standards for all properties considered for TZ2 zoning classification; and
- **Appendix E:** The final staff memo regarding the O1-O2 study that was presented at the Public Hearing held by the Planning Board;
- **Appendix F:** The O1-O2 rezoning presentation that was presented at the O1-O2 public hearing presented by the Planning Board.

#### SUGGESTED ACTION

The Planning Division suggests that the Planning Board set a public hearing for a future date to consider a recommendation to the City Commission.

## APPENDIX A:

ORDINANCE NO. \_\_\_\_\_  
THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT.

Article 02, section 2.43 shall be established as follows:

### **District Intent**

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.**
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.**
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.**
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.**
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.**
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.**

### **Residential Permitted Uses**

- dwelling – attached single family
- dwelling – single family (R3)
- dwelling – multi-family

### **Commercial Permitted Uses**

- art gallery
- artisan use
- **bakery**

- barber/beauty salon
- bookstore
- boutique
- coffee shop
- drugstore
- gift shop/flower shop
- hardware
- ~~health club/studio~~
- jewelry store
- neighborhood convenience store
- office
- tailor

**Accessory Permitted Uses**

- family day care home
- home occupation\*
- parking – off-street

**Uses Requiring a Special Land Use Permit**

- any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- assisted living
- ~~bakery~~
- bank/credit union with drive-thru
- church and religious institution
- ~~coffee shop~~
- ~~delicatessen~~
- ~~dry cleaner~~
- essential services
- food and drink establishment
- government office/use
- ~~grocery store~~
- health club/studio
- independent hospice facility
- independent senior living
- ~~parking structure~~
- school – private and public
- skilled nursing facility
- specialty food shop

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk

ORDINANCE NO. \_\_\_\_\_  
THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT.

Article 02, section 2.44 shall be established as follows:

**Minimum Lot Area per Unit:**

- n/a

**Minimum Open Space:**

- n/a

**Maximum Lot Coverage**

- n/a

**Front Yard Setback:**

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

**Minimum Rear Yard Setback:**

- 10 feet
- 20 feet abutting single family zoning district

**Minimum Side Yard Setback**

- 0 feet from interior side lot line
- 10 feet from side lot line abutting a single family district

**Minimum Floor Area per Unit**

- n/a

**Maximum Total Floor Area**

- n/a

**Building Height**

- 30 feet and 2 stories maximum
- For sloped roofs, the eave line shall be no more than 24 feet and the roof peak shall be no more than 35 feet.
- first story shall be minimum of 14 feet, floor to floor

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

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Mark Nickita, Mayor

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Cheryl Arft, Acting City Clerk

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 4, SECTION 4.53, PK-09

**Article 4, section 4.53 PK-09**

**This Development Standards section applies to the following districts:  
TZ1, TZ2, TZ3**

**Parking lots shall meet the following requirements:**

- 1. Parking lot frontage:** Parking lots (not located in the road right-of-way) are permitted only in side and rear yards as follows:
  - a. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than 25% of the total site's frontage or 60 feet, whichever is less, shall be occupied by parking lot.**
  - b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less, and the building shall be located at the corner of the lot adjacent to the intersection.**
  - c. For a double frontage lot or a lot that has frontage on 3 streets, the cumulative total of all frontages occupied by parking shall be no more than 35% of the total site's frontage or 60 feet, whichever is less.**
- 2. Screening:** Where an off-street parking lot is visible from a street, it shall be screened by a 3 foot tall screen wall located between the parking lot and the sidewalk, meeting the requirements of Section 4.53. Where a parking lot is adjacent to a single family residential district, a 6 foot tall brick screen wall meeting the requirements of Section 4.53 shall be provided between the parking lot and the residential use.
- 3. Structures:** Parking structures shall only be permitted where there is usable building space for a portion of the ground level along the street frontage. Where a parking structure is provided or parking is located on the ground level below the building, usable building space to a depth of at least 20 feet shall be provided in front of the parking for the minimum required building length.
- 4. Required parking:** Each use shall provide the parking required by the off street parking space requirement of Article 04 Table A, except as provided for in this Section. Off street parking shall be provided for within 300 feet of the building being served.
- 5. On-street parking:** On-street parking shall be allowed on all street frontages, where permitted by the Police Department. On-street parking located along a

**lot's frontage may be credited towards meeting the parking requirements for that use, provided the streetscape is improved to meet the requirements of Section 3.24.**

- 6. Driveway access: Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective upon publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk

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 ADD ARTICLE 4, SECTION 4.58, SC-06

**Article 4, section 4.58 SC-06**

**This Development Standards section applies to the following districts:  
TZ1, TZ2, TZ3**

**Parking lots shall meet the following requirements:**

- 1. Buffer Requirements:** All developments within shall provide a physical and visual buffer from adjoining single-family properties in the required setbacks adjacent to single-family uses and zones. A required buffer zone must contain a minimum 6 feet high masonry wall with a sloping stone cap along the length of the subject property that abuts a single family property. All required buffer walls must provide varying textures, materials and/or design along the length. Blank, monotonous walls are not permitted. Buffer walls must include a two (2) foot row of landscaping on the parking lot side of the wall.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective upon publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk



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 ADD ARTICLE 3, SECTION 4.63, SB-06

**Article 4, section 4.63 SB-06**

**This Development Standards section applies to the following districts:  
TZ2, TZ3**

- A. **Front Yard Setback Exceptions:** In the TZ2 and TZ3 Districts, 75% of the length of the ground level street-facing façade of the building must be built within 5 feet of the front lot line. The precise setback between 0 and 5 feet shall be consistent with the front building line along the block, or as determined by the Planning Board where a clear setback doesn't exist. The Planning Board may grant exceptions to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below.

- 1. Widening the sidewalk along the frontage of the building.**
- 2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.**
- 3. Providing outdoor seating for the proposed use.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective upon publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
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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 ADD ARTICLE 4, SECTION 4.69, ST-01

**Article 4, section 4.69 ST-01**

**This Development Standards section applies to the following districts:  
TZ1, TZ2, TZ3**

- A. Street Design:** All streets shall be constructed to meet the requirements of the City Birmingham.
- B. Sidewalks:** Sidewalks in the Zoning Transition Overlay District shall be a minimum of 6 feet wide. Sidewalks along Woodward Avenue shall be a minimum of 7 feet wide. The Planning Board may allow the sidewalk along blocks that are occupied by only residential uses to be a minimum of 5 feet wide.
- C. Street Tree:** One (1) canopy tree shall be provided for every 40 feet of frontage and may be planted within a grass boulevard or within tree grates or tree wells in the sidewalk.
- D. Street Design:** The entrances of streets into adjacent single family residential neighborhoods shall be designed to calm traffic, encourage pedestrian use and provide a distinction between less intense residential areas and more intense commercial or mixed use areas. All such street entrances and intersections of such streets with major traffic roads may include the following elements:
  - 1. Curb extensions on the mainly residential street to narrow road width, reduce crosswalk length and to encourage slower vehicular speeds;
  - 2. Enhanced pedestrian crosswalks, including ADA compliant ramps, highly visible pavement markings, and pedestrian countdown signals;
  - 3. Installation of a speed table on the residential street if recommended by the Multi-Modal Transportation Board; and
  - 4. Installation of a pedestrian crossing island on adjacent major traffic roads if recommended by the Planning Board and/or the Birmingham Multi-Modal Transportation Plan.
- E. Vias:** Vias shall be permitted in the Zoning Transition Overlay District and shall be required where necessary to provide access to parking lots, loading areas and garages at the property or to improve pedestrian connectivity.
  - 1. Vias serving as access to residential garages shall be located within an easement with a minimum pavement necessary for circulation and emergency vehicle access.

**2. Vias accessing commercial parking lots and loading areas in the rear of a site may be used as drive aisles in interior block parking lots with parking spaces along the alleys.**

**F. Street Furniture:** Benches and trash receptacles shall be provided by the developer in park and plaza areas and along adjoining sidewalks where the Planning Board determines that pedestrian activity will benefit from these facilities.

**G. Bicycle Facilities:** All developments shall be designed to accommodate bicycle travel, including the provision of bike racks. All parking lots for commercial, recreational and institutional uses shall include sufficient bike racks to allow the parking of a minimum of one bike for every 10 automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective upon publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 4, SECTION 4.78, SS - 10

**Article 4, section 4.78 SS - 09**

**This Use Specific Standards section applies to the following districts:  
T22, T23**

**A. Corner Parcels:**

**Corner parcels in the Zoning Transition Overlay shall be developed with the front lot line facing a city major street as defined in P.A. 51. of 1959. The Planning Board may approve an alternative front lot line if the board finds that:**

- 1. There are no city major streets fronting on the subject parcel; or**
- 2. The use of an alternative front lot line would be more compatible with the scale and massing of adjacent residential land uses.**

**B. Facade Requirements:**

**Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.**

- 1. Blank walls longer than 20 feet are not permitted on any front façade. Blank walls longer than 30 feet are not permitted on any façade.**
- 2. All buildings shall have a main entrance that is located on at least one (1) street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.**
- 3. For buildings longer than 100 feet, there shall be a minimum of one (1) usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up on all facades.**
- 4. Garage doors shall not be permitted on a front façade.**

**C. Roof Design:**

- 1. Mansard roofs shall not be permitted on single story buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.**
- 2. Flat roofs shall be enclosed by parapets.**

3. All rooftop mounted equipment shall be screened from view on all sides of the building.
4. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.

**D. Building Materials:**

The following exterior finish materials are required on the front façade and any façade facing a street, plaza, park or parking area. These requirements do not include areas devoted to windows and doors.

1. All walls exposed to public view from the street, or parking area shall be constructed of not less than 60% brick, stone or glass. Panel brick and tilt-up brick textured paneling shall not be permitted.
2. The remaining façade may include wood siding or fiber cement siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor.
3. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective upon publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk

CITY OF BIRMINGHAM  
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THE CITY OF BIRMINGHAM ORDAINS:

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

TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONE 2 –

**Article 5, section 5.15 Transition Zone 2**

**This Use Specific Standards section applies to the following district:  
T22**

**A. Hours of Operation: Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:**

- 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;**
- 2. The use will be compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood; and**
- 3. The use is in compliance with all other requirements of this Zoning Ordinance.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective upon publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk

## APPENDIX B

### City Commission Minutes September 21, 2015

#### UNFINISHED BUSINESS

#### 09-204-15 CONTINUED PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS TRANSITIONAL ZONING

Mayor Sherman reopened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:44 PM.

Planner Baka explained the recent revision to TZ1 requested by the City Commission prohibits garage doors on the front elevation. Commissioner Rinschler pointed out the previous discussion to eliminate all non-residential uses from TZ1. City Manager Valentine noted that any modifications to TZ1 could be addressed tonight.

Mr. Baka explained that TZ1 allows for attached single-family or multi-family two-story residential and provides transition from low density commercial to single family homes. He noted the maximum height is thirty-five feet with a two-story minimum and three-story maximum.

Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal. Mr. Baka explained that it was based on the objections from the homeowners as the current residents did not want their properties rezoned. Commissioner Rinschler pointed out that the rezoning is not about what is there currently, but what could be there in the future.

Mayor Pro Tem Hoff commented that the setback in TZ1 is required to have a front patio or porch which is very limiting with the five foot setback. She questioned why one-story is not allowed. Planner Ecker explained that two-stories will allow for more square footage and it is intended to be a buffer from the downtown to residential.

Commissioner Rinschler suggested that post office, social security office, school, nursing center, and church be removed from the list of uses so it is only residential use. He noted that the City is trying to create a buffer so there are no businesses abutting residential. He suggested a future Commission review the residential standards. Commissioners Dilgard and McDaniel agreed.

Ms. Ecker commented on the front setback requirement. She noted that the development standards include a waiver which would allow the Planning Board to move the setback further if a larger patio or terrace is desired.

Commissioner Nickita commented on the additional uses in TZ1. He noted that this is a zoning designation which is essentially residentially focused allowing for multi-family. He stated that those uses which stand out to be residential are independent senior living and independent hospice which are aligned with multi-family residential uses. The Commission discussed the intensity of each use including assisted living.

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

Commissioner Nickita suggested that in considering the commercial permitted uses and the Special Land Use Permit (SLUP) uses that several uses would be better served with a SLUP such as convenience store, drug store, and hardware store. Commissioners Rinschler and Hoff agreed.

Commissioner Rinschler noted the trouble with defining uses. He questioned why not let all the uses require SLUP's. Commissioner McDaniel suggested developing standards to evaluate SLUP's. Commissioner Nickita noted that it is not a one size fits all.

Mayor Sherman summarized the discussion that TZ1 would be restricted to solely residential; in TZ2 residential would be allowed, but any commercial uses would require a SLUP; in TZ3 would remain as drafted.

Bill Finnicum, 404 Bates, stated that having zero to five foot setbacks is impractical. He suggested that the biggest danger is losing the character and rhythm of the streets.

Michael Murphy, 1950 Bradford, stated that the suggestion to require a SLUP is an acceptable compromise.

In response to a question from Commissioner Moore regarding parking, Ms. Ecker explained that commercial entities must provide for their own parking on-site if they are not in the parking assessment district. On-street parking can only be counted if the property is located in the triangle district.

Reed Benet, 271 Euclid, stated that changing the zoning from single family residential to protect single family residential is illogical.

Ms. Ecker confirmed for David Crisp, 1965 Bradford, that the parcels on 14 Mile would not be able to count the on-street parking unless they came through a separate application process and tried to get approval of the City Commission.

A resident at 1895 Bradford stated that the more uses which are subject to a SLUP would decrease the predictability of the neighborhood in the future and the value of the zoning effort.

Benjamin Gill, 520 Park, stated that the height of the buildings should be controlled by the neighborhood.



Irving Tobocman, 439 Greenwood, questioned the restriction on the depth of a porch relative to the setback on the street.

David Kolar, commercial real estate broker, expressed concern with the unintended consequences of making everything a SLUP. He noted that a SLUP is a high barrier of entry for small businesses. He suggested defining the appropriate uses in the TZ1, TZ2, and TZ3 districts.

Erik Morganroth, 631 Ann, expressed support of the idea of limitations and commented that the SLUP is most appropriate.

Mr. Baka discussed the parcels proposed in TZ1. He noted the proposal increases the number of units currently permitted at 404 Park from two to four, increase the number of units currently permitted on the parcel at Willits and Chester from two units to a maximum of five, and set the number of units currently permitted on the post office parcel from no limit to one unit for every 3,000 square feet. He discussed the lot area and setbacks.

Mr. Baka confirmed for Mayor Pro Tem Hoff that if the post office moved, a single family residential would be permitted.

Commissioner Rinschler expressed concern that only one lot was included in the 404 Park area. He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels.

Commissioner Moore stated that there is still a strong potential of economic viability to having those remain single family residential. The purpose of the ordinance is not to invade or lessen a neighborhood, but to enhance the neighborhood by protecting it and ensuring it will be contextual and there are building standards. Commissioner McDaniel agreed.

Commissioner Dilgard stated that the Planning Board was correct with the proposed zoning on 404 Park.

Mayor Sherman pointed out that Commission Nickita recused himself from 404 Park as he was involved with a project with someone who has an interest in 404 Park.

Mayor Sherman agreed with Commissioner Rinschler and noted that the zoning that is suggested does not make a lot of sense.

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.

- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.
- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.
- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

The Mayor closed the Public Hearing at 9:21 PM.

**MOTION:** Motion by Rinschler, seconded by Dilgard:

To adopt the ordinances amending Chapter 126, Zoning, of the Code of the City of Birmingham as suggested with the following modifications: to modify TZ1 with the changes presented plus the elimination of all non-residential uses; to modify TZ2 that all commercial uses require a SLUP, and TZ3 would remain as proposed: (TZ2 RESCINDED)

- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

Commissioner Moore commented that an important part of this package is the building standards for the transitional areas where commercial abuts residential. Requiring SLUP's in the TZ2 district will be more cumbersome for the small proprietor. There may be some unintended consequences.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Rinschler, seconded by Dilgard:

To amend Chapter 126, Zoning, of the Code of the City of Birmingham, Article 4, all Sections noted below, to apply to each Section to the newly created TZ1, TZ2, and/or TZ3 Zone Districts as indicated: (TZ2 RESCINDED)

Ordinance Section Name	Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	4.02 4.03 4.04	TZ1, TZ2, TZ3 TZ1 TZ1, TZ2, TZ3
Essential Services Standards (ES)	4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	4.10 4.11	TZ1, TZ2, TZ3 TZ1
Floodplain Standards (FP)	4.13	TZ1, TZ2, TZ3
Height Standards (HT)	4.16 4.18	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Landscaping Standards (LA)	4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	4.21 4.22	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Loading Standards (LD)	4.24	TZ1, TZ2, TZ3
Open Space Standards (OS)	4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD)	4.44	TZ2, TZ3

Parking Standards (PK)	4.45 4.46 4.47	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Screening Standards (SC)	4.53	TZ1, TZ2, TZ3
Setback Standards (SB)	4.58	TZ1, TZ2, TZ3
Structure Standards (SS)	4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU)	4.77	TZ1, TZ2, TZ3
Utility Standards (UT)	4.81	TZ2, TZ3
Vision Clearance Standards (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by Nickita:  
To amend Article 9, Definitions, Section 9.02 to add definitions for boutique, parking, social club, tobacconist, indoor recreation facility, and specialty food store.

VOTE: Yeas, 7  
Nays, None Absent, None

In response to a question from Commissioner Nickita, City Manager Valentine explained that there was a question on the current use of the property at 412 & 420 East Frank zoned R3.

Staff has determined that the property appears to be in violation of the zoning ordinance with regard to the current use. It is currently under investigation as the current zoning is residential and the current use appears to be commercial. He noted that it is an enforcement issue.

City Attorney Currier stated that the Commission action on the rezoning is independent of the violation. He stated that staff has not had access to the property as of yet.

Commissioner Nickita stated that the current use may have an effect on how the Commission views the property. Commissioner Rinschler responded that the current use has no bearing on the future zoning.

**MOTION:** Motion by Hoff, seconded by McDaniel:

To approve the rezoning of 412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI. from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ2 – Mixed Use to allow commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

Mr. Baka explained for Patty Shayne that the property would be commercial or residential zone.

Erik Morganroth, 631 Ann, questioned why R3 would not be zoned TZ1 as it is a corner buffer lot.

Eric Wolfe, 393 Frank, stated that rezoning is not necessary on these parcels.

Nirav Doshi, 659 Ann, stated that the R3 should not be converted to TZ2. It should stay residential.

The Commission discussed the possibility of removing R3 out of the motion. Mayor Pro Tem Hoff suggested amending the motion to remove R3. There was no second.

Commissioner McDaniel suggested referring this back to the Planning Board to consider what has been proposed. Mr. Baka noted that the property owner requested to be in the study so they could consolidate the parcels under a single zone. Commissioner Nickita concurred that this should be reconsidered at the Planning Board level.

Mayor Pro Tem Hoff withdrew the motion. MOTION WITHDRAWN

**MOTION:** Motion by Nickita, seconded by Rinschler:

To send this item back to the Planning Board with direction based on the conversation tonight.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by McDaniel, seconded by Nickita:

To approve the rezoning of 151 N. Eton, Birmingham MI from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

Dorothy Conrad stated that the Pembroke neighborhood does not object.

David Kolar stated that he was in favor of TZ2, until the SLUP requirement was added tonight which he objects. He stated that an identified number of basic uses is needed as these are small units.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by McDaniel:  
To approve the rezoning of 2483 W. Maple Rd. Birmingham MI. from B1- Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Dilgard, seconded by McDaniel:  
To approve the rezoning of 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI. from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Dilgard:  
To approve the rezoning of 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI. from B1-Neighborhood Business and O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Hoff:  
To approve the rezoning of 100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd., Birmingham, MI. from B1-Neighborhood Business, P-Parking, and R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by McDaniel, seconded by Moore:

To approve the rezoning of 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI. from O1-Office to TZ2-Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (NO VOTE TAKEN)

Commissioner Moore stated that he will oppose this item. He stated that he approves the concept, but thinks the timing is wrong due to future changes to Woodward Avenue.

Dorothy Conrad noted that the current uses along 14 Mile Road are offices. There is no benefit to the neighborhood by changing the zoning to allow commercial uses with a SLUP.

David Kolar stated his objection and noted that the property owners should be notified that every use now requires a SLUP. It is a big change for a property owner.

City Attorney Currier stated the addition of the SLUP requirement is an additional restriction which was not part of the original notice to the property owners. He noted that this could be an issue for those not aware that the SLUP requirement was added tonight. In response to a question from the Commission, Mr. Currier confirmed that renotification to the property owners would be needed and the ordinance to add the SLUP restriction would have to go back to the Planning Board.

**MOTION:** Motion by Nickita, seconded by Hoff:

To rescind the motions regarding TZ2 for review of the Planning Board.

VOTE: Yeas, 7  
Nays, None Absent, None

Mr. Valentine explained that TZ2 will be sent back to the Planning Board to hold a public hearing to incorporate the proposed language to include the SLUP restriction for commercial uses, and then back to the City Commission.

**MOTION:** Motion by Hoff, seconded by McDaniel:

To rescind the adoption of the TZ2 ordinance and all housekeeping pertaining to TZ2, but not TZ1 or TZ3, and refer TZ2 to the Planning Board per the discussion and to have the Planning Board take into consideration the discussion from the City Commission and from the public to arrive at a conclusion.

Commissioner Dilgard stated that he does not agree with the direction that everything has to be a SLUP. If it is sent back to the Planning Board, he suggested a SLUP be required for properties 1500 square feet or greater rather than just a blanket SLUP regardless the size of the property.

Commissioner McDaniel agreed and expressed concern that a 1500 square foot store would have to pay high fees for the approvals.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by Nickita:

To approve the rezoning of 36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by McDaniel:

To approve the rezoning of 1221 Bowers & 1225 Bowers Birmingham, MI from O1- Office/ P -

Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Dilgard, seconded by Hoff:

To approve the rezoning of 400 W. Maple Birmingham, MI from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Dilgard:

To approve the rezoning of 191 N. Chester Rd. Birmingham, MI. from R-2 Single- Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

Mr. Currier noted that a protest petition was received on 404 Park which requires a  $\frac{3}{4}$  vote of the elected Commission. Mayor Sherman noted that six votes are needed and Commissioner Nickita has recused himself from this item.

**MOTION:** Motion by Dilgard, seconded by Moore:

To approve the rezoning of Parcel # 1925451021, Known as 404 Park Street, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

Commissioner Rinschler stated that if a buffer zone is being created, it should include properties further down Oakland. He stated that he considers rental properties as commercial development.



Mayor Pro Tem Hoff stated that she will not support the motion. She noted that the plans look good, however she has heard from residents who are very unhappy about this.

Mayor Sherman noted that he will not support the motion. If a buffer zone is going to be created, it should be the entire side of the street. He noted that Oakland is an entranceway into the City. Eventually, there may be that transition, but now is not the time.

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore) Nays, 3 (Hoff, Rinschler, Sherman)  
Absent, None Recusal, 1 (Nickita)

Commissioner Rinschler and Commissioner Dilgard agreed that this should be referred back to the Planning Board based on the discussion.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 9, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

**Absent:** Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**03-40-16**

**4. Transitional Zoning (TZ-2)**

Chairman Clein noted the purpose of this study session is to re-acquaint the board with the process thus far so they can determine what the next steps might be.

Ms. Ecker recalled that on September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board for further study, along with those properties that had been recommended for rezoning to the new TZ-2 Zone District. The City Commission asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 District Special Land Use Permits ("SLUPs").

Consensus was that the board will only look at the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Ms. Whipple-Boyce said it would be helpful to have the commercial uses that were approved for TZ-1 and TZ-3 when the board is looking at the uses of TZ-2. Mr. Williams agreed the charts would be very helpful. Also he would like to see a Google map of the TZ-2 properties to understand their context from all sides.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 13, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Colin Cusimano

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-63-16**

**STUDY SESSION  
Transitional Zoning TZ-2**

Ms. Ecker recalled that on March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction from the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ-1, TZ-2 and TZ-3 at the next meeting, and to prepare aerial maps for each of the proposed TZ-2 properties to assist the board in understanding the neighborhood context in each case. Charts, maps and aerial photos were included in this month's materials for review by the board.

Ms. Ecker noted that the only difference between TZ-2 and TZ-3 is that TZ-3 allows a veterinarian office and a 1,000 sq. ft. larger commercial space without needing a Special Land Use Permit ("SLUP").

Mr. Williams recalled there were a number of former Commissioners who felt that all of TZ-2 should have SLUPs for permitted uses. He has no idea what the new City Commission wants to do with TZ-2. Personally, he is opposed to a SLUP for everything. He thought the SLUP should only come into play if the uses go beyond what was originally permitted in the underlying zoning. What is developed in TZ-2 is not

a significant expansion, but it is a consolidation. All of the properties coming from the categories where it is not a significant expansion would stay as TZ-2. Create a TZ-4, basically three or four properties along Fourteen Mile Rd., and give them SLUPs. In his view a few properties caused TZ-2 to be derailed by the former City Commission. Now the only unknown is what this City Commission wants. He doesn't think the Planning board was that far off in its original presentation to them.

Chairman Clein wondered if TZ-2 should be a bit more restrictive with fewer permitted uses so there is more of a separation between TZ-2 and TZ-3.

Mr. Boyle thought TZ-2 should be simplified so there is the intent of having a modest amount of mixed uses with some commercial activity, and there are not lots of regulations which is what a SLUP is. Discussion concerned making health club a SLUP use because of the need for parking, and its effect on the neighborhood. Mr. Williams suggested making anything a SLUP that impinges on the neighborhood in terms of its demands. Leave many of the uses the way they are because they are not that controversial.

Ms. Whipple-Boyce felt differently. She wanted to take some of the SLUP uses and put them into permitted uses because she thinks the whole idea is to activate the buildings and get small business owners into the spaces. She feels the board went wrong by taking some of the permitted uses away, and they have become too restrictive with what is being proposed for TZ-2. Mr. Jeffares thought that once you restrict the uses you will end up with empty stores.

Mr. Williams recalled that back in history the board took out some of the most objectionable uses. Their mistake was that they didn't report on that to the City Commission as part of this package. Now when they go forward to the Commission they have to go back and tell the whole story because the Commission needs to understand the original charge years ago and what has happened since. Mr. Boyle added that in the joint session it behooves this board to be very clear about what it wants and not apologize.

Ms. Whipple-Boyce thought there could be a way to clean up the uses so there is a better distinction between TZ-2 and TZ-3. Mr. Boyle said that understanding the long history is important along with presenting it in a logical simplified way to the Commission.

The group's consensus was to remove from TZ-2 drycleaner, grocery store, delicatessen, parking structure; make health club a SLUP; move coffee shop and bakery up from uses requiring a SLUP to permitted uses. All TZ-2 requirements kick in upon a change in use. A 3,000 sq. ft. limitation applies to permitted uses. Larger permitted uses require a SLUP.

It was agreed to look at the revised list of uses and start talking about them at the next study session.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 11, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on May 11, 2016. Vice-Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

**Present:** Board Members Stuart Jeffares, Bert Koseck, Gillian Lazar, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representative Colin Cusimano

**Absent:** Chairman Scott Clein; Board Member Robin Boyle.

**Administration:** Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**05-86-16**

**3. Transitional Zoning (TZ-2)**

Mr. Williams stated the Planning Board does not know what this new City Commission wants. Therefore, the board should see if it can agree on what the standards should be for TZ-2. Either let individual property owners come before this board to apply for rezoning to the district, or at the June joint meeting with the City Commission ask the Commission how they want to handle the various properties that were included within the previous recommendation for TZ-2. What was sent back was primarily what the uses and standards were. He thought the TZ-2 uses are more permissive now than the TZ-3 and it should be reversed. Therefore TZ-2 in relationship to TZ-3 uses should be tonight's focus. If this becomes too difficult in terms of Special Land Use Permits ("SLUPS") the buildings will either remain vacant or they won't change in accordance with what the board wants to achieve. He thinks there should be fewer SLUP requirements in TZ-3. Mr. Share raised the point that there isn't enough difference between TZ-2 and TZ-3 to spend any time saying they are different.

The board went over the uses for TZ-2 and TZ-3 to see which ones make sense and which ones can be changed to not requiring a SLUP. Consensus was as follows:

<b>TZ-2 Commercial Permitted Uses</b>	<b>TZ-3 Commercial Permitted Uses</b>
Art gallery Artisan use Bakery Bank or credit union (no drive-through) Bookstore	Art gallery Artisan use Bank or credit union (no drive-through) Bakery Barber/beauty salon

Boutique Coffee Shop Delicatessen Drugstore (limited by size restriction) Drycleaner pickup Gift shop/flower shop Hardware (limited by of size restriction) Jewelry store Office (limited by size restriction) Specialty food shop Tailor	Bookstore Boutique Coffee shop Delicatessen Drugstore (limited by size restriction) Drycleaner pickup Gift shop/flower shop Hardware (limited by size restriction) Health club/studio Jewelry store Convenience store Office (limited by size restriction) Specialty food shop Tailor
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<b>TZ-2 Uses Requiring a SLUP</b>	<b>TZ-3 Uses Requiring a SLUP</b>
Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant  Assisted living Bank or credit union (w/drive-through) Barber/beauty salon Church and religious institution Essential services Church and religious institution Government office/use Health club/studio Independent senior living	Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant  Assisted living Bank or credit union (w/drive-through) Church and religious institution Drycleaner with a plant Essential services Food and drink establishment Government office/use Grocery store Hospice facility Independent senior living  Parking structure School – private and public Skilled nursing facility Veterinary clinic

Board members were in agreement with talking to the City Commission at the June 20 joint meeting about tweaking TZ-3 somewhat. Present the chart along with definitions. The Planning Board has been responsive to the neighbors throughout the study, so Ms. Ecker agreed to go back and figure out what uses the board has outlawed starting from the beginning of the O-1 and O-2 study.

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES  
JUNE 20, 2016  
DPS FACILITY, 851 SOUTH ETON  
7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL: Present, Mayor Hoff

Commissioner Bordman  
Commissioner Boutros  
Commissioner DeWeese  
Commissioner Harris  
Mayor Pro Tem Nickita  
Commissioner Sherman

Absent, None

**ROLL CALL OF PLANNING BOARD:**

Present, Mr. Clein, Chairperson

Ms. Boyce  
Mr. Boyle  
Mr. Jeffares  
Mr. Koseck  
Ms. Lazar  
Ms. Prasad, alternate member (arrived at 7:32 PM)  
Mr. Share, alternate member  
Mr. Williams

Administration: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft, City Engineer O'Meara, City Planner Ecker, Assistant City Planner Baka, Building Director Johnson

**B. Transitional Zoning (TZ2 District)**

Ms. Ecker summarized the transitional zoning issues already adopted. She noted the Planning Board has been studying TZ2 district properties. The board is looking for some direction from the City Commission as to what they would like to see and also share what the board has done so far. She said the uses are always the biggest issue. The board has come up with a new proposal and would like the commission to weigh in.

Some uses in TZ2 have been eliminated, shifted around as to which are allowed as of right, and which are allowed as a special land use permit only, and looking at them clearly in relation to TZ1, TZ2 and TZ3. There was some concern that maybe there was a big jump from TZ1 to TZ2 and not a graduated system that would make it a seamless transition from TZ1 to TZ2 to TZ3 so there was a clear differentiation and it moved the most uses to TZ3. If adopted, TZ1 and TZ3 zones which were already adopted, may need to be adjusted.

Mr. Jeffares added that parking requirements were considered carefully. Ms. Ecker said the main focus has been with uses.

Mayor Hoff said traditionally the special land uses are the ones that we want to control the most. She noticed that quite a few special land uses especially in TZ2 have been eliminated and she asked where they have been moved. Ms. Ecker confirmed that some have been moved to other categories. Originally, the board made all of the food-related uses in a special land use permit category. Since then, the board decided the better demarcation would be parking and traffic and the impact to the neighborhood.

Mayor Hoff asked if the food uses have been moved to commercial permitted uses. Ms. Ecker noted that food uses have been moved there in some cases, but not all. Bank or credit union with a drive-thru have been removed due to the traffic and circulation issue for the neighborhood.

Ms. Boyce said they realized that other ordinances are in place that define noise, smell, and dumpsters, so there are other controls over those uses. Parking is more challenging. It was felt that controls are in place already to be able to put something like a bakery as a permitted use in TZ2 rather than as a special land use.

Commissioner DeWeese said part of the issue here is a different vision of the residents among themselves. Some like a more urban vision, while others that do not want them close to their homes. He has not heard complaints about the layout and structure, but has heard people complain about the uses. He thinks it would be better to have fewer permissible uses in the beginning. He said the basic notion is that it is a buffer for residential areas. He is leery about special land uses, and feels the public does not trust the special land use process. The cost burden of a special land use permit is high in both time and money to a small business owner. We want to find the uses that are acceptable, minimize the use of special land use permits and begin with fewer uses and add more in the future, if appropriate.

Commissioner Harris asked whether TZ2 should just apply in certain areas or be available generally for applicants. Ms. Ecker said there was some discussion about that and they are looking for some input from the commission in that regard. The biggest problems fall into the TZ2 category.

Mayor Hoff noted that the commission did designate specific properties for TZ1 and TZ3. Ms. Ecker agreed, and said that was the original proposal for TZ2 as well, so the board is looking for specific feedback from the commission: should they continue to study the specific properties and determine if TZ2 is a good fit, or present the TZ2 ordinance and let the commission decide to create the district and let people apply individually to come in. The Planning Board has not had a public hearing on it yet, so it is still in the draft stage.

Commissioner Sherman noted that the comments received at the commission's TZ2 public hearing were concerns about uses in the TZ2 area. The idea was to restrict the uses more than they were, and move things to areas where we could control them or add them in later. This draft expands the uses in the area, and reduces the controls rather than increases them. He does not think this has met the objective of what was suggested by the commission. If these areas are designed to protect the neighborhoods, then they need to be looked at from neighborhood side. He suggested fewer uses with more controls that can be relaxed as time goes on if appropriate. He expected to see more under SLUPs, far fewer uses and far less intense uses.



Mr. Boyle asked Commissioner Sherman for specifics. Commissioner Sherman used a delicatessen or specialty food shop as an example. Look at the definition and how is the food prepared or is it packaged. The dry cleaner was originally a special land use and now it is a permitted use. He said things that were agreed to at the time were fine as a special land use and wanted to look at the things that were there that could be done without special land use. Instead, things have been taken out of special land use and made them permitted uses. From a neighborhood standpoint, we are trying to create a buffer and calm the area between downtown and the neighborhood.

Mr. Williams said they also took things that were in the special land use permit designation and eliminated them entirely, and there are more of those than were added. Of those things that have been eliminated, does the commission agree that some of these should be brought back in. The previous commission was generally unspecific.

Ms. Boyce said it is helpful to go back and look at what is permitted in O1 and O2. When she compares the list side by side, the new one has a lot less permitted uses.

Mr. Clein requested more specific direction. Mayor Hoff agreed with him, and the new commission has not discussed each of the new uses.

Commissioner Nickita said it is important to recognize why it was done in the first place. The fundamental issue is to recognize there was a lot of inconsistencies, edge conditions with no controls, inappropriate uses in the perimeter transitional zone. The effort so far has organized and recognized the gaps and issues and inconsistencies and pulled it all together. Now it is a matter of refining it. When we talk about this, we want to make sure we are up to speed on the accomplishment and value of what has been done. He encouraged the commission to have a dialog on that level. The land use is only one discussion.

Commissioner Harris agreed that the new commission would be helped by seeing the comparisons to O1 and O2, and in that way the degree of change can be assessed.

Commissioner DeWeese would like the board to consider there may be some areas where some of the uses are acceptable because they are not right next to residences. He said we still need to do the follow-up.

Commissioner Boutros said we agree we need to move forward and identify first if we need TZ2. If we do, we have identified lots in the area and we need to determine whether these are the final lots, or are we going to open it to even more. We need to determine the reasons why a use should not be there.

Commissioner DeWeese suggested a study session to discuss the reasons as to why this is being done, and what is being done. Then the commission can provide a policy direction, and have the board come back with the details.

Mayor Hoff stated we already approved TZ1 and TZ3. We just have to fine tune TZ2. We already have the reasons for the transition zones. She is hearing that the questions are about the uses, and perhaps we need to have the comparison discussions.

Commissioner Bordman asked is the plan to review the uses.

Mr. Valentine suggested the commission wants to look at the direction this is headed, so that when it goes back to the board, it can continue to do the work that the commission is expecting the board to do.

Commissioner Bordman has listened to the board comments and their thought process about the impact on the neighborhoods of parking and have eliminated the negative impact of parking. The board carefully thought about what the residents would like to have that would not have a negative impact on the neighborhood. She is highly satisfied with the work done on these uses. She thinks they are compatible with a buffer zone transition area. We ought to concentrate whether we want the document as it is and apply it to specific places, or if we want this document as it is and let the owner apply for this zoning. She thinks that is the commission's decision.

Mr. Valentine said in terms of process, the commission can draft the ordinance, but that's not the role of the commission. The function is to provide the input that the planning board is looking for so they can provide the recommendation to the commission in vetting this all out. As opposed to putting specifically what you want, you could bypass the Planning Board, but that is not the intent. The intent is to give the Planning Board the direction so they can finish the work they have started with the clarity and expectation that you are expecting.

City Attorney Studt stated that the political decision is the commission's. The Planning Board is the body of experts to guide the commission to where the commission wants to go.

Mayor Hoff hears a difference of opinion here. Commissioner Sherman expressed an opinion that is different. She thinks the commission needs to discuss and decide where we go. Mr. Valentine agreed, and said the commission would review it and then provide direction to Planning Board to work out the final details so the commission can then approve it based on a recommendation.

Ms. Lazar asked would a public hearing yield more information to assist the commission. We are considering the importance of the public opinion, and then it can be furnished to the commission. It is an impact on the neighborhoods and we are trying to be sensitive to needs.

Mr. Williams commented that what is missing is the history of the review of O1 and O2 and the types of uses that began years ago. He suggested a narrative to combine with the charts for the public hearing.

Ms. Boyce would like the commission to dive into this more. General direction has not worked so far.

Mr. Koseck thinks most of the issues can be agreed on, if properly presented along with O1 and O2 discussion.

Mayor Hoff requested clarity on agreement where the public hearing should be held.

Commissioner Sherman agrees that it would be good for new commissioners to have the history of this and the comments summarized as part of the narrative for review. The Planning Board and Commission can each have their discussion before a public hearing and get some consensus. The Commission can send some additional direction based on that to the Planning Board so they can finish their work. Ms. Ecker could update her narrative to include what the public comments were and the Commission discussion before presenting it.

Mr. Williams suggested including what the properties are now and what is permitted now and what they would be. Mayor Hoff stated that was presented previously to the Commission.

Commissioner Boutros suggested what people want to know is what might be there. He said not everyone is going to agree. He is unsure that more information is what is needed.

Mayor Hoff suggested that the packet of materials should be some of the information and would be part of the narrative.

Commissioner Bordman thinks it would be an exhaustive waste of time. The board has spent a huge amount of time on this with considerations that she would apply. She does not see anything on the list of uses that is highly burdensome. She does not want to argue with fellow commissioners about the individual uses. We would be spending hours as the Planning Board did debating with each other about the uses. She suggested to have a public hearing so we can get public input, come back to the Commission to decide if we want to apply this to specific property or leave it as an option for property owners.

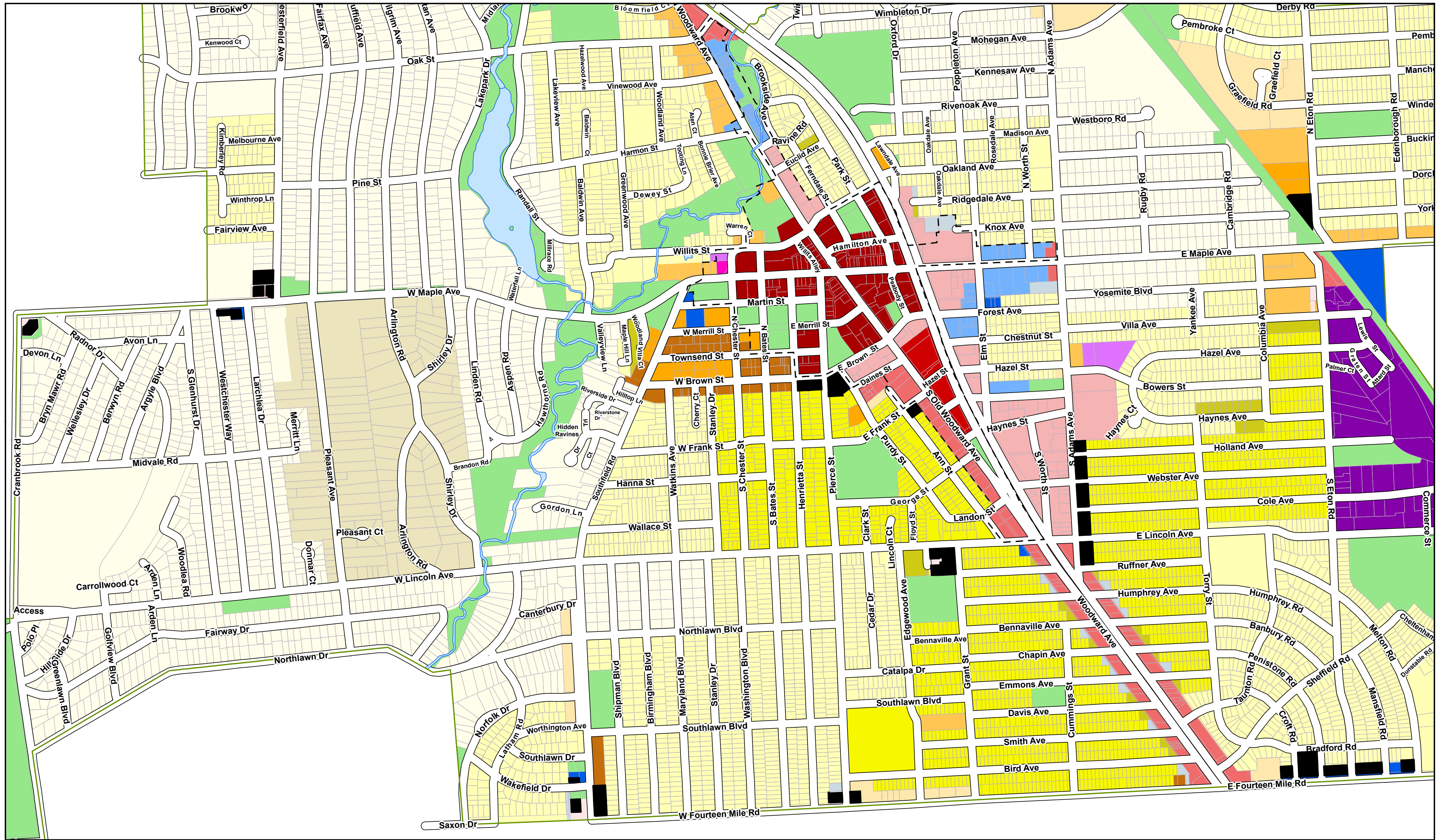
Mr. Share said the board should have a public hearing, after which the board will make a recommendation to the Commission. The commission can make its decision.

Commissioner DeWeese thinks it would be useful for commission to get the packet as well to become familiar.

Paul Reagan, 997 Purdy, commented that the history is important and neighborhoods have pushed back hard. The concern is intensive uses with cars, and property values. It's about keeping the encroachment of intensive commercial properties from moving into the neighborhoods.



TZ2 Transitional Zoning Proposals



City Of Birmingham  
Zoning Map

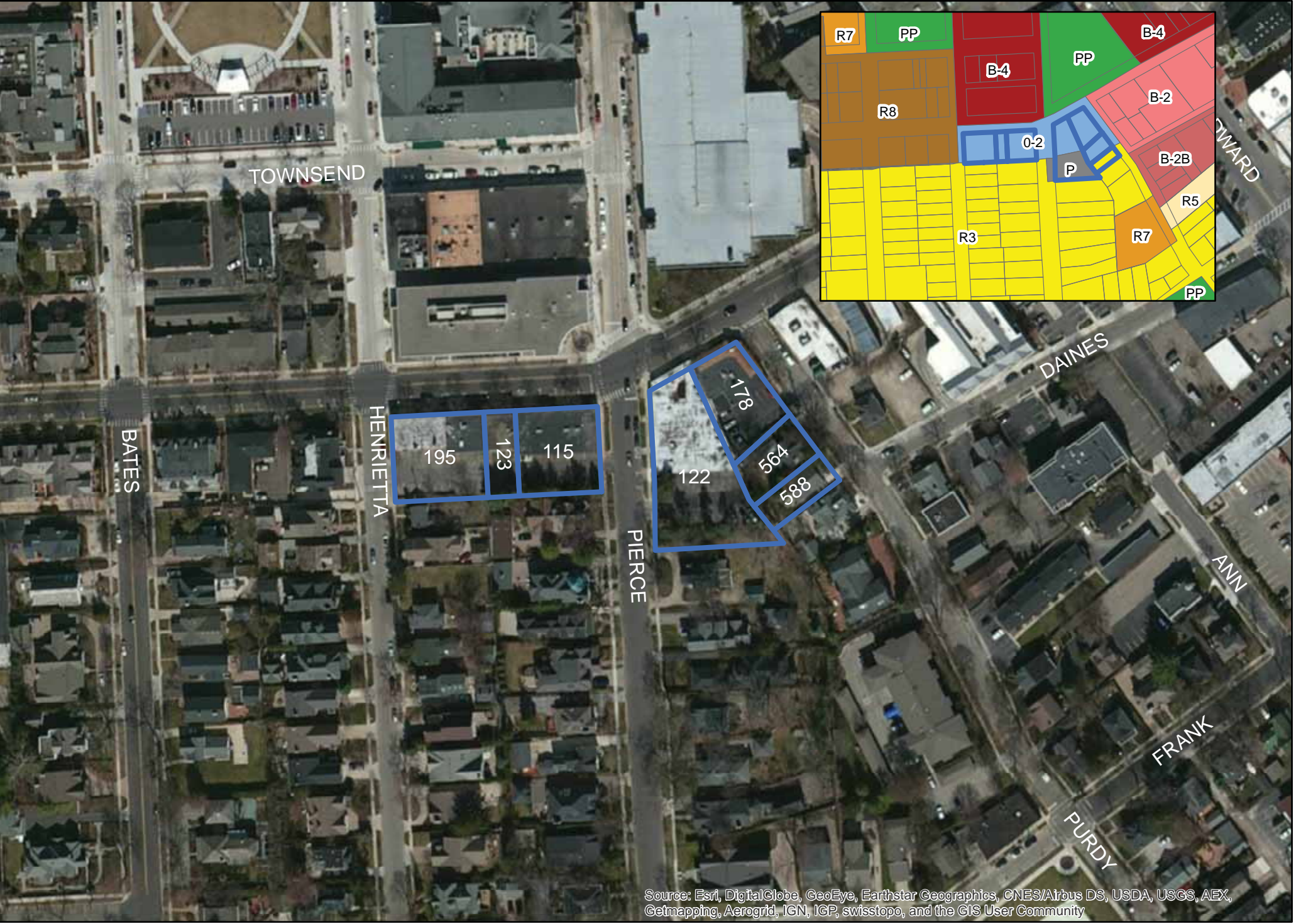


1,500 750 0 1,500 Feet

Coordinate System: State Plane Coordinate System Michigan South Zone 2113 Projection: Lambert Conformal  
Conic, Units: International Feet, Datum: NAD83  
Data Sources: Oakland County GIS Utility, City of Birmingham  
Updated: December 1, 2015

Zoning Districts			
R1	Single-Family Residential	R7	Multiple-Family Residential
R1-A	Single-Family Residential	R8	Multiple-Family Residential
R2	Single-Family Residential	TZ1	Transitional Zoning 1
R3	Single-Family Residential	TZ3	Transitional Zoning
R4	Two-Family Residential	MX	Mixed-Use
R5	Multiple-Family Residential	B-1	Neighborhood Business
R6	Multiple-Family Residential	B-2	General Business
		B-2B	General Business
		B-3	Office-Residential
		B-4	Business-Residential
		O-2	Office Commercial
		O-1	Office
		P	Parking
		PP	Public Property
			Downtown Overlay Boundary

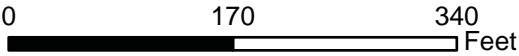




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

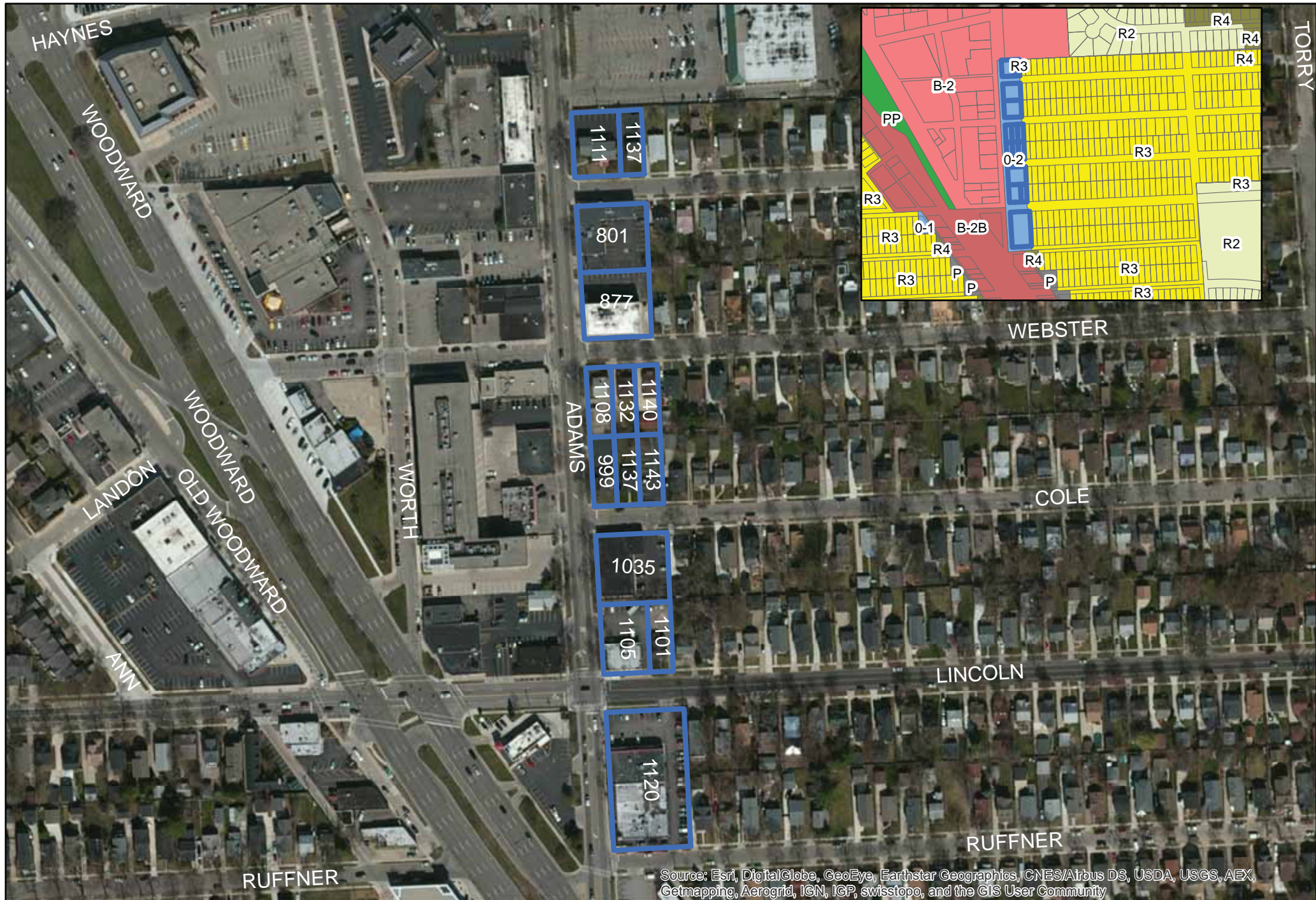


TZ2 Proposals



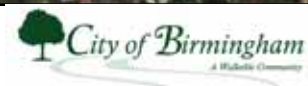


1111, 1137 Holland; 801, 877, 999, 1035, 1105 S Adams Rd;  
1108, 1132, 1140 Webster; 1137, 1143 Cole St; 1101, 1120 E Lincoln



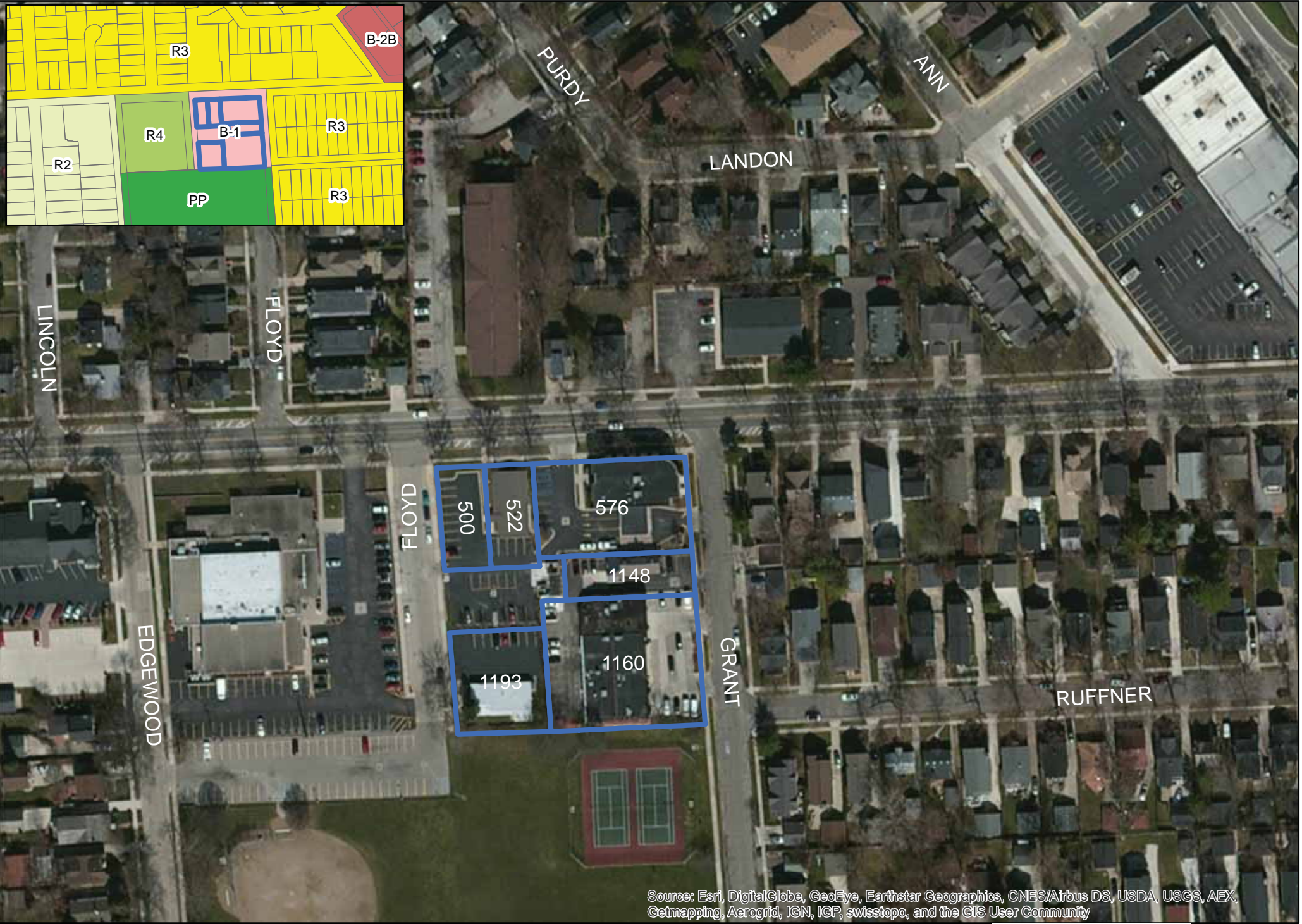
 TZ2 Proposals

0 250 500 Feet





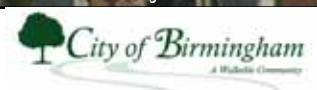
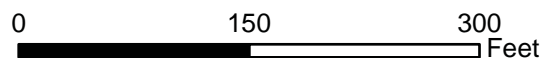
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

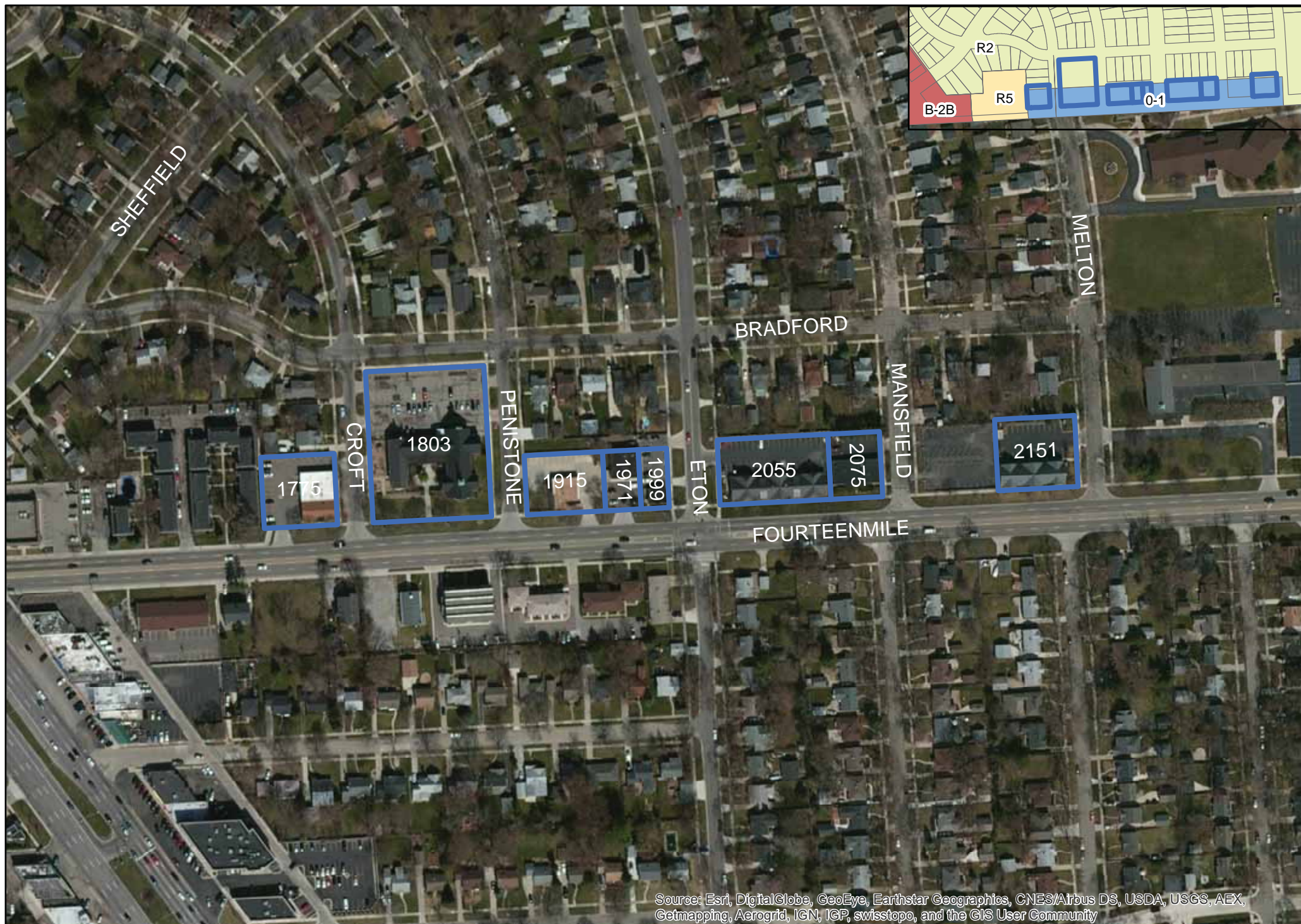


TZ2 Proposals





1775, 1803, 1915, 1971, 1999, 2055, 2075, 2151 Fourteen Mile Rd.



TZ2 Proposals

0

245

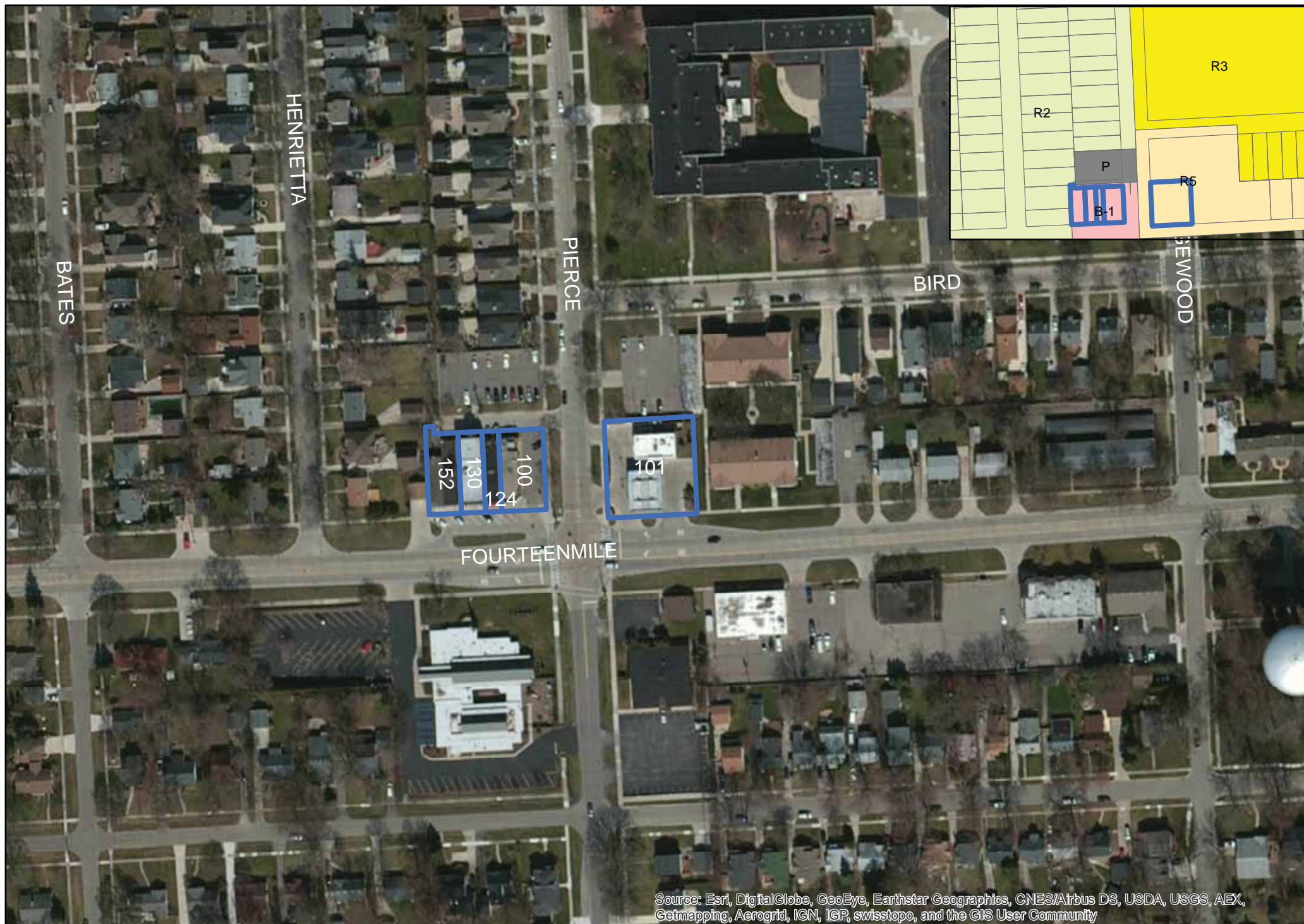
490

Feet





100, 124, 130, 152 W Fourteen Mile Rd; 101 E. Fourteen Mile Rd.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



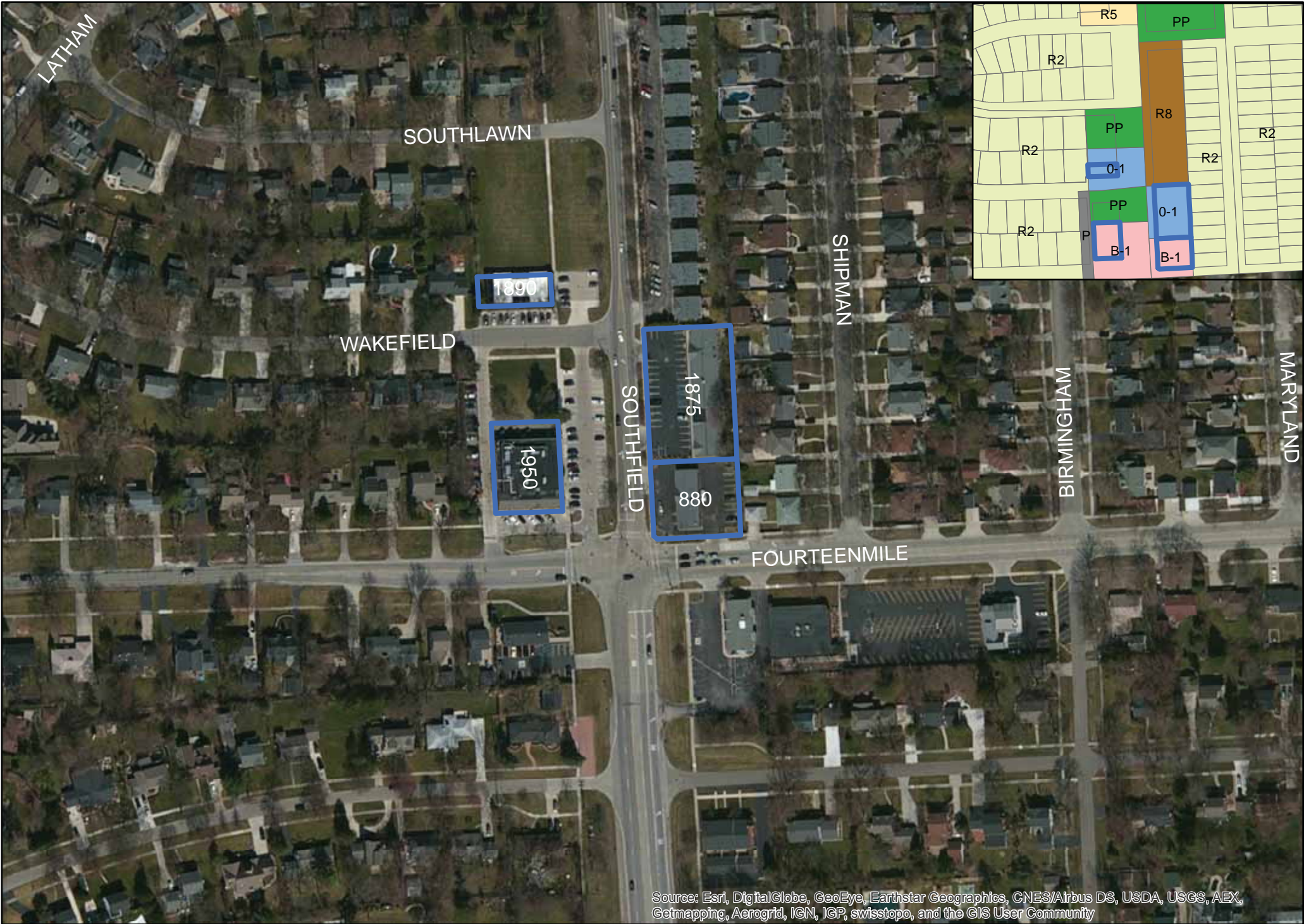
TZ2 Proposals

0 180 360 Feet





1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.



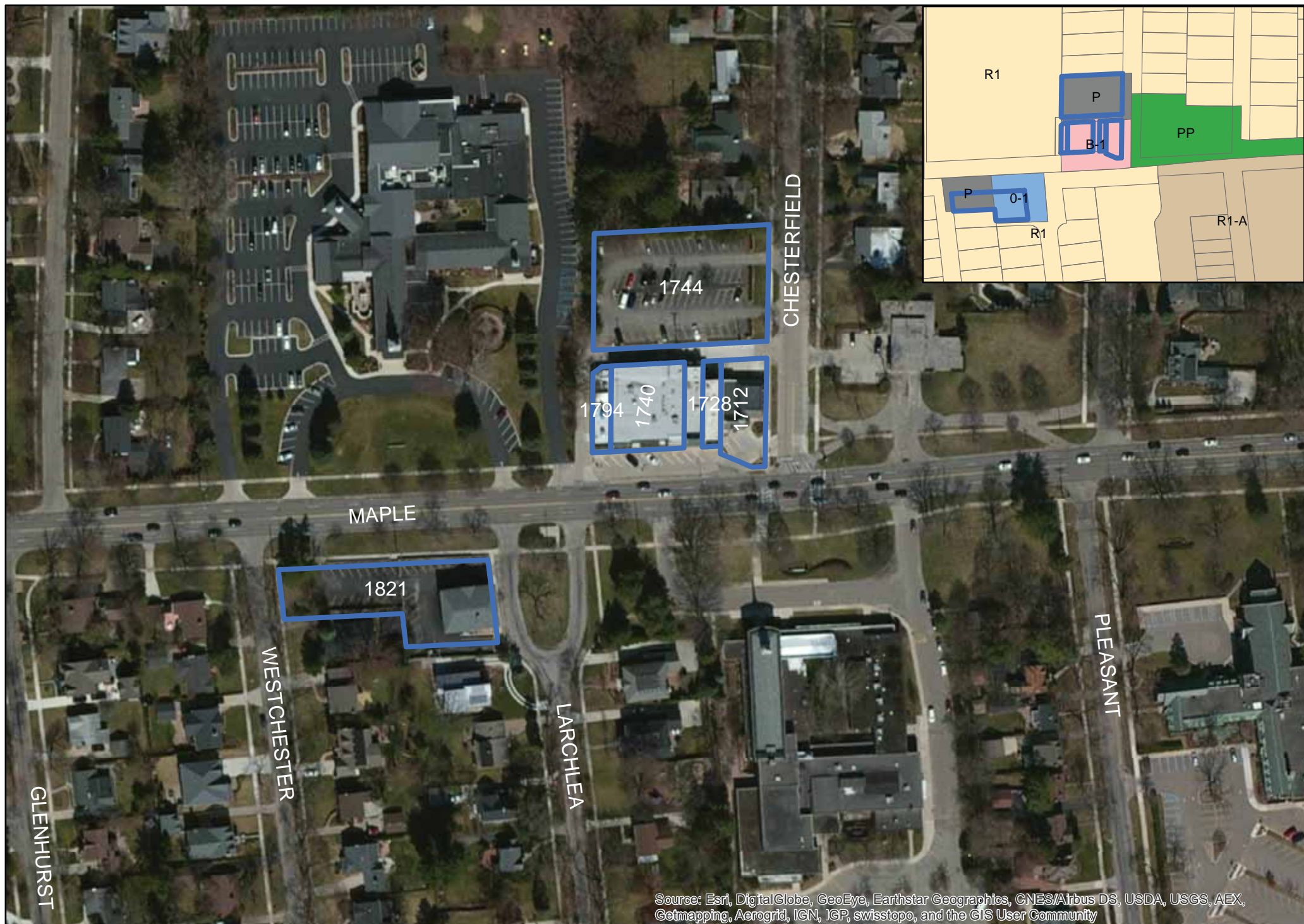
TZ2 Proposals

0 215 430 Feet



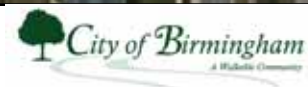


1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.



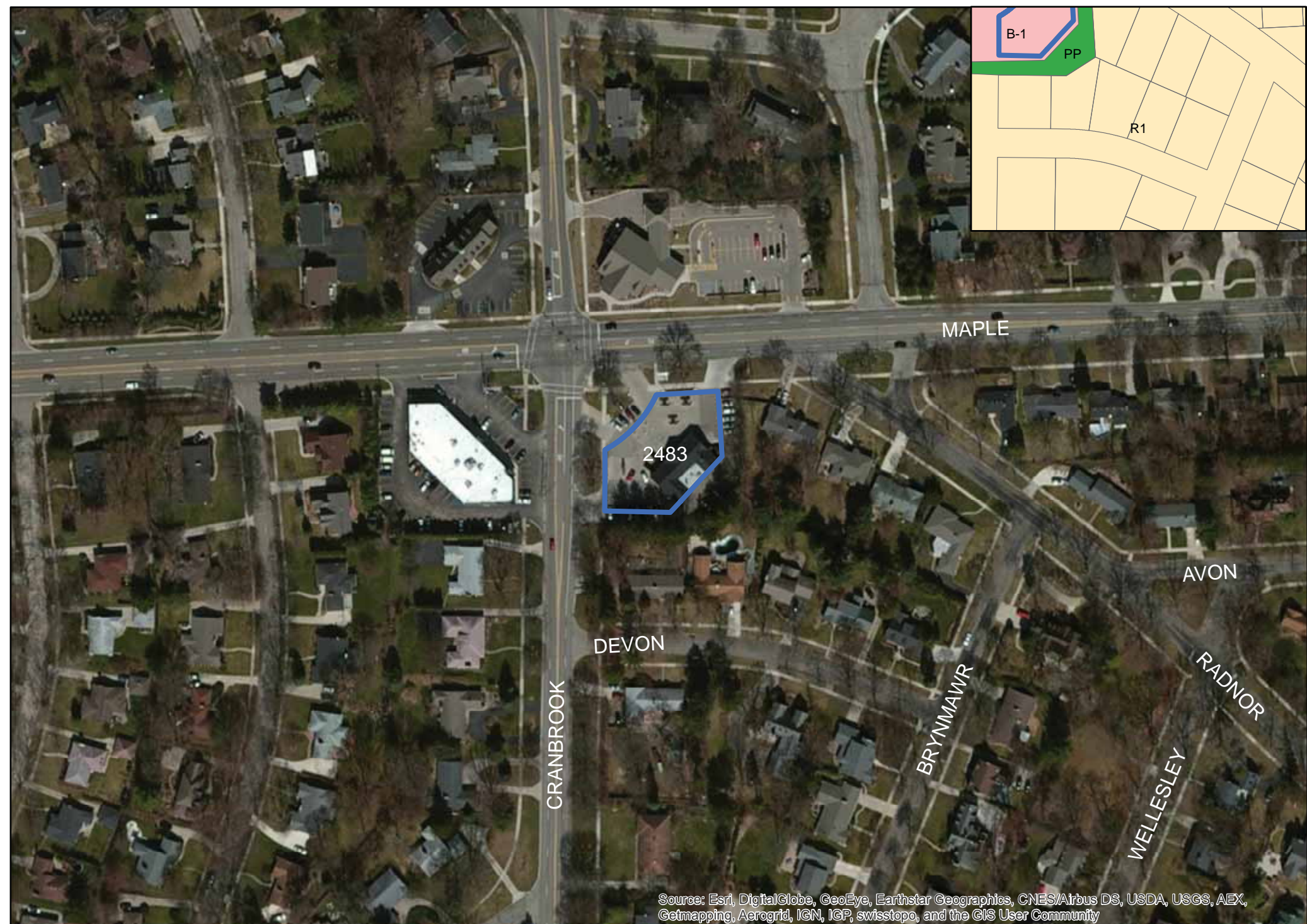
TZ2 Proposals

0 175 350 Feet



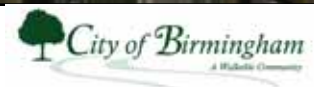


# 2483 W. Maple Rd.



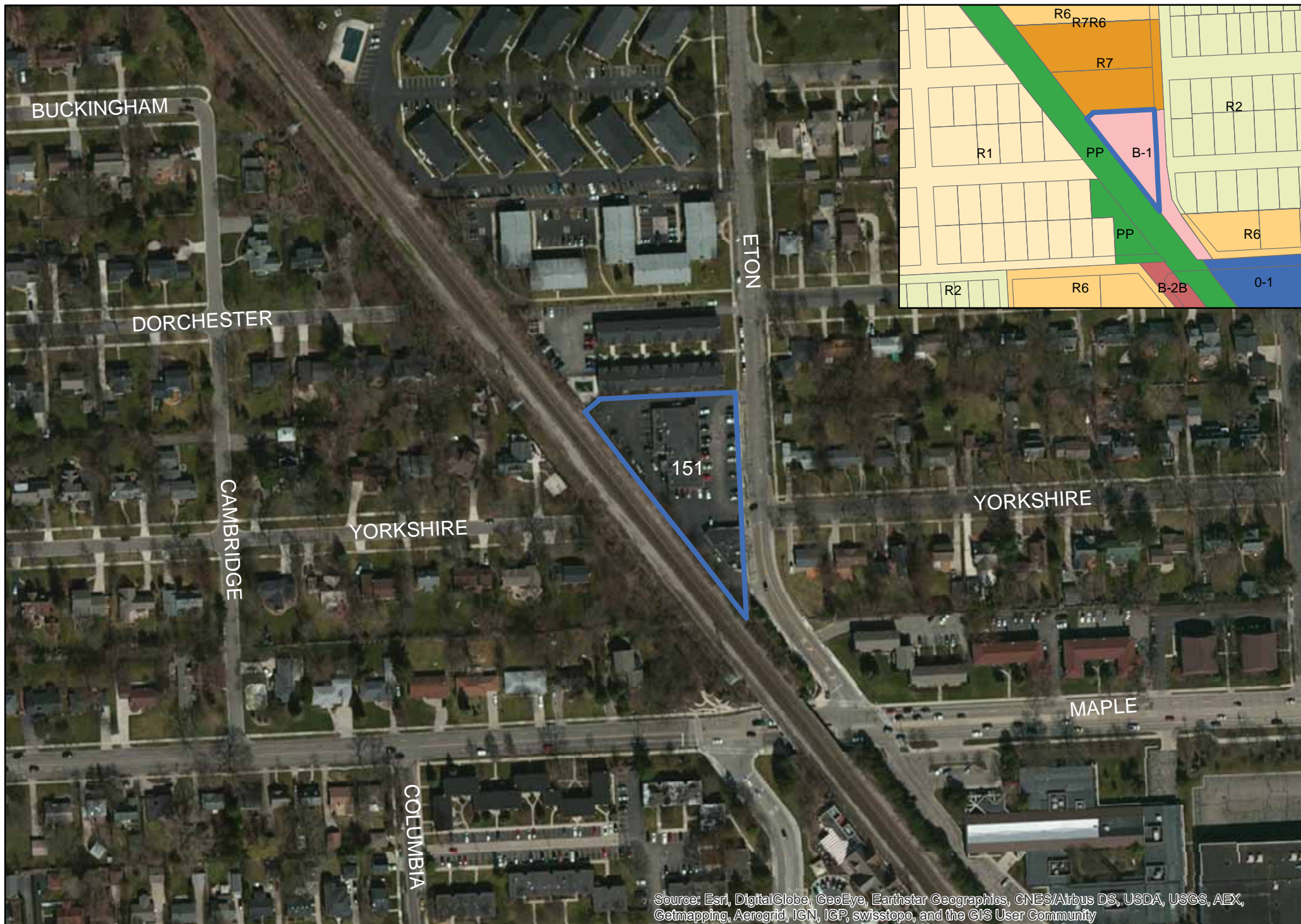
TZ2 Proposals

0 190 380 Feet





# 151 N. Eaton



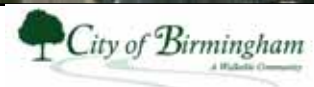
TZ2 Proposals

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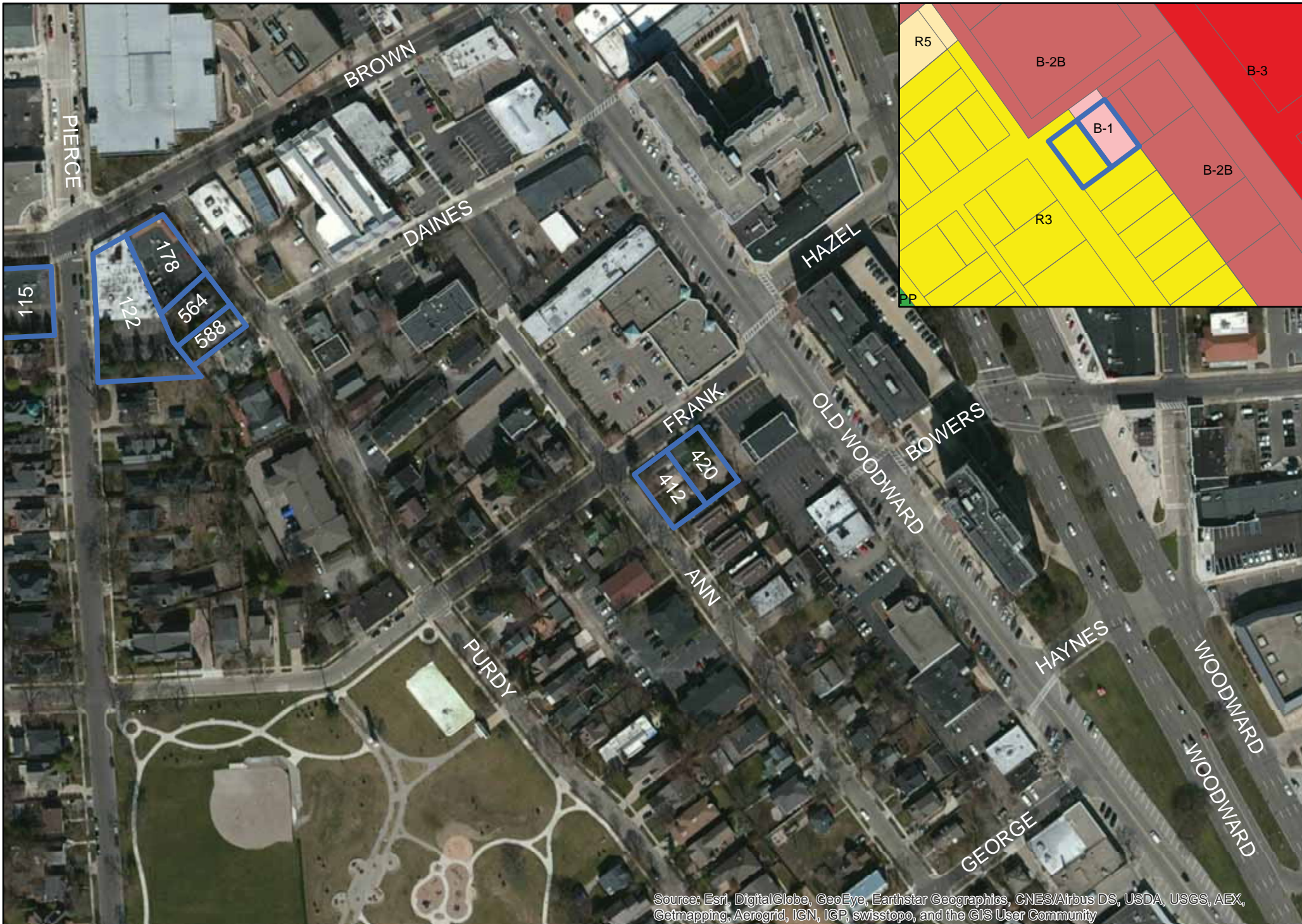
475

Feet





# 412 & 420 E. Frank St.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



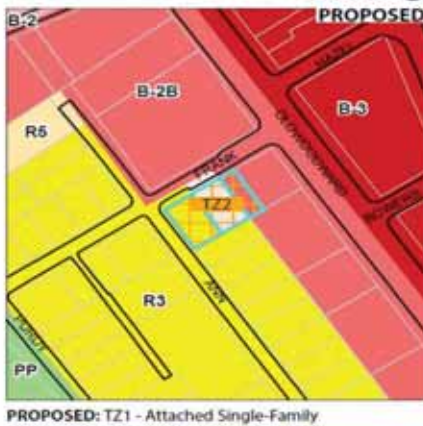
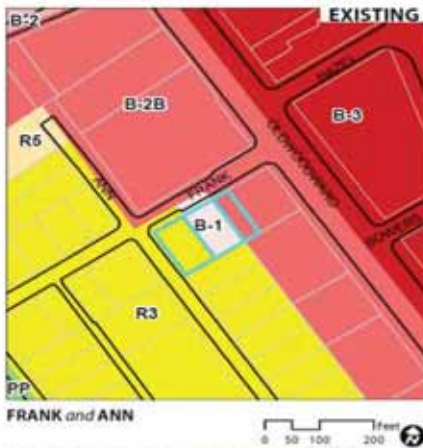
TZ2 Proposals

0 215 430 Feet





# E. FRANK— R3/B1/B2B TO TZ2



Total property area – approx. 15,000 sq. ft.

# of residential units currently permitted – 1 unit on R3 parcel  
0 units on B1 parcel  
No limit on B2b parcel

# of units permitted under TZ1 zoning - 5

# 412 E. FRANK - R3 TO TZ2

## R3 – Single family Residential

### Residential Permitted Uses

- ~~adult foster care group home~~
- dwelling - one-family
- ~~single family cluster\*~~

### Institutional Permitted Uses

- government office
- school – public

### Recreational Permitted Uses

- park

### Accessory Permitted Uses

- family day care home\*
- ~~garage – private~~
- ~~greenhouse – private~~
- home occupation\*
- ~~parking facility – private off-street~~
- ~~parking – public, off-street\*~~
- ~~renting of rooms\*~~
- ~~sign~~
- ~~swimming pool – private~~
- ~~any use customarily incidental to the permitted principal use~~

### Uses Requiring a Special Land Use Permit

- assisted living
- church
- ~~continued care retirement community~~
- independent hospice facility
- independent senior living
- ~~medical rehabilitation facility~~
- ~~parking (accessory) – public, off-street~~
- ~~philanthropic use~~
- ~~public utility building~~
- ~~publicly owned building~~
- school - private
- skilled nursing facility

### Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

### Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

### Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner

Essential services

Food & drink establishment

Government office/use

Grocery store

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop



# 420 E. FRANK - B1 TO TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child-care center  
Continued-care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# E. FRANK PARKING – B2B TO TZ2

## B2b – General Business

### Residential Permitted Uses

- dwelling - multiple-family
- dwelling - one-family\*
- dwelling - two family\*
- live/work unit

### Institutional Permitted Uses

- church
- community center
- garage - public
- government office
- government use
- loading facility - off street
- parking facility - off street
- school - private, public
- social club

### Recreational Permitted Uses

- bowling alley
- outdoor amusement\*
- recreational club
- swimming pool - public & semiprivate

### Commercial Permitted Uses

- auto sales agency
- bakery
- bank
- barber shop/beauty salon
- catering
- child care center
- clothing store
- delicatessen
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment\*
- furniture
- greenhouse
- grocery store
- hardware store
- hotel
- jewelry store
- motel
- neighborhood convenience store
- office
- paint
- party store
- retail photocopying
- school business
- shoe store/shoe repair
- showroom of electricians/plumbers
- tailor
- theater\*

### Other Permitted Uses

- utility substation

### Accessory Permitted Uses

- alcoholic beverage sales (off-premise consumption)\*
- kennel\*

- laboratory - medical/dental\*
- loading facility - off street
- outdoor cafe\*
- outdoor display of goods\*
- outdoor sales\*
- outdoor storage\*
- parking facility - off-street
- sign

### Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- assisted living
- auto laundry
- bistro (only permitted in the Triangle District)\*
- bus/train passenger station and waiting facility
- continued care retirement community
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- drive-in facility
- establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1; Appendix C)
- funeral home
- gasoline full service station\*
- gasoline service station
- independent hospice facility
- independent senior living
- skilled nursing facility
- trailer camp

### Uses Requiring City Commission Approval

- regulated uses\*

## Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

## Uses with SLUP

Any permitted commercial use with i  
area over 3,000 sq.ft. per tenar

Assisted Living

Bakery (now requires SLUP)

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner (now requires SLUP)

Essential services

Food & drink establishment

Government office/use (now requires SLUP)

Grocery store (now requires SLUP)

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now req

Skilled nursing facility

Specialty food shop

# BROWN AT PIERCE



BROWN and PURDY, PURDY and DAINES



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: 02

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single family cluster

## Institutional Uses

Government office  
Philanthropic use  
School – public

## Recreational Uses

Park  
Swimming pool – semiprivate

## Commercial Permitted Uses

Art gallery  
Bakery  
Bank without drive-through facility  
Barber/beauty salon  
Boutique  
Clinic  
Clothing store  
Flower/gift shop  
Hair replacement establishment  
Interior design shop  
Jewelry store  
Leather and luggage goods shop  
Office  
Photographic studio  
Specialty food store  
Specialty home furnishing shop  
Tailor  
Tobacconist  
Veterinary clinic

## Existing Uses with SLUP

Assisted Living  
Bank with drive-through facility  
Bistro (only in Triangle District)  
Continued care retirement community  
Display of broadcast media devices (only permitted with gasoline service station)  
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)  
Food and drink establishment  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: P

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home (R7)~~  
Dwelling – multiple-family (R7)  
Dwelling – one-family (R7)  
~~Dwelling – two-family (R7)~~  
Live/work unit  
Single family cluster (R7)

## Institutional Uses

~~Government office (R7)~~  
Parking facility—off street  
Philanthropic use  
School—public (R7)

## Recreational Uses

~~Park (R7)~~  
~~Swimming pool—, semiprivate (R7)~~

## Existing Uses with SLUP

Assisted living  
~~Bistro (only in Triangle District)~~  
Church  
Community center  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
~~Publicly owned building~~  
~~Public utility building~~  
Recreational club  
School - private  
Skilled nursing facility  
Social club

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure (now requires SLUP)  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



# EXISTING USES: R3

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – one-family  
Single family cluster

## Institutional Uses

Government office  
School—public

## Recreational Uses

Park

## Existing Uses with SLUP

Assisted living  
Church  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Medical rehabilitation facility  
Parking (accessory) – public, off-street  
Philanthropic use  
Public utility building  
Publicly owned building  
School - private  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor  
area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# S. ADAMS, ADAMS SQUARE TO LINCOLN



S. ADAMS between ADAMS SQUARE and LINCOLN



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: 02

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single family cluster

## Institutional Uses

Government office  
Philanthropic use  
School – public

## Recreational Uses

Park  
Swimming pool – semiprivate

## Commercial Permitted Uses

Art gallery  
Bakery  
Bank without drive-through facility  
Barber/beauty salon  
Boutique  
Clinic  
Clothing store  
Flower/gift shop  
Hair replacement establishment  
Interior design shop  
Jewelry store  
Leather and luggage goods shop  
Office  
Photographic studio  
Specialty food store  
Specialty home furnishing shop  
Tailor  
Tobacconist  
Veterinary clinic

## Existing Uses with SLUP

Assisted Living  
Bank with drive-through facility  
Bistro (only in Triangle District)  
Continued care retirement community  
Display of broadcast media devices (only permitted with gasoline service station)  
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)  
Food and drink establishment  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



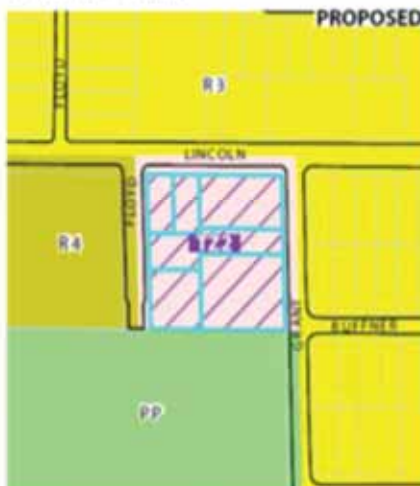
# LINCOLN AT GRANT



E. LINCOLN and GRANT



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

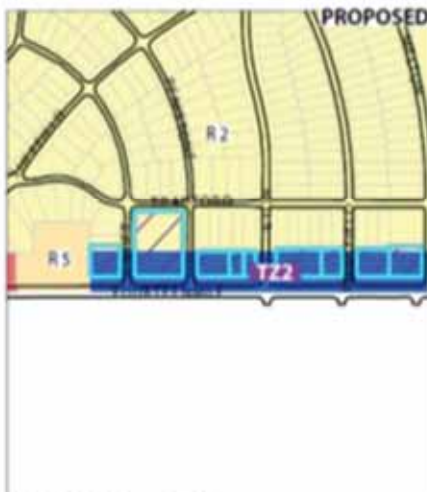
# E. 14 MILE ROAD EAST OF WOODWARD



14 MILE east of WOODWARD



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
~~Dwelling – two family~~  
~~Live/work unit~~  
Single family cluster

## Institutional Uses

~~Government office~~  
~~Philanthropic use~~  
~~School – public~~

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

Barber/beauty salon  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
~~Bistro (only in Triangle District)~~  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



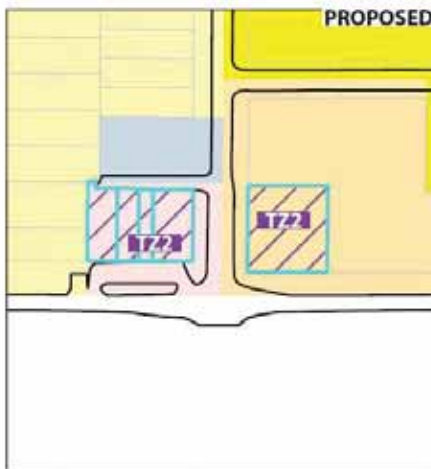
# 14 MILE ROAD AT PIERCE



14 MILE and PIERCE



Source: Bing



PROPOSED: TZ2 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

## Specialty food shop

# EXISTING USES: R5

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home (R4)~~  
 Dwelling – multiple-family  
 Dwelling – one-family (R4)  
~~Dwelling – two-family (R4)~~  
 Single family cluster (R4)

## Institutional Uses

~~Government office (R4)~~  
~~Philanthropic use (R4)~~  
~~School – public (R4)~~

## Recreational Uses

~~Park (R4)~~  
~~Swimming pool – semiprivate~~

## Existing Uses with SLUP

Assisted living  
 Church  
~~Continued care retirement community~~  
 Independent hospice facility  
 Independent senior living  
~~Parking (accessory) – public, off-street~~  
~~Public utility building~~  
~~Publicly owned building~~  
 School - private  
 Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
 Dwelling – multiple family  
 Dwelling – single family (R3)

## Commercial Permitted Uses

**Art gallery**  
**Artisan use**  
**Barber/Beauty Salon**  
**Bookstore**  
**Boutique**  
**Drugstore**  
**Gift shop/flower shop**  
**Hardware**  
**Health club/studio**  
**Jewelry store**  
**Neighborhood convenience store**  
**Office**  
**Tailor**

## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
 Assisted Living  
**Bakery**  
**Bank/credit union with drive-thru**  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
**Food & drink establishment**  
 Government office/use (now requires SLUP)  
**Grocery store**  
 Independent hospice facility  
 Independent senior living  
 Parking Structure  
 School – private and public (now requires SLUP)  
 Skilled nursing facility  
**Specialty food shop**

# SOUTHFIELD AT 14 MILE



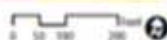
SOUTHFIELD and 14 MILE



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline full service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
~~Dwelling – two family~~  
~~Live/work unit~~  
Single family cluster

## Institutional Uses

~~Government office~~  
~~Philanthropic use~~  
~~School – public~~

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

Barber/beauty salon  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
~~Bistro (only in Triangle District)~~  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

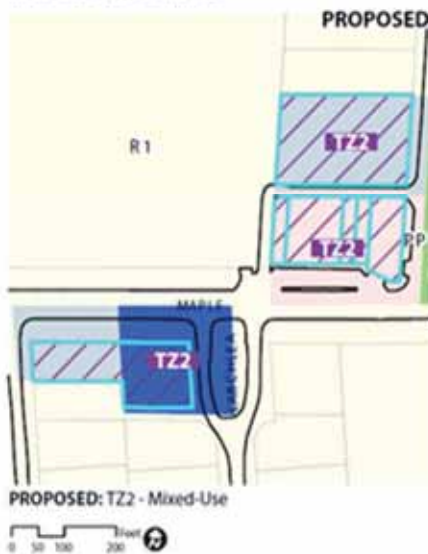
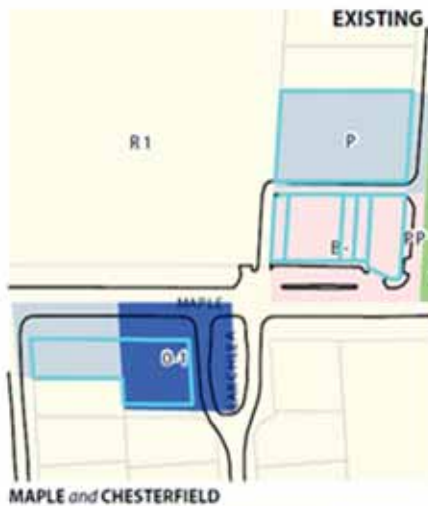
## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# MILLS PHARMACY PLAZA/ W. MAPLE & LARCHLEA



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
~~Dwelling – two family~~  
~~Live/work unit~~  
Single family cluster

## Institutional Uses

~~Government office~~  
~~Philanthropic use~~  
~~School – public~~

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

Barber/beauty salon  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
~~Bistro (only in Triangle District)~~  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: P

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home (R7)~~  
~~Dwelling – multiple-family (R7)~~  
~~Dwelling – one-family (R7)~~  
~~Dwelling – two-family (R7)~~  
~~Live/work unit~~  
~~Single family cluster (R7)~~

## Institutional Uses

~~Government office (R7)~~  
~~Parking facility – off street~~  
~~Philanthropic use~~  
~~School – public (R7)~~

## Recreational Uses

~~Park (R7)~~  
~~Swimming pool – semiprivate (R7)~~

## Existing Uses with SLUP

~~Assisted living~~  
~~Bistro (only in Triangle District)~~  
~~Church~~  
~~Community center~~  
~~Continued care retirement community~~  
~~Independent hospice facility~~  
~~Independent senior living~~  
~~Publicly owned building~~  
~~Public utility building~~  
~~Recreational club~~  
~~School - private~~  
~~Skilled nursing facility~~  
~~Social club~~

## Residential Permitted Uses

~~Dwelling – attached single family~~  
~~Dwelling – multiple family~~  
~~Dwelling – single family (R3)~~

## Commercial Permitted Uses

~~Art gallery~~  
~~Artisan use~~  
~~Barber/Beauty Salon~~  
~~Bookstore~~  
~~Boutique~~  
~~Drugstore~~  
~~Gift shop/flower shop~~  
~~Hardware~~  
~~Health club/studio~~  
~~Jewelry store~~  
~~Neighborhood convenience store~~  
~~Office~~  
~~Tailor~~

## Uses with SLUP

~~Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant~~  
~~Assisted Living~~  
~~Bakery~~  
~~Bank/credit union with drive-thru~~  
~~Church or religious institution~~  
~~Coffee shop~~  
~~Delicatessen~~  
~~Dry cleaner~~  
~~Essential services~~  
~~Food & drink establishment~~  
~~Government office/use (now requires SLUP)~~  
~~Grocery store~~  
~~Independent hospice facility~~  
~~Independent senior living~~  
~~Parking Structure (now requires SLUP)~~  
~~School – private and public (now requires SLUP)~~  
~~Skilled nursing facility~~  
~~Specialty food shop~~



# W. MAPLE AND CRANBROOK



MAPLE and CRANBROOK



PROPOSED: TZ2 - Mixed-Use



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)

Skilled nursing facility

## Specialty food shop



# N. ETON



E. MAPLE and N. ETON



Source: Bing



PROPOSED: TZ3 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School — private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool — public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling — attached single family  
Dwelling — multiple family  
Dwelling — single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

## Assisted Living

Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution

## Coffee shop

## Delicatessen

Dry cleaner (now requires SLUP)

## Essential services

## Food & drink establishment

Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)

Independent hospice facility

## Independent senior living

## Parking Structure

School — private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

	TZ1	TZ2	TZ3
Residential Permitted Uses	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>
Commercial Permitted Uses		<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Bakery</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Coffee shop</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• <del>Health club/studio</del></li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>	<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• Health club/studio</li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>
Accessory Permitted Uses	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>

	TZ1	TZ2	TZ3
Uses Requiring a Special Land Use Permit	<ul style="list-style-type: none"> <li>• Assisted Living</li> <li>• Church and Religious Institution</li> <li>• Essential services</li> <li>• Government Office/Use</li> <li>• Independent hospice facility</li> <li>• Independent senior living</li> <li>• Parking Structure</li> <li>• School – private and public</li> <li>• Skilled nursing facility</li> </ul>	<ul style="list-style-type: none"> <li>• Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant</li> <li>• Assisted living</li> <li>• <del>Bakery</del></li> <li>• Bank/credit union with drive-thru</li> <li>• Church and religious institution</li> <li>• <del>Coffee shop</del></li> <li>• <del>Delicatessen</del></li> <li>• <del>Dry cleaner</del></li> <li>• Essential services</li> <li>• Food and drink establishment</li> <li>• Government office/use</li> <li>• <del>Grocery store</del></li> <li>• Health club/studio</li> <li>• Independent hospice facility</li> <li>• Independent senior living</li> <li>• <del>Parking structure</del></li> <li>• School – private and public</li> <li>• Skilled nursing facility</li> <li>• Specialty food shop</li> </ul>	<ul style="list-style-type: none"> <li>• Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant</li> <li>• Assisted living</li> <li>• Bakery</li> <li>• Bank/credit union with drive-thru</li> <li>• Church and religious institution</li> <li>• Coffee shop</li> <li>• Delicatessen</li> <li>• Dry cleaner</li> <li>• Essential services</li> <li>• Food and drink establishment</li> <li>• Government office/use</li> <li>• Grocery store</li> <li>• Independent hospice facility</li> <li>• Independent senior living</li> <li>• Parking structure</li> <li>• School – private and public</li> <li>• Skilled nursing facility</li> <li>• Specialty food shop</li> <li>• Veterinary clinic</li> </ul>

# MEMORANDUM

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**Date:** April 6, 2011

**To:** Planning Board

**From:** Matthew Baka, Planning Department

**Subject:** Public Hearing - O-1 and O-2 rezoning

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## Summary

In accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O1 and O2 Districts. The Planning Board initiated a subcommittee made up of three Planning Board members and had participation from residents and property owners. As a result of the meetings, the subcommittee has developed a series of recommendations regarding the subject parcels.

The subcommittee classified the majority of the O1-O2 properties into three categories based on their proximity to single family residential and created three new potential zoning categories, N1, N2 and N3. All N (Neighborhood Commercial) zoned districts would closely follow the height and setback restrictions of the O1 and O2 zones as noted in the proposed ordinance language;

- **N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.
- **N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.
- **N3 (Neighborhood Commercial) zone** – This zone is proposed for the parcels currently zoned O1 on Woodward at Quarton. This area is viewed by the committee as unique as it sits on big Woodward. Therefore, uses that involve additional intensity are viewed as appropriate. This would include animal hospitals and veterinary clinics and banks with a drive thru (SLUP required for drive-thru).

Two of the O1 sites have been recommended to be rezoned to existing zones (2100 E. Maple O1 to MX, and 400 W. Maple O1 to B4) based on location and adjacency to other zones. Maps and descriptions of all subject parcels are included in the attached Power Point.

## **Background**

On October 13, 2008 the City Commission held a public hearing that clarified the district intent for the O1 and O2 Zoning Districts, as well as what development standards would apply to a mixed use building in either of these districts. During the public hearing, the City Commission asked that the Planning Board review the uses allowed in each district to determine their appropriateness. Since that time, the Planning Board has studied this topic at several board meetings and recently established a subcommittee to create an updated list of permitted uses that are appropriate for the areas in question. The following information is a summary of the discussions that have been held by the Planning Board.

On July 8, 2009 the Planning Board reviewed the recent discussions regarding O1 and O2 districts and discussed the direction from the City Commission to evaluate current permitted uses in these districts. The Planning Board requested that the Planning staff create an inventory of each existing use in these districts and provide photos of how these properties relate to the adjoining residential property.

On August 12, 2009 the Planning Board reviewed an inventory of current uses in the O1 and O2 districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

On September 9, 2009 the Planning Board again discussed the non-conforming uses and continued the discussion of possible resolutions to the question of the appropriateness of the current permitted uses. It was discussed that it would be sensible to perform a comprehensive analysis that examines not just the use but also the impact on the adjacent residential. Rather than trying to examine each use and how it impacts the neighborhood, the Planning Board took a step back to decide what the intended intensity of use for the district was and then move forward from that point in establishing permitted uses. The Planning Board requested that the City Commission be updated as to the progress and direction of their O1-O2 Zoning District study, which was prepared and submitted to the City Manager for review.

On October 14, 2009 the Planning Board reviewed information regarding maximum build out of the parcels in all O1 and O2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion, it was stated that the scale and massing of O1 and O2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU2) that maintained the existing height and setback restrictions of O1 and O2 but aligned the uses between the two into a single zone. Three O1 and O2 zoned areas were recommended for rezoning to an existing zoning classification, with which the board concurred.

On April 14, 2010 the Planning Board reviewed the recommendations of the Planning Division regarding the rezoning of several O1 parcels as well as the potential for creating a new zone district. The Planning Board directed staff to bring forward the O1 parcels that are proposed for rezoning so that the Planning board could review them and



forward recommendations to the City Commission. The Board would then deal with the potential creation of a new zone classification at a later date for the properties that staff identified as candidates.

On May 12, 2010 the Planning Board established a subcommittee to further study the potential for rezoning of O1 and O2 parcels. This was done in order to spend the necessary time examining potential permitted uses and report back to the Planning Board on June 9<sup>th</sup>.

On June 9, 2010 the Planning Board received an update from the subcommittee regarding the progress of the O1-O2 permitted uses. The subcommittee met on two occasions. The result of those committee meetings was the separation of the majority of the O1 and O2 parcels into three transitional zoning categories. These are areas where the parcels in question are seen as transitioning from commercial into single family residential zones. The committee came to the conclusion that the height and scale of O2 zones, as well as the majority of uses currently allowed in O2 zones, are appropriate for these areas. The committee felt that some additional uses could also be considered in certain areas.

The committee devised three new zoning classifications that will allow progressively intensive uses based on the potential effects on surrounding residential properties. The O2 uses were used as a basis for the permitted uses in each transition zone.

These N (Neighborhood Commercial) zones are proposed to be N1, N2, and N3. N1 is being considered for areas that should permit only the least intensive uses as they directly abut residential. The areas to be considered as N2 zones are near single family residential but an additional buffer zone is present in the form of public right of way or a physical barrier between the parcel and the adjacent residential uses. N3 is being considered for the most intense usage. This zone is proposed to be limited to the area at Quarton and Woodward, which has a P (Parking) zoned buffer parcel between the residential to the west and the property on Woodward.

On February 9, 2011 the Planning Board set a public hearing for April 13, 2011 to consider zoning amendments to the O1 and O2 zones. It was decided that the subject would be discussed again at the March 2011 study session to finalize the proposed changes in advance of the Public Hearing.

On March 23<sup>rd</sup>, 2011 the Planning Board held a brief study session to discuss some outstanding issues that the Planning Board requested to be reviewed before the public hearing. These items included finalizing the list of proposed permitted uses and reviewing the proposed rezoning of O1 and O2 properties in the Triangle District.

The following chart lists the proposed permitted commercial uses for each N (Neighborhood Commercial) zone. Column 1 lists uses that will be permitted in all three zones, (N1, N2, and N3). Column 2 lists uses that will be permitted only in N2 and N3. Column 3 lists the additional permitted uses that will be allowed only in N3.

**N1/N2/N3 (Neighborhood Commercial)**

**Commercial Permitted Uses**

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

**Accessory Permitted Uses**

- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- commercial or office uses which are customarily incidental to the permitted principal uses on the same lot

**Uses Requiring a S L U P**

- bistro (only permitted in the Triangle District and Overlay District)\*
- church

**N2/N3 (Neighborhood Commercial)**

**Commercial Permitted Uses**

- bakery
- coffee shop
- delicatessen
- dry cleaners
- health club/studio
- party store

**Accessory Permitted Uses**

- outdoor cafe\*

**Uses Requiring a S L U P**

- food or drink establishment\*
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

**N3 (Neighborhood Commercial)**

**Commercial Permitted Uses**

- animal medical hospital
- hardware store
- paint store
- veterinary clinic\*

**Accessory Permitted Uses**

- kennel\*

**Uses Requiring a S L U P**

- bank with drive-through facility

In order to clarify the meaning of the permitted uses, definitions for several terms have been developed and are proposed to be added to Article 09, Definitions.

**Artisan Use** - Any premises used principally for local or regional small scale operations that specialize in the repair, manufacture, and/or sale of domestic furniture, shoes, clothing, time pieces, arts, and crafts, specialty foods and beverages or similar such items.

**Barber/Beauty Salon** - An establishment dealing with cosmetic treatments for men and women, including hair/nail salons and spas. Barber/Beauty salons provide generalized services related to hair, skin health, facial aesthetic, foot care, aromatherapy, meditation, oxygen therapy, mud baths, massage, and other similar services for increasing mental well-being and relaxation.

**Boutique** – A shop that provides a limited range of specialized goods or services to consumers; usually in small quantities and not for resale such as clothing, jewelry, electronics, books or similar products, excluding any regulated use.

**Delicatessen** - A store selling foods already prepared or requiring little preparation for serving, such as cooked meats, cheese, salads, chips and similar products. Also a sandwich menu, most of which are made to order behind the counter at the time of sale. In addition to made-to-order sandwiches a selection of prepared green salads pasta, potato, chicken, tuna, shrimp, or other variety of "wet" salads, displayed underneath the counter and bought by weight or on a sandwich. Delicatessens may also offer a wide variety of beverages, usually prepackaged soft drinks, coffee, teas, milk, etc.

**Neighborhood Convenience store** - A small store or shop that sells a variety of items such as candy, ice-cream, soft drinks, newspapers and magazines, toiletries, hygiene products, food and groceries.

**Specialty Food Shop** - An establishment that specializes in one type or line of edible merchandise catering to the takeout client and not offering full service meals, or extensive seating, such as premium-priced food products that provide an added-value appeal for one or more of the following reasons:

- quality of ingredients, manufacturing process and/or finished product; or
- sensory appeal, flavor, consistency, texture, aroma and/or appearance; or
- presentation (branding or packaging); and/or
- origin (where the product was manufactured).

**Specialty home furnishing shop** - Articles that decorate a house, such as furniture, lighting, and carpets or any piece of equipment necessary or useful for comfort or convenience such as appliances, and other movable items.

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.21 01 (OFFICE) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND PERMITTED USES.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.21 ~~01 (Office)~~ **N1 (Neighborhood Commercial)** District Intent, Permitted Uses, and Special Uses

**District Intent**

The ~~01 (Office)~~ **N1 (Neighborhood Commercial)** District is established to accommodate a mix of residential, office and public uses which are compatible with ~~nearby~~ **abutting** residential uses.

**Permitted Uses**

**Residential Permitted Uses**

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- single-family cluster\*

**Institutional Uses**

- government office
- philanthropic use
- school – public

**Recreational Uses**

- park
- swimming pool – semiprivate

**Commercial Permitted Uses**

- **art gallery**
- **artisan use**
- **bank without drive-through facility**
- barber/beauty salon
- **boutique**
- **clinic**
- **clothing store**
- dental/medical office

- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor
- ~~veterinary clinic\*~~

#### **Accessory Permitted Uses**

- ~~kennel\*~~
- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- ~~outdoor cafe\*~~
- **commercial or office uses which are customarily incidental to the permitted principal uses on the same lot**

#### **Uses Requiring a S L U P**

- bistro (only permitted in the Triangle District and Overlay District)\*
- church

\* = Use Specific Standards in Section 5.06 Apply

( ) = Subject to Regulations of the Specified District

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.22 01 (OFFICE) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND DEVELOPMENT STANDARDS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.22 ~~01 (Office)~~ **N1 (Neighborhood Commercial)**  
District Development Standards

**Minimum Lot Area Per Unit:** n/a,

**Minimum Open Space:** n/a,

**Maximum Lot Coverage:** n/a,

**Maximum Building Height:**

- 28 feet, two stories

**Minimum Front Yard Setback:**

- Average setback of houses within 200 feet **on the same block, on the same side of the street**, otherwise 0 feet

**Minimum Rear Yard Setback:**

- 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, or N3 ~~O1, or O2~~ Zoning District;
- 20 feet or the height of the building, whichever is greater, when abutting to residential zoning district

**Minimum Combined Front and Rear Setback:** n/a,

**Minimum Side Yard Setback:**

- ~~No setback is required except on a corner lot which has on its side street an abutting interior lot, then such setback shall be equal to the minimum for the zoning district in which the building is located~~ **No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.**

**Minimum Floor Area Per Unit:** n/a,

**Maximum Total Floor Area:**



- ~~100% in parking assessment district~~ **200% Floor Area Ratio (FAR) for uses not in parking assessment district;**
- **In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;**
- not applicable for residential and parking uses

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.23 02 (OFFICE COMMERCIAL) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND PERMITTED USES.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.23(A) ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District Intent, Permitted Uses, and Special Uses

**District Intent**

The ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District is established to accommodate a mix of residential, office, public and small scale commercial uses which are compatible with nearby residential uses.

**Permitted Uses**

**Residential Permitted Uses**

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- single-family cluster\*

**Institutional Uses**

- government office
- philanthropic use
- school – public

**Recreational Uses**

- park
- swimming pool – semiprivate

**Commercial Permitted Uses**

- art gallery
- **artisan use**
- bakery
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store

- **coffee shop**
- **delicatessen**
- dental/medical office
- **dry cleaners**
- flower/gift shop
- **furniture store**
- hair replacement establishment
- **health club/studio**
- interior design shop
- jewelry store
- **neighborhood convenience store**
- office
- **party store**
- photography studio
- **shoe repair**
- specialty food store
- specialty home furnishing shop
- tailor
- ~~tobacconist~~
- ~~veterinary clinic\*~~

### **Other Use Regulations**

#### **Accessory Permitted Uses**

- ~~kennel\*~~
- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- outdoor cafe\*
- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

#### **Uses Requiring a Special Land Use Permit**

- ~~bank with drive-through facility~~
- bistro (only permitted in the Triangle District and Downtown Overlay District)\*
- **Church**
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- food or drink establishment\*

\* = Use Specific Standards in Section 5.07 Apply

( ) = Subject to Regulations of the Specified District

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

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Gordon Rinschler, Mayor

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Laura Broski, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO AMEND ARTICLE 2, SECTION 2.24 02 (OFFICE COMMERCIAL) DISTRICT, TO CHANGE ZONING CLASSIFICATION AND AMEND DEVELOPMENT STANDARDS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 126, Article 2, section 2.23(B) ~~02 (Office/Commercial)~~ **N2 (Neighborhood Commercial)** District Development Standards

**Minimum Lot Area Per Unit:** n/a,

**Minimum Open Space:** n/a,

**Maximum Lot Coverage:** n/a,

**Maximum Building Height:**

- 28 feet, two stories

**Minimum Front Yard Setback:**

- ~~0 feet~~ **Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet**

**Minimum Rear Yard Setback:**

- 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, N3 ~~01, or 02~~ Zoning District;
- 20 feet when abutting a residential zoning district

**Minimum Combined Front and Rear Setback:** n/a,

**Minimum Side Yard Setback:**

- 0 feet

**Minimum Floor Area Per Unit:** n/a,

**Maximum Total Floor Area:**

- 200% Floor Area Ratio (FAR) for uses not in parking assessment district;

- In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;
- not applicable for residential and parking uses

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk



**CITY OF BIRMINGHAM**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO ADD ARTICLE 2, SECTION 2.24(A) N3 (NEIGHBORHOOD COMMERCIAL) DISTRICT.**

**THE CITY OF BIRMINGHAM ORDAINS:**

**Chapter 126, Article 2, section 2.24(A) N3 (Neighborhood Commercial)  
District Intent, Permitted Uses, and Special Uses**

**District Intent**

The N3 (Neighborhood Commercial) District is established to accommodate a mix of residential, office, public and commercial uses which are compatible with the surrounding area.

**Permitted Uses**

**Residential Permitted Uses**

- **adult foster care group home**
- **dwelling - multiple-family**
- **dwelling - one-family**(R5)
- **dwelling - two-family**
- **live/work unit**
- **single-family cluster\***

**Institutional Uses**

- **government office**
- **philanthropic use**
- **school - public**

**Recreational Uses**

- **park**
- **swimming pool - semiprivate**

**Commercial Permitted Uses**

- **animal medical hospital**
- **art gallery**
- **artisan use**
- **bakery**

- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- coffee shop
- delicatessen
- dental/medical office
- dry cleaners
- flower/gift shop
- food or drink establishment\*
- furniture store
- hair replacement establishment
- hardware store
- health club/studio
- interior design shop
- jewelry store
- neighborhood convenience store
- office
- paint store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor
- veterinary clinic\*

### **Other Use Regulations**

#### **Accessory Permitted Uses**

- kennel\*
- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- outdoor cafe\*
- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

#### **Uses Requiring a Special Land Use Permit**

- bank with drive-through facility
- Church
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

\* = Use Specific Standards in Section 5.07 Apply  
( ) = Subject to Regulations of the Specified District

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

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**Gordon Rinchler, Mayor**

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**Laura Broski, City Clerk**

**CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 126 ZONING OF THE BIRMINGHAM CITY CODE TO ADD ARTICLE 2, SECTION 2.24(B) N3 (NEIGHBORHOOD COMMERCIAL) DISTRICT, TO ADD ZONING CLASSIFICATION AND DEVELOPMENT STANDARDS.**

**THE CITY OF BIRMINGHAM ORDAINS:**

**Chapter 126, Article 2, section 2.24(B) N3 (Neighborhood Commercial) District Development Standards**

**Minimum Lot Area Per Unit: n/a,**

**Minimum Open Space: n/a,**

**Maximum Lot Coverage: n/a,**

**Maximum Building Height:**

- **28 feet, two stories**

**Minimum Front Yard Setback:**

- **Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet**

**Minimum Rear Yard Setback:**

- **10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, N1, N2, or N3 ~~O1, or O2~~ Zoning District;**
- **20 feet when adjacent to a residential zoning district**

**Minimum Combined Front and Rear Setback: n/a,**

**Minimum Side Yard Setback:**

- **0 feet**

**Minimum Floor Area Per Unit: n/a,**

**Maximum Total Floor Area:**

- **200% Floor Area Ratio (FAR) for uses not in parking assessment district;**

- **In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR;**
- **not applicable for residential and parking uses**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011, to be effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, 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 DEFINITIONS.

THE CITY OF BIRMINGHAM ORDAINS:

**9.02 Definitions:**

**Artisan Use:** Any premises used principally for local or regional small scale operations that specialize in the repair, manufacture, and/or sale of domestic furniture, shoes, clothing, time pieces, arts, and crafts, specialty foods and beverages or similar such items.

**Barber/Beauty Salon:** An establishment dealing with cosmetic treatments for men and women, including hair/nail salons and spas. Barber/Beauty salons provide generalized services related to hair, skin health, facial aesthetic, foot care, aromatherapy, meditation, oxygen therapy, mud baths, massage, and other similar services for increasing mental well-being and relaxation.

**Boutique:** A shop that provides a limited range of specialized goods or services to consumers; usually in small quantities and not for resale such as clothing, jewelry, electronics, books or similar products, excluding any regulated use.

**Delicatessen:** A store selling foods already prepared or requiring little preparation for serving, such as cooked meats, cheese, salads, soups, chips and similar products. Also a sandwich menu, most of which are made to order behind the counter at the time of sale. In addition to made-to-order sandwiches a selection of prepared green salads pasta, potato, chicken, tuna, shrimp, or other variety of "wet" salads, displayed underneath the counter and bought by weight or on a sandwich. Delicatessens may also offer a wide variety of beverages, usually prepackaged soft drinks, coffee, teas, milk, etc.

**Neighborhood Convenience store:** A small store or shop that sells a variety of items such as candy, ice-cream, soft drinks, newspapers and magazines, toiletries, hygiene products, food, groceries and similar items.



**Specialty Food Shop:** An establishment that specializes in one type or line of edible merchandise catering to the takeout client and not offering full service meals, or extensive seating, such as premium-priced food products that provide an added-value appeal for one or more of the following reasons:

- quality of ingredients, manufacturing process and/or finished product; or
- sensory appeal, flavor, consistency, texture, aroma and/or appearance; or
- presentation (branding or packaging); and/or
- origin (where the product was manufactured).

**Specialty home furnishing shop:** - Articles that decorate a house, such as furniture, lighting, and carpets or any piece of equipment necessary or useful for comfort or convenience such as appliances, and other movable items.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2011 to become effective upon publication.

\_\_\_\_\_  
Gordon Rinschler, Mayor

\_\_\_\_\_  
Laura Broski, City Clerk

**Planning Board Minutes**  
**June 11, 2008**

**STUDY SESSION**

**O-1 and O-2 Zoning Regulations**

Ms. Robinson recalled that an interpretation was made by the Building Official regarding the development standards to be applied to a mixed-use building in the O-2 Office Commercial Zoning District. Essentially, the interpretation required all floors of commercial or office use to follow the O-2 development standards, and all floors of residential to follow the R-5 Multiple-Family Residential development standards.

On November 13, 2007, the Board of Zoning Appeals ("BZA") upheld that interpretation by the current Building Official. Board members expressed their frustration with the "grey area" of the ordinance in O-2, but felt that the necessary changes were legislative in nature, and thus outside of the scope of the BZA. They stated that they hoped the Planning Board and the City Commission would work on the issue and make a determination as to how to proceed in the future, both on the O-2 development standards for mixed use buildings and whether or not the Brown St. property should have been included in the Downtown Overlay District.

On January 9, 2008, the Planning Board met jointly with the Design Review Board and discussed proposed changes to the zoning regulations for O-1 and O-2 based on the direction of the BZA. The proposed ordinance language requires only one-family dwellings to follow the R-5 zoning standards, and thus allows all other uses or mix of uses to follow their respective standards (O-1 and O-2). This will clarify the standards that are to be applied for mixed-use buildings as requested by the BZA.

On February 13, 2008, the Planning Board conducted a public hearing and voted unanimously to amend the O-1 and O-2 Zoning Regulations to address the issue of mixed-use buildings.

On February 25, 2008, the City Commission considered the request to set a public hearing on this matter. The Commission sent the matter back to the Planning Board with direction to study the permitted uses in O-1 and O-2 Zone Districts, and to further study the effect of the proposed changes on all of the development standards. The City Commission also directed the Planning Board to clearly state in the proposed amendments whether or not mixed-use buildings were to be permitted in these Zone Districts.

On March 12, 2008, the Planning Board discussed the zoning regulations in O-1 and O-2 and their application to mixed-use buildings and the permitted uses in these districts

based on the direction of the City Commission. The Planning Board emphasized the difficulty of dealing with O-1 and O-2 zoned properties, as a majority of them are located on the fringe of commercial areas, and directly abut residential neighborhoods.

Ms. Robinson showed some pictures that depict areas in the City where these O-1 and O-2 zoned districts abut residential zones.

#### *O-1 Zoning District*

Mr. Nickita said the understanding of the value of mixed use has consistently been a part of all decision making over the last ten years. The proposed amendments are consistent with that past record which has had a positive result.

Mr. Blaesing discussed a phrase under "District Intent" that reads that the O-1 District is established to accommodate a mix of residential office and public uses "which are compatible with nearby residential buildings." He wouldn't want to enforce some kind of architectural standard that says an office building built in a residential zone has to look residential just because it is near a residential neighborhood.

Chairman Boyle said the intent is to make sure that the way in which the property is used is "compatible." Therefore he suggested changing the word "buildings" to "use." At the public hearing it can be determined if that results in the appropriate degree of flexibility.

#### *O-2 Zoning District*

Ms. Ecker said that "stadium" should be struck. Mr. Blaesing again requested that the word "buildings" be changed to "use."

There were no comments from members of the public.

The direction of the board was to schedule this item for a public hearing on July 9, 2008.

**City Commission Meeting Minutes  
October 13, 2008**

**10-329-08 ORDINANCE AMENDMENT 01 AND 02  
ZONING DISTRICTS REGARDING MIXED USE**

The mayor opened the public hearing to consider the proposed amendments to Article 2, sections 2.21 and 2.23 of the Zoning Ordinance to amend the permitted use and regulations in the O1 and O2 zoning districts to address the issue of mixed use buildings at 8:08PM.

Ms. Ecker explained that these changes will clarify when there is a mixed use and when it applies. She pointed out that the planning board reviewed the uses and recommended to only remove the stadium reference.

In response to a question from Commissioner McDaniel, Ms. Ecker explained her interpretation that O1 is supposed to be a smaller scale, lesser impact use on the neighborhood, more of a neighborhood type of business, and O2 allows for a little more intensity in terms of office use.

Mr. Dilgard pointed out that the side setbacks are significantly different.

Ms. Conrad expressed her opinion that many properties are not zoned properly.

Ms. Ecker confirmed for Bill Duffy, 653 Pierce, that properties which are not a part of the overlay, could apply for a variance from the Board of Zoning Appeals.

Harvey Zalesin, 564 Purdy, commented that the south side of Birmingham looks tired and worn out. He stated that allowing projects to move forward would help dress up the downtown area of Birmingham and increase the value of adjacent properties.

Alice Thimm expressed her opposition to uses other than office as it would present the least impact.

David Bloom stated that the proposal and definitions are not clear. He suggested sending it back to the planning board.

The mayor closed the public hearing at 8:52PM.

Commissioner McDaniel expressed that there should be standards for uses other than office, to define what is desirable. Mayor Pro Tem Sherman concurred.

Commissioner Moore stated they want to encourage cutting edge type uses that are compatible with residential.

Mr. Markus suggested they could require commercial uses to obtain a special land use permit within the district. Mr. Dilgard pointed out that there are not many properties that would be affected.

In response to a comment from Commissioner Hoff, Ms. Ecker explained that the biggest change is the front setback.

**MOTION:** Motion by Rinschler, seconded by McDaniel:

Ordinance amending to Article 2, section 2.21 of the Zoning Ordinance to amend the regulations in the O1 zoning district to address the issue of mixed use buildings, and include a firm direction to the Planning Board to do a complete review of all the uses in O1 and return to the commission in 90 days with a progress report.

Alice Thimm expressed opposition to the motion.

Norman Fill stated that a proper study should be done of the full impact of this and what properties are affected.

VOTE: Yeas, 4

Nays, 3 (Carney, Dilgard, Sherman)

Absent, None

**MOTION:** Motion by Rinschler, seconded by McDaniel:

Ordinance amending to Article 2, section 2.23 of the Zoning Ordinance to amend the regulations in the O2 zoning districts to address the issue of mixed use buildings, and include a firm direction to the Planning Board to do a complete review of all the uses in O1 and return to the commission in 90 days with a progress report.

VOTE: Yeas, 4

Nays, 3 (Carney, Dilgard, Sherman)

Absent, None

Commissioner Hoff suggested the planning board keep in mind low intensity uses that are most appropriate for transitional areas while studying the uses in O1 and O2.

The commission received communications from Alice Thimm and Larry Bertollini, 1275 Webster.

**Planning Board Minutes  
July 8, 2009**

**07-97-09**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka recalled that on October 13, 2008 the City Commission held a public hearing that clarified the District Intent for the O-1 and O-2 Zoning Districts, as well as what development standards to allow a mixed use building in either of these districts. During the public hearing, the City Commission asked that the Planning Board review the uses allowed in each district to determine the appropriateness.

Mr. Williams thought some of the uses that are designated in the O-1 and O-2 areas have been there for a long time. Perhaps they relate to not wanting to create non-conforming uses when the ordinances were adopted. He asked that an inventory be taken of uses present in the O-1 and O-2 areas. Then the board can decide whether it would adversely affect a current use if the definition is changed and the use becomes a non-conforming existing use.

At 8:35 p.m. Chairman Boyle asked if any members of the public wished to comment.

Mr. Paul Reagan who lives on Purdy thought that adjacency to neighborhoods is an important issue. The Master Plan identifies O-1 and O-2 as low intensity usages. Photographs of specific areas in context would communicate a lot more than just a simple inventory.

Mr. David Bloom asked if there can be some added designation given to properties abutting residential neighborhoods so that some care can be taken when someone wants to build.

Mr. Nickita noted there are a number of successful O-1 and O-2 adjacencies to residential neighborhoods. By using them as an example it can be determined if this designation has had an effect on the neighborhood.

Mr. Williams asked that the agenda not contain too many items when this matter is brought back to the board.

**PLANNING BOARD MINUTES  
WEDNESDAY, AUGUST 12, 2009**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka explained that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine the appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

Since the last meeting Mr. Baka created an inventory of all the properties that are zoned O-1 and O-2, what the use is, and whether or not they conform to the permitted uses in those zones.

He went through a PowerPoint which reviewed the existing uses and whether or not they are permitted. In O-1 the maximum height is 28 ft. and 2 stories. The minimum front yard setback is the average setback of buildings within 200 ft.; otherwise 0. The minimum rear yard setback is 20 ft. or height of the building, whichever is greater, when adjacent to residential.

In O-2 the maximum height is 28 ft. and 2 stories. The minimum front yard setback is 0. The setback from residential in the rear is 20 ft.

There are five permitted commercial uses for O-1, whereas in O-2 it is closer to 20.

Mr. Williams noted some of the properties in O-1 and O-2 are clearly not office in terms of permitted uses. Further, there are a number of properties within the zoning that are non-conforming in what he views as an expanded classification of permitted uses. The question he has is whether they are legally permitted non-conforming uses or are they in violation of the Zoning Ordinance which requires the City to take action. Therefore, he thinks review should be done of O-1 and O-2 in conjunction with B-1, B-2 and B-3 all the way through the City.

Mr. Williams questioned:

- To what extent are the non-conforming uses within these various categories legal or not legal;
- To the extent we have a non-conforming existing use, what options does the City have; and



- What happens if improvements are needed on a non-conforming use?

Mr. Williams suggested the existing non-conforming uses have to be investigated in order to determine the history. Also, it would be helpful to understand the history of how some of the permitted uses within the O-1 and O-2 classifications occurred.

Ms. Ecker felt it goes to the impact as opposed to the actual use. Mr. Williams did not disagree but he thinks the names of the categories logically don't make sense.

Acting Chairman Nickita thought the board may consider possibly turning some uses into an MX situation by altering the designation altogether. Within that some flexibility is allowed, and a number of different uses may be accommodated.

Mr. Williams advocated studying the areas, determining the objectives, and then drafting the ordinances.

Mr. DeWeese added that the board needs to address the functionality of how a buffer is provided on the edges of a district. Acting Chairman Nickita said the board can learn from the precedent that has already been set with existing conditions, such as the Original Pancake House and other businesses up and down Woodward Ave.

Ms. Ecker said staff will do some research on the non-conforming uses and how they came about when they were established. She is hearing the board wants to allow a mix of uses in mixed-use buildings, but they want to be very sensitive to the types of uses and their impact on adjacent residential. Also, staff can pull together some goals and objectives based on tonight's discussion. Acting Chairman Nickita said this process has already been completed in the Rail District and in the Triangle District and the same standards will apply here.

Several board members extolled the benefits of taking a comprehensive, strategic approach to addressing these issues.

Acting Chairman Nickita called for discussion from the public at 9:08 p.m.

Ms. Dorothy Conrad applauded the direction that the board is taking. She noted that hours of operation will be very important when looking at the majority of these properties. Secondly, ensure that mixed uses next to residential compliment rather than disrupt the neighborhoods.

## **Planning Board Minutes September 9, 2009**

### **STUDY SESSION**

#### **O-1 and O-2 Permitted Uses**

Mr. Baka explained that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine their appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

On August 12, 2009, the Planning Board reviewed an inventory of current uses in the O-1 and O-2 Districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

Mr. Baka offered a history of the existing non-conforming uses along with the ordinance language regarding non-conforming uses. Also included were the recently adopted O-1 and O-2 ordinances with the permitted uses, plus definitions for those which are currently defined in Article 09 and any use specific standards required by Article 05. None of the uses are illegal non-conforming.

Mr. Williams said it looks to him as though a lot of the language for O-1 and O-2 was drafted in response to what was in place when the Zoning Ordinance became effective. The ordinance took a pre-existing condition and made it conforming. This is different than what was done in the Triangle District where the drafters planned for what they wanted rather than grandfathering in existing uses.

There are a lot of uses in O-1 and O-2 that really are not office. The board's charge should be to review what should be a permitted use in a particular area.

Ms. Ecker confirmed that the City Commission wants the Planning Board to look at the uses and determine what should be permitted. Therefore, she thought the board should determine what it is they want and build it around what their vision is for the areas; not what happens to be there at the time.

Mr. Williams suggested if a pre-existing use becomes non-conforming as to the current zoning, it is grandfathered as long as the use remains the same. If the use is changed,

then the non-conforming permitted use would go away and the use would be restricted to a use that is permitted within the classification.

Ms. Ecker identified on a map the O-1 and O-2 areas. They are all next to residential neighborhoods. She noted that in the Triangle District there was a stable residential neighborhood in the center and much effort went into protecting that neighborhood. The uses, heights and the form were planned to compliment but not overshadow the neighborhood.

Chairman Boyle invited public comment at 8:08 p.m.

Ms. Dorothy Conrad offered background. Originally O-1 meant a one-story office building and O-2 meant a two-story office building. The only commercial uses were contained within the buildings in connection with the offices. She agrees that what was done was wrong; and the direction the board is leaning toward now is probably correct.

Mr. Williams said he would rather approach these areas in general in the way they were approached with the Triangle District as opposed to listing allowable uses. Mr. Nickita added that altering the ordinance slightly by changing uses ultimately does not address the bigger issue.

Chairman Boyle suggested it is important for the board to frame a vision of where it wants to be.

Ms. Ecker summed up the discussion: It sounds like the board would prefer to go more the form-based route so it is clear to the adjoining residential neighbors what bulk of building is allowed.

Chairman Boyle then asked staff to examine these areas using more the form-based code approach.

Mr. Haberman was concerned that this may open a hornets' nest among residents creating an uncertain situation. Therefore, the board should be very cautious in its approach.

Mr. Nickita observed that with the Triangle District Overlay and if the mandatory Downtown Overlay District Ordinance is allowed, then a good portion of the O1 and O2 zone districts would be eliminated and the project becomes somewhat manageable.

Chairman Boyle asked for input from the audience at 8:28 p.m.

Ms. Dorothy Conrad noted you would not want the same kind of development on Fourteen Mile Rd. and on Adams Rd. as on Woodward Ave. The type of heavy commercial use that could be put on Woodward Ave. is not appropriate for a corner in

the neighborhood. She doesn't want to see commercial development creeping along Fourteen Mile Rd. and going into the neighborhood as has happened on Woodward Ave. It ends up destroying the neighborhood, not enhancing it.

Chairman Boyle indicated this item will be sent back to staff and they can communicate to the City Commission that the Planning Board is indeed making progress and wishes to examine two approaches:

- 1) Consideration of the mandatory Downtown Overlay District; and
- 2) The remaining six areas would need to be re-considered for the appropriate zoning categories.

Mr. Baka agreed to look further into Esquire Cleaners at 794 N. Old Woodward Ave., which is a current non-conforming use that he could not find a definite explanation for.

**PLANNING BOARD MINUTES  
WEDNESDAY, OCTOBER 14, 2009**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka stated that on October 13, 2008 the City Commission asked that the Planning Board review the uses allowed in the O-1 and O-2 Zoning Districts to determine the appropriateness.

On July 8, 2009, the Planning Board discussed the direction from the City Commission and asked that the Planning Staff create an inventory of each existing use in these districts along with a photo of how these properties relate to the adjoining residential property.

On August 12, 2009 the Planning Board reviewed an inventory of current uses in the O-1 and O-2 Districts. A number of non-conforming uses were revealed. The Planning Board requested that a history of these non-conforming uses be researched and City options for action on illegal non-conforming uses be presented.

On September 9, 2009 the Planning Board again discussed the non-conforming uses and continued the discussion of possible resolutions to the question of the appropriateness of the current permitted uses. Rather than trying to examine each use and how it impacts the neighborhood, the Planning Board plans to take a step back and decide what the intended intensity of use and scale for the district is and then move forward from that point. The Planning Board requested that the City Commission be updated as to the progress and direction of their O-1 - O-2 Zoning District study. A report has been prepared and submitted to the City Manager for review.

Esquire Cleaners, 794 N. Old Woodward Ave., was the only unexplained non-conforming use that was found in the O-1 and O-2 Zoning Districts. The zoning change happened in December 1983. The use was established subsequent to that, which sends signals that it is an illegal non-conforming use. Further research may be required to confirm what the permitted uses were at that time. Mr. Williams suggested just expanding the permitted uses to include this cleaners usage.

Mr. Baka gave a PowerPoint presentation that looked at each subject parcel, listed permitted heights and setbacks and examined abutting and adjacent zones to see how the heights compare to what is existing.

PARCEL	RECOMMENDATION
Adams Rd. (east side)	Maintain existing zoning, review permitted uses.

14 Mile Rd. East of Woodward Ave.	Same
Lincoln and Grant	Same
Post Office on Bowers	Same
1821 W. Maple Rd.	Same
Southfield Rd. at 14 Mile Rd.	Same
W. Maple Rd. at Southfield Rd.	B-4 max height 60 ft., 5 stories for residential only, 48 ft. 4 stories all other buildings
Brown at Pierce	Maintain existing zoning, review permitted uses
E. Maple Rd., East of Railroad	MX – consistent with Rail District and Transit Oriented Development standards
Quarton and Woodward Ave.	Rezone as B-2B, consistent with commercial areas on Woodward Ave. to the south
Overlay Zone properties	Review permitted uses

Mr. DeWeese pointed out that the O-1 and O-2 Zoning Districts have practically the same permitted uses. He does not hear people objecting to any activity that fits the office model and that is quiet and not rowdy. Objections are only heard about uses that go into the evening or that lead to additional crowding. Therefore, he thought the two Zoning Districts could be merged into one.

Mr. Williams thought the form is more the issue than the use. Any food or drink establishment should be put into the Special Land Use Permit ("SLUP") category. He is not sure that a comprehensive re-write at this point is warranted. Mr. DeWeese agreed. If changes are made he would like to see consolidation of the O-1 and O-2 uses. Uses such as veterinary clinics and restaurants would require a SLUP. Otherwise, no great modification.

Mr. Baka said in regard to unifying the two zoning districts the reason O-2 has so many more permitted uses is that most of the O-2 zones are relatively close to other commercial areas; whereas all of the O-1s are spread throughout the Single-Family Residential areas. So, he doesn't know if combining the two would be the best way to go. Mr. Williams said the two categories are remarkably close on what is permitted, but he thinks the issue is permitted uses within O-2.

Acting Chairman Nickita noted for the most part these O Districts are mixed uses. Also, if the Downtown Overlay is mandated the Downtown O classifications will change to mixed use. A new classification can be established, such as MU-2.

Board members agreed with Mr. Baka's recommendations on the last three parcels.

Acting Chairman Nickita asked for public input at 9:42 p.m.

Ms. Dorothy Conrad said the properties on Fourteen Mile Rd. east of Woodward are O-1 offices and they really don't disturb the neighborhood. She would not want to see them changed. A more intense use along there would not be good for the neighborhood.



**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 14, 2010**

**04-85-10**

**STUDY SESSION**

**0-1 & 0-2 Review of Permitted Uses and Development Standards**

Mr. Baka recalled the Planning Board has considered this subject at several past meetings. On October 14, 2009 the board reviewed information regarding maximum build-out of the parcels in all O-1 and O-2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion it was stated that the scale and massing of O-1 and O-2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU-2) that maintained the existing height and setback restrictions of O-1 and O-2 but aligned the uses between the two into a single zone. Three O-1 and O-2 zoned areas were recommended for rezoning to existing zoning classification, with which the board concurred.

In accordance with the discussion held at the October 14th Planning Board meeting, Mr. Baka gave a PowerPoint presentation which outlined the changes to the affected parcels as suggested. This included adjusting the permitted uses of the O-1 zones to include the uses permitted in O-2 and to rezone the three parcels identified in October 2009. Information contained in the PowerPoint presentation cataloged the outlying O-1 – O-2 zoned parcels. Each slide contained a zoning map of an O-1 or O-2 parcel and surrounding parcels. The height restrictions of the surrounding parcels were listed as well as the recommended changes (if any) from the Planning Division.

<b>PARCEL</b>	<b>RECOMMENDATION</b>
Adams Rd.	Maintain existing O-2 zoning and permitted uses or zone MU-2
14 Mile Rd. East of Woodward Ave.	Rezone to O-2 Office/Commercial or MU-2
Lincoln and Grant	Same
Post Office on Bowers	Same
1821 W. Maple Rd.	Same
Southfield Rd. at 14 Mile Rd.	Same
1821 W. Maple Rd. at Southfield Rd.	Same
Brown at Pierce	Maintain existing zoning, review permitted uses
E. Maple Rd., East of Railroad	MX – consistent with Rail District and Transit oriented design standards
Quarton and Woodward Ave.	Rezone as B-2B, consistent with

	commercial areas on Woodward Ave. to the south
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### *Next Steps*

Discussion concluded that staff should take the individual parcels, look at the ones where perhaps pulling together of the uses and re-designation as O-2 would be dealt with, bring them forward for the board's sign-off, and then go through the public hearing process. Mr. DeWeese wanted to see the language for an MU-2 ordinance as the first step. Permitted uses under the new ordinance would be anything that doesn't impinge on the neighbors. Everything else becomes a SLUP. Once that has been established, then go through the process of taking the parcels one-by-one and making recommendations for change, moving toward the direction of eliminating O-1.

Ms. Dorothy Conrad pointed that the O-1 ordinance is limited so as to be compatible with single-family residential. She is not sure that works with all O-2 which may allow many more hours and days of operation. Mr. DeWeese replied that is why he recommended the first step should be to see whether or not the ordinances can be unified. That part needs to be cleared up before decisions are made to change parcels around. Mr. Baka pointed out that every permitted use in O-1 is also permitted in O-2. There would be no reduction of permitted uses if something were switched to O-2. Mr. Williams added that time should be spent on what O-2 should look like, in a more expanded sense. If a distinction cannot be made between O-1 and O-2 then O-1 should be eliminated. If there should be a distinction, then delineate what the distinction ought to be.

Mr. Baka noted that the Planning Board may wish to consider additional permitted uses such as dry cleaners in O-2, as discussed at the last study session. Board members agreed.

Chairman Boyle directed staff to deal first with the parcels that will fall under O-1 and then come back to the board. The controversial properties can be considered as they go along.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, MAY 12, 2010**  
Commission Chamber, City Hall  
151 Martin Street, Birmingham, Michigan

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**05-94-10**

Mr. Baka advised that the Planning Board has considered this subject at several past meetings. On October 14, 2009, the board reviewed information regarding maximum build-out of the parcels in all O-1 and O-2 zones and discussed recommendations by the Planning Division for possible zoning amendments. During the discussion, it was stated that the scale and massing of O-1 and O-2 was appropriate for the majority of the parcels and that the permitted uses of each seemed compatible with all the parcels being discussed. This led to a discussion regarding creating a unified zoning category (perhaps MU-2) that maintained the existing height and setback restrictions of O-1 and O-2 but aligned the uses between the two into a single zone. Three O-1 and O-2 zoned areas were recommended for rezoning to existing zoning classifications, with which the board concurred.

On April 14, 2010, the Planning Board reviewed the recommendations of the Planning Division regarding the rezoning of several O-1 parcels as well as the potential for creating a new zone district (MU-2). The Planning Board directed staff to bring forward the O-1 parcels that are proposed for rezoning to existing classifications so that the Planning board can review them and forward recommendations to the City Commission. The Board would then deal with the potential creation of a new zone classification at a later date for the properties that staff has identified as candidates.

In accordance with the direction of the Planning Board, the Planning Division is recommending seven parcels for rezoning to existing classifications. In each instance the recommended zoning change is intended to be consistent with surrounding uses and density. The Planning Division believes that the recommended zoning changes do not negatively affect surrounding property values nor will they negatively impact the character of the surrounding neighborhoods. Mr. Baka gave a report that listed the parcel recommendations and showed current zoning map images of the subject parcels.

PARCEL	RECOMMENDATION
Lincoln and Grant: 500 E. Lincoln, 522 E. Lincoln, 576 E. Lincoln, 1193 Floyd, 1148 Grant, 1160 Grant	Rezone from O-1 to O-2
Post Office at 1225 Bowers	Same
1821 W. Maple Rd.	Same
1890 Southfield Rd.	Same

101 Southfield by Chester Parking Deck	Rezone from O-1 to B-4
400 W. Maple Rd. at Chester	Same
2100 E. Maple Rd., east of Railroad and abutting Troy	Rezone from O-1 to MX
Woodward Ave. immediately south of Quarton including 36877, 36801, 36823 Woodward Ave.	Rezone from O-1 to B-2B

Mr. Williams said he is not in favor of 2100 E. Maple Rd. going forward at this time until he knows the zoning for the adjoining property in Troy. He thinks the zoning needs to be consistent. Also, it is important to delineate why staff recommends the zoning changes from O-1 to O-2.

Ms. Whipple-Boyce pointed out that 1160 Grant is the strip where there is a dance studio, a dry cleaner and a laundry and they have different addresses. The laundry is 1194 and the dry cleaner is 1190. That would also be the comment for the Post Office which is at 1221 Bowers. Mr. Baka said he would just go with parcel identification numbers. He explained the differences between O-1 and O-2 Zoning. The list of permitted uses in O-2 is longer.

Mr. Baka read an e-mail from Ms. Alice Thimm stating that the conversation on this issue should revolve around the preservation of the integrity of Birmingham's residential neighborhoods. The conversation should NOT allow commercial development to take precedence by permitting a higher intensity of usage to encroach upon and change the defining fringe of our neighborhoods. Permit only "Office Use" in "Office" zones with any retail usage being incidental to the main use.

Mr. Williams observed that the underlying premise of the e-mail letter is not entirely in accord with the current uses in O-1 and O-2. There are a lot of commercial uses permitted within those zones. The letter points out what the permitted uses are and what the permitted uses should be within O-1 and O-2. That to him was the original assignment to the Planning Board from the City Commission. He suggested three steps that the board could take going forward:

- 1) Take out the parcels that the board thinks ought to be rezoned and move them;
- 2) Redefine what ought to be permitted in O-2 – there should not be two categories, O-1 and O-2, that expand beyond Office; and
- 3) Set up O-1 to be just Office. Determine if it should be one story or two. The most likely candidates for O-1 are those properties which adjoin residential.

Mr. Clein added that the board needs to determine what the proper intent is for today and for the next 20 years.

Chairman Boyle arrived at this time and Vice-Chairperson Lazar turned the meeting over to him.

Mr. DeWeese advocated forming a sub-committee to look at the O-1 that is office and is focused to be next to residential and the O-2 that is expanded in some way and is more distinctive. The following step would be to determine what is appropriate or not appropriate and then go through the process.

Mr. Williams said that to him O-1 and O-2 are distinctions without a real difference. He suggested having one zoning classification that is Office and another classification that is Office Plus. Determine not what is there now, but what is wanted 20 years from now. Then, decide what should be taken out of Office zoning and put into something else.

Ms. Whipple-Boyce said she is comfortable with the recommendations for 101 Southfield Rd. and 400 W. Maple Rd. as well as the Woodward Ave. parcels and would move them forward.

Mr. Baka noted that none of his proposals involve down zoning.

Mr. Koseck was not convinced that Office is the perfect and only way to create a buffer for residential. The group determined that the next step is to set up a small sub-committee. Chairman Boyle was not at all sure that selecting the existing designations is the way to go forward. Mr. Williams thought the sub-committee would need input from an engineer or an architect. Mr. Williams, Mr. DeWeese and Mr. Koseck volunteered to serve on the sub-committee. Mr. Koseck said an incredible tool for the sub-committee would be to have the ability to zoom in on the spaces through a satellite image.

Chairman Boyle opened the discussion at 8:20 p.m. to members of the public who wished to comment.

Ms. Dorothy Conrad, 2252 Yorkshire, offered a history on 2100 E. Maple Rd. She would not want to see the board zone that property so it would allow the owner to bring back a horrible plan that he previously had to bring in big box stores.

Chairman Boyle summarized the discussion: There is value in examining ways of moving forward perhaps with a slightly different designation. In order to do that a sub-committee will be formed composed of Messrs. Williams, Koseck and DeWeese. They will deliberate and bring their findings back to the board by June 9.

Mr. Williams remarked that the report from the sub-committee may not be as detailed as the board is accustomed to receiving because they won't have as much staff to work with them.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, JUNE 9, 2010**  
Commission Chamber, City Hall  
151 Martin Street, Birmingham, Michigan

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Minutes of the regular meeting of the City of Birmingham Planning Board held June 9, 2010. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Aaron Walden

**Absent:** None

**Administration:** Matt Baka, Planning Intern  
Jana Ecker, Planning Director  
Jill Robinson, City Planner  
Carole Salutes, Recording Secretary

**06-108-10**

**STUDY SESSION**  
**RECLASSIFICATION OF O-1 and O-2 Properties**

Mr. Baka recalled that in October 2008 the City Commission directed the Planning Board to conduct a study of uses in the O-1 and O-2 Districts. The Planning Board has considered this subject at several past meetings.

On May 12, 2010 the Planning Board established a subcommittee to further study the potential for rezoning of O-1 and O-2 parcels. This was done in order to spend the necessary time examining potential permitted uses and report back to the Planning Board on June 9th.

Since that time, the subcommittee has met on two occasions. The result of those committee meetings was the separation of the majority of the O-1 and O-2 parcels into three transitional zoning categories. These are areas where the parcels in question are seen as providing transition into single-family residential zones. The committee came to the conclusion that the height and scale of O-2 zones, as well as the majority of uses currently allowed in O-2 zones are appropriate for these areas. The committee felt that some additional uses could also be considered in certain areas.

Mr. Baka advised that the committee devised three new zoning classifications that will allow progressively intensive uses based on the potential effects on surrounding residential properties. The O-2 uses were used as a basis for the permitted uses in each transition zone.

These T (Transition) zones are being called T-1, T-2, and T-3. T-1 is considered for areas that should be the least intensive as they directly abut residential. The areas identified as T-2 zones are near single-family residential, but have an additional buffer zone in the form of public right of way or a physical barrier. T-3 is the area that should be considered for the most intense usage. This zone would be limited to the area at Quarton and Woodward Ave., which has a P (parking) zoned buffer parcel between the residential to the west and fronts on Woodward Ave. All T zoned districts would closely follow the height and setback restrictions of the O-1 and O-2 zones.

The development standards for each zone will be the same, however the permitted commercial uses will vary slightly. Parking standards are still dictated by the use and will not change.

In addition to the creation of the T-1 – T-3 zones, the Planning Division identified two other areas to be considered for rezoning. These existing O-1 zones have been identified as areas where rezoning to an existing zoning classification would be appropriate. The parcels located at 101 Southfield Rd. and 400 W. Maple Rd. are recommended to be rezoned from O-1 to B-4.

AREA	RECOMMENDATION
Fourteen Mile Rd. east of Woodward Ave.	Rezone to T-1 which directly abuts residential
Adams Rd. south of Adams Square east side only	
E. Brown at Pierce	
Maple Rd. Poppleton to Adams north side only	
1225 Bowers	
1821 W. Maple Rd.	
Southfield and 14 Mile Rd.	
Grant and Lincoln	Rezone from O-2 to T-2
N. Old Woodward Ave. Oak to Ravine	
Woodward Ave. immediately south of Quarton	Rezone from O-1 to T-3
101 Southfield Rd.	Rezone from O-1 to B-4
40 W. Maple Rd.	
2100 E. Maple Rd.	Rezone from O-1 to MX

Mr. Williams, Chairman of the sub-committee, did not think some areas listed as T-1 were appropriate because they could end up having night hours. The sense of the sub-committee was to take a look at what is there now, whether it is O-1 or O-2, and determine what is consistent with what the neighbors would view as an acceptable transition area and one that they might want to walk to. Further, the aim is not to zone down and expose the City to potential litigation.



The intent for T-2 was expansion of the permitted uses because these properties do not immediately abut residential. The T-3 area allows a veterinary facility. The sub-committee ran out of time to look at setbacks or density issues and those need to be considered.

Chairman Boyle suggested calling it “neighborhood zoning” rather than “transitional zoning.”

Mr. Williams hoped the sub-committee could meet again in order to get input from those on the sub-committee who are not members of the Planning Board, particularly on setback issues. Secondly, the sub-committee never received any input from the business community. Ms. Lazar suggested further that they might want to invite some commercial brokers to come in.

The chairman thanked members of the sub-committee for their work. He invited public comment at 9:28 p.m.

Ms. Dorothy Conrad discussed the office building on Maple Rd. just east of the railroad tracks. She wanted to make sure that MX zoning does not permit the property owner to develop a big box facility. Mr. Ecker assured her that the MX does not allow a building over 6,000 sq. ft. without a Special Land Use Permit.

Ms. Alice Thimm received confirmation that live/work units are one of the permitted uses in MX zoning and that live/work units are currently allowed in O-1 and O-2. The work unit can only contain a use that is permitted in its district.

Chairman Boyle asked that the sub-committee continue its work and indicated the board looks forward to the final product coming back within four weeks.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, FEBRUARY 9, 2011**  
Commission Chamber, City Hall  
151 Martin Street, Birmingham, Michigan

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Minutes of the regular meeting of the City of Birmingham Planning Board February 9, 2011. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** None

**Administration:** Matthew Baka, Planning Division  
Jana Ecker, Community Development Director  
Carole Salutes, Recording Secretary

**02-28-11**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka noted that in accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O-1 and O-2 Districts. The Planning Board initiated a subcommittee made up of Mr. DeWeese, Mr. Koseck, and Mr. Williams and had participation from residents and property owners. As a result of the subcommittee meetings, the Planning Division has developed a series of recommendations regarding the subject parcels.

Mr. Williams explained the subcommittee classified the majority of the O-1 and O-2 properties into three categories based on their proximity to single family residential and their intensity of use. The scope of their assignment did not include hours of operation or other portions of the ordinance. They simply looked at permitted uses. The intent tonight is to set a public hearing to invite public discussion before moving forward to the City Commission for final approval.

Mr. Baka noted that N (Neighborhood) zones are proposed to be N-1, N-2, and N-3. N-1 is being considered for areas that should permit only the least intensive uses, as they directly abut residential. The areas to be considered as N-2 zones are near single-family residential but an additional buffer zone is present in the form of public right-of-way or a physical barrier between the parcel and the adjacent residential uses. N-3 is being considered for the most intense usage. This zone is proposed to be limited to the area

at Quarton and Woodward Ave., which has a P (Parking) zoned buffer parcel between the residential to the west and the property on Woodward Ave.

Two sites have been recommended to be re-zoned to existing zones based on location and adjacency to other zones. One is recommended to be rezoned to MX (mixed use) based on its proximity to the Rail District, the other is recommended to be rezoned to B-4, as it is in the Downtown Overlay District and is currently classified as D-4.

All N (Neighborhood) zoned districts would closely follow the height and setback restrictions of the O-1 and O-2 Zones.

Mr. Baka presented a PowerPoint that listed the proposed permitted uses for each of the three zones. In order to clarify the meaning of the permitted uses, definitions for several terms were developed and are proposed to be added to Article 09, Definitions. Coffee shops and delicatessens were excluded from N-1 because of the smells, parking issues, extended hours, and trying to be respectful of the neighborhoods.

Mr. DeWeese added their proposal is an expansion with the philosophy of trying to be graded in the amount of impact on the community, and to be consistent.

The following areas were recommended for re-zoning:

AREA	RECOMMENDATION
Fourteen Mile Rd. east of Woodward Ave.	Rezone from O-1 to N-1
E. Brown at Pierce	Rezone from O-2 to N-1
Maple Rd., Poppleton to Adams north side only	Rezone from O-2 to N-1
1225 Bowers	Rezone from O-1 to N-1
1821 W. Maple Rd.	Rezone from O-1 to N-1
Southfield and 14 Mile Rd.	Rezone from O-1 to N-1
West side of Woodward Ave, east side of Adams Rd., North of Lincoln	Rezone from O-2 to N-1
South of Lincoln	Rezone from O-2 to N-2
101 Southfield Rd.	Rezone from O-1 to N-2
550 Merrill	Rezone from O-1 to N-1
Grant and Lincoln	Rezone from B-1 to N-2
N. Old Woodward Ave. Oak to Ravine	Rezone from O-2 to N-2
Parcels on Woodward Ave. immediately south of Quarton	Rezone from O-1 to N-3
400 W. Maple Rd.	Rezone from O-1 to B-4
2100 E. Maple Rd.	Rezone from O-1 to MX

There was discussion about why coffee shops and delicatessens could not be put into N-1 under a Special Land Use Permit ("SLUP"). Mr. Williams said these areas are highly residential and they need to be protected from more traffic and parking.

Ms. Whipple-Boyce thought neighbors may add uses that have been left out. Mr. Williams observed if the board wants to get into hours of operation then in his view they are not ready for a public hearing.

Chairman Boyle invited comments from members of the public at 9:10 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, cautioned the board to remember that the N-1 properties are someone's backyard or side yard. She expressed concern about the piece proposed to be transferred to the MX District. It is a very large parcel and a very large development could go in there. N-2 might be a better choice. Ms. Ecker clarified that the MX zoning would not allow big box retail due to the maximum size of 6,000 sq.ft. for commercial uses without obtaining a Special Land Use Permit.

Ms. Alice Thimm was concerned that every single N-1 property that is proposed abuts a private home. The uses aren't really cut out for all of the parcels that are next to someone's patio. Under the definition for *artisan use* she did not want to leave in "manufacture." Under the *neighborhood convenience store* definition she suggested leaving out "alcohol, tobacco, lottery tickets" in the N-1 Districts. Also, add to the definition of *specialty food shop* "no on-site preparation or consumption," and "Sampling is permitted." Add to the District intent for N-2 "which are compatible with abutting single-family residential." Lastly Ms. Thimm didn't understand why outdoor café is an accessory permitted use under N-1. Consensus was to remove it.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to set a public hearing for April 13, 2011 to consider amendments to Article 02 Zoning districts and Regulations, and Article 09, Definitions of the Zoning code,**

**and**

**To set a public hearing for April 13, 2011 to consider the re-zoning of O-1 Office, O-2 Office/Commercial, and B-1 Neighborhood Business parcels.**

It was determined this item will be brought up for further discussion by the board at a study session on March 16, prior to the public hearing in April.

Discussion contemplated that every habitable unit and every business within 300 ft. would need to be notified. Ms. Ecker noted the available manpower will take quite some time to put out all of those notices. Mr. Williams said he has always thought that the noticing requirements are not necessarily consistently applied on the Planning Board Hearings and those for the City Commission. The Commission tends to notify a lot more people.

Mr. Clein did not feel that N-1 and N-2 should have such similar uses. Further, the problems are just being shifted from O to N and an additional N-3 classification has been added.

**Motion carried, 6-1.**

ROLLCALL VOTE

Yeas: DeWeese, Williams, Boyle, Koseck, Lazar, Whipple-Boyce

Nays: Clein

Absent: None

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, MARCH 23, 2011**  
Department of Public Services  
851 S. Eton Street, Birmingham, Michigan

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Minutes of the regular meeting of the City of Birmingham Planning Board held March 23, 2011. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Bert Koseck (arrived at 7:35 p.m.), Gillian Lazar (arrived at 7:40 p.m.), Janelle Whipple-Boyce, Bryan Williams; Student Representative Kristen Thut

**Absent:** Board Member Carroll DeWeese

**Administration:** Matt Baka, Planning Intern  
Carole Salutes, Recording Secretary  
**03-48-11**

**STUDY SESSION**

**O-1 and O-2 Permitted Uses**

Mr. Baka introduced the study session. In accordance with the direction of the City Commission, the Planning Board has been conducting study sessions on the appropriateness of the permitted commercial uses within the O-1 and O-2 Districts. Early last year a sub-committee was established comprised of Planning Board members DeWeese, Koseck, and Williams, and several residents and property owners also participated in the discussions.

The sub-committee classified the majority of the O-1 – O-2 properties into three separate neighborhood zones:

- N-1 - Properties that directly abut single-family residential zones;
- N-2 - Properties that have a natural barrier between them and residential parcels; and
- N-3 - The O-1 parcels at the corner of Quarton and Woodward Ave.

On February 9, 2011, the Planning Board set a public hearing for April 13, 2011 to consider zoning amendments to the O-1 and O-2 zones. It was decided that the subject would be discussed once again at the March 2011 study session to finalize the proposed changes in advance of the public hearing.

Mr. Baka advised that there have been very few changes since the last Planning Board meeting. Party store was taken out of N-1 and added to N-2 and N-3 as a result of the board's discussion on neighborhood convenience stores.

Additionally, swimming pools were eliminated and the only permitted recreational use would be a park.

Mr. Williams advised that the sub-committee's original charge was to study O-1 and O-2. That excludes the Lincoln and Grant area which he would leave it the way it is, as B-1. That does not have a deleterious impact on the businesses in that area. Mr. Baka went on to describe the other N-1 and N-2 areas. Ms. Whipple-Boyce did not believe that party stores should be included in N-2. She does not think that an alley is enough buffer to allow a party store. Further, she feels the B-1 classification should be reviewed in the future. Others agreed.

The board contemplated whether height issues should be a consideration, especially in the area between Poppleton and Adams. Consensus was to leave it alone for now.

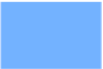
Mr. Williams advised that the sub-committee didn't really change things that much. They have by and large pretty much protected the residential components. The only place where they have expanded the types of uses is the area along N. Old Woodward Ave. south of Oak on the east side.

Chairman Boyle thanked everyone for their input and for doing a great job.



Revision of permitted commercial uses on properties that are abutting or adjacent to residential property

# Rezoning of O<sub>1</sub>/O<sub>2</sub> properties

	0-2	Office Commercial
	0-1	Office

# Planning Board study of O1/O2 permitted commercial uses timeline

- October 13, 2008 - City Commission directs Planning Board to study the appropriateness of the commercial permitted uses of the O1/O2 zones;
- July-October 2009 – Planning board holds several study sessions regarding O1/O2 zones. Discussions center on current permitted uses. Planning Division compiled an inventory of existing uses, including permitted and non-conforming;
- May 2010 – Planning Board establishes a subcommittee of three Planning Board members to develop recommendations for updated lists of permitted uses;
- February 2011 – Subcommittee reports back to Planning Board with recommendations for all O1/O2 properties. Recommendation includes the creation of new “Neighborhood Commercial” zones titled N1, N2, and N3. Select parcels recommended for rezoning to existing zones. Planning Board sets Public Hearing for April 13, 2011 to consider proposed changes and forward recommendation to the City Commission.

# General findings & recommendations

The majority of the O1/O2 parcels are abutting or adjacent to residential properties. As a result, the subcommittee recommended that the O1/O2 parcels be reorganized into three categories based on their proximity to residential. These categories are proposed to be transitional zones that allow for commercial uses that are compatible with the neighborhoods. These zones would be delineated as follows.

- **N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.
- **N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.
- **N3 (Neighborhood Commercial) zone** – This zone is proposed for the parcels currently zoned O1 on Woodward at Quarton. This area is viewed by the committee as unique as it sits on big Woodward. Therefore, uses that involve additional intensity are viewed as appropriate. This would include animal hospitals and veterinary clinics and banks with a drive thru (SLUP required for drive-thru).

*(Development standards for O1 and O2 properties were not the focus of this study. However, some minor changes were necessary as there are currently differences between the two existing zones that must be reconciled in order to unify them into common zones. Changes for each parcel will be noted in the following slides.)*

# Specific Recommendations – N1

**N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

\*The parcels being considered for N1 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.

## Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

## Accessory Permitted Uses

- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- commercial or office uses which are customarily incidental to the permitted

principal uses on the same lot

## Uses Requiring a S L U P

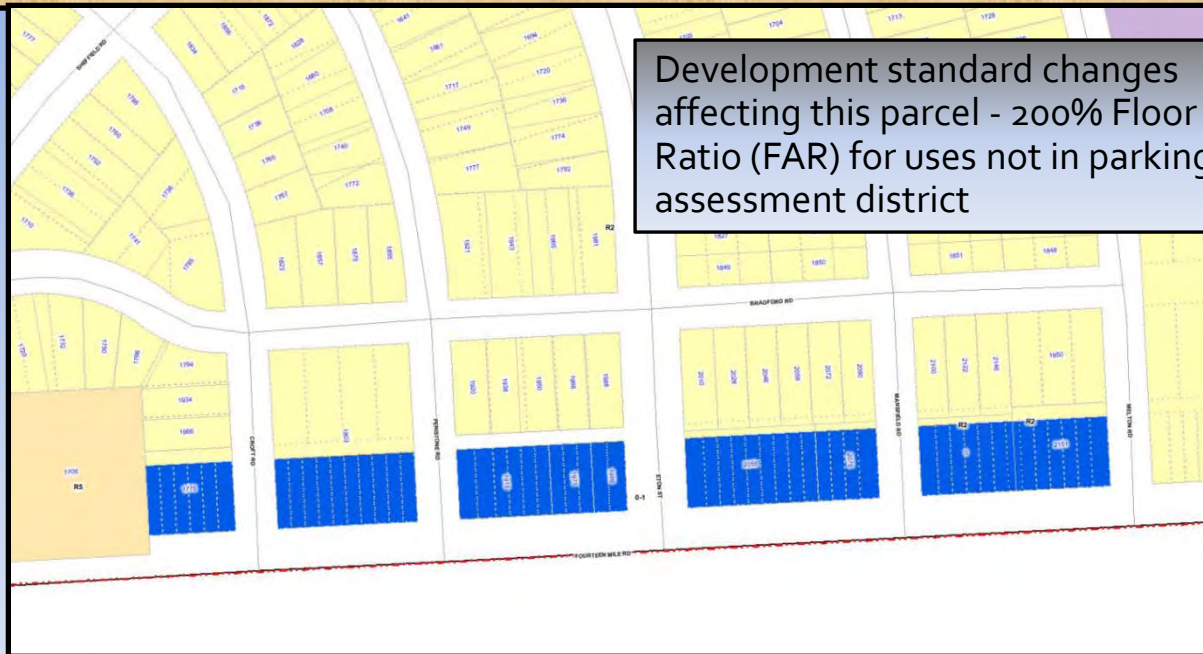
- bistro (only permitted in the Triangle District and Overlay District)\*
- church

# O1 parcels on 14 Mile rd. between Woodward and Melton - O1 to N1

O1 parcels will see the most significant increase in permitted commercial uses. The list below indicates all new uses proposed for these parcels.

## Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

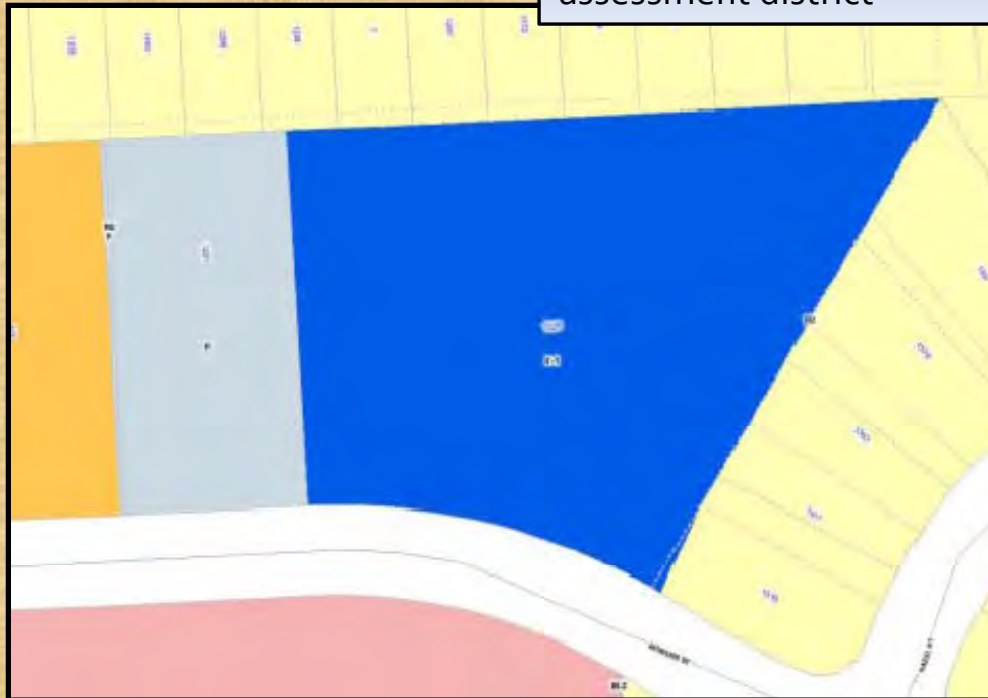


# 1225 Bowers – O1 to N1

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



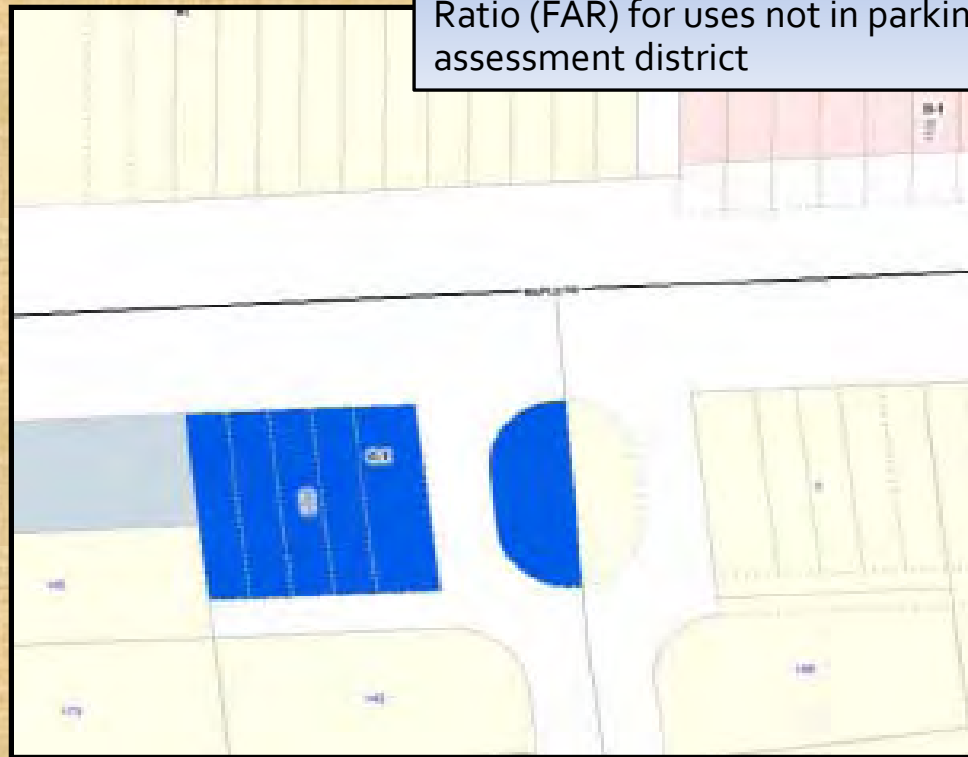
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# 1821 W. Maple – O1 to N1

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



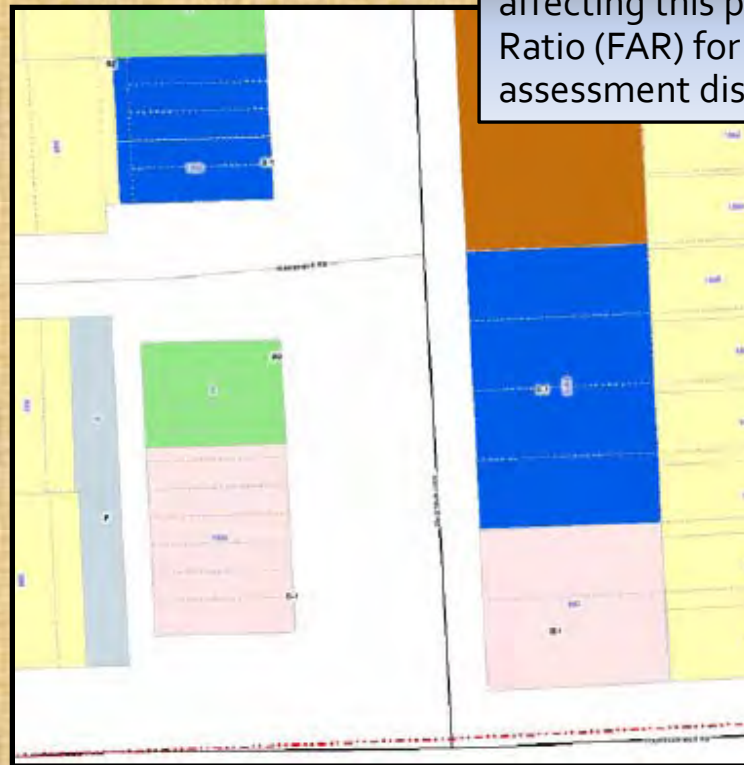
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)



# 1875 & 1890 Southfield Rd. O1 to N1

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

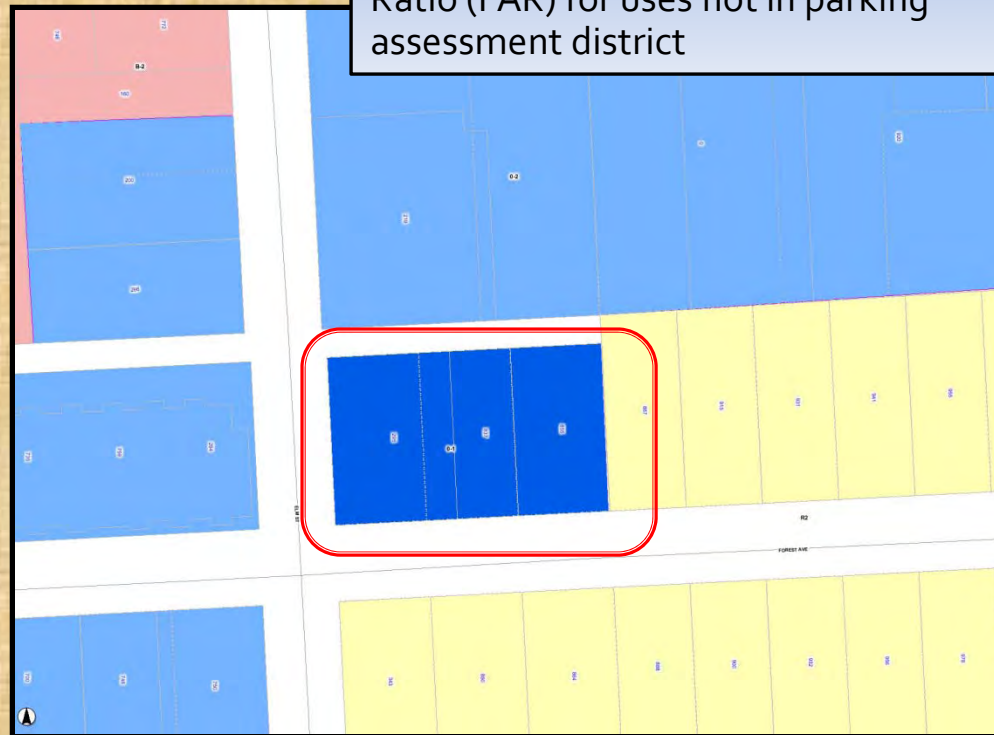
The following uses are proposed to be eliminated from the O1 zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# 295 Elm, 837 & 855 Forest – O<sub>1</sub> to N<sub>1</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



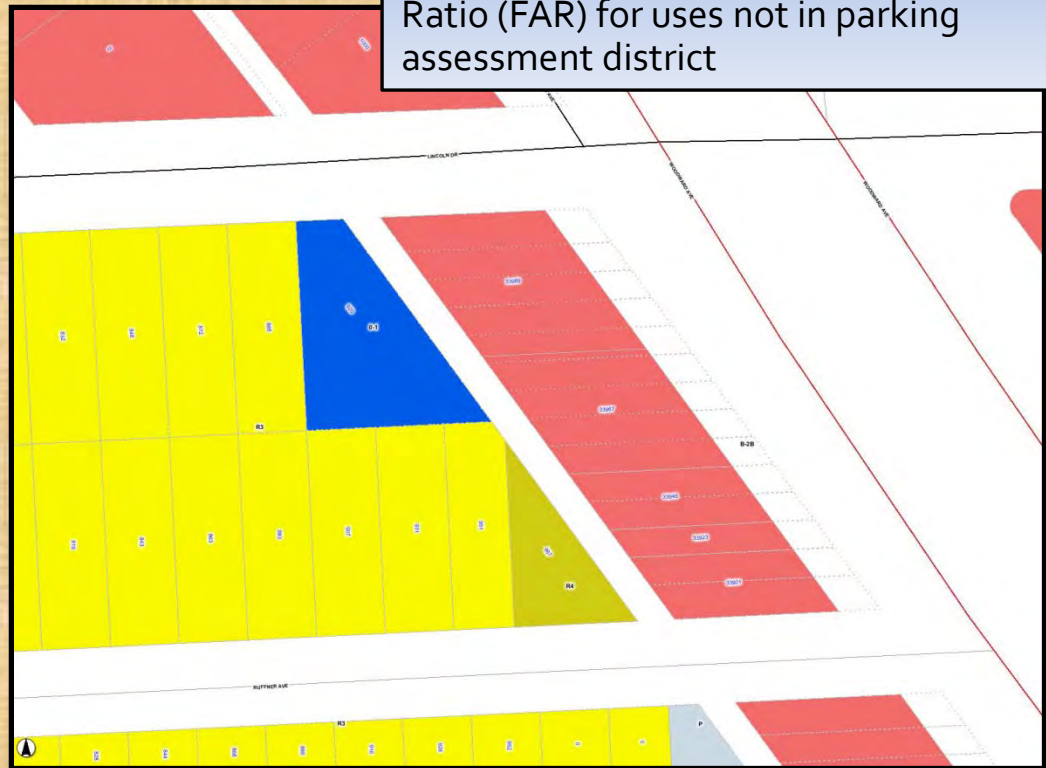
The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# 920 Lincoln – O<sub>1</sub> to N<sub>1</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

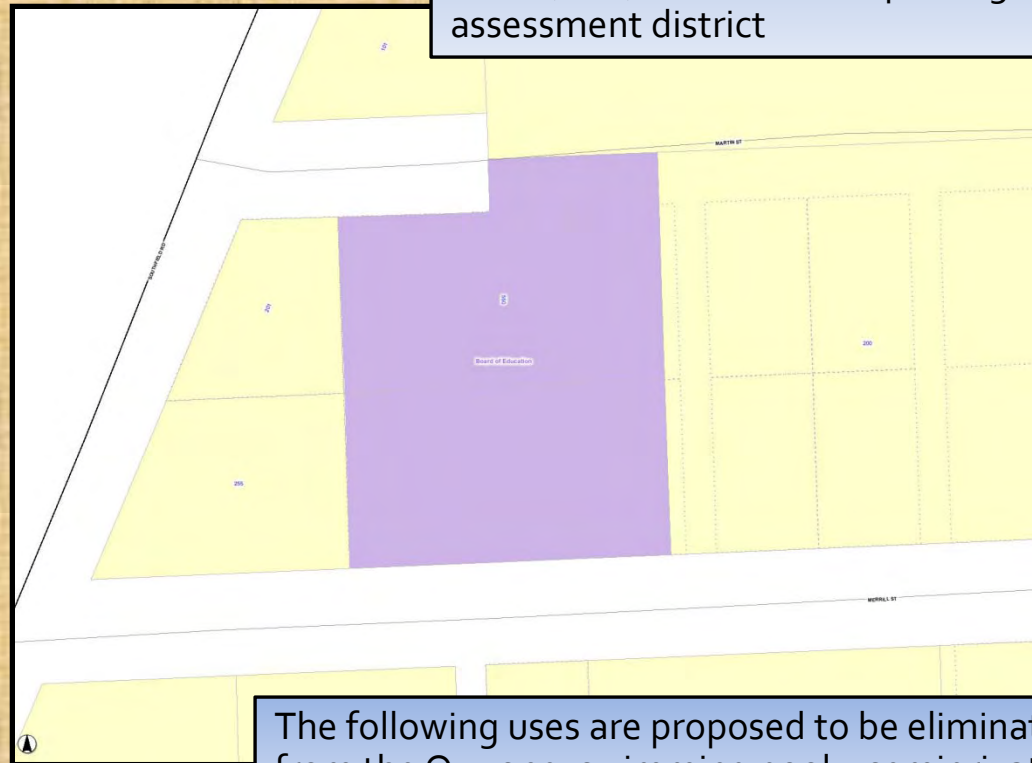


# 550 Merrill – O<sub>1</sub> to N<sub>1</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- boutique
- clinic
- clothing store
- flower/gift shop
- furniture store
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# O2 properties proposed to be changed to N1

**N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

O2 properties proposed to change to N1 would have fewer changes to the list of permitted uses than those proposed to be rezoned from O1 to N1. The following lists indicate the uses to be added as well as the uses to be eliminated.

## Uses to be added

- furniture store and
- neighborhood convenience store

## Uses to be eliminated

- Bakery
- Tobacconist
- Veterinary clinic
- Kennel (accessory use)
- outdoor café (accessory use)

In addition there are a few changes to the development standards that will affect certain properties. The following slides examine each area and outline the changes that affect each.

# Specific Recommendations – N1

**N1 (Neighborhood Commercial) zone** - Properties that directly abut single family residential zones. These properties are viewed as having the greatest impact on residential. For that reason, the permitted commercial uses in these areas are the least intense. These uses are intended to be generally daytime uses including office, retail and neighborhood services.

\*The parcels being considered for N1 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.

## Commercial Permitted Uses

- art gallery
- artisan use
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- dental/medical office
- flower/gift shop
- furniture store
- hair replacement establishment
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

## Accessory Permitted Uses

- laboratory - medical/dental\*
- loading facility - off-street\*
- parking facility - off-street\*
- pharmacy\*
- commercial or office uses which are customarily incidental to the permitted

principal uses on the same lot

## Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)\*
- church

# S. Adams between Lincoln and Adams Square – O2 to N1

## Uses to be added

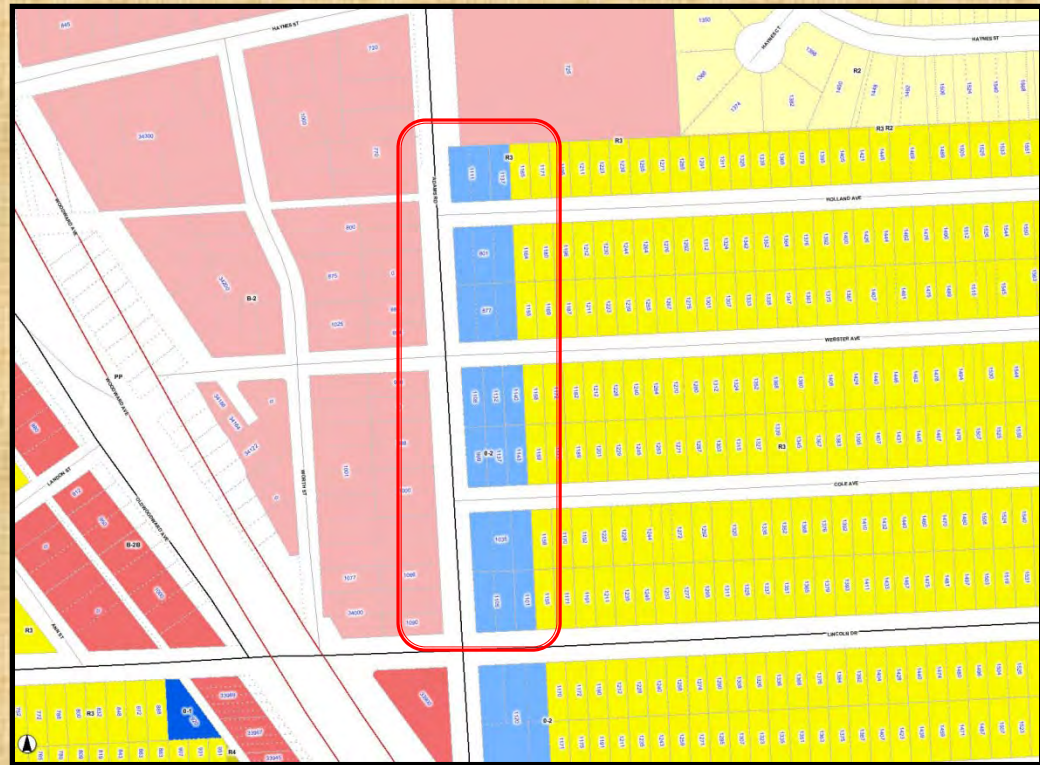
- furniture store
- neighborhood convenience store

## Uses to be eliminated

- Bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district





# E. Maple Rd. between Elm and Adams – O<sub>2</sub> to N<sub>1</sub>

## Uses to be added

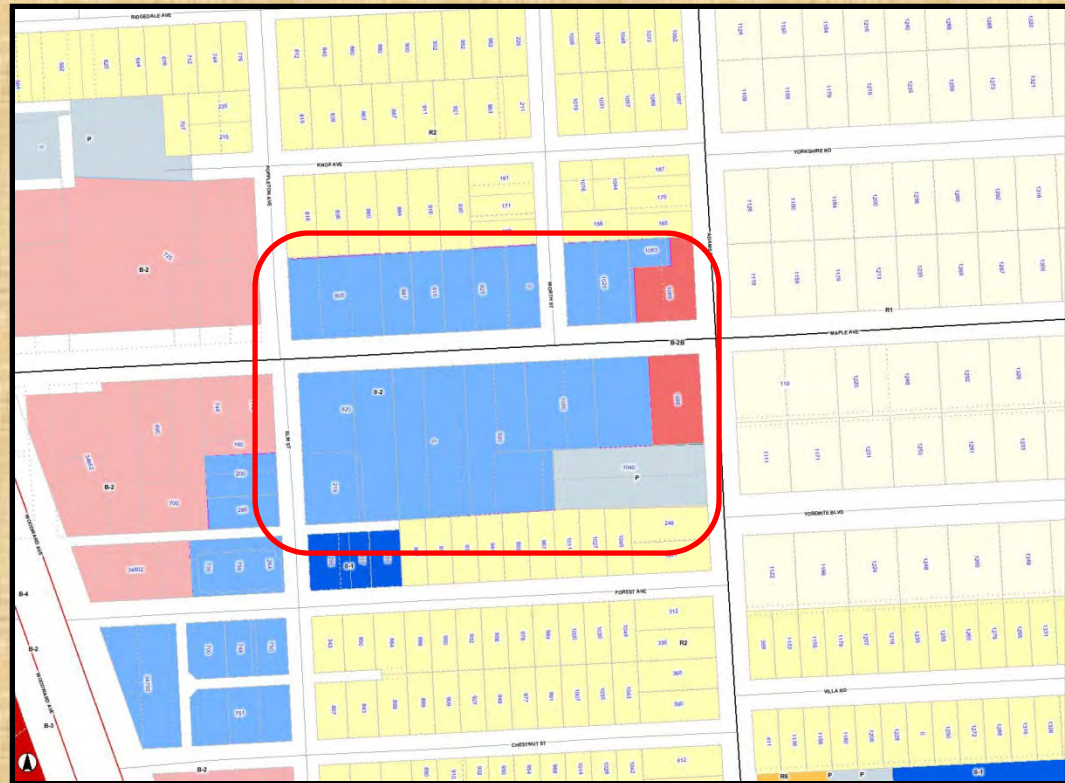
- furniture store
- neighborhood convenience store

## Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



# 825 Bowers (Former Baker's Sq.)

## O<sub>2</sub> to N<sub>1</sub>

### Uses to be added

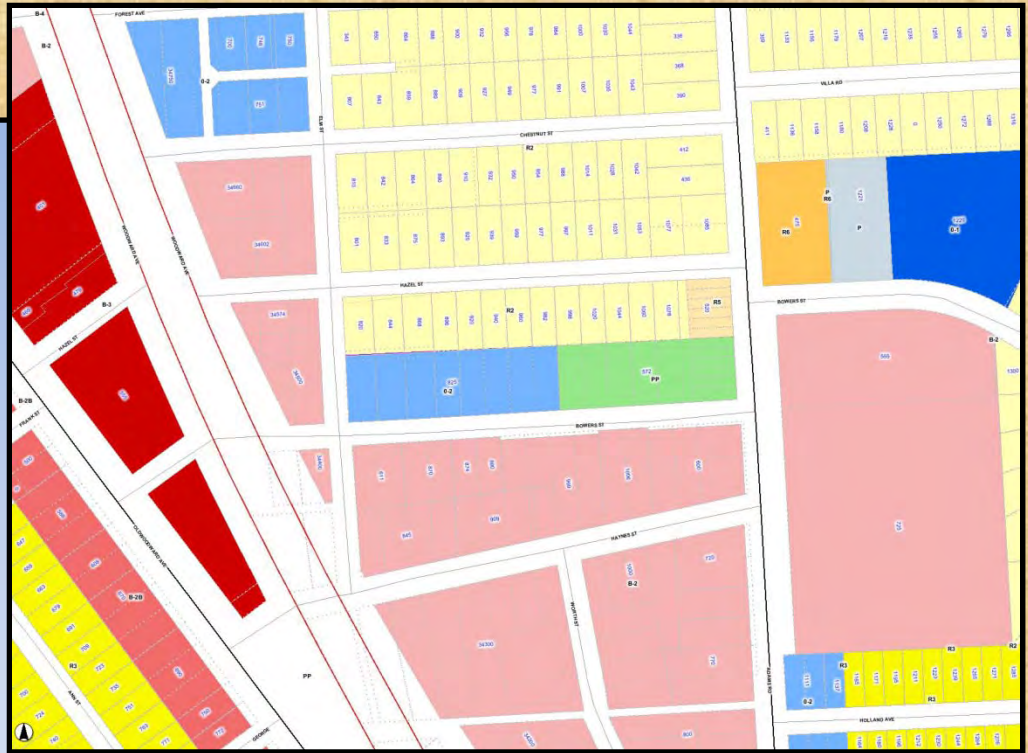
- furniture store
- neighborhood convenience store

### Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

### Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district



# W. Brown between Purdy & Henrietta O2 to N1

## Uses to be added

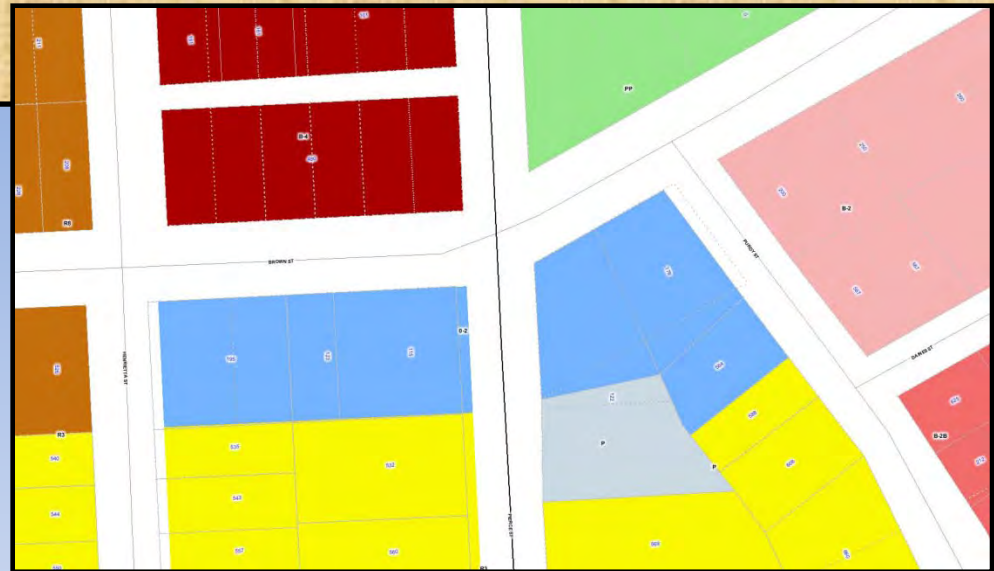
- furniture store
- neighborhood convenience store

## Uses to be eliminated

- bakery
- tobacconist
- veterinary clinic
- kennel (accessory use)
- outdoor café (accessory use)

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet
- No setback is required except on a lot which has a side lot line with an abutting interior residential lot on a side street, then such setback shall be 9 feet.
- 20 feet or the height of the building, whichever is greater, when abutting residential zoning district





# N2 (Neighborhood Commercial)

**N2 (Neighborhood Commercial) zone** – Properties that are adjacent to residential but have an additional buffer such as right of way or a natural barrier (Rouge River) that protects residential properties or are in high traffic areas that increase the commercial character of the property. In these areas, the permitted commercial uses are proposed to increase slightly in intensity by allowing businesses such as delicatessens, bakeries, coffee shops, and dry cleaners.

*\*The parcels being considered for N2 designation include parcels that are currently zoned both O1 and O2. On the following slides each location will be reviewed, highlighting how the proposed changes will affect each.*

## Commercial Permitted Uses

- art gallery
- artisan use
- **bakery\***
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- **coffee shop\***
- **delicatessen\***
- dental/medical office
- **dry cleaners\***
- flower/gift shop
- furniture store
- hair replacement establishment
- **health club/studio\***
- interior design shop
- jewelry store
- leather and luggage goods shop

- neighborhood convenience store
- office use
- **party store\***
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

## Accessory Permitted Uses

- laboratory - medical/dental
- loading facility - off-street
- **outdoor cafe\***
- parking facility - off-street
- pharmacy
- commercial or office uses which are customarily incidental to the permitted principal uses on the same lot

## Uses Requiring a S L U P

- bistro (only permitted in the Triangle District and Overlay District)
- church
- **food and drink establishment\***
- **broadcast media devices (only permitted in conjunction with gasoline stations)\***

*\* These uses are not permitted in N1 zones*

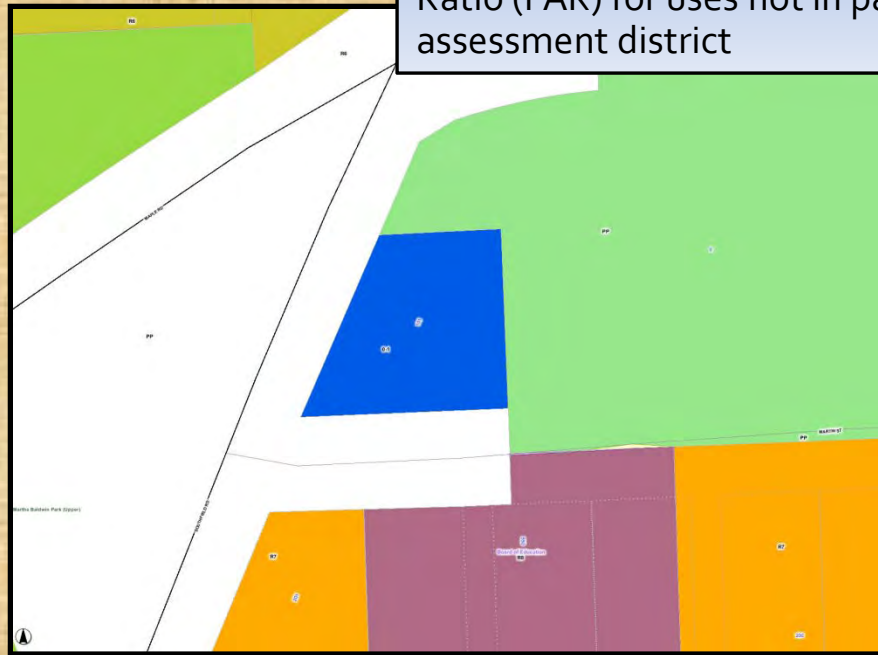
# 101 Southfield – O<sub>1</sub> to N<sub>2</sub>

## Proposed new Commercial Permitted Uses

- art gallery
- artisan use
- **bakery\***
- bank without drive-through facility
- boutique
- clinic
- clothing store
- **coffee shop\***
- **delicatessen\***
- **dry cleaners\***
- flower/gift shop
- furniture store
- **health club/studio\***
- interior design shop
- jewelry store
- leather and luggage goods shop
- neighborhood convenience store
- **party store\***
- photography studio
- shoe repair
- specialty food store
- specialty home furnishing shop
- tailor

*\* These uses are not permitted in N<sub>1</sub> zones*

Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district



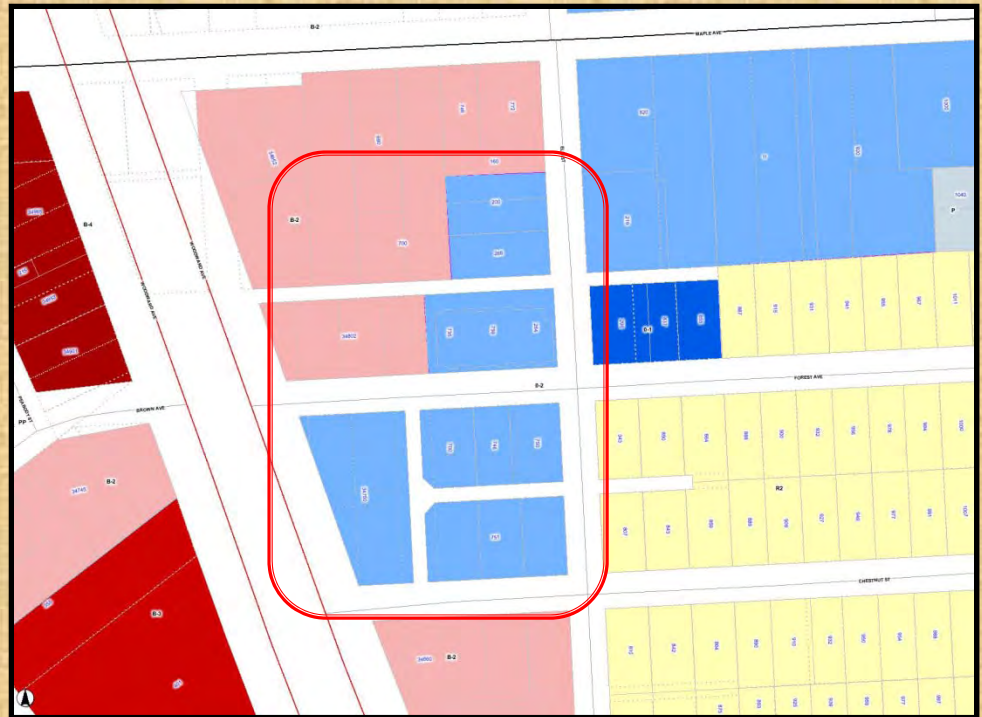
The following uses are proposed to be eliminated from the O<sub>1</sub> zone; swimming pool – semiprivate, veterinary clinic, kennel (accessory use)

# O2 properties in the triangle district west of Elm – O2 to N2

## Proposed new Commercial Permitted Uses

- artisan use
- coffee shop\*
- delicatessen\*
- dry cleaners\*
- furniture store
- health club/studio\*
- neighborhood convenience store
- party store\*
- shoe repair

*\*These uses are not permitted in N1 zones*



## Development standard changes affecting these parcels

Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet

The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)



# 1120 Adams O2 to N2

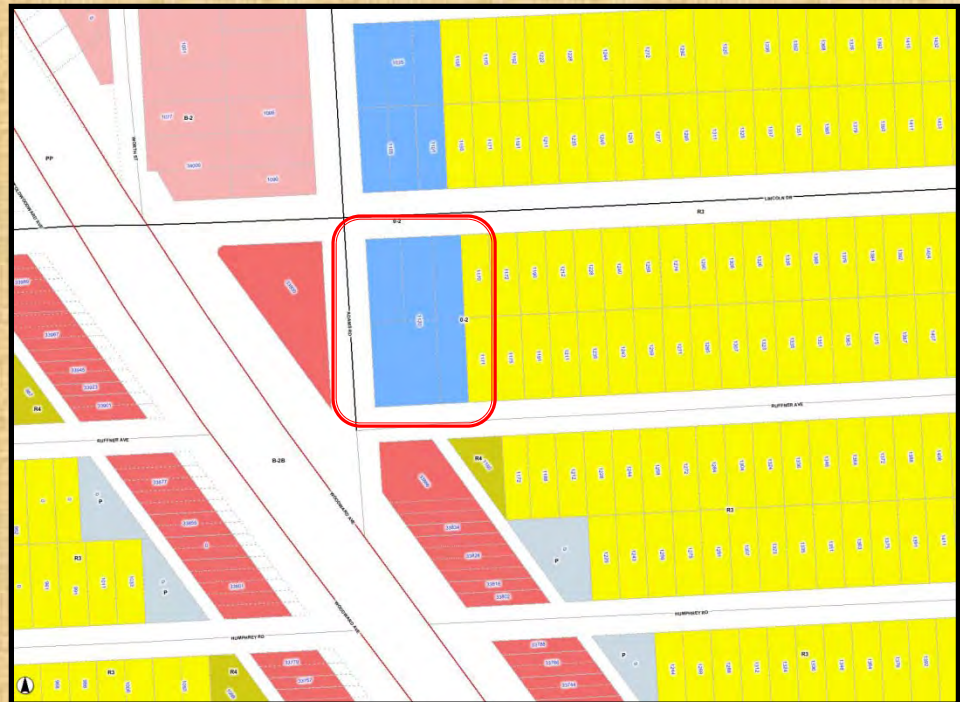
## Proposed new Commercial Permitted Uses

- artisan use
- coffee shop\*
- delicatessen\*
- dry cleaners\*
- furniture store
- health club/studio\*
- neighborhood convenience store
- party store\*
- shoe repair

*\*These uses are not permitted in N1 zones*

## Development standard changes affecting this parcel

- Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 (zero) feet



The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)



# N. Old Woodward between Ravine rd. and Oak – O2 to N2

## Proposed new Commercial Permitted Uses

- artisan use
- coffee shop\*
- delicatessen\*
- dry cleaners\*
- furniture store
- health club/studio\*
- neighborhood convenience store
- party store\*
- shoe repair

*\* These uses are not permitted in N1 zones*

Development standards that affect subject parcels  
Average setback of houses within 200 feet on the same block, on the same side of the street, otherwise 0 feet



The following uses are proposed to be eliminated from the O2 zone; swimming pool – semiprivate, tobacconist, veterinary clinic, kennel (accessory use)

# Woodward Ave. between Quarton and Redding – O<sub>1</sub> to N<sub>3</sub>

## **Commercial Permitted Uses**

- *animal medical hospital\**
- art gallery
- artisan use
- bakery
- bank without drive-through facility
- boutique
- clinic
- clothing store
- coffee shop
- delicatessen
- dry cleaners
- flower/gift shop
- food or drink establishment
- furniture store
- *hardware store\**
- health club/studio
- interior design shop
- jewelry store
- neighborhood convenience store
- *paint store\**
- photography studio
- shoe repair

- specialty food store
- specialty home furnishing shop
- tailor

## **Other Use Regulations**

### **Accessory Permitted Uses**

- commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

### **Uses Requiring a Special Land Use Permit**

- *bank with drive-through facility*
- display of broadcast media devices (only permitted in conjunction with a gasoline service station)

*\*These uses are allowed in N<sub>3</sub> only*

Use being eliminated - • swimming pool - semiprivate



Development standard changes affecting this parcel - 200% Floor Area Ratio (FAR) for uses not in parking assessment district

# 2100 E. Maple – O<sub>1</sub> to MX

Rezoning this parcel from O<sub>1</sub> to MX would be consistent with the stated goals of both Birmingham and Troy to foster a transit oriented mixed use district. The development standards of the Troy parcels to the east are compatible with the current MX zoning of the Eton Road Corridor Plan.



The MX zone allows for a flexible mix of uses while restricting new commercial developments over 6,000 sq. ft. by requiring a SLUP (Special Land Use Permit)

## **Residential Permitted Uses**

- family day care facility\*
- group day care home\*

## **Institutional Permitted Uses**

- bus/train passenger station
- government use
- publicly owned building

## **Recreational Permitted Uses**

- indoor/outdoor recreational facility

## **Commercial Permitted Uses**

- animal medical hospital
- art gallery
- artisan use
- auto rental agency\*
- automobile repair and conversion
- bakery
- boutique
- child care center
- clothing store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment\*
- furniture
- greenhouse
- grocery store
- hardware store
- health club/studio
- interior design shop
- jewelry store
- kennel\*
- laboratory
- leather and luggage goods shop
- neighborhood convenience store
- pet grooming facility
- photography studio
- shoe store/shoe repair
- specialty food store

- specialty home furnishing shop

- tailor

- tobacconist

## **Industrial Permitted Uses**

- light industrial uses
- warehousing

## **Other Permitted Uses**

- gas regulatory station
- telephone exchange building
- utility substation

## **Accessory Permitted Uses**

- alcoholic beverage sales\*
- dwelling - accessory\*
- fence
- garage - private
- greenhouse - private
- home occupation
- outdoor cafe\*
- outdoor sales or display of goods\*
- parking structure\*
- renting of rooms\*
- sign

- swimming pool - private

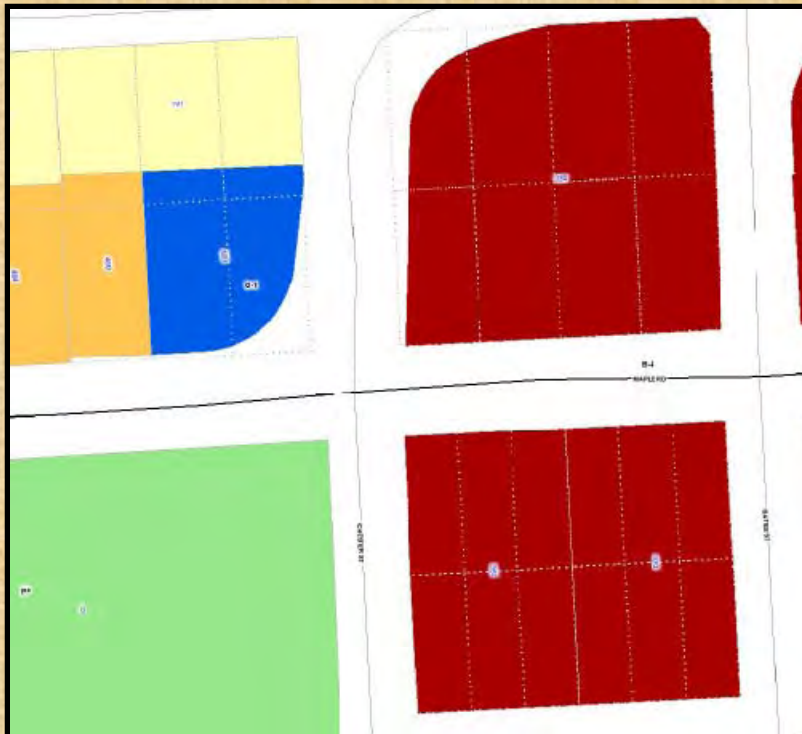
## **Uses Requiring a Special Land Use Permit**

- college
- dwelling - first floor with frontage on Eton Road
- outdoor storage\*
- parking structure
- religious institution
- school - private, public
- residential use combined with a permitted nonresidential use with frontage on Eton Road
- regulated uses\*



# 400 W. Maple – O1 to B4

The parcel located at 400 W. Maple is recommended to be rezoned from O1 to B-4. 400 W. Maple is currently in the Downtown Overlay, and is therefore permitted to build up to 5 stories. The Downtown Overlay is intended to encourage a mix of office, commercial and residential. However, the current underlying zoning of O1 excludes most commercial uses. The subcommittee finds that a rezoning to B4 would allow redevelopment of the site to occur in a manner consistent with the 2016 Plan.



## **Residential Permitted Uses**

- adult foster care group home
- single family cluster\*

## **Institutional Permitted Uses**

- church
- community center
- garage - public
- government office
- government use
- loading facility - off-street
- parking facility - off-street
- school - private, public
- social club

## **Recreational Permitted Uses**

- bowling alley
- outdoor amusement\*
- recreational club

## **Commercial Permitted Uses**

- auto sales agency
- bakery
- bank
- catering
- child care center
- clothing store
- delicatessen
- department store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment\*
- furniture

- greenhouse
- grocery store
- hardware store
- hotel
- motel
- neighborhood convenience store
- paint
- party store
- retail photocopying
- school-business
- shoe repair
- showroom of electricians/plumbers
- tailor
- theater\*

## **Other Permitted Uses**

- utility substation

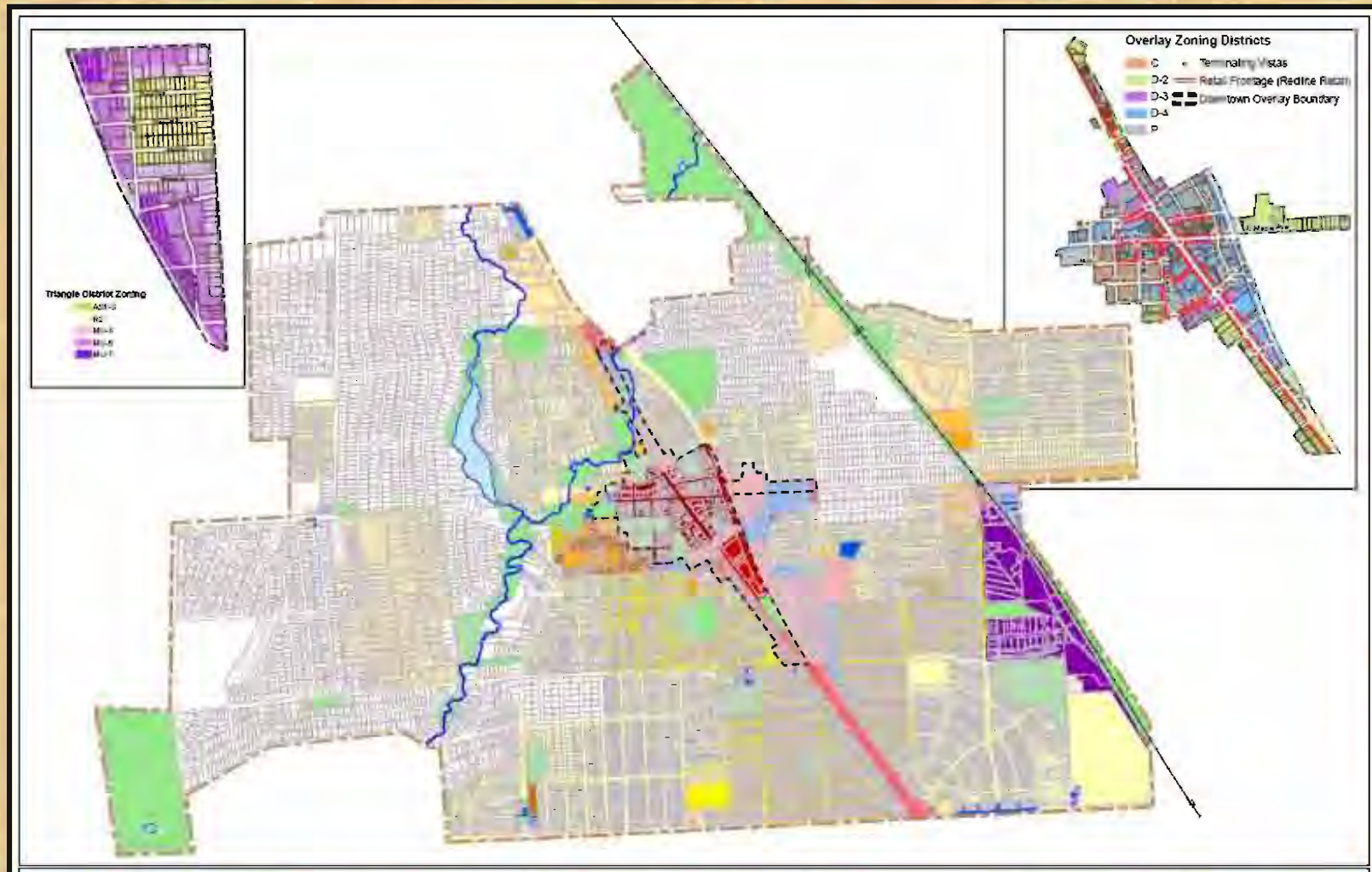
## **Accessory Permitted Uses**

- alcoholic beverage sales\*
- fence
- outdoor display of goods\*
- outdoor sales\*
- retail fur sales cold storage facility
- sign

## **Uses Requiring a Special Land Use Permit**

- regulated uses\*

# Questions??? & Comments!!!



	TZ1	TZ2	TZ3
<b>Residential Permitted Uses</b>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>
<b>Commercial Permitted Uses</b>		<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Bakery</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Coffee shop</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• <del>Health club/studio</del></li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>	<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• Health club/studio</li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>
<b>Accessory Permitted Uses</b>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>

	TZ1	TZ2	TZ3
Uses Requiring a Special Land Use Permit	<ul style="list-style-type: none"> <li>• Assisted Living</li> <li>• Church and Religious Institution</li> <li>• Essential services</li> <li>• Government Office/Use</li> <li>• Independent hospice facility</li> <li>• Independent senior living</li> <li>• Parking Structure</li> <li>• School – private and public</li> <li>• Skilled nursing facility</li> </ul>	<ul style="list-style-type: none"> <li>• Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant</li> <li>• Assisted living</li> <li>• Bakery</li> <li>• Bank/credit union with drive-thru</li> <li>• Church and religious institution</li> <li>• Coffee shop</li> <li>• Delicatessen</li> <li>• Dry cleaner</li> <li>• Essential services</li> <li>• Food and drink establishment</li> <li>• Government office/use</li> <li>• Grocery store</li> <li>• Health club/studio</li> <li>• Independent hospice facility</li> <li>• Independent senior living</li> <li>• Parking structure</li> <li>• School – private and public</li> <li>• Skilled nursing facility</li> <li>• Specialty food shop</li> </ul>	<ul style="list-style-type: none"> <li>• Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant</li> <li>• Assisted living</li> <li>• Bakery</li> <li>• Bank/credit union with drive-thru</li> <li>• Church and religious institution</li> <li>• Coffee shop</li> <li>• Delicatessen</li> <li>• Dry cleaner</li> <li>• Essential services</li> <li>• Food and drink establishment</li> <li>• Government office/use</li> <li>• Grocery store</li> <li>• Independent hospice facility</li> <li>• Independent senior living</li> <li>• Parking structure</li> <li>• School – private and public</li> <li>• Skilled nursing facility</li> <li>• Specialty food shop</li> <li>• Veterinary clinic</li> </ul>





## MEMORANDUM

Planning Division

**DATE:** March 23, 2017

**TO:** Planning Board

**FROM:** Lauren Chapman, Assistant Planner

**APPROVED BY:** Jana L. Ecker, Planning Director

**SUBJECT:** Parking Requirements for all uses

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The Planning Board was asked to study the current parking requirements for all uses within the City.

This memo explores the current parking requirements and then considers different options that the Planning Board could consider. These options include: reviewing and editing existing parking requirements; eliminating minimum parking requirements; implementing parking maximums for new buildings; and utilizing transportation demand management strategies to create a parking requirement "credit" system.

The City's current parking requirements vary according to use and location. The City may want to evaluate and update the existing parking requirements for certain uses and in certain areas. In January of 2017, Buffalo, NY was the first major city to completely eliminate all parking requirements. Although such a change would be very drastic, Birmingham could enact such a change. Birmingham could reward businesses and developers that participate in programs that encourage workers to reduce the number of single-occupant vehicle trips.

In 2015, the American Community Survey found that 86.1% of workers in Oakland County drove to work alone. 69% of Oakland County of county residents also worked within the County.

### **Current Requirements**

The parking requirements for the Downtown Birmingham Overlay District are as follows:

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

Land Use	Number of Off-Street Parking Spaces Required
<b>Commercial Uses</b>	
athletic club, health club/studio	1 space for each 550 sq ft of floor area plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
auto wash	spaces equal to 80% of the maximum units of actual or rated hourly productive capacity of the establishment
banquet facility	1 space for each 3 persons of capacity as determined by local, county or state fire, building or health codes
barber shop/beauty salon, tanning salon	2 spaces per service chair, booth or bed; or 1 space per 300 sq ft of floor area, whichever is greater
bowling alley	5 spaces per lane plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
eating establishment - outdoor consumption	1 space for each 50 sq ft of floor area
eating establishment - indoor or combined indoor-outdoor consumption	1 space for each 75 sq ft of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining
hospital, nursing home	1 space for each 4 patient beds
hotel, motel	1 space per rental unit plus 1 space per each 25 units plus spaces as are required for restaurants, bars, assembly room and affiliated facilities
laundromat and coin-operated dry cleaners	1 space for each 3 washing and/or dry cleaning machines
meeting room	1 space for each 3 person of capacity as determined by local, county or state fire, building or health codes
mortuary establishment	1 space for each 50 sq ft of assembly room, parlor and slumber room floor space

motor vehicle sales and service establishment	1 space for each 300 sq ft of floor area of sales room plus 1 space for each auto service stall, not to be used for new or used car storage
outdoor sales and/or display of merchandise (excluding motor vehicle sales, service and rental agencies)	1 space for each 300 sq ft of outdoor area
retail store	1 space for each 300 sq ft of floor area
taxicab service	1.5 spaces per taxicab
truck and car rental service	1 space for each 1,000 sq feet of outdoor area
other commercial use	1 space for each 550 sq ft of floor area

**Table A: Required Off-Street Parking Spaces**

Land Use	Number of Off-Street Parking Spaces Required
<b>Commercial Uses</b>	
athletic club, health club/studio	1 space for each 550 sq ft of floor area plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
auto wash	spaces equal to 80% of the maximum units of actual or rated hourly productive capacity of the establishment
banquet facility	1 space for each 3 persons of capacity as determined by local, county or state fire, building or health codes
barber shop/beauty salon, tanning salon	2 spaces per service chair, booth or bed; or 1 space per 300 sq ft of floor area, whichever is greater
bowling alley	5 spaces per lane plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
eating establishment - outdoor consumption	1 space for each 50 sq ft of floor area
eating establishment - indoor or combined indoor-outdoor consumption	1 space for each 75 sq ft of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining
hospital, nursing home	1 space for each 4 patient beds
hotel, motel	1 space per rental unit plus 1 space per each 25 units plus spaces as are required for restaurants, bars, assembly room and affiliated facilities
laundromat and coin-operated dry cleaners	1 space for each 3 washing and/or dry cleaning machines
meeting room	1 space for each 3 person of capacity as determined by local, county or state fire, building or health codes
mortuary establishment	1 space for each 50 sq ft of assembly room, parlor and slumber room floor space
motor vehicle sales and service establishment	1 space for each 300 sq ft of floor area of sales room plus 1 space for each auto service stall, not to be used for new or used car storage
outdoor sales and/or display of merchandise (excluding motor vehicle sales, service and rental agencies)	1 space for each 300 sq ft of outdoor area
retail store	1 space for each 300 sq ft of floor area
taxicab service	1.5 spaces per taxicab
truck and car rental service	1 space for each 1,000 sq feet of outdoor area
other commercial use	1 space for each 550 sq ft of floor area

Land Use	Number of Off-Street Parking Spaces Required
<b>Mixed Uses</b>	
Industrial, research, wholesale and warehousing establishment	1 space for each 500 sq ft of floor area
<b>Office Uses</b>	
bank, financial institution, commercial and professional office other than medical	1 space for each 300 sq ft of floor area
professional office of doctor, dentist, medical and dental clinic and similar use	1 space for each 150 square feet of floor area
<b>Public Assembly Uses</b>	
church, school and other place of public assembly with fixed seats	1 space for each 6 seats
church, school and other place of public assembly without fixed seats	1 space for each six person of capacity as determined by the Fire Marshal
theater	1 space for each 3 seats

**Table A: Required Off-Street Parking Spaces (continued)**

<b>Residential Uses in PP, R1A, R1, R2, R3, R4, R5, R6, R7, O1, O2, P and B1</b>	
residential occupancy - 2 or less room unit	1.5 spaces per unit
residential occupancy - 3 or more room unit	2 spaces per unit
<u>special purpose housing</u>	0.5 spaces per unit

<b>Residential Uses in R1, R2, R3, R4, R5, R6, R7, R8 O1, O2, P, B2, B2B, B3, B4 and MX</b>	
assisted living*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
<u>skilled nursing facility*</u>	0.25 spaces per bed plus 1 space per employee (on maximum shift)
<u>continuing care retirement community*</u>	0.25 spaces per bed plus 1 space per employee (on maximum shift)
independent hospice facility*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
<u>independent senior living*</u>	0.50 spaces per unit

\* Off-street parking shall be provided within 300' of the building being served. On-street parking shall be allowed on all street frontages, where permitted by the Traffic and Safety Board. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for the use, provided the streetscape is improved as required by the Planning Board.

<b>Residential Uses in R8</b>	
residential occupancy	2 spaces per unit

<b>Residential Uses in B2, B2B, B3 and MX</b>	
residential occupancy - 2 or less room unit	1 spaces per unit
residential occupancy - 3 or more room unit	1.25 spaces per unit

<b>Residential Uses in B4</b>	
residential occupancy - 2 or less room unit	1.25 spaces per unit

residential occupancy - 3 or more room unit	1.5	spaces per
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### **Option 1: Review and Edit Existing Parking Requirements**

Robert Steuteville, editor of the Public Square journal at the Congress for the New Urbanism, says that parking requirements in many cities across the U.S. were rarely grounded in factual research. In *The High Cost of Free Parking*, Donald Shoup notes they amounted to little more than a “collective hunch” of how many spots a building needs, and often these numbers are exaggerated. Local officials often copied what other cities were doing without understanding the reasoning first.

While Birmingham could review the parking standards used by other municipalities, to determine actual parking requirements the City could do a comprehensive parking study to determine actual utilization for different uses.

### **Option 2: Implement Parking Maximums**

Parking Maximums establish an upper limit on parking supply, either at the site level or across an area. Either type of maximum can be imposed in addition to or instead of minimum parking requirements. Establishing a maximum allowable amount of parking can prevent developers from building excessively large lots, or limit the parking supply in an area based on roadway capacity or community priorities.

Either type of parking maximum can pose implementation issues, however. Setting a maximum leaves little room for error in projecting parking demand. Area-wide parking caps also leave little room for error and require substantial effort in planning and administration to determine the appropriate number of spaces and to allocate them to specific development projects. Furthermore, a restricted parking supply can present problems with spillover effects if not implemented carefully. Resident permit parking or other solutions to mitigate spillover effects and availability of other transportation options can improve the chances of success. Developers may also worry about the long-term marketability of the site if parking is restricted. If parking is restricted throughout an area, then the site will not be less competitive than surrounding sites. Restricting the parking supply may seem to put a community at a competitive disadvantage, and only makes sense in places where the benefits, such as rapid transit service, attractive pedestrian environments, or concentrations of businesses and services, outweigh any inconvenience from reduced parking.

Several cities and town in Massachusetts use parking maximums in different ways.

- Burlington, lists both maximum and minimum parking requirements for most uses.
- Somerville provides parking maximums (in addition to minimums) for the Assembly Square Mixed Use District and the Planned Unit Development-A Overlay District.

- Cambridge has caps on the number of off-street parking spaces that may be provided within certain Special Districts and maximums for certain uses throughout the city.

The City could consider parking maximums for certain uses, areas, or zoning classifications. A possible example of it for use is provided below.

Office Uses	
bank, financial institution, commercial and professional office other than medical	1 space for each 300 sq ft of floor area ,but no more than 1 space for each 100 sq ft of floor area
professional office of doctor, dentist, medical and dental clinic and similar use	1 space for each 150 square feet of floor area but no more than 1 space for each 50 sq ft of floor area

### **Option 3: Eliminate Minimum Parking Requirements**

In January of 2017, Buffalo, New York, became the first major city to completely remove minimum parking requirements. (Other cities have done so, too, but only in certain districts or neighborhoods. A 2015 map by the nonprofit Strong Towns shows that dozens of cities across the U.S. have either removed parking requirements in certain areas, lowered them for certain building uses, or are currently discussing the move.) Developers there will no longer be required to build a certain number of parking spaces for commercial and residential projects, regardless of whether there are mass transit options nearby or if the tenants even need them.

Projects above 5,000 square feet require a parking analysis that factors in alternative transportation options in the area. It's all part of a six-year-long initiative called the Buffalo Green Code, or the Unified Development Ordinance, which the city council unanimously passed and the mayor signed into law. It rewrote the zoning and land-use regulations to make them simpler and easier to understand. The new code also follows the concept of form-based zoning, which emphasizes the relationship between public space and buildings.

An excerpt of Buffalo's Green Code is provided below:

## **8.3 VEHICLE ACCESS AND PARKING**

### **8.3.1 General**

A. Off-Street Parking. There are no provisions that establish a minimum number of off-street parking spaces for development. However, certain development proposals are required to complete a transportation demand management plan, per Section 8.4, which can result in the provision of off-street parking. Where provided, off-street vehicle parking must comply with the standards of this section.



Several TDM strategies are provided in the subsequent section. The strategies proposed are not the only strategies available.

The City could eliminate all parking requirements for all uses, or for those uses it wishes to encourage (i.e. residential in the downtown)

#### **Option 4: Utilizing Transportation Demand Management Strategies to Create a Parking Requirement “Credit” System**

The Federal Highway Administration (FHWA) defines Transportation Demand Management (TDM) as “a set of strategies aimed at reducing the demand for roadway travel, particularly in single occupancy vehicles. These strategies address a wide range of externalities associated with driving, including congestion, poor air quality, less livable communities, reduced public health, dependence on oil, reduced environmental health, and climate change and Green House Gas (GHG) emissions. Some TDM strategies are designed to reduce total travel demand, while others are designed to reduce peak period demand, which may disproportionately contribute to these externalities.”

While the primary focus of TDM is to reduce the number of cars on the road, it could be valuable in crafting a formula for reducing the number of parking spaces that a site is required to provide.

According to Mobility Lab, TDM focuses on understanding how people make their transportation decisions and helping people use the infrastructure in place for transit, ridesharing, walking, biking, and telework. It is cost-effective in guiding the design of our transportation and physical infrastructure so that alternatives to driving are naturally encouraged and our systems are better balanced. TDM underlies most of the important new initiatives of today: transit-oriented development, complete streets, walkable activity centers, livability and sustainability initiatives, and integrated corridor management, to name a few examples.

Appendix A outlines the following TDM strategies; should the Planning Board wish to consider these alternatives:

1. Car Sharing
2. Parking Management and Parking Pricing
3. Telework
4. Transit Incentives
5. Ridesharing and HOV Lanes

These strategies reduce demand through either mandatory or voluntary mechanisms. The programs reviewed discourage driving by increasing the cost of driving, as measured in money, time, or other costs. Parking pricing charges drivers fees for

parking their cars, while parking management reduces the availability of parking spaces.

Other strategies convert the fixed costs of driving in a personal vehicle into variable costs, so that the per-trip or per-mile costs are higher. As a result of the variability of trip cost, drivers tend to make fewer trips overall. Car sharing is a model in which participants pay to rent vehicles on a per-trip basis, and may forego owning their own vehicles. In this case, the total costs of driving can be less than they would be under the fixed-cost models. This program generally benefits those who already drive less because they save money by paying the variable rather than the fixed costs.

TDM strategies may also make alternatives to SOV driving less expensive and more feasible. Ridesharing, carpooling/vanpooling, can be made more attractive by services that match drivers with passengers, provide benefits for ridesharing such as preferred parking, or operate ride sharing vehicles (e.g., corporate vanpools). High occupancy vehicle (HOV) lanes may further incentivize ridesharing by enabling ride sharers to avoid costly congestion or tolls. Transit incentives expressly reduce the cost of transit with fare passes and pre-tax payment programs, while transit improvements can increase the availability, efficiency, convenience, and comfort of transit.

Finally, TDM strategies may reduce the need for mobility. Agencies may encourage or incentivize telework-working from home or a nearby, off-worksite location-to reduce the number or distance of commute trips.

### **Recommendation**

The Planning Board may wish to give further consideration to the implementation of maximum parking requirements in addition to the existing minimums. Also, to consider requiring a Transportation Demand Management Plan be submitted for: certain new developments (i.e. over a certain square footage) and/or occupants/developments that choose not to or cannot provide the minimum number of parking spaces required in the Zoning Ordinance. Simply reducing or eliminating the existing required minimums may only exacerbate the existing perception that there is not enough parking throughout the City. However, encouraging a change in behavior may have a greater effect.

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES  
JUNE 20, 2016  
DPS FACILITY, 851 SOUTH ETON  
7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL: Present, Mayor Hoff  
Commissioner Bordman  
Commissioner Boutros  
Commissioner DeWeese  
Commissioner Harris  
Mayor Pro Tem Nickita  
Commissioner Sherman

Absent, None

**ROLL CALL OF PLANNING BOARD:**

Present, Mr. Clein, Chairperson  
Ms. Boyce  
Mr. Boyle  
Mr. Jeffares  
Mr. Koseck  
Ms. Lazar  
Ms. Prasad, alternate member (arrived at 7:32 PM)  
Mr. Share, alternate member  
Mr. Williams

Administration: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft, City Engineer O'Meara, City Planner Ecker, Assistant City Planner Baka, Building Director Johnson

**III. ITEMS FOR DISCUSSION**

City Manager explained the meeting format. The city-wide master plan will be discussed, followed by discussion on various issues facing the city regarding land use. No action is anticipated this evening on any of the items. We envision there will be a consensus-driven discussion at the end as to which items are to be brought back to the City Commission to act on formally and provide direction on those issues for the Planning Board.

Public participation will be included as each item is concluded.

A short presentation outlining each item will be made by staff.

Mayor Hoff noted that they hope to have interaction here and gain consensus on how to prioritize the many issues. Through the discussion tonight we will try to prioritize and give the Planning Board some direction on next steps.

**A. City-wide Master Plan Update**

Commissioner Boutros suggested what people want to know is what might be there. He said not everyone is going to agree. He is unsure that more information is what is needed.

Mayor Hoff suggested that the packet of materials should be some of the information and would be part of the narrative.

Commissioner Bordman thinks it would be an exhaustive waste of time. The board has spent a huge amount of time on this with considerations that she would apply. She does not see anything on the list of uses that is highly burdensome. She does not want to argue with fellow commissioners about the individual uses. We would be spending hours as the Planning Board did debating with each other about the uses. She suggested to have a public hearing so we can get public input, come back to the Commission to decide if we want to apply this to specific property or leave it as an option for property owners.

Mr. Share said the board should have a public hearing, after which the board will make a recommendation to the Commission. The commission can make its decision.

Commissioner DeWeese thinks it would be useful for commission to get the packet as well to become familiar.

Paul Reagan, 997 Purdy, commented that the history is important and neighborhoods have pushed back hard. The concern is intensive uses with cars, and property values. It's about keeping the encroachment of intensive commercial properties from moving into the neighborhoods.

### **C. Private Development Parking Requirements**

Mr. Valentine stated the intent of these items is not to debate them in general but to have the conversation whether or not these issues should be coming back for further discussion.

Ms. Ecker said two different concerns have been heard over the years. Parking standards for all commercial uses of properties that are not located within a Parking Assessment District (PAD) are in the ordinance. The two central issues for discussion are: 1. Should we have minimum standards and if so, should we change the minimum standards, and 2. Should we have a maximum standard and state that we do not want more parking lots like Adams Square. As for the PAD, on-site parking is not required, except for residential uses. Do we want to provide more public parking throughout the city or not. A different kind of development happens when inside the PAD.

Ms. Ecker commented that those in the PAD have already paid in through special assessment when the parking deck was built.

Mr. Boyle suggested that parking is a feature of the city, and of land use and would like it included in the master plan.

Mr. Williams said we hear all the time there is not enough parking. He agrees city wide, parking has to be dealt with in the master plan.

Ms. Boyce said we should be focusing on the requirement on parking in residential development which drives the price of the residential units, so we are ending up with fabulous million dollar properties in town, but they are not available to everyone who would like to be in the

downtown. One dictates the other and needs to be included in the master plan and discuss where we want the city to be.

Commissioner Nickita said the city has done better than most cities in terms of how we have dealt with parking and how it has driven development. Now there are changes in how people use parking. Because of parking and the parking standards, we cannot get what we want to do in the city core. At the same time, we advocate for significant amount of walkability, increased mobility in terms of non-motorized transportation, and mass transit. There are all kinds of drivers and changes, and we should try to get on top of this as opposed to letting it just happen. He suggested taking an aggressive move of examining the current circumstances in parking and seeing how we can incorporate those as much as possible. He does not think we can do it in the master plan. He thinks that this takes a higher level of involvement, and we may want to consider incorporating some level of dialogue with a parking consultant that understands these complexities and include that into the discussion to drive the way we address our other plans and incorporate that into our master plan. There are many aspects, including future recognition of how things are going to evolve.

Mr. Boyle feels parking standards should be included in the master plan. Discussion continued.

Mark Johnson, non-resident, said the biggest problem is lack of multi modal transportation and suggested the city study alternate ways to move around the city. Currently, everyone must use their car. Study ways to move around the city at the same time the parking issues are discussed.

#### **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.

#### **E. Definition of retail**

Ms. Ecker described the issue as the city's definition of retail in the ordinance, and people who would like the definition to be more specific. She said this comes up at the shopping district level. The retailers downtown want to see more retail. For the most part, the general public wants to see an active retail type use whether it is retail or restaurant. There is some debate on what percentage of each. The building owners have a different view.

Commissioner Nickita thinks this is long overdue for discussion. He feels it needs to be re-examined and cleaned up.

The consensus is to continue discussion on the definition of retail.

There were no public comments.

#### **F. Dormer considerations**

## **APPENDIX A:**

### **Car Sharing**

**Background** Most miles driven in the United States are in privately owned vehicles. Because vehicle ownership entails many "sunk costs" that are fixed at the same rate regardless of the amount the vehicle is driven (e.g., the purchase price, registration fees, insurance, maintenance, etc.), out-of-pocket costs tend to be low relative to other modes on a per-trip basis, making driving attractive. Research has shown that drivers make decisions regarding modes for a particular trip based on out-of-pocket costs that vary by trip (gas, tolls, and parking), meaning that many vehicle trips in personally owned vehicles appear quite inexpensive compared with alternatives such as transit. Car sharing seeks to convert these fixed costs to variable ones by promoting a model in which participants rent vehicles on an as-needed basis, and may forego owning their own vehicles. For some, using a car sharing service may be less expensive overall than privately owning a vehicle. For others, it may offer mobility that they would otherwise not have. As a result of the variability of trip cost, drivers tend to make fewer trips overall and VMT declines.

This differs from conventional rental cars in several ways: it is marketed to residents and businesses in a city, rather than visitors; it provides hourly rates, while most rental car firms charge by the day or week; it positions vehicles throughout an area so that members can walk to them in their neighborhoods; and it emphasizes quick booking when a vehicle is needed.

Car sharing can reduce parking needs by reducing the number of trips an individual driver takes. In car sharing, these costs are variable and incurred largely per-trip, so drivers are more likely to consider the total costs and make fewer trips overall. Importantly, these programs simultaneously create a way for people who do not own their own car to drive where otherwise they may have walked, used transit, or not taken the trip.

Car sharing services are generally operated by commercial or non-profit entities. Members of a car sharing organization generally pay fixed fees to join and an annual membership fee, plus the hourly or daily rental fees. While car sharing organizations can have multiple locations, they tend to be most effective in high-density areas where many other trips can be served by transit or non-motorized transportation. Business programs in which employers join and provide car sharing as a benefit for their employees have also been growing.

**Target Group** - Car sharing has been marketed to both individuals for personal travel and to businesses as a lower-cost alternative to maintaining a vehicle fleet and for employees who need access to vehicles during the work day. Various studies of total ownership costs report "break-even" points (at which the cost of car sharing equals the cost of car ownership) anywhere between 4,000 to 10,000 miles. Drivers who drive



fewer miles than the break-even point would save money with car sharing and are potential car sharing candidates, while those who drive more are better off economically owning a vehicle and would not be good candidates.

### **Considerations and Concerns**

**Social** – Because car sharing is generally voluntary, offers more options to travelers, and can be sustained by private companies from revenues, social acceptability of car sharing is generally high. But one concern is that there may be resistance to converting public parking to parking reserved for car sharing, or requiring car sharing parking spaces in new residential development. Importantly, car sharing has thus far been effective primarily in more compact neighborhoods or in areas with already limited parking.

**Implementation-** Car sharing is fairly new to the U.S.; some agencies may not be familiar with it and/or may be skeptical about its viability. There may not be a natural "home" for promoting car sharing within multiple agencies. Zoning regulations may make it difficult to site car sharing vehicles.

**Interactions with other Strategies-** Car sharing programs (or efforts to encourage them) are not likely to be successful unless land use patterns and transit provisions support travel modes other than driving. Therefore, car sharing would benefit from strategies to improve transit and provide more compact land uses.

**Where in Use-** As of January 2010, car sharing membership in the U.S. was about 390,000, with 7,500 vehicles. Car sharing currently operates in dozens of cities and towns in the U.S. Car sharing is not limited to major metropolitan areas-Zipcar, the largest car sharing organization in the U.S., operates in several cities with populations less than 200,000.

**Agency Cost-** Promoting car sharing does not require major infrastructure investments or adoption of new technologies by the public sector, and agencies' costs relative to other strategies would be fairly low. While some public agencies may provide subsidies, such support would generally come at the beginning of the venture, since car sharing organizations can operate successfully based on revenues from members. Revenues to cover program costs can also come from payments for public parking made available to shared cars.

Most of these start-up grants have been under \$100,000. Cities have also donated vehicle parking spaces, but in the case of on-street spaces it is difficult to estimate a cost. Simultaneously, some cities have substituted car sharing vehicles for city fleet cars and saved money.

**Possible Implementation in Birmingham** Since car sharing is largely operated by private entities, the role of the public sector may include subsidies for program start-up costs, tax incentives, encouraging or requiring private developers to include car sharing spaces in multi-family housing, and publicity.

In regard to parking, the City of Birmingham could encourage the use of ridesharing by:

- Offering discounted parking rates in parking structures to rideshare vehicles
- Reserving preferred parking spaces for rideshare vehicles

### **Parking Management and Parking Pricing**

**Background** Plentiful and free parking encourages driving. Indeed, in some cases free parking can be the main factor in the choice to drive: one study found that monthly parking charges explained up to 80% of the difference in the number of employees who drive alone to work. Moreover, virtually all vehicle trips in the U.S. have free parking on at least one end. The goal of many parking management and parking pricing strategies is to reduce vehicle trips by making parking less available, more expensive, or both, on the assumption that people will make fewer trips, change modes, or carpool.

Utilization of "smart parking" technologies, which provide real-time information about parking availability, can maximize the use of existing parking spaces. Simultaneously, by making parking easier, smart parking reduces some of the cost of driving that parking management and pricing strategies create. The unintended consequences of both parking management and smart parking must be balanced carefully.

Most commercial areas in the City have paid parking. However, the first two hours in all City owned parking decks are free.

The City is integrating smart parking technology into its existing parking structures. The City added an electronic sign which displays the number of real time spots available at the Chester Parking Structure. Drivers passing the structure can see how many spaces are open. Eventually, all parking structures in Birmingham will have the signs, and the information will be displayed on the City's website. The new technology creates a faster and more efficient experience. The system is cashless and requires drivers to use a credit card to pay. Monthly permit holders hold up their access cards to scanners at the entrance and exit.

**Target Group** - Parking management and pricing can be directed at the business community or individuals. Developers are the target of policies to reduce the amount of parking provided through changes in zoning or parking maximums. Other businesses may be required or encouraged to shift from free to paid parking (for example, through parking cash-out for employees), or to share parking among multiple users. Individuals can also be targeted for paid parking (for example, by charging for public garage or on-street parking). Policies to introduce paid parking for individual drivers are much more common in the U.S. than those requiring businesses to manage employee parking.

## **Considerations and Concerns**

**Social** -Driver response may be very different depending on location and implementation. In terms of costs, charging drivers for more parking will also make driving more expensive. This may have regressive effects on lower-income drivers, particularly without sufficient alternative transportation modes.

Charging more for parking, especially when it was previously free, may also increase spill-over parking, which occurs when a shortage of parking at a particular location or for a particular purpose causes drivers to park in areas for free. Generally the concern is that drivers will take up spaces in neighborhoods, leaving residents with limited parking options. One way to mitigate this impact is to introduce some type of permit parking, so that only neighborhood residents can park long-term in the area. This would have to be coupled with aggressive parking enforcement to be effective. These concerns may also be alleviated with more widespread parking management and pricing, so that most or all of the spaces in an area are paid or restricted in some way.

Paid parking may also affect the destination of trips (i.e., if people switch from shopping in areas with paid parking to shopping in areas with free parking. This may have adverse economic effects if the areas exist in different jurisdictions.

**Implementation-** Policies about charging for parking may raise concerns such as how to charge for parking (for example, a previously free lot may require additional infrastructure to allow the physical means of payment) and enforce payment. Smart parking strategies may require both new policies to be adopted as well as new equipment to be procured, installed, tested, and put into service. The City may incur some costs for implementing parking management and pricing (i.e. collection costs, signage, and enforcement); these policies would likely produce revenue that more than covers these costs.

**Policy and Implementing Organizations** Parking management and parking pricing are closely related strategies. Pricing strategies charge users or owners for parking. Parking management strategies use some combination of approaches to change the amount of available parking or to require multiple users to share parking. Parking is regulated through zoning codes that specify the minimum number of spaces that must be provided, so parking management efforts might decrease the minimum requirements, set maximum limits on parking spaces, or lower the number of parking spaces required in areas with mixed uses or near transit stations. Shared parking, on the other hand, might require that an office building make its parking spaces available in the evening to restaurant patrons.

Emerging policy ideas include "performance-managed parking" in which the availability of unoccupied spaces is maintained at 15% during peak periods through pricing, and

"smart parking," in which technologies provide drivers real-time information on the availability of spaces in a particular location (whether on- or off-street).

**Effects** There is substantial evidence from empirical studies of U.S. parking scenarios that charging for parking reduces single-occupancy vehicle (SOV) trips. Most such research focuses on commuter (work trip) parking. Studies of areas with newly-introduced paid parking (or comparisons between areas with free and paid parking) generally show that paid parking results in lower SOV mode shares, increased use of other modes, and reductions in vehicle trips.

Research has found that the elasticity of the demand for parking (the change in behavior that results from a change in price) is not very high: estimates based on multiple studies have found an average of about -0.3, meaning that for every 10% increase in parking costs, the number of cars parked declines about 3%. This is considered relatively inelastic, and on par with short-term elasticity for increases in fuel costs.

**Key Assumptions and Uncertainties** The greatest unknown is the response to widespread parking charging. Most U.S. studies of the response to parking charges are based on small sample sizes, such as individual worksites or parking garages, and it is unclear how these estimates would "scale up" to an entire district, city, or region.

It is also difficult to estimate the impacts of other parking management strategies, such as changing zoning codes to allow developers to provide less parking or requiring businesses to share parking. These strategies are fairly new and few assessments of their effectiveness exist. In addition, some changes in the approach to parking can take years to produce measurable changes (for example, if the main strategy is changes to zoning to require less parking, but development slows down, then the overall parking stock would not change very quickly).

**Interactions with other Strategies-** Parking management and pricing may be implemented alone but land use changes and transit improvements may make it easier for drivers to switch modes, thereby possibly also increasing public acceptance. Parking pricing may also increase the success of other TDM measures such as ridesharing and telework.

Parking management and pricing is synergistic with car sharing: parking policies may increase the incidence of car sharing, and car sharing programs (especially with designated parking spaces) may make parking policies more acceptable.

**Benefits and Costs/Barriers-** Revisiting parking pricing can raise substantial revenue for the City and can be used for additional transportation investments.

**Possible Implementation in Birmingham-** In regard to parking, the City of Birmingham could alter its parking management strategies by:

- Requiring new developments (that meet predetermined criteria) with parking structures or lots that are open to the public to utilize smart parking technology
- Charging for the first two hours of parking at some parking decks that are routinely at capacity

## **Telework Background**

Telework as an employee benefit, rather than as a transportation program, and often tie it to issues unrelated to commuting, such as job description or length of service. Telework is a term generally interchangeable with telecommuting-means working from home or an alternative location closer to home. As information technology continues to improve, telework-working from home or an off-site location-has become increasingly feasible and attractive. Almost one-third of the vehicle miles driven in the U.S. are to and from work, making commuting the single largest element of total vehicle travel.

**Target Group** - Telework is fairly widespread in both the public and private sectors. Telework policies are aimed at both employers and employees. All workers will not be eligible to telework because their work may not be able performed away from the worksites.

**Considerations and Concerns** –Telework programs may be resisted by employers due to concerns about management and productivity. For those individuals who telework, it may be that the face-to-face interaction is too important to forgo on a daily basis, which helps explain why it is more common to telework on occasion rather than daily.

It must be noted that the City's ability to influence telework habits may be limited. The number of employees who commute may decrease if unemployment increases, and if managers perceive that workers who telework are expendable or less productive, this may dampen the acceptance of telework. Researchers also posit that telework may have a natural plateau, or a point at which new teleworkers are balanced against those who return to commuting, for whatever reason, including changes in jobs or preferences.

One study estimated the employer cost to establish a telecommuting program for their employees is roughly \$3,000 in one-time costs and \$1,100 in recurring costs.

Telework centers are more expensive. Setting up telecommuting centers represents a moderate capital investment. One report recommended at least three years of public funding for a center to establish itself. Estimated total cost for a 12,000 square foot facility with 60 workstations is \$1.4 million in 2009 USD.

Operating costs for outreach programs are generally on the order of hundreds of thousands of dollars, since they largely comprise staff time.

### **Possible Implementation in Birmingham**

The City could encourage employers to adopt policies to allow employees to telework by creating a ratio to reduce the number of parking spaces required per employees who are allowed to telework.

The Telework!VA program, operated by the Virginia Department of Rail and Public Transportation, offers to reimburse qualified employers up to \$35,000, provided their resulting telecommuting program meets certain benchmarks.

### **Transit Incentives**

#### **Background**

Birmingham is currently served by several SMART bus lines. The lines are: 415/420-Greenfield-Southfield, 445-Woodward Telegraph Limited, 450/460 Woodward Local, 465- Auburn Hills Limited, 475- Woodward Troy Limited, and the 780-15 Mile Crosstown. The City is also served by the Regional Transit Association's (RTA) Reflex line 498- Woodward RefleX; this line is operated by the Detroit Department of Transportation (DDOT). Almost all residences and businesses within the City are within one mile of one of the above mentioned bus routes. Increasing visitors' and residents' utilization of the public transit system will free up parking spaces and generate denser development.

Increased transit ridership can reduce number of parking spaces needed, provided that the new transit trips replace vehicle trips, particularly SOV trips. In the Southeast Michigan region there are efforts to increase the use of transit by generating more demand, offering incentives that reduce riders' costs. These incentives are most commonly provided through employer-based "transit benefit" programs, but they are also provided with fare discounts or free ride programs for various transit users.

Employer-based transit benefits are possible because of a provision of the U.S. tax code that allows employers to provide direct or indirect assistance toward employees' transit fares. Until the early 1990s, employers were allowed to provide free parking as an untaxed benefit to their employees, but any assistance above \$15 to ride transit would be taxed. To correct this imbalance, the federal government re-defined "qualified transportation fringe benefit" in 1992 to allow employers to provide transit and vanpool benefits to employees tax-free up to certain levels. The provision also requires that employers provide transit passes and vouchers in regions where they are available, instead of paying the employees directly.

Wayne County began providing transit passes to employees who use public transportation to travel to and from work on January 1, 2017. This new initiative

provides a new no-cost benefit available to all County employees while encouraging ridership of public transportation.

**Target Group** - Employer-based transit benefit strategies target both employers and employees. More general fare incentives are widely aimed at existing and potential transit riders.

**Considerations and Concerns**-Employees cannot take advantage of the tax benefits unless employers implement transit benefit programs. Ensuring that employers continue to provide and promote employees use of mass transit may be difficult to confirm without proper methodology.

Barriers to implementing employer-based transit incentives are generally low because the programs are voluntary for consumers and may be voluntary for employers. While they include costs to employers, these benefits typically become part of an employer's benefits package.

As transit benefits can be implemented by multiple agencies, some effort may be required to ensure that the most effective institutional structure is in place for each particular region. Agencies should not either leave gaps with regard to their target markets, or spend undue effort on overlapping initiatives. Transit benefits can also be implemented in many ways, so developing programs appropriate to the transit service and the audience may be challenging.

Transit incentives can result in increased ridership and revenues to transit agencies, especially when riders using transit benefits pay the full fare or when employers subsidize transit use by their employees.

A potential concern with discounted fare programs is the potential loss of revenue to the transit agency. While most transit agencies obtain over half of their operating revenues from sources other than the fare box, an agency facing a deficit may be considering raising fares, rather than reducing them. This is probably less of an issue for those transit agencies that do not offer discounts to employers, in which case employees use their transit benefits to pay the full fare.

**Benefits and Costs**- Where transit benefits are offered, the effects on ridership and transit mode share increase as many as 17 percentage points. For the transit provider, employer-based programs tend to increase revenues while fare reduction programs can decrease revenues.

While Southeast Michigan has multiple transit services, the out-of-pocket fares and inconvenience of riding transit may result in low ridership. One way to encourage people to switch from driving to transit is to make transit cheaper for riders. Federal law now contains tax incentives that allow employers to reduce employees' transit



fares. Transit agencies have also adopted a variety of special programs to decrease riders' costs. Together, these can reduce the number of parking spaces that are seen as necessary if new riders switch from driving alone.

**Possible Implementation in Birmingham-**Birmingham could market transit benefits to employers, incentivizing and encouraging employees to use public transit instead of driving to work. SMART has several transit programs (examined below) to encourage people to use their services. SMART's existing programs are not the only way that Birmingham could motivate employers and employees to make greater usage of public transit.

**Get A Job, Get A Ride!**-This program helps new employees save on transportation costs. Participants hired within the past 30 days who are permanent, full time employees, that meet the eligibility requirements, can receive a complimentary 31 Day Pass to ride SMART's Fixed Route service.

**Transit Benefit Program-** This program helps employers and employees save money by riding SMART. Where employees set aside pre-tax money, there are small tax savings (perhaps 5% of the amount) to the employer, since those monies are exempt from payroll taxes.

In accordance with IRS Code, Section 132 (f) – "Qualified Transportation Fringe Benefit" employees may designate up to \$255.00 per month of pre-tax dollars towards their mass transit commute. Employers generally regard these non-taxable costs as part of a benefits package.

There are two ways to manage this program; either internally administered by the employer or paying a third-party vendor.

**Transportation Fair-**Hosting a Transportation Fair is a great way for your employees to learn about SMART! SMART staff will work with employers to make the arrangements to visit their place(s) of business. SMART's knowledgeable staff will answer questions, help employees get the personalized transit information they need for their commute on SMART.

### **Carpooling/Ridesharing and HOV Lanes Background**

Single-occupant vehicles make up the majority of work trips in Oakland County. The capacity of the existing roadway network could be increased if vehicle occupancy increased. Moving a larger number of people with the same capacity is an obvious way to increase efficiency. Most efforts to increase carpooling and vanpooling are made at the regional level by commuter assistance organizations. In some regions, high-occupancy vehicle (HOV) lanes exist to encourage ridesharing.

HOV lanes enable ride sharers to avoid congestion by designating specified lanes off-limits to SOVs. The number of occupants required in order to use HOV lanes varies by region. The time of day that the lanes are restricted can vary as well; some operate during peak hours only, others 24 hours a day. HOV lanes can be converted from traditional lanes, or built as new lanes.

Ridesharing is generally divided into:

- carpooling - ride sharers use their personal vehicles, and
- vanpooling - employers provide group transportation in larger vans and buses. Vanpools generally charge riders a fee to cover operating expenses, and federal law also provides a tax credit for vanpoolers (but not carpoolers).

A key difference between vanpools and carpools is that Commuter assistance organizations also promote vanpooling, for example by providing technical assistance (for example, working with an employer to set up a vanpooling program), by operating vanpools, or by providing direct subsidies. Some organizations, such as transportation management associations, also promote or operate vanpools, and there are several commercial vanpool providers.

**Target Group** -Ridesharing strategies target both employers and employees.

### **Considerations and Concerns**

The largest concern is the uncertainty in estimating effects is the degree to which SOV drivers respond to incentives to rideshare. Many factors can influence drivers' decisions, so it is very difficult to assign impacts to specific TDM measures.

**Implementation Concerns-** Ridesharing efforts need to be sustained over time. As carpools dissolve, people and worksites move, and new employees and employers enter a region, rideshare matching efforts and more general education about travel demand management must be ongoing.

### **Agency Cost**

As noted elsewhere, ridesharing is not often treated separately from other commuter assistance programs, and the same is true for ridesharing budgets. In Washington, D.C., the annual budget for the Commuter Connections program is \$5.2 million, including staff time, operating the ridematching database, and marketing. In Washington State, costs for the two-year period from 2007 to 2009 were \$7.3 million, or an average of \$3.65 million per year; again, this includes all components of commuter assistance, not just ridesharing. These are large programs; many regions presumably operate with far smaller budgets. As most regions currently operate commuter assistance programs, one cannot estimate start-up costs here.

### **Benefits and Costs/Barriers**

Ridesharing can result in reduced cost for drivers. Barriers to increased ridesharing include difficulties in finding rideshare partners, lack of schedule flexibility, and low commute costs. Some of the difficulty in finding partners can be solved with rideshare matching services, while others are linked to decentralized workplaces (since the odds of finding a good rideshare partner, or a vanpool, presumably rise with a higher residential density and higher density of jobs, living and working in low-density locations can make it more difficult).

Vanpools can also have problems since vanpools are generally paid services and must have a certain number of riders to remain viable. This is less of a structural problem and stems from the need to do some continuous marketing and outreach to identify new riders when previous riders drop out for whatever reason.

**Interactions with Other Strategies-** Ridesharing complements other employer-based TDM strategies, such as vanpool benefits (a type of financial incentive under which employees can receive employer-paid benefits or use pre-tax income to pay for vanpool expenses), employee rewards for non-SOV commuting, or parking management and pricing.

Ridesharing may be less effective when implemented along with strategies that promote other modes, since persons who start ridesharing may have previously used transit, walked, or bicycled. The benefits of ridesharing are greatest when new ride sharers previously drove alone.

**MichiVan Commuter Vanpools**, sponsored by the Michigan Department of Transportation and operated by vRide, Inc. and Enterprise Rideshare, supplies fully insured passenger vans to commuter groups. The vanpool program is open to individual members of the public. MDOT also helps employers develop vanpools and ridesharing programs for their employees. Under this program:

- 7 to 15 commuters share a van along an established route.
- Riders pay a monthly fee based on their one way mileage commute and the size of the van.
- MichiVan operators provide the vehicle and picks up the tab on maintenance, insurance, titling, licensing and repairs.
- One person volunteers to be the primary driver of the van and rides free.
- A vanpool group usually meets at a centralized location, such as a carpool lot.
- A free emergency ride home service for unexpected occurrences such as overtime, a family emergency or illness or injury in the work place.

### **Possible Implementation in Birmingham**

Ridesharing can occur without any policy intervention, since many people are willing to share rides for convenience, cost savings, or company.

The City of Birmingham could encourage the use of ridesharing by:

- Offering discounted parking rates in parking structures to rideshare vehicles
- Reserving preferred parking spaces in parking structures for rideshare vehicles
- Requiring new developments (that meet predetermined criteria) to provide designated rideshare parking spaces

These strategies seek to increase the amount of ridesharing, particularly for commuter trips, which are more likely to be made in SOVs than other trip types.

Creating new HOV lanes is not really an option in Birmingham due to the small number of streets with more than two lanes in one direction. Transforming a traditional lane into an HOV lane is really only an option on Woodward. Doing this would require approval from the Michigan Department of Transportation (MDOT) because that agency is the one that owns Woodward. Transforming one lane on Woodward into an HOV lane could encourage commuters to rideshare and thus reduce the number of cars that need parking spaces. However, this effect would likely not be felt in Birmingham due to the fact that only a small portion of the road goes through Birmingham. Such a move would require a larger stretch of Woodward to have a traditional lane converted into an HOV lane in order to have any real effect.

### **Walking/ Biking**

In order to get commuters to consider a mode shift, it is important to make walking/biking more convenient for participants. There are several ways to encourage commuters to walk or bike to work. Some strategies are listed and explored below.

1. Offer financial incentives for walking/cycling commuters, such as:
  - a. A commuter tax benefit
    - i. The Federal Government offers an employee incentive. Business owners looking to encourage their employees to bike to work explore providing the employee with a qualified bicycle commuting reimbursement. The Internal Revenue Service (IRS) for some time has offered a transit subsidy to employers to pass on to employees to offset the cost of using alternative transportation to work, such as public transportation. Recently, the IRS extended that same non-taxable benefit to employers to offset the cost of a bicycle to commute to work. The IRS doesn't tax the transit subsidy.
  - b. Other cash incentives
    - i. For example, Honest Tea in Maryland gives its employees who bike or walk to work \$27.50 extra in their paychecks monthly to offset whatever equipment they need to bike or walk to work.
  - c. Assistance toward an employee's purchase of a bicycle or bicycling-related equipment
    - i. Employers may wish to partner with other local small businesses to get employees discounts on gear from bike shops

- d. Other incentives for customers or clients who ride bicycles (e.g., special discounts or promotions)
- 2. Provide bicycle parking for employees, customers, and clients. Bike parking is best when it is:
  - a. Free
  - b. Secure
  - c. Covered
- 3. Have a guaranteed ride home service (e.g., due to bad weather, employee illness)
- 4. Promote May is Bike Day/ Month
  - a. One very simple way to promote the idea of bike riding to work is to launch a program around a pre-existing theme like Bike Month or Earth Day. The idea is that employees will take the challenge and overcome any obstacles and will, hopefully, want to incorporate bike riding as part of their routine commute to work. The month of May is Bike Month and May 13th is Bike to Work Day.
- 5. Provide
  - a. A fleet of bicycles for employees to use for short errands or trips
  - b. A bike-sharing or bike loan program
  - c. Locker room(s)
  - d. Showers
  - e. Bicycle repair station(s)
  - f. Maintenance supplies such as tools, pumps and tubes
- 6. Foster a walking/biking culture by:
  - a. Having a walking/cyclist group or club
  - b. Sponsoring:
    - i. a local riding club or bike racing team (e.g., employee, local, youth, professional)
    - ii. individual employees who participate in local charity rides, races or other bike events
  - c. Using local bicycle couriers
  - d. Organizing bike rides or other bike-related events for employees
  - e. Have training and educational opportunities that educate employees about:
    - i. Safe riding skills
    - ii. Maintenance
    - iii. Driver training on how to share the road with bicyclists
    - iv. Information on safe bicycling
    - v. Finding bike routes to work
    - vi. Information on proper bicycle equipment



## MEMORANDUM

Planning Division

**DATE:** March 22, 2017  
**TO:** Planning Board  
**FROM:** Jana L. Ecker, Planning Director  
**SUBJECT:** Shared Parking Regulations

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On January 8, 2017, the City Commission reviewed and approved the Ad Hoc Rail District Report. The City Commission further directed that the Ad Hoc Rail District Report be forwarded to both the Multi-Modal Transportation Board for review, and also forwarded to the Planning Board for review and discussion regarding Recommendation 4: Encourage Shared Parking. Please find attached an excerpt from the report regarding Recommendation 4 for your review and discussion.

### **Recommendation 4: Encourage Shared Parking**

Specifically, the City Commission has directed the Planning Board to review the Ad Hoc Rail District Report and to consider moving forward with Recommendation 4, which states:

Encourage shared parking in the district by providing the zoning incentives for properties and/or businesses that record a shared parking agreement. Incentives could include parking reductions, setback reductions, height bonuses, landscape credits, or similar offers.

Amend the shared parking provisions to simplify the calculations to determine the required parking based on industry standards and eliminate the need to hire a consultant to prepare shared parking studies.

Accordingly, the Planning Board has been directed by the City Commission to consider amendments to the shared parking calculations and approval process and/or recommend zoning incentives to further encourage shared parking.

Based on the direction of the City Commission, the Planning Division has conducted research on shared parking provisions that are utilized in other cities. No communities were found that mandated shared parking arrangements, but many encouraged shared parking by adopting shared parking calculation standards and by offering zoning incentives to encourage sharing parking. Policies involved with shared parking generally include calculation tables adopted by the city. These tables incorporate parking calculations for categories of building uses. Parking demands are calculated for different times of the day throughout the week. Peak parking demand times of the adjacent places are then compared to help determine the minimum number of parking spaces necessary. Research regarding policy recommendations on shared parking is attached for your review.

Many cities also utilize zoning incentives to promote shared parking arrangements. Examples include increasing the floor-area ratio requirements, reducing parking lot screening and/or reducing landscape requirements to provide greater access, connectivity, and ease of use between the properties sharing parking spaces. Sample ordinance language from other communities has also been attached to this report for your review. The use of calculation tables and zoning incentives ensure consistency in enforcement and reward business owners who enter into a shared parking agreement.

Article 4, Section 4.45(G)(4) of the Birmingham Zoning Ordinance includes the current shared parking policy. This provision includes up to a 50% reduction in parking spaces in a shared parking agreement if all requirements are met. However, our current standards require hiring a parking consultant, the findings are subject to the discretion of the Planning Board, and the final agreement must be recorded on title of the property. All of these requirements increase the time and cost of a project, which may not encourage applicants to utilize shared parking. In addition, Article 4, section 4.50 (A) – (D) of the Birmingham Zoning Ordinance also include some simpler calculations for allowing shared parking on the same lot. However, these provisions only apply in the B3 and MX zoning districts. Finally, no zoning incentives are currently offered to encourage shared parking. In the past, very few applicants have taken advantage of the shared parking provisions, and none in the Rail District have done so despite the recommendation of planning staff and the Planning Board. Most recently, the owners of 2125 and 2159 E. Lincoln have entered into a shared parking agreement, but this was not formalized or approved by the Planning Board as all parking requirements were met without the need for the shared parking agreement.

On February 8, 2017, the Planning Board discussed the recommendations of the Ad Hoc Rail District Committee as a whole and much of the discussion centered on traffic and circulation within the Rail District. While there was little discussion of shared parking, board members appeared to be in favor of ordinance amendments to encourage shared parking.

Please find attached draft ordinance language for your consideration to clarify the shared parking demand calculations and to simplify the approval process for shared parking by eliminating the need for a parking consultant. In addition, draft ordinance language has also been provided to add zoning incentives to encourage property owners to pursue shared parking.

Suggested Action:

To continue discussion of a revised shared parking process and the addition of incentives to encourage the use of shared parking at a future study session;

OR

To set a public hearing date of **May 10, 2017** to consider amendments the following amendments:

- (a) Article 4, Section 4.45 (G) Parking Standards, to amend the shared parking standards and streamline the approval process; and
- (b) Article 4, Section 4.50 Parking Standards, to provide the same shared parking standards for all zone districts.



## Excerpt from Ad Hoc Rail District Report: Recommendation 4

### Recommendations

#### Recommendation 4: Encourage Shared Parking

**Issue:** Many properties are dominated by excessively large parking lots that are not being efficiently used. Vast parking lots in the district are vacated after peak business hours and remain empty throughout the evening because of restricted access, while other lots overflow around restaurants in the evenings.



Empty parking lots can be found throughout the study area.

Shared parking is a land use strategy that efficiently uses parking capacity by allowing adjacent and/or compatible land uses to share spaces, instead of providing separate spaces for separate uses. Often, a shared parking agreement is put in place between two or more property owners and the jurisdiction to ensure parking spaces on a site are made available for other uses at different times throughout the day.

**Recommendation:** Encourage shared parking in the district by providing the zoning incentives for properties and/or businesses that record a shared parking agreement. Incentives could include parking reductions, setback reductions, height bonuses, landscape credits, or similar offers.

Amend the shared parking provisions to simplify the calculations to determine required parking based on industry standards and eliminate the need to hire a consultant to prepare shared parking studies. See table to the right for an example of a shared parking calculation from Victoria Transport Policy Institute.

#### Sample Shared Parking Occupancy Rates Table

*This table defines the percent of the basic minimum needed during each time period for shared parking.  
(M-F = Monday to Friday)*

Uses	M-F	M-F	M-F	Sat. & Sun.	Sat. & Sun.	Sat. & Sun.
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/ Warehouse /Industrial	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference/Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

Courtesy of Victoria Transport Policy Institute

## **Policy Recommendations Research**

- [Smart Growth Alternatives to Minimum Parking Requirements](http://www.urbanstreet.info/2nd_sym_proceedings/Volume%202/Forinash_session_7.pdf)  
[www.urbanstreet.info/2nd\\_sym\\_proceedings/Volume%202/Forinash\\_session\\_7.pdf](http://www.urbanstreet.info/2nd_sym_proceedings/Volume%202/Forinash_session_7.pdf)

"In setting parking requirements, planners typically use generic standards that apply to general land use categories (e.g., residential, office, retail). Such standards have been developed and published by professional organizations, including the Institute of Transportation Engineers (ITE), based on experience in many locations. Much of the data on which these standards are based comes from low-density, single-use developments with limited transportation choices. Therefore, the generic parking rates cannot take into account the mix of context-sensitive, community specific variables—density, demographics, availability of transportation choices, or the surrounding land-use mix— all of which influence demand for parking and *should* be reflected in parking requirements. Instead, requirements are based on maximum demand for parking, when parking is provided at no charge to users, and walking, biking, and transit are not available choices. This formula yields a surplus of parking area that is costly for developers to provide, and it subsidizes personal automobile use and encourages auto use even in areas where convenient transportation choices exist. Because of the way in which they are typically established, parking requirements are remarkably consistent across different cities, despite varying levels of economic vitality, population size, and development density."

- [Sharing Parking Facilities Among Multiple Users](http://www.vtpi.org/tdm/tdm89.htm), Victoria Policy Transport Institute. December, 2015.  
<http://www.vtpi.org/tdm/tdm89.htm>

"Parking can be shared among different buildings and facilities in an area to take advantage of different peak periods (see Table 1). For example, an office complex can efficiently share parking facilities with a restaurant or theaters, since offices require maximum parking during weekdays, while restaurants and theaters require maximum parking during evenings and weekends. As a result, the total amount of parking can be reduced 40-60% compared with standard off-street parking requirements for each destination (Smith, 1983). ITE (1995) provides specific recommendations for shared parking implementation."

**Table 1 (Victoria) Parking Occupancy Rates**

Uses	M-F	M-F	M-F	Sat. & Sun.	Sat. & Sun.	Sat. & Sun.
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/ Warehouse /Industrial	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference/Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

*This table defines the percent of the basic minimum needed during each time period for shared parking. (M-F = Monday to Friday)*

\* Sharing Parking Facilities Among Multiple Users, Victoria Policy Transport Institute, <http://www.vtpi.org/tdm/tdm89.htm>

## **B. Parking Occupancy Rate Table**

When the parking reduction has been shown to be feasible by using the demand calculations as determined by Table 1, Parking Occupancy Rates, the applicant shall submit a parking demand summary sheet showing the process for calculating the reduction as outlined in this section. (Note: The default rates from the Table 1, Parking Occupancy Rates are set to include a small "safety margin" of parking beyond that minimally needed to serve an average peak demand. Therefore a local study of parking demand may yield a greater reduction in parking required.)

(1.) The minimum number of parking spaces that are to be provided and maintained for each use shall be determined based on standard methods for determining minimum parking supply at a particular site.

(2.) The gross minimum number of parking spaces shall be multiplied by the "occupancy rate" as determined by a study of local conditions (or as found in Table 1), for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively.

(3.) The gross minimum numbers of parking spaces for each of the purposes referred to for each time period shall be added to produce the aggregate gross minimum numbers of parking spaces for each time period.

(4.) The greatest of the aggregative gross minimum numbers of parking spaces for each period shall be determined.

- Capital Region Council of Governments Best Practices Manual.

8. Shared Parking Fact Sheet

<https://alexandriava.gov/uploadedFiles/.../info/SharedParkingFactSheet.pdf>

- "Target auto-oriented mixed use commercial uses. Shared parking works best in situations where there are somewhat dissimilar land uses, with different peak hours of use — i.e., a hotel and an office, or a home supply store and a movie theater."
- "Rather than having a series of smaller-sized parking lots divided by arbitrary lots lines with landscaped buffers, lots can be consolidated and circulation systematized, with more creative and effective landscaping, pedestrian circulation, and lighting."
- "Zoning incentives for shared parking can encourage a reduction in the size of the parking lots. Incentives that could be provided for shared parking include an increase in floor area ratio (FAR) and increased flexibility in certain bulk regulations, such as building coverage or height."

- Waltham, MA: Shared Parking Ordinance  
The General Ordinances of the City of Waltham, Massachusetts, v.9, updated 8-2006, Part III. Zoning Code, ARTICLE V. Parking Requirements  
<http://ecode360.com/26938088>

(c) Notwithstanding any other parking requirements set forth in this chapter for individual land uses, when any land or building is used for two or more distinguishable purposes (i.e., joint or mixed use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner:

Multiply the minimum parking requirement for each individual use (as set forth in the applicable section of this chapter for each use) by the appropriate percentage (as set forth below in the Parking Credit Schedule Chart) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

	<b>Weekday</b>	<b>Weekday</b>	<b>Weekday</b>	<b>Weekend</b>	<b>Weekend</b>
	Night Midnight to 7:00 a.m. (percent)	Day 7:00 a.m. to 5:00 p.m. (percent)	Evening 5:00 p.m. to Midnight (percent)	Day 6:00 a.m. to 6:00 p.m. (percent)	Evening 6:00 p.m. to Midnight (percent)
<b>Residential</b>	100	60	90	80	90
<b>Office/Industrial</b>	5	100	10	10	5
<b>Commercial/Retail</b>	5	80	90	100	70
<b>Hotel</b>	70	70	100	70	100
<b>Restaurant</b>	10	50	100	50	100
<b>Restaurant associated with hotel</b>	10	50	60	50	60
<b>Entertainment/recreation (theaters, bowling allies, cocktail lounges and similar)</b>	10	40	100	80	100
<b>Day-care facilities</b>	5	100	10	20	5
<b>All other</b>	100	100	100	100	100

\*City of Waltham, MA Shared Parking Calculations Table

**Draft Ordinance Language**

**ORDINANCE NO.**\_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

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

**TO AMEND SECTION 4.45(G), PARKING STANDARDS, TO AMEND THE SHARED PARKING STANDARDS AND STREAMLINE THE APPROVAL PROCESS.**

G. Methods of Providing Parking Facilities: The required off-street parking facilities for buildings used for other than residential purposes may be provided by any one of the following methods:

1. By providing the required off-street parking on the same lot as the building being served, or where practical, and with the permission of the City Commission, the area in the public right-of-way abutting the property in question may be included as a portion of the required parking area if such area is improved in accordance with plans which have been approved by the engineering department.

2. By providing the required off-street parking within 100 feet of the building being served, distances being measured along the most direct line of public pedestrian access.

3. By the collective provisions of the required off-street parking for 2 or more buildings or uses, provided that the total of such off-street parking areas shall not be less than the sum of the requirements of the various buildings or uses computed separately, and the location of such area meets the requirements of subsection (2) of this section, except as provided in Section 4.45(G)(4) below.

4. ~~By the shared provisions of the required off-street parking for 2 or more buildings or uses, which has been approved by the Planning Board.~~ Shared parking between uses **may be permitted** based on the fact that certain neighboring uses may operate at different times over a 24-hour period with their greatest demand for parking occurring during different times. By allowing uses to share a parking facility, the amount of impervious land in the city may be reduced. **Notwithstanding any other parking requirements set forth in this chapter for individual land uses, when any property or building(s) is/are used for two or more distinguishable purposes (mixed use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner:**

(a) **Multiply the minimum parking requirement for each individual use proposed in the development as set forth Article 4, Table A, Parking Standards by the percentage of use noted in Chart 1 for each of the five designated time periods;**

(b) **Add the resulting sums from each vertical column for the five designated time periods. The column total having the highest total**

value is the minimum shared parking requirement for the proposed combination of land uses.

Chart 1:

Uses	M-F	M-F	M-F	Sat. & Sun.	Sat. & Sun.	Sat. & Sun.
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/ /Industrial	100%	20%	5%	5%	5%	5%
Commercial / Retail	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference/Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

All shared parking requests must be submitted to the Planning Board during Final Site Plan approval, and must include a parking demand summary chart demonstrating the process for calculating the parking reduction as outlined in this section. If a shared parking arrangement is subsequently terminated, or if the uses involved change, the property owner must notify the City in writing within 30 days, and the shared parking arrangement will be null and void as of the date of termination or change of uses. Each use shall thereafter be required to comply with the individual parking requirements of this Article, unless a revised shared parking arrangement is submitted and approved by the Planning Division using the process for calculating the parking reduction as outlined above with the new mix of uses.

a. ~~The total number of combined spaces required for each use may be reduced by up to 50% upon the Planning Board making the determination that the peak parking demands of the uses being served occur at different times and the parking area meets the anticipated demands of all the uses. The Planning Board will make this determination based upon the following information, to be provided by the petitioner:~~

- ~~i. The peak hours of operation for each use.~~
- ~~ii. The average parking demand and the peak parking demand for each use, based on reliable data. Such data will include actual parking counts for these uses, or at similar uses or actual parking counts are not available, reliable traffic/parking demand models may be used.~~



- ~~iii. The impact of shared parking arrangement on adjacent uses.~~
- ~~iv. Written legal evidence in the form of deeds, leases or contracts that establish the shared parking facility.~~

~~b. Once a shared parking arrangement is approved by the Planning Board, such arrangement must be recorded on the land titles for all affected properties. If a shared parking arrangement is subsequently terminated, or if the uses change, Planning Board approval shall be automatically revoked and each use shall be required to comply with the requirements of this section.~~

~~c. The petitioner(s) shall be responsible for any costs incurred by the city in contracting with consultants to review the proposed site plan as deemed necessary by the Community Development Director.~~

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

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Mark Nickita, Mayor

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Cheryl Arft, Acting City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

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

**TO AMEND SECTION 4.50, PARKING STANDARDS, TO PROVIDE THE SAME SHARED PARKING STANDARDS FOR ALL ZONE DISTRICTS.**

~~This Parking Standards section applies to the following districts:~~

~~**B-3 — MX**~~

The following parking standards apply:

- ~~A. Parking for Residential Uses: Parking for residential uses shall be provided on the same lot with such building or on adjacent parcels of land having direct access to the principal building, as may be approved by the appropriate reviewing body pursuant to the Site Plan Review and Design Review Sections in Article 7.~~
- ~~B. Office and Residential Parking: Where there is combined within a single building an office use and a commercial restaurant, up to 30% of the parking supplied to meet the requirement of the office use may also be used to meet the requirement for the commercial restaurant.~~
- ~~C. Office and Residential Parking: Where there is combined within a single building, an office use and a residential use, up to 40% of the parking supplied to meet the requirement for the office use may also be used to meet the requirement for residential use, provided that the number of spaces required for residential parking shall never be less than 1 parking space per dwelling unit.~~
- ~~D. Office, Residential and Restaurant Parking: Where there is combined within a single building, an office use, a residential use and a commercial restaurant, up to 40% of the parking supplied to meet the requirement for office use may also be used to meet the requirement for residential use and up to 30% of the remaining parking requirement for office use may be used to meet the requirement for the commercial restaurant.~~

**O1 O2 P B1 B2 B2B B2C B3 B4 MX**

**Credits for Shared Parking:** If two or more properties are subject to a shared parking arrangement under the provisions of this Article, all affected properties will qualify for a zoning credit under this section if they provide evidence of an executed shared parking agreement with a minimum term of 5 years, and said agreement is recorded on the land titles for all affected properties. If such evidence is provided to the Planning Division, all property involved in the shared parking agreement shall be entitled to one of the following credits:

- (a) A 50% reduction in parking lot landscaping requirements;
- (b) A 50% reduction in site landscaping requirements;

- (c) A 25% increase in FAR; or
- (d) A 25% reduction in minimum lot area per unit.

**Each property owner must state their selected credit request in writing to the Planning Division at the time of Final Site Plan approval, and the credit request must be noted on the parking demand summary chart submitted.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

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Mark Nickita, Mayor

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Cheryl Arft, Acting City Clerk

## **Planning Board Minutes February 8, 2017**

### **2. Review of Ad Hoc Rail District Report**

Ms. Ecker reported that on January 11, 2016, the City Commission established the Ad Hoc Rail District Review Committee to study existing and future conditions and to develop a recommended plan to address parking, planning and multi-modal issues in the Rail District and along S. Eton Road ("the Rail Plan").

Over the past year, the Ad Hoc Rail District Review Committee has worked to identify issues in the Rail District and along S. Eton, and to develop a plan with recommendations to address parking, planning and multi-modal issues in the Rail District, as directed by the City Commission. The Ad Hoc Rail District Review Committee requested funds to hire a consultant to review some of the intersection design concepts discussed by the Committee, and to conduct an analysis of parking in the study area.

Based on the Committee's direction, the findings outlined in the consultant's report, and the input of the public, the Ad Hoc Rail District Report requested by the City Commission was prepared. On January 8, 2017, the City Commission reviewed and approved the Report. The City Commission further directed that the Ad Hoc Rail District Report be forwarded to both the Multi-Modal Transportation Board for review, and also forwarded to the Planning Board for review and discussion regarding Recommendation 4: Encourage Shared Parking.

The report states that there is not a shortage of parking in the Rail District. There are 2,480 parking spaces in the District as a whole. Hazel, Bowers and Haynes are residential permit parking only and were not included in the study. The Planning Board has been asked by the City Commission to identify whether to streamline the shared parking calculations and approval process and/or recommend zoning incentives to further encourage shared parking.

Mr. Williams commented that the traffic between Lincoln and Maple Rd. is too fast and there needs to be a stop sign. To him the preferable spot would be on Hazel. There are a lot of young children in the neighborhood and it is dangerous for them.

Ms. Ecker discussed a Shared Parking Occupancy Rates Table provided by the Victoria Transport Policy Institute. The table lists all the types of uses that might be on a site and then it calculates what percentage of the parking is needed for that use at any given time. Therefore, the most parking that would ever be used because of the different peak use times is known, and that is what an applicant would have to provide on their site. Use of the table ensures that parking facilities are not overbuilt. However, the board is not yet seeing a true mixed-use building in the Rail District like in Downtown. Chairman Clein added that right now there is no incentive to share parking with a neighbor. Ms. Whipple-Boyce thought there may be simple things that this board can do to encourage shared parking.

Mr. Williams noted that a bigger problem than parking is traffic. The intersection at S. Eton and Maple Rd. will just get more congested when Whole Foods and the complex next to the Reserve open.

Mr. Boyle stated if there is a particular commercial parking problem in the southern part of the District, then this board needs to address it and come up with some ideas. Ms. Ecker said there will be suburban style development and less mixed-use, but there will not be a parking problem.

Discussion contemplated the possibility of allowing parking on both sides of Lincoln.

Chairman Clein summarized that it seems the board wants to look at parking regulations from the potential to incentivize design by allowing an easier shared-use calculation on a mixed-use site; and also discuss whether they are amenable to incentives between site owners and what mechanisms would make that easier.

Mr. Williams reiterated that he thinks parking is not the problem in this area. Traffic and congestion is the problem and safety is the biggest problem. Mr. Boyle thought this is an opportunity to complete the grid. The Eton Rd. Corridor Plan that was prepared by McKenna Associates recommended that there should be a N/S link between Lincoln and Cole on the east side of the site adjacent to the Swim Club and the new orthodontist.

Chairman Clein thought the Rail District Committee was not asked to deconstruct the Eton Rd. Corridor Plan or the Multi-Modal Plan, but to incorporate them and figure out how to jumpstart and implement them. His disappointment with the document is that the final recommendations did not incorporate all of the recommendations of the existing plans. However, he felt staff did an excellent job in preparing the report. Mr. Koseck added that walking under the viaduct can be very scary and that needs to be addressed somehow.

Ms. Whipple-Boyce, former chairperson of the Ad Hoc Rail District Review Committee, noted the Committee was comprised of a group of people with various backgrounds who all brought something different to the table. There were some great ideas that came out of it, such as ways to get across S. Eton. Additionally, a plaza at the busiest section of S. Eton was a great idea, along with a better crossing at Maple Rd.



## MEMORANDUM

Planning Division

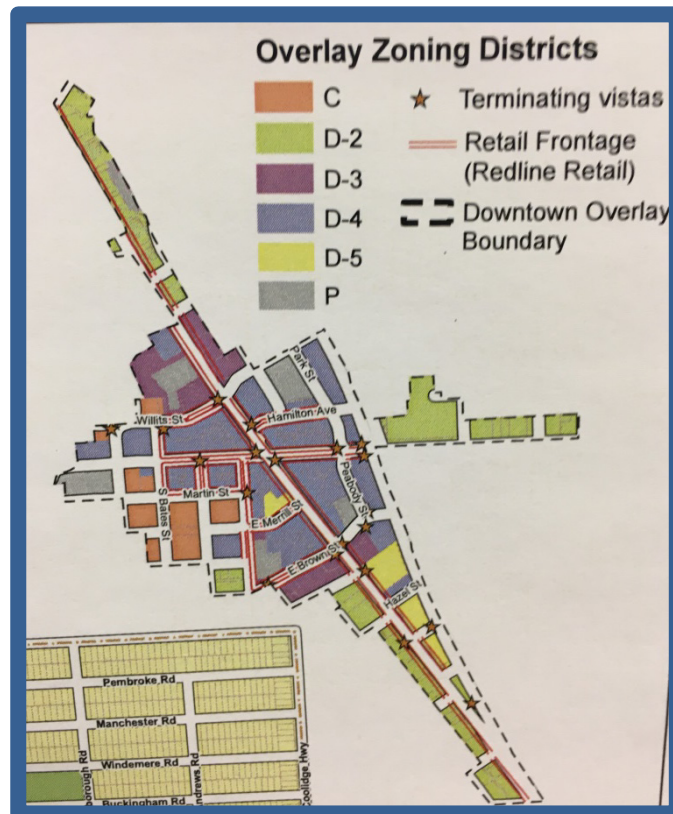
**DATE:** March 21, 2017

**TO:** Planning Board

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

**SUBJECT:** Definition of Retail

Over the past decade, there has been an ongoing desire by some City Boards and Commissions to review the current definition of retail to ensure that we are encouraging true retail downtown, and not allowing office and other service uses to dominate. The issue is specifically relevant in the Downtown Overlay, where retail use is required in the first 20' of depth for all buildings in the Redline Retail District as illustrated below.



Article 3, Section 3.04 (C)(6) states:

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 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.

Accordingly, all buildings built under the Downtown Overlay in the areas marked in red on the map inset above, must contain retail uses in the first 20' of depth of the first floor. Article 9, section 9.02 of the Zoning Ordinance provides the following retail related definitions:

**Retail Use:** Any of the following uses: artisan, community, commercial, entertainment (including all establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development), bistro or restaurant uses.

**Artisan Use:** Any premises used principally for the repair, manufacture, and sale of domestic furniture, arts, and crafts. The work must take place entirely within an enclosed building using only hand-held and/or table-mounted manual and electric tools.

**Community Use:** Premises used principally for education, worship, cultural performances, and gatherings administered by nonprofit cultural, educational, and religious organizations; premises used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

**Commercial Use:** Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

**Office:** A building or portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, or medical services.

As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and the purchase, sale or exchange of personal services (given the inclusion of personal services in the definition of commercial uses, which are included as retail uses). No definition for personal services is provided. Personal financial services, beauty services, banking services, real estate services, advertising services and other similar uses have been permitted within the Redline Retail District under the umbrella of personal services, provided that there is a display area for the sale or exchange of such goods and services in the first 20' of the storefront, and the storefront is open to the public during regular business hours. Concern has been raised that this small display area 20' in depth is not sufficient to create an activated, pedestrian-friendly retail district.

The current definitions for retail and commercial have thus permitted some uses that are not universally considered "true retail" as there are no physical goods for sale. In the past, both the Planning Board and the Birmingham Shopping District Board have expressed concern with the existing retail definition, and have considered alternative definitions to tighten the definition of retail to include only shops which sell products, not financial, real estate or other such personal services. On the other hand, many property owners in the past have expressed



concerns about tightening up the definitions as they desire the flexibility to lease space to a wider range of users to avoid vacancies.

At the joint meeting with the City Commission on June 20, 2016, both the City Commission and the Planning Board members agreed that the existing definition of retail, and the related definitions in the Zoning Ordinance should be discussed in further detail. This issue was added to the Planning Board's 2016 – 2017 Action List for future discussion.

For background information and history, please find attached the staff report and accompanying research that was conducted in 2008 when this issue was last studied.

At this time, the Planning Board may wish to consider strengthening the retail definition by requiring the sale or exchange of goods and eliminating the categories of community and commercial use. This would ensure that all establishments offering only personal services would not be permitted in the first floor redline retail areas. This would also remove community uses from the Redline Retail District as these may not provide the type of active retail uses envisioned. Community uses include schools, religious institutions, government offices or cultural performance establishments. Schools, religious institutions and government offices often have limited hours, cater to limited groups of people, and do not offer the purchase, sale, barter, display or exchange of goods, wares or merchandise preferred in a dedicated retail district. Cultural performances however could also fall under the category of entertainment, which could remain under the definition of retail even if community uses were removed.

However, the Planning Board may wish to consider whether beauty salons and similar establishments that offer personal beauty services should be permitted in the Redline Retail District. With the option noted above, such establishments would not be permitted in the Redline Retail District unless they sell or display an extensive offering of beauty products as well in the first 20' of their storefront space. The Planning Board may wish to consider adding a qualifier that requires more than 50% of gross sales come from the sale of goods, wares or merchandise to eliminate the issue of tenants setting up a small retail display in their storefront, while using the remainder of the space for other office or other commercial uses.

If the changes proposed are made to the definition of retail use, none of the other related definitions need be amended.

The Planning Board may also wish to study the minimum retail depth requirements in the Redline Retail District, which are currently 20'. Concerns have been raised that this is not a large enough area to be a viable retail establishment, and that it lends itself to proprietors stretching the definition of retail by placing token objects in this space that are for sale, even if they are not the main business of the establishment. Research on the minimum retail depths in other cities has demonstrated that 20' in depth is the minimum, with many sources indicating that 35'-80' in depth would ensure quality retail use. Several articles and examples from other cities are attached for further information. All sections regarding retail depth have been highlighted in purple.

The Planning Board may also wish to consider whether to establish a maximum dimension for permitted lobbies for hotels, offices and residential units within the Redline Retail District. While the ordinance currently allows 50% of the first floor retail space to be used for lobbies, in large buildings, this allows lobbies to occupy a large expanse of the storefront space. Many other communities have provisions to offer some first floor retail space for lobbies for upper story uses.

Finally, most of the research on creating great urban retail districts emphasized the importance of strictly controlling the types of retail permitted in the core urban shopping district, but also stated that such an area should be no more than 2 -4 blocks in size. Reducing the size of the premier retail area creates a much stronger retail destination with the synergy to support itself. Outside of the main retail, other quasi-retail uses may be permitted. Thus, the Planning Board may wish to consider reducing the size of the existing Redline Retail District, and strictly defining those retail uses permitted on the first floor in a smaller area, and then creating a secondary district within the downtown that would allow some of the quasi-retail and personal service uses.

**Draft Ordinance Language**

**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 AMEND THE DEFINITION OF RETAIL USE TO EXCLUDE COMMUNITY AND COMMERCIAL USES.**

**Retail Use:** Premises used generally in connection with the purchase, sale, barter, display or exchange of goods, wares or merchandise, and any of the following uses: artisan, ~~community~~, ~~commercial~~, entertainment (including all establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development), bistro or restaurant uses.

**Artisan Use:** Any premises used principally for the repair, manufacture, and sale of domestic furniture, arts, and crafts. The work must take place entirely within an enclosed building using only hand-held and/or table-mounted manual and electric tools.

**Community Use:** Premises used principally for education, worship, cultural performances, and gatherings administered by nonprofit cultural, educational, and religious organizations; premises used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

**Commercial Use:** Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

**Office:** A building or portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, or medical services.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk

**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 3, SECTION 3.04(C)(6), BUILDING USE, DOWNTOWN BIRMINGHAM OVERLAYDISTRICT, TO AMEND THE RETAIL REQUIREMENTS IN THE REDLINE RETAIL DISTRICT OF BIRMINGHAM.**

**Section 3.04(C). Building Use**

1. – 5. Unchanged.

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 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 reset 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).

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

\_\_\_\_\_  
Mark Nickita, Mayor

\_\_\_\_\_  
Cheryl Arft, Acting City Clerk

# MEMORANDUM

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**Date:** June 11, 2008

**To:** Thomas M. Markus, City Manager

**From:** Jana Ecker, Planning Director

**Approved:** Thomas M. Markus, City Manager

**Subject:** Downtown Retail

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There has been a desire by City Boards and Commissions to review the current definition of retail to ensure that we are encouraging true retail downtown, and not allowing office and other service uses to dominate. Based on discussions with other cities similar to Birmingham, this is an issue that everybody struggles with.

One of the key issues exists around the definition of "Retail" in the Zoning Ordinance. Some people would like the "Retail" definition to be more specific in what is permitted, while others believe the current definition is sufficient and already allows the "right" mix to occur organically downtown. The current definitions are listed below for your review.

In late 2006, the Planning Division conducted an inventory of first floor land uses in the Overlay District in order to begin the discussion regarding the current mix of retail and other uses downtown. Since this time the Planning Board has reviewed the information and discussed it at the January 10, 2007 meeting. Several members of the PSD and the general public attended this meeting and made several comments, which are included within the minutes. During this meeting the Planning Division shared information from other communities around the area. Minutes from this meeting have been attached for your review.

The Planning Board requested that staff conduct additional research on what other cities are doing in terms of incentives, retail retention staff members, and other creative ways to retain or attract retail business. This information from other cities is attached for review.

On March 1, 2007 a joint meeting between the Primary Shopping District (PSD) and the Planning Board was held at the Community House. Together, the boards reviewed practices of other cities and the current definitions in the City of Birmingham Zoning Ordinance that relate to retail in Downtown Birmingham. A presentation was given by the City's GIS Coordinator, which identified ways in which the city could utilize GIS to aid in economic development and retail recruitment within the city. In addition a presentation was given on the market analysis done by Strategic Edge, which was commissioned by the PSD. During this meeting it was suggested that an ad-hoc retail committee be formed in order to further investigate ways to bring additional retailers into Birmingham. This committee is charged with continuing the

discussion about GIS in retail recruitment, possible incentive programs, and successful models that other downtowns have used.

The Ad-hoc Retail Committee met on March 30, 2007 to discuss committee objectives, current PSD recruitment practices, potential new recruitment tools, and the possibility of hiring a retail leasing consultant. Currently, the City of Birmingham has about 1.5 million square feet of retail space and 300 storefronts in the PSD. The following items which were discussed at the meeting have either been initiated or completed:

- An Economic Development Plan was proposed. It was initiated as a joint project between the Planning Division, the PSD and GIS. The first phase included:
  - Hiring an intern to gather and compile data from the PSD including photos of properties and streetscape, maps, listing information if available, square footage, tenant data, business information and GPS locations
  - Inputting data into the GIS system
- Encouraged existing retailers to better utilize the PSD website ([www.enjoybirmingham.com](http://www.enjoybirmingham.com)) – every retailer within the PSD has a page available to them. About 1/3 of them had information posted. An intern made contact with remaining retailers to assist them in getting additional information online.
- A local expert was hired to examine new retailers that would fit well into downtown Birmingham. A report was submitted to the PSD for review. There is still the question regarding whether or not the city should consider hiring a national retail broker. The last time a broker was hired, some feel they didn't adequately perform. The broker was employed for approximately 6 months and recruited a couple of retailers. Some committee members thought the local brokers might not have access to some of the retailers most suited for Birmingham and are in favor of exploring the possibility of hiring someone national.
- A list of potential retailers and their contact information is now available to building owners, leasing agents, etc.
- Created a GIS layer of retailers that currently exist on the first floor in the PSD
- Created a GIS mapping tool for use by potential retailers – they are now able to see what exists around a potential location; what the demographics are; photos of storefronts; what the building looks like, square footage, who the neighbors are, etc. This information is supplied on the city website and on the [www.enjoybirmingham.com](http://www.enjoybirmingham.com) website through the GIS program and is considered an invaluable economic development tool.
- Working on the "bones" of the downtown – wayfinding, parking signage, streetscape improvements (benches, planters, lighting, pavement treatment, crosswalks, etc.), density.
- 2016 Plan – should it be mandatory?

The City launched the Retail Market Analysis Mapping tool in January 2008, which allows anyone with access to the internet to research downtown properties, with the ability to get information such as ownership, size of space, front door photos and other retail establishment locations in proximity. Phase 2 of the project, which is currently being worked on, is proposed to include the following elements:

- All 1<sup>st</sup> floor uses within the PSD – retail and non-retail
- All 2<sup>nd</sup> and garden level uses within the PSD
- 3<sup>rd</sup> floor and above within the PSD (office uses only)
- Add a layer identifying the “Best of” categories from Hour Magazine
- Add a demographics layer
- Link to demographics flyer
- Add a historic district and properties layer
- Panoramic photos of key retail areas

On May 29, 2008, the ad-hoc retail committee met to further discuss the principal shopping district and the definition of retail. It was agreed that the Retail Mapping Analysis has become an extremely valuable tool. As this is the ad-hoc retail committee, the retail definition was discussed. There was a lot of dialog over what should be done. Some members believed the retail definition is too vague and must be clarified; a suggestion was made to define what the core values of the community are; another suggestion was to establish a target mix of tenants for the downtown core between retail and office uses. It was suggested that staff should continue research on the current mix of retail and non-retail businesses and report on these findings in order to determine if changes need to be made.

For reference, the current definitions relating to retail use are provided below, along with some alternative definitions for discussion. In addition, the definition of commercial from other sources is included for review and discussion. Examples of what some other cities are currently doing or considering have also been included for your review.



### **Current Definitions:**

Article 9, section 9.02 of the Zoning Ordinance contains the following definitions:

**Retail Use:** Any of the following uses: artisan, community, commercial, entertainment, or restaurant uses.

**Artisan Use:** Any premises used principally for the repair, manufacture, and sale of domestic furniture, arts, and crafts. The work must take place entirely within an enclosed building using only hand-held and/or table-mounted manual and electric tools.

**Community Use:** Premises used principally for education, worship, cultural performances, and gatherings administered by nonprofit cultural, educational, and religious organizations; premises used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

**Commercial Use:** Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

**Office:** A building or portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, or medical services.

As defined in Article 9, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and personal services. The Planning Board has expressed concern with this definition, and may wish to consider alternative definitions for retail to limit the types of uses that would be classified as retail.

Further, in accordance with Article 5, Overlay, of the Zoning Ordinance, retail uses are required only in those areas identified as red line retail zones (see attached map) in the Overlay, when the owners of the property have elected to develop the property under the Overlay provisions. The Planning Board has expressed concern in the past with the optional nature of the Overlay provisions.

### **Alternative Definitions of Retail:**

**Retail** - The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license (Lake Elsinore, Ca)

#### **Retail Sales Establishment –**

- A commercial enterprise that provides goods and / or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser (Federal Way, Wash.)

- Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition (Bedford County, Va.)
- Establishments engaged in selling commodities or goods in small quantities to ultimate customers or consumers (Burlingame, Ca.)
- A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function" of the business when such sales equal at least 80 percent of the gross sales of the business (Maple Grove, Minn.)
- The retail sale of any article, substance or commodity within a building but not including the sale of lumber or other building materials (King City, Ca.)
- A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer (Glen Ellyn, Ill.)
- Establishments selling commodities directly to the consumer (Lake Lure, N.C.)
- **"Retail service"** means a use engaged in providing retail sale, rental, service, processing, or repair of items primarily intended for consumer or household use, including but not limited to the following: groceries, meat, vegetables, dairy products, baked goods, candy, and other food products; liquor and bottled goods, household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, household pets and supplies, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies, musical instruments, hardware and homeware, and garden supplies; bicycles; mopeds and automotive parts and accessories (excluding service and installation); cookie shops, ice cream stores and delicatessens.
- "Extensive retail service," as used with respect to parking requirements, means a retail sales use having more than seventy-five percent of the gross floor area used for display, sales, and related storage of bulky commodities, including household furniture and appliances, lumber and building materials, carpeting and floor covering, air conditioning and heating equipment, and similar goods, which uses have demonstrably low parking demand generation per square foot of gross floor area.
- "Intensive retail service" as used with respect to parking requirements, means any retail service use not defined as extensive retail service. (Palo Alto, California)

### **Alternative Definitions of Commercial:**

- The growing, processing, or manufacturing of products or the provision of services for consideration and profit. (Maui County, Hawaii)
- Any activity conducted with the intent of realizing a profit from the sale of goods or services to others. (Ocean City, Md.)
- A land use or other activity involving the sale of goods or services for financial gain. (San Juan Capistrano, Calif.)
- The purchase, sale, or transaction involving the disposition of any article, substance, commodity, or service; the maintenance or conduct of offices, professions, or recreational or amusement enterprises conducted for profit and also including renting of rooms, business offices, and sales display rooms and premises. (Danville, N.Y.)
- **Commercial service** (*See also business support services*) Retail establishments that primarily render services rather than goods. Such services may include but not be limited to copy shops, printing services, package and postal services, photo processing, janitorial services, and similar operations. (*Champaign, Ill.*)

### **Commercial use**

- An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee. (*Mankato, Minn.*)
- A land-use classification that permits facilities for the buying and selling of commodities and services. (*California Planning Roundtable*)
- A business use or activity at a scale greater than home industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops. (*Island County, Wash.*)
- Any use involving in part or in whole the sale of merchandise, materials or services. (*Dewey Beach, Del.*)

**"Personal service"** means a use providing services of a personal convenience nature, and cleaning, repair or sales incidental thereto, including:

(A) Beauty shops, nail salons, day spas, and barbershops;

(B) Self-service laundry and cleaning services; laundry and cleaning pick-up stations where all cleaning or servicing for the particular station is done elsewhere; and laundry and cleaning stations where the cleaning or servicing for the particular station is done on site, utilizing equipment meeting any applicable Bay Area Air Quality Management District requirements, so long as no cleaning for any other station is done on the same site, provided that the amount of hazardous materials stored does not at any time exceed the threshold which would require a permit under Title 17 (Hazardous Materials Storage) of this code;

(C) Repair and fitting of clothes, shoes, and personal accessories;

- (D) Quick printing and copying services where printing or copying for the particular service is done on site, so long as no quick printing or copying for any off-site printing or copying service is done on the same site;
- (E) Internet and other consumer electronics services;
- (F) Film, data and video processing shops, including shops where processing for the particular shop is done on site, so long as no processing for any other shop is done on the same site; and
- (G) Art, dance or music studios intended for an individual or small group of persons in a class (see "commercial recreation" for other activities). (Palo Alto, California)

### **Examples from other Cities:**

#### **Rochester, Michigan DDA**

- 5-6 years ago had a number of vacancies that were filled with service uses; became a parking/use problem.
- They worked very closely with the landlords/building owners to help them realize that these weren't the best uses for their properties and the downtown. Slowly the uses are changing.
- They are beginning discussions with City Planners, on implementing a form based code for their downtown, making it mandatory to have a traditional retail or restaurant use on the first floor.

#### **Farmington, Michigan DDA**

- Recently completed a new Master Plan
- Tax increment financing (very little)
- Main Street Oakland County technical service grant
- Depend on owners to create the "mix" in downtown, although the DDA has started to strongly encourage more first-floor retail
- There are certain uses not allowed in the CBD – kennels, service stations
- Beginning to discuss incentives – maybe in the form of assistance with façade and sign design

#### **Ann Arbor, Michigan DDA**

- Directly arrange and finance public events that enhance the attractiveness of downtown (e.g. organizing walking tours, historic street exhibits, concerts, block parties);
- Provide grants and other incentives to area associations and other civic groups whose activities and events draw people downtown;
- Ensure that sidewalks, street furniture, and other elements are regularly cleaned and maintained;
- Support historic property owners who seek to improve and restore the appearance of their building with historic façade improvement grants;
- Partner with developers to arrange and finance ancillary improvements necessitated by development, such as parking and streetscape improvements;
- Work with developers to address the public benefits portion of developers' projects, such as affordable housing or storm water management;
- Encourage all modes of transportation; Promote pedestrian and bicycle safety measures;

- Promote pedestrian enjoyment of downtown by encouraging an active street life, including the installation of street furniture, Historic Street Exhibits, sidewalk café seating, attractive plantings, attractive storefront displays, public art and exhibits, and the regular use of public areas for entertainment, parades or street fairs.

### **Palo Alto, California**

- Have a Business/Retail Attraction and Retention person on staff

### **Northville, Michigan**

- Recently finished their Downtown Strategic Plan – make downtown more attractive with the following:
  - Encourage sidewalk cafés
  - Create pedestrian cut-throughs where possible
  - Build new town square (similar to Shain Park – bank shell, fountain, public art, playscape, etc.)
  - Create better non-motorized connections to public parks (or other public spaces and downtown)
  - Move Farmers Market to town center
  - Wayfinding
  - Emphasize historical significance
  - Street trees (gradually replace with original), furniture, bike racks, lighting, etc. create cohesion
  - Funding assistance and design incentives to rehabilitate older stock of buildings.

### **NoMA Corridor – Washington DC (north of Massachusetts Avenue)**

- Taxed based incentives –
  - Tax abatement enacted in 2001 – required substantial construction by 2003;
  - Tax abatement at key locations where development or redevelopment could reinforce circulation patterns, provide neighborhood services and amenities, and create active streets and sidewalks.
- Properties in the targeted NoMA areas could be eligible for tax increment financing (TIF), which could apply to both property and sales taxes. Specific retailers, including a grocery store, restaurants, hardware store, flower shop, athletic/exercise club, etc. In addition, small music venues, recreational, creative industries, cultural, and entertainment uses could be eligible.
- The pace of development in NoMA is also be encouraged through strict enforcement of tax rates for vacant land. Vacant properties being taxed at the current five percent rate are more costly to keep vacant than those being taxed at 1.85 percent if they are categorized as being under development.

### **Pittsburgh, PA**

- Retail Retention Specialist employed by Downtown Partnership
- Retail retention identified as priority in new 5-year plan
- Business Improvement District

### **Golden, CO**

- Retail Business Retention Plan
  - Training seminars for property owners / business leaders

- Peer education
- Membership structure based on size
- Promotions and competitions for merchants – holiday window decorating contests, etc.
- Point system established for merchants

## **Oakland, CA**

- **Retail and Entertainment Catalyst Tenant Improvement Program (TIP)**
  - Provides incentives to attract key entertainment and retail businesses to targeted locations in the downtown area
  - Incentives available to cover expenses such as asbestos abatement, ADA compliance, ventilation, off-site improvements, historic restoration, mechanical, plumbing, etc.

## **San Jose, CA**

- **BidLine** provides current contract opportunities and general information on how to do business with the City of San Jose.
- **Downtown Signage Grant Program** provides financial assistance to install new signage or upgrade existing signage, creating a more positive retail environment in downtown San Jose. Grants are a reimbursement to the sign contractor for the actual cost of the sign, up to \$10,000.
- **Enterprise Zone** is an 18-square-mile, state-designated area including downtown. Enterprise Zone benefits primarily to small- and medium-sized companies include sales and use tax credits, manufacturers' investment credits, business expense deductions, net interest deductions for lenders, hiring credits, and tax credits for qualified employees.
- **Facade Improvement Program** offers:
  - Free architectural design services
  - Permit processing and fee payment assistance
  - Bidding and construction management assistance
  - Funding assistance of up to \$33,000 per storefront
- **Retail Recruitment Strategy:** The Redevelopment Agency takes new tenants through the process, from site introduction through store opening.
- **Sidewalk Café Permitting Assistance:** SJDA and the Redevelopment Agency are streamlining the sidewalk café permitting process. Permitting fees will be waived for the first 18 businesses to go through this process.
- **Small Business Loans:** Revolving Loan Funds ranging from \$5,000 to \$20,000 are often leveraged with private capital and can be used for working capital, tenant improvements, equipment and other uses (but not intended to finance mortgage loans).
- **Lenders for Community Development** also offer small-business loans of up to \$50,000 and lines of credit up to \$15,000, and provides no-cost technical assistance.
- **Small Business Opportunity Program:** City departments use online posting and e-mail notification to inform potential vendors of open bids and contracting opportunities.
- **Special Tenant Improvement Program** provides incentives to developers to expedite tenant improvement projects in vacant buildings to make the space ready for quick occupancy for industrial and R&D office uses. Financial incentives include: construction tax suspension, plan check fee deferrals, phased project building permit fee payment plans, one-stop permit process, expedited plan check, and enhanced inspection

services.

Classes and Counseling

- **SBA-Cisco Systems-San Jose Entrepreneur Center** provides information and classes on financing programs, technical assistance, training, technology, and procurement that help a company better see its future.
- **Silicon Valley Economic Development** assists small businesses and start-ups through courses, technical assistance, and business counseling.
- **Small Business Development Center of Silicon Valley** is dedicated to assisting with small business opportunities, preventing future problems, improving management skills, helping businesses expand and develop, promoting minority and women-owned businesses, and creating and retaining jobs.
- **Software Development Forum** provides software and Internet professionals with a one-stop location in downtown San Jose for information, connections, and education.

**Additional potential solutions:**

- Tax incentives – different tax rate for retail based business
- Fee waivers for retail – different fee structure for retail vs. non retail
- Permanently eliminate tax for retail tenants in certain districts (in NYC – “Commercial Rent Tax Exemption”)
- Different permit fees for retail
- Streamline approval process



## **Planning Board Minutes October 11, 2006**

### **STUDY SESSION Definition of Retail**

Ms. Ecker recalled that over the last several months, the Planning Board has expressed a desire to review the current definition of retail to ensure that the City is encouraging true retail downtown, and not allowing office and other service uses to dominate. Accordingly, the Planning Division has conducted an inventory of first-floor land uses in the Overlay District as a background to commence discussion regarding the current mix of retail and other uses downtown.

As defined in Article 9, section 9.02 of the Zoning Ordinance, retail uses include the direct sale of products from the premises, but also include restaurants, entertainment and personal services. The Planning Board has expressed concern with this definition, and may wish to consider alternative definitions for retail to limit the types of uses that would be classified as retail. Further, in accordance with Article 5, Overlay, of the Zoning Ordinance, retail uses are required only in those areas identified as red line retail zones in the Overlay, when the owners of the property have elected to develop the property under the Overlay provisions. The Planning Board has expressed concern in the past with the optional nature of the Overlay provisions.

Mr. Nickita said one of the questions that the board has to struggle with is what are uses that start to become an issue and how much of that should be allowed. Mr. Potts questioned if the concern is that retail is at risk because it is an endangered species and can't compete with the Somerset, or is it that the rents are too high in Birmingham. Mr. Nickita said that when times change landlords get in a situation where they need to lease space and then they simply fill it with anybody. The concern is that the town is losing its retail base. The question is what is a good balance of uses for the vision of the City.

Ms. Lazar felt the empty spaces need to be filled and activity brought back into the streets. If the board starts tying the hands of the landlords by telling them they can only lease their spaces to certain businesses or services, it will become that much harder to fill the vacancies.

Chairman Boyle said the board should be exploring ways to make sure the downtown is accessible, identifiable, and usable. There are ways to do it as well as regulation. New street furniture, signage, and advertising free two-hour parking may be a way to start making the downtown area very attractive. Secondly, good quality development should be encouraged to overcome the "gap" area of office buildings.

Mr. Potts thought the board must be protective of the fragile retail establishments. Mr. Nickita reminded that the Overlay vision of the 2016 Plan has defined the retail "red line" district and there are restrictions. Under the old ordinance, or underlay, there are no restrictions. He questioned whether the board should think about making the Overlay a requirement versus an option. It is really a matter of implementing the vision of the 2016 Plan.

Ms. Ecker clarified that the Overlay District allows artisan, community, commercial, entertainment, or restaurant uses.

**Motion by Mr. Potts**

**Seconded by Ms. Lazar to extend the meeting 15 minutes to 11:15 p.m.**

**There was general consensus.**

Mr. Nickita thought that people involved with the 2016 Plan might lend some insight into the grey areas of allowable uses in the Overlay District. He thought that J.C. Cataldo, or Roger Gienapp might be able to help.

Chairman Boyle concluded at the definition of retail would be sent back to staff to gather more information.

**BIRMINGHAM PLANNING BOARD PROCEEDINGS  
REGULAR MEETING OF WEDNESDAY, JANUARY 10, 2007  
ACTION ITEMS**

**STUDY SESSION  
Definition of retail**

Ms. Robinson recalled that over the last several months, the Planning Board has expressed a desire to review the current definition of retail to ensure that we are encouraging true retail downtown, and not allowing office and other service uses to dominate.

Accordingly the Planning Division has conducted an inventory of first-floor land uses in the Overlay District and the frequency of current uses is included in a table. In addition information from the 1996 Retail Master Plan which was a component of the 2016 Plan and an Executive Summary with maps from the 2002 Principal Shopping District ("PSD") survey which was done in order to help understand the trade area served by Downtown Birmingham. Currently the PSD is undertaking consumer market research which should be available for review early this year.

The current definitions relating to retail use have been provided, along with some alternative definitions for discussion. In addition, the definition of commercial from other sources has been included for review and discussion.

Ms. Robinson said she had the opportunity to attend a PSD meeting and talk with some of the members. There were definitely some strong opinions on both sides in support of tying down a better definition of retail. Also, some people wanted her to pass on the fact that they are paying taxes for their properties and they don't want to be stifled by someone telling them what they can put into their space. After speaking with DDA directors around the country Ms. Robinson found out that everybody is struggling right now trying to retain retail in the face of office use starting to take over. Palo Alto has a business and retail attraction retention specialist right on staff.

Chairman Boyle noted that potential competition for shopping in Birmingham is not only Somerset South and North, it is what may happen to the K-Mart site on Big Beaver. A development on that site is likely to have uses that will be, if not similar, than certainly competitive with what there is in Birmingham. Another development that may offer competition is Bloomfield Park on Telegraph Rd. Hence, the need to consider how to facilitate changing Downtown Birmingham is important.

The chairman opened up discussion to the public at 10:37 p.m.

Mr. Arnold Kriger, said his partnership owns two buildings at Woodward and Maple that house Cosi, Inkstop, and Clear Blue Communications. He personally believes it is better to have an office tenant than a dark building. He encouraged the board to carefully consider putting any further restrictions on the use of space, given the economy. The Clear Blue storefront is not quite complete yet. They are hoping for more things to happen along the way of lighting in the windows that will give more life to the appearance of the storefront.

~~Mr.~~ **Ms.** Cheryl Daskas, a PSD board member and also chair of tenant recruitment sub-committee, said she hopes the board will mandate first-floor retail. She found out from the vice-president of Butterman of New York, who are the people leasing out Bloomfield Park, that they have 500,000 sq. ft. of mixed use. They broke ground on November 28. The retail end of it is 70 percent leased and they will open in 2008. The stores include Banana Republic, Coach, Victoria's Secret, Chicos, and others. Two of the restaurants are Hyde Park Steak House and Louie's Bar. The Butterman representative told her that they see downtowns suffering all across the country. One of the problems is that there are so many different property owners. A lot of times they worry more about leasing their property than looking at the whole picture. He compared Birmingham to West Palm Beach where they have lost their anchor and started to fill up the empty spaces with offices. It has really stifled the vibrancy of their downtown. Ms. Daskas thought the City might consider having someone on staff that works to find potential tenants. She feels that with quality retailers there is money to be made and she would hate to see offices on the first floor.

Mr. Steve McCallum **Quintal** of Central Park Properties and the PSD said right now is probably the worst time to restrict what can be done with retail, with the economy the way it is especially in this area.

Mr. Ted Fuller, 111 S. Old Woodward, said that presently they spend and are taxed about \$1 million a year. The commercial property pays into the PSD whose job it is to go out and recruit retailers. To the best of his knowledge, his company has not received one tenant that has come as a direct result of the millions of dollars they have spent in order to attract retailers. So, he thinks that mandating retail on the ground floor would be a big mistake. The market really dictates what wants to come to the community. It is important to leave the options open so the property owners are not restricted to just one use on the retail level.

Mr. Steve McCallum said their preference is to have retail on the first floor. However, they can only sit there so long with empty space. He believes that services are better than having an empty storefront.

Mr. Arnold Kriger further urged the board to consider the times in the City of Birmingham and the State of Michigan right now and not place further restriction on the spaces, because there are way too many vacancies already.

In response to Mr. Nickita's question, Ms. Robinson said she did not find a community that has mandated only retail on the first floor. Ms. Ecker explained that in Birmingham, buildings built under the Underlay, or regular zoning, the redline retail requirement does not apply. Chairman Boyle noted there may be ways of encouraging retail that come through the carrot rather than the stick, such as Tax Increment Financing ("TIF") money. If the City can find ways to offer incentives for retail it wouldn't slam the door on the argument from property owners who need tenants.

Mr. Nickita mentioned other communities that do not have vacancies and have found a way to attract retail, and he wondered if it is just the rental structure that is allowing the difference between Birmingham and many other communities. Maybe it is just a matter of adjusting to the market. Mr. Nickita is very concerned about going the route of not doing anything.

**Motion by Mr. Dilgard**

**Seconded by Mr. Nickita to extend the meeting to 11:15 p.m.**

All were in agreement.

Mr. John Heiney from the PSD related that in preliminary results from a survey that was taken, when people were asked what their purpose was for being Downtown, there has been an increase from four years ago of people responding that they work in the community.

Chairman Boyle said he hears the concern from both sides but feels there is an opportunity to do some more thinking about it.

The chairman asked for final comments from the audience at 11:05 p.m.

Mr. Ted Fuller emphasized that you can't have great retail without the density. If the City wants better retail he would hope they would not use taxpayers' money to subsidize a retailer. If the City decides not to have density, it will have to live with what the marketplace wants to bring to the community. Trying to get retailers to come to town is a very difficult task right now. If office is brought in, whether it goes on the retail level or not, that's more people. More people in town will support the retail. Then you will start to see retail push the office out of the ground floor.

**Birmingham PSD Ad-Hoc Retail Committee**  
**DRAFT Meeting Notes from the meeting held**  
**Thursday, May 29, 2008**  
**8 a.m. at the Community House**

1. The meeting was called to order at 8:10 a.m. Geoff Hockman invited all members and guests to introduce themselves, then reviewed the agenda.
2. The Community Development and IT Departments gave updates and overview of projects.
  - a. Tara Maguire reviewed the GIS Retail map, including an overview of key features. Ms. Maguire indicated that Phase II of the GIS retail project will begin this summer by tracking first floor non-retail uses. Then, second floor and garden level space will be catalogued. Finally Third and other floors will be catalogued. All of this work will take place within the PSD, as directed by the PSD and Planning Boards.
  - b. Jana Ecker reported that amendments to the zoning map continue, and will be reviewed by the City Commission on June 9. She confirmed that the inconsistencies in the original zoning maps were made apparent by utilizing the new GIS technology. She said the revisions are being made primarily for purposes of clarification, and that the process to examine these changes has been extremely methodical.
  - c. Ms. Ecker reviewed new development projects including the Maple and Woodward corner, south west side; the proposed Papa Joe's expansion with parking; the Blackward site at Woodward and Brown, where Bank of America, formerly LaSalle Bank, is scheduled to move; and the former Barclay Inn site. Ms. Ecker stated that she and staff attended the recent Brownfields Conference in Detroit. She said they picked up several leads for possible developers and partners for various sites in Birmingham.
  - d. Ms. Ecker referred to the report on bistros and outdoor dining in the committee packet. She said that the Toast Bistro application had been continued until June 9. Mr. Hockman asked if other applications had been submitted for outdoor dining platforms. Ms. Ecker stated that Elie's just applied for a platform. Ms. Ecker also stated that the City Commission has asked for an annual review of existing bistros. She said that a report is being developed, and that there have been no major problems thus far.
3. Jill Robinson reported on the progress of first floor retail definitions over the past year. She stated that since the last time this committee met in 2007, there has been no other major discussion on the topic. Ms. Ecker stated that staff is looking for direction from the various Boards and the City Commission regarding this matter. She said that the City must examine more closely the definition of retail.

Mark Nickita feels the current definitions are vague, and must be clarified. He asked if the City should begin by using the 2016 definitions, then work to more closely define retail and the various sub-categories. He asked about the comparison of rental rates

between Birmingham, Ferndale and Royal Oak, and if that had some effect on retail leasing in Birmingham.

John Heiney indicated that lease rates remained the highest in Birmingham, followed by Royal Oak and Ferndale. He said that the difference between Birmingham and Ferndale was 5-8 dollars per square foot.

Peter Sobelton said that \$5 should not make or break a strong retailer.

Mr. Nickita said that current rent rates may be a potential barrier to some new businesses.

Mr. Heiney reported that currently the PSD is not tracking non-retail first floor uses such as real estate firms, financial firms or true offices. He said this is important to begin to collect this information so that the PSD can track trends over the next several years.

Robyn Boyle said that there is already a form for retail. He is concerned about getting into too much detail with retail definitions.

Mr. Hockman asked if the 2016 Plan can help begin discussion about retail definition. He said that collectively, the City's property owners, boards and other interested parties should attempt to define their core values.

Mr. Nickita said the City must begin to define its wants and needs for the downtown shopping district.

Commissioner Tom McDaniel suggested that the City should establish a target mix by percentage of retail vs. office on the first floor.

James Esshaki said that the proper retail mix is important to everyone. He said it is difficult to "hold out" for the right tenant. He suggested that the PSD should report the ratio on a regular basis, to keep the issue in front of property owners and City leaders.

Mr. Heiney said that such tracking has not been done yet, but will begin with Phase II of the GIS mapping project this summer.

Edward Fuller said that landlords prefer to rent to retailers. That retailers pay a higher amount, and usually sign long term leases. However, he said the office market is particularly strong right now. He believes that the City can get back to more first floor retail, but it will take time and effort. He said that more density of office workers and residential will create a market for retail.

Cheryl Daskas said that she continues to believe that the City and PSD should retain a retail broker from outside of Birmingham-preferable Chicago or NewYork, with strong connections to expanding retailers. She mentioned McDevitt and Company out of Chicago.



James Esshaki said he has spoken with the representative from McDevitt, and that they know all about Birmingham already.

Mr. Boyle said that Birmingham offers an experience unlike a mall or lifestyle center, and that we should continue to sell that experience to shoppers and to businesses.

Mr. Hockman said that discussion was well past time. He suggested a few items for next steps, and asked for consensus on the following items:

1. Staff should research and report the current mix of retail vs. office/non retail.
2. Staff should monitor and report the mix on a regular basis.
3. Staff should report vacancies based on retail category.
4. Collectively, staff and committee members should establish core values for the downtown district then decide how to achieve those values.

Meeting was adjourned at 10:25 a.m.

Respectfully submitted by John Heiney

**City Commission Minutes**  
**June 20, 2016**

**E. Definition of retail**

Ms. Ecker described the issue as the city's definition of retail in the ordinance, and people who would like the definition to be more specific. She said this comes up at the shopping district level. The retailers downtown want to see more retail. For the most part, the general public wants to see an active retail type use whether it is retail or restaurant. There is some debate on what percentage of each. The building owners have a different view.

Commissioner Nickita thinks this is long overdue for discussion. He feels it needs to be re-examined and cleaned up.

The consensus is to continue discussion on the definition of retail.

There were no public comments.

# Better Cities & Towns

**Better places, stronger communities.**

## Strategies for good urban retail

Blog post by [Dan Zack](#) on 02 Jul 2015  
[mixed-use](#) [retail](#)

Dan Zack, Better! Cities & Towns



*Historic mixed use buildings with ground floor retail in Port Townsend, Washington.*

Mixed use downtowns were the hearts of our cities for centuries. Early 20th century reformers, emboldened by their successes in zoning dirty industrial uses away from residential areas, decided that commerce was also an unhealthy influence on neighborhoods and began to outlaw the mixing of uses in early zoning ordinances. As the auto age ramped up, commerce often came hand-in-hand cars and traffic, so the urge to separate retail from homes grew stronger. The mixing of retail and residential uses was prohibited in most urban areas for a long time, and it was one of the factors in the long decline of American downtowns.

Jane Jacobs broke with the conventional wisdom and advocated for mixed uses in the 1960s, but it took planners a while to listen. By the 1990s and 2000s urban revitalization professionals realized that mixed use development was something to be embraced. They saw that vibrant downtowns and urban neighborhoods had mixed uses, and that the most fun, active streets were the ones that had shops on the ground floors. Unfortunately, some cities went overboard and required ground floor retail *everywhere*. Many of the mandated retail spaces sat vacant, because the population of the area just couldn't support them.

We need a sensible approach to mixed use that reflects realities and limitations of retail, while also maintaining a commitment to vibrant streetlife. To be successful we need to redefine retail and deploy it in a very strategic way.

### Step 1: Redefine retail

A [colleague](#) of mine recently pointed out that every project rendering seems to show an Old Navy in it. We are obsessed with getting mall-style retail into our downtowns, and we need to get over it. Successful downtowns aren't always going to be places where you can do back to school shopping. [It's great when it happens](#), but it is difficult and [rare](#). Generally, [America is over-retailed](#), and online shopping is shrinking the need for [brick-and-mortar](#) shops. Dining, entertainment, and personal services are areas in which downtowns and other walkable urban neighborhoods can thrive, and malls and the internet typically cannot. [We need to expand our definition of retail to include restaurants, bars, coffee houses, nightclubs, salons, theaters, live music venues, and similar uses. The focus should be on businesses that generate and benefit from high levels of foot traffic throughout the day and week. Until somebody comes up with something catchier, I suggest that we call this expanded concept \*Retail+\*.](#)



*This is the dream, apparently. (Photo source: ucr.com)*



*I think this is pretty good, too.*

## **Step 2: Site retail strategically**



When creating zoning codes for downtowns and walkable neighborhoods, we need to think like mall designers and retailers. We need to pull people through areas strategically based on the [science of what motivates people to walk into some shops and not others](#). Overall, our focus should be on lining sidewalks with active ground floor uses and avoiding dead blank walls.

Here is my suggestion for how planners should code for retail. After [struggling](#) for years with ground floor vacancies in Downtown Redwood City, we finally settled on a strategy similar to this, and [it worked](#). We need to think of ground floor uses in terms of three distinct zones:

**High Activity Zone:** Retail+ uses need to be clustered together in the most visible, accessible, central, and dense part of the neighborhood, which is where they can be most successful. We need to engineer the hustle and bustle that retail+ thrives on and that people love to see on their main streets.

- **Location.** Traditionally, retail clustered on the busiest streets, because that's where the customers were. [I think that's where we need to put it today](#), too. Unless a retail area is already well-established on a side street, focus your efforts on major streets where the most paths cross. These are areas of pooled use as Jane Jacobs called them, and it is where retail+ will generally be most successful.
- **Permitted Ground Floor Uses.** Retail+ uses as described above are the only uses that should be allowed on the ground floor in the High Activity Zone. The only exception should be lobbies for upstairs offices, apartments, and hotel rooms. I don't typically like to regulate land use too tightly, but allowing other uses to intrude into this zone will diminish its success.
- **Size.** The size of this zone should be based on the existing and planned population of the area, their disposable income, and how much retail+ they can reasonably be expected to support. In most cases, this will probably only be one street, and it probably won't run for longer than 3 or 4 blocks. If it isn't clear what the right size is, then error on the side of being too small. If your little retail area is bursting at the seams in a few years, then you can expand it. That is much better than letting shops bleed out everywhere and never getting the critical mass that you need for success. There are recommendations on how much retail space a given number of people can support available from the [International Council of Shopping Centers](#) and consultants such as [Robert Gibbs](#). Some of this research is based on suburban situations, but it is still helpful.
- **Design Considerations.** Your retail+ businesses only need to be 20 to 50 feet deep to get the sidewalk hopping, and I wouldn't recommend mandating it for the entire depth of the lots and blocks. Non-retail+ uses such as parking, apartments, and offices can be located behind shallow retail+ uses if they don't need the space. Entrance frequency is important, though (more on that later). Try to make sure you have an entrance into a business every 25 to 35 feet along the sidewalk at the most. If you have a big use, such as a department store or a cinema, then set it back a bit and wrap it with liner shops so that your entrance frequency doesn't get too low.



*This large Macy's is wrapped with small liner shops along a shopping street in the River Park lifestyle center in Fresno.*



*This is an old trick, and the liner shops in Fresno's Warnor's Theater (1928) attest to that*

**Moderate Activity Zone:** Too many urban streets are lined with dead blank walls. These repel pedestrians, hurt property values, and decrease safety. While we can't support retail everywhere, that doesn't mean that other

areas can be allowed to be lifeless. We still need active frontages in these areas that put eyes on the street, than pull pedestrians through the block, and that generate coming and going activity at the sidewalk.

- *Location.* This should be the treatment for everything outside of the heart of the neighborhood.
- *Permitted Ground Floor Uses.* Active non-retail uses should be the only uses permitted on the ground floor in the Moderate Activity Zone. Apartments and offices should be the primary ground floor uses. Live/work units are also fantastic active non-retail uses and should be encouraged. Some small neighborhood serving retail can fit into these areas, but they should be limited to corners, and should be very small, perhaps under 1,000 square feet. A little deli that serves people living upstairs or a laundromat can be fine, but anything significant, especially if it will draw people from outside of the neighborhood, needs to be confined to the High Activity Zone. Retail+ uses can't be allowed to leak into this area, or you'll never establish a vibrant retail+ scene in the core of the district.
- *Design Considerations.* Ground floor apartments should each have their own entrance to the street, which should be accessed via a stoop and/or porch frontage. Ground floor residential doesn't necessarily need to be set back from the sidewalk, but it should be elevated by a few feet to provide some privacy. Ground floor offices should have storefronts which resemble retail storefronts. Live/work units should typically be accessed by storefronts, although I have seen some cool ones accessed by stoops. It is still ideal to have an entrance into a business or apartment every 25 to 35 feet.



*Don't do this. Anywhere. Ever.*





*Ground floor apartment with stoop and porch in San Diego. This is a great active non-retail use.*



*Storefront office in Pasadena. Another good active non-retail use.*

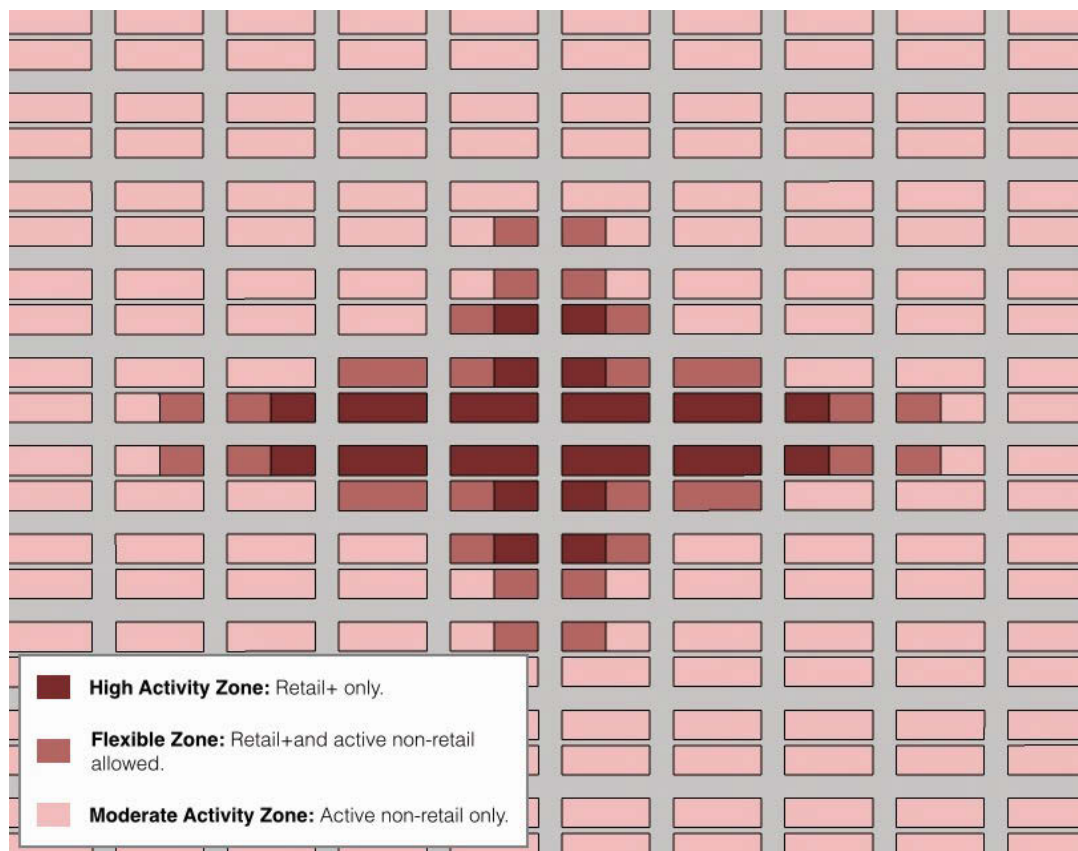


*Ground floor live/work units with storefronts in Redwood City. (Photo Source: Raintree Partners)*

**Flexible Zone:** Here we can allow the market to experiment a bit. Retail+ and other uses can be allowed to mix in this zone, and as the heart of the neighborhood gets going, this flexible zone is the ideal place for retail+ to expand into.

- *Location.* The Flexible Zone should only extend a half a block or a block outside of the High Activity Zone.
- *Permitted Ground Floor Uses.* Retail+ and active non-retail uses are both fine in the Flexible Zone.
- *Design Considerations.* The design parameters for frontages and entrance frequency in the other zones apply here, too.

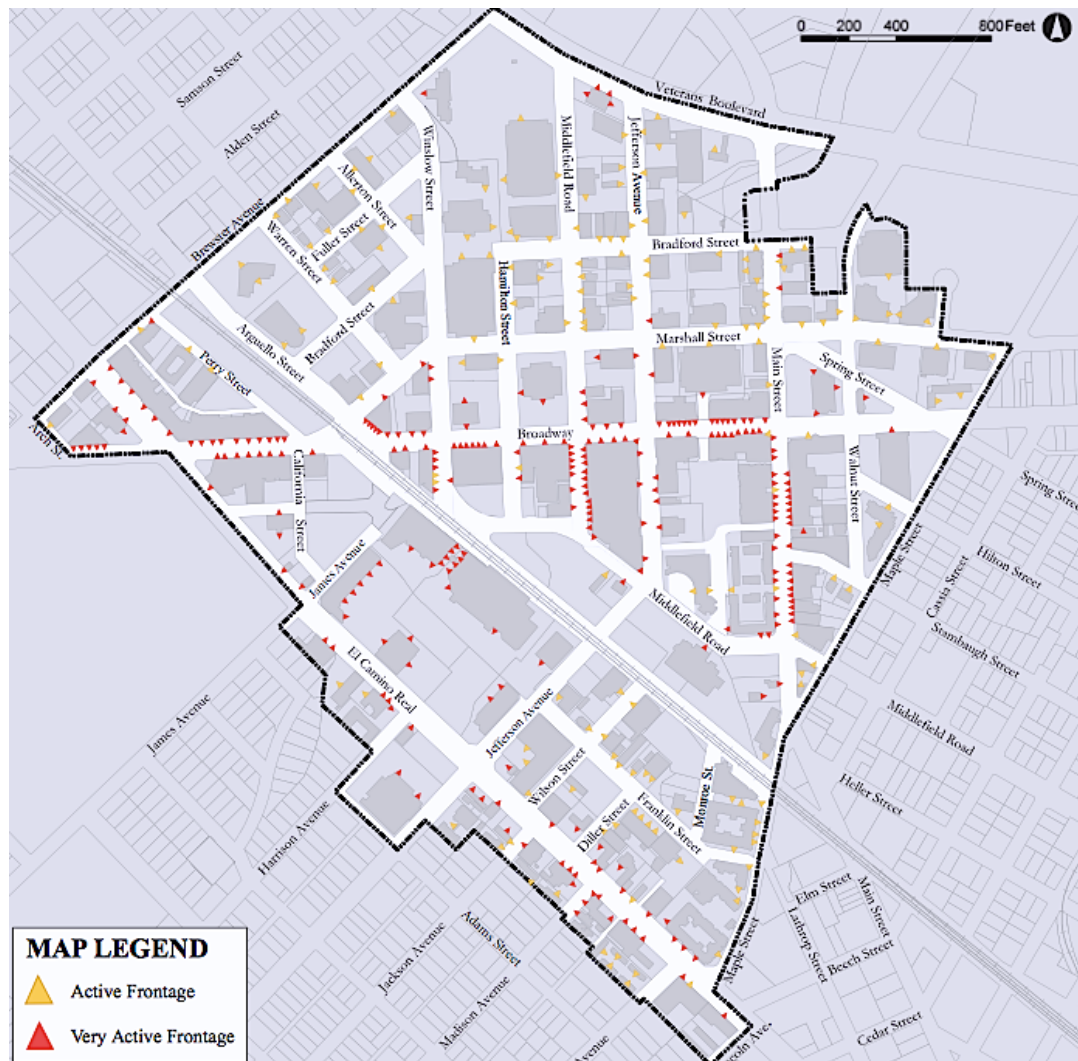
Now, here's a look at how the three zones might look in a hypothetical downtown:





A High Activity Zone should serve a walkable ped shed with a 1/4 to 1/2 mile radius. If your downtown or other urban district is larger than that, you should have a series of High Activity Zones spaced 1/2 to 1 mile apart, each of which serve the surrounding area that is within a 5 to 10 minute walk.

I'll wrap up this post with some thoughts about entrance frequency. It is sometimes difficult to keep entrances close together, but it really does matter. More entrances means more people are coming and going throughout the day, which means the street feels safer and more interesting. Retail experts say that most people won't venture past a gap of more than 50 feet or so between stores. When we were preparing the Downtown Redwood City Precise Plan, the consultant and staff team conducted an analysis of the existing entrance frequency in the area. It was pretty enlightening.



The yellow marks are residential and office entries, the red ones are retail+ uses. The blocks with tight clusters of entrances are the most fun and successful areas. The blocks with few or no entrances are shunned.

When a cool business comes along that wants to take up 300 feet along the main drag, it can be really difficult to say no. However, it is essential to work with them and get them wrapped with liner shops. The neighborhood, and the cool new business in question, will all be more successful in the long run if you can get this right.

A balanced approach to retail is critical to downtown and walkable neighborhood success. I hope this post and our experiences in Redwood City help to stimulate new thinking on the subject, and I look forward to continuing to learn from other cities who are making headway on creating vibrant urban retail and streetlife.

*Dan Zack is Assistant Director of Development and Resource Management for Fresno, California. This article first appeared on his blog, [plannerdan.com](http://plannerdan.com)*

## Comments

3 Comments

Sort by Oldest



Add a comment...



**Eric Kronberg** · Atlanta, Georgia

Great piece. Well time, I'm looking at design for redeveloping a building in a moderate activity zone and trying to think through appropriate uses.

Like · Reply · Jul 3, 2015 10:42am



**Mary Johns** · Marinette, Wisconsin

Excellent ideas, well illustrated.

Like · Reply · Jul 7, 2015 9:14pm



**Chris Kok** · Newark, New Jersey

Small storefront modules are very important for making a retail corridor more interesting as well as enhancing its ability to maintain occupancy.

<https://theurbanprospector.wordpress.com/.../small.../>

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# Ten Principles for Rebuilding Neighborhood Retail



Urban Land  
Institute

# **Ten Principles for Rebuilding Neighborhood Retail**

Michael D. Beyard

Michael Pawlukiewicz

Alex Bond

The Urban Land Institute gratefully acknowledges the financial support of Bank of America in underwriting this project.

**Bank of America.**



## **ABOUT ULI-THE URBAN LAND INSTITUTE**

ULI—the Urban Land Institute is a non-profit education and research institute that is supported by its members. Its mission is to provide responsible leadership in the use of land in order to enhance the total environment.

ULI sponsors education programs and forums to encourage an open international exchange of ideas and sharing of experiences; initiates research that anticipates emerging land use trends and issues and proposes creative solutions based on that research; provides advisory services; and publishes a wide variety of materials to disseminate information on land use and development. Established in 1936, the Institute today has more than 20,000 members and associates from some 70 countries representing the entire spectrum of the land use and development disciplines.

Richard M. Rosan  
*President*

Recommended bibliographic listing:

Beyard, Michael D., Michael Pawlukiewicz, and Alex Bond. *Ten Principles for Rebuilding Neighborhood Retail*. Washington, D.C.: ULI—the Urban Land Institute, 2003.

ULI Catalog Number: T21  
International Standard Book Number:  
0-87420-922-6

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1025 Thomas Jefferson Street, N.W.  
Suite 500 West  
Washington, D.C. 20007-5201

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*Cover photograph: Wisconsin Avenue,  
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# Introduction

Over the past five decades, retailing in urban neighborhoods has hollowed out, leaving most cities and inner-ring suburbs with too little to support healthy neighborhoods and strong communities. The results are apparent to anyone living in or visiting a 21st century city: commercial streets with deteriorating buildings, empty storefronts or marginal month-to-month tenants, an undersupply of essential goods and services, social problems, poor pedestrian environments and amenities, and untended streets and sidewalks.

The decline of neighborhood retailing has had a profound effect on the desirability of many urban neighborhoods and communities. The convenient availability of goods and services is a key factor that people consider when choosing a place to live, and neighborhoods without suitable retailing are dramatically weakened. Residents who can afford it, leave, and potential new residents choose to live somewhere else. In this type of environment, communities cannot be sustained over the long term.

The challenges of rebuilding persist not only in low-income neighborhoods, but also in many other urban locations where retailing never recovered from the shift of buying habits that led people to suburban shopping centers. Even in some of the most affluent communities—where first-generation, auto-oriented shopping streets have begun to urbanize and take on characteristics of urban shopping districts—redevelopment efforts are often stymied by NIMBYists

Orenco Station, Hillsboro, Oregon.





who object to the transition as well as to the changes in character, diversity, and density that the transition brings.

In all cases, rebuilding neighborhood retail streets is a difficult, lengthy, and complicated process. It differs significantly from developing a suburban shopping center or reestablishing downtown shopping districts, so innovative strategies must be employed to restore the neighborhood's vitality and competitiveness. Neighborhood retail streets are betwixt and between most communities' established retail locations, and they have been largely forgotten or purposely avoided for years by retailers, developers, and shoppers. The reasons are clear: misperceptions about the extent of urban buying power are widespread, retail opportunities are perceived to be greater elsewhere, and the many social problems faced by urban neighborhoods have proved difficult to solve.

As a result, even those who live near neighborhood shopping streets are often forced to travel outside their own neighborhoods to shop for goods and services that most others take for granted in their everyday lives.

Opportunities to reestablish retailing along neighborhood commercial streets are great. Through careful planning, new roles can be found for these streets to fill in today's marketplace to better serve neighborhood residents. But a word of

**The Village at Shirlington in Arlington, Virginia, is a mix of 1940s neighborhood retail buildings and new retail and residential developments.**



caution: Attempts to re-create past glories—a commonly voiced goal—rarely succeed because most urban neighborhoods have changed dramatically over the past few decades, and their position in the regional hierarchy of retail destinations has been marginalized by newer concentrations of retailing in wealthier neighborhoods with better access, visibility, parking, security, and retailing environments.

The large trade areas that many neighborhood streets once enjoyed have been cut off by newer centers, changes in retail merchandising have rendered obsolete much of the retail space along neighborhood streets, demographic shifts have reduced population densities and buying power, and a critical mass of retailers no longer exists along many of these streets. The result has been lower demand, high vacancies, a poor retail environment, and a failure to adapt to changed competitive circumstances. To achieve long-term sustainability, plans for rebuilding neighborhood shopping streets must recognize these changes and embrace solutions that are realistically market-based. It is not enough to base them solely on enlightened public policy goals or the community's wish list, no matter how well intentioned.

In spite of the challenges faced by neighborhood retail streets, their future is turning much brighter, and the Urban Land Institute believes that the timing is

**Bloor West Village in  
Toronto, Ontario.**



right to rebuild them. Numerous metropolitan trends are redirecting growth back into existing communities, which has positive implications for the rebirth of neighborhood retailing. Urban lifestyles are becoming more popular among empty nesters, singles, the elderly, and nontraditional households; immigrants are flocking to many neighborhood streets as low-cost places to open small businesses, stores, and restaurants; retailers are again interested in urban locations because their traditional suburban markets are saturated; states are increasingly concerned about the effects of sprawl and are instituting smart growth policies; pedestrian-oriented, streetfront retail environments are gaining favor with today's consumers; inner-city crime has declined dramatically in the past ten years; and local governments are using increasingly sophisticated planning, regulatory, and financial incentives to encourage market-based real estate investments in distressed urban neighborhoods.



**The revitalization of Old Pasadena, California, incorporated new retail trends for shopping and entertainment in a historic main street environment.**

But these positive trends alone are not enough to ensure that rebuilding will occur—even in affluent locations—since it takes far more time and effort to rebuild neighborhood retailing than it took to destroy it. The challenge for the public and private sectors is to work together aggressively to create the environment in which retailing can thrive. If this doesn't happen, retailing will continue to shun neighborhood streetfront locations and choose more competitive sites. Gaining the public sector's commitment is a difficult challenge because cities and states are faced with increasingly limited resources and many new and competing obligations. Nevertheless, ULI believes that ways must be found, as part of a long-term strategy, to get started today on the task of rebuilding retail services because the future prosperity of our metropolitan areas depends on it.

**New Haven,  
Connecticut.**



Part of ULI's mission is to examine cutting-edge issues and propose creative solutions for improving the quality of land use and development. To that end, ULI sponsored a charrette on smart growth solutions to devise strategies to realistically restore the vitality of neighborhood shopping streets to create more livable environments and sustainable communities. In June 2003, during three days of intensive study of three neighborhood shopping streets in the greater Washington, D.C., area, teams of planning and development experts from around the country toured and stud-

ied three very different types of neighborhood streets. The teams were made up of leading commercial developers, public planners, nonprofit developers, architects, economic consultants, and property advisers.

The three streets were chosen as representative of different types of urban neighborhood environments. H Street N.E., at the edge of a gentrifying neighborhood, is an elongated and dilapidated commercial arterial that until the 1960s was one of Washington's major shopping streets; upper Wisconsin Avenue N.W. is a discontinuous, poorly merchandised, and unsightly commercial street in the midst of one of Washington's wealthiest uptown neighborhoods; and the devastated commercial district surrounding the intersection of Charles Street and North Avenue in Baltimore is in one of the poorest and most crime-ridden neighborhoods in the city.

ULI teams were assigned to each strip and given the following tasks: to determine the critical issues and challenges that neighborhood streets face; to determine the most effective ways to rebuild neighborhood streets to ensure their long-term competitive position; and to set strategic principles to guide community residents, public planners, and developers in this effort. These principles were consolidated and refined by the three teams so that they could be applied universally to all types of neighborhood streets around the world. ULI had the support and participation of the two cities—Washington, D.C., and Baltimore, Maryland—in whose jurisdictions the streets are located. Each provided detailed background information, briefings, and tours for the ULI teams. After much deliberation, the teams adopted the following ten strategic principles to guide communities, developers, retailers, and residents in rebuilding their neighborhood retail streets.

# Ten Principles for Rebuilding Neighborhood Retail

- 1 **Great Streets Need Great Champions**
- 2 **It Takes a Vision**
- 3 **Think Residential**
- 4 **Honor the Pedestrian**
- 5 **Parking Is Power**
- 6 **Merchandise and Lease Proactively**
- 7 **Make It Happen**
- 8 **Be Clean, Safe, and Friendly**
- 9 **Extend Day into Night**
- 10 **Manage for Change**



# 1 Great Streets Need Great Champions

**E**very revitalization project needs a champion—someone to initiate the process, fight to ensure it is done right, and follow through to completion. This is particularly true for rebuilding neighborhood retailing because of the length and complexity of the undertaking. In most situations, the champion will be a person (or a group of people) who is a committed, responsible stakeholder who recognizes the problem, has dreams of something better, and has the passion to overcome obstacles to achieve results. Without a champion, retail revitalization efforts will most likely get lost among competing needs in a community when it comes time to fight for attention and limited resources.

In some quarters, neighborhood revitalization efforts are seen as inherently public responsibilities that should be led exclusively by public representatives, because the private sector is often seen as unwilling, uninterested, or unable to do the job itself. Others believe that if a market exists, the private sector will find it and, without government help, lead the way through its own entrepreneurial efforts. ULI believes that, in most cases, neither extreme is an effective approach.

King Street,  
Alexandria, Virginia.



Long-term success will come only when public/private partnerships are created that marry the public's planning, coordination, infrastructure, and public financing tools with the private sector's entrepreneurial savvy, development expertise, retailing know-how, and private capital. When new retail markets are just being formed, neither sector can achieve its goals without aggressive assistance from the other.

It doesn't matter whether the champion is from the public or private sector, but he or she must make sure that all the other stakeholders are included in the redevelopment effort.

- The champion can be a group or an individual. Possible group champions include a business improvement district (BID), corporation or partnership of businesses, community development group, financial institution, or neighborhood anchor such as a hospital or university.

- An individual champion can be a resident, a business or community group leader, an elected official such as a mayor or councilperson, a property owner, a retailer, or a city staff person.

- The champion should pull together a core group of involved stakeholders to form a public/private partnership entity to guide the rebuilding effort.

- The stakeholders are the people and groups who will be directly affected by the redevelopment and the decisions made by the public/private partnership. Ideally, they will transcend political turnover because the redevelopment effort will last through several election cycles. Politicians may be involved, of course, but they should be willing to remain involved if they lose future elections or choose not to run. Staying power is essential to long-term success.

- The champion should lead efforts to develop a process or mechanism to resolve conflicts among the stakeholders and reach consensus. Conflict is healthy, and the champion is ideally positioned to help resolve conflicts and make sure that potential problems and issues are debated and not avoided.



**By building interest and commitment among diverse stakeholders, a champion can foster the development of a consensus vision for the street.**



# 2 It Takes a Vision



**R**etailing has changed forever. Big-box stores and category killers; fortress malls; outlet, lifestyle, and power centers; catalogs; and the Internet are where today's consumers shop. The competition is fierce, and consumers want it all: low prices, endless variety, the latest designs, parking at the door, and an environment so entertaining that they go there even when they don't need to shop! How can neighborhood streets hope to compete? By providing goods and services tailored to the specific needs of each neighborhood in an environment that is convenient, service-oriented, pedestrian-scaled, and connected to the urban lifestyles of the neighborhood's residents.



**The visioning process can identify streetscape improvements that are needed, how tenants will be recruited, and other action items. A thorough visioning process will help ensure retailers that the city and property owners are committed to redeveloping a vibrant urban retail street.**

The successful rebuilding of a neighborhood shopping street will be incremental, so it must be based on a shared vision that provides a strategic framework for imagining, analyzing, judging, and implementing each step along the way. The champion of a rebuilding effort is the one best positioned to pull together the diverse partnership of stakeholders to create the long-term vision for the street. Although the champion should make sure that no interests are left behind, the community's vision must be rooted in market realities. Too often, communities have followed the loudest voices and pursued plans that cannot be sustained economically, which inevitably leads to disappointment and failure. Recognize that there is often a great difference between what one group of stakeholders may want and what the market will support.

Reaching a shared vision requires facing the tough questions upfront, making sure everyone understands the realities of the situation, and setting short-, medium-, and long-range goals that are realistically attainable. There is no cookie-cutter solution that will be effective long term, and pie-in-the-sky doesn't qualify as vision, so it is essential to understand the reality of the street and what is possible before asking what it can become. There is a general rule: Strive to be what you really can be. Most urban streets cannot successfully become like a suburban mall, and it's doubtful that this would be a good idea even if it were possible. Each retail street needs to be individually crafted to reflect the community, people, lifestyle, and aspirations of its neighborhood because one-size visions do not fit all.

The first task of the public/private partnership is to make sure that the vision is shared. Property owners, residents, and nontraditional neighborhood anchors, such as churches, colleges, and hospitals, must buy in because they have the most at stake. These players have a strong vested interest in the neighborhood environment because their success depends in part on desirability of their surroundings. Large employers should be actively recruited because they have important resources that can be brought to bear.



**Visioning will help create and enhance an identity for the street that reflects the neighborhood.**

- Do not allow the rebuilding process to be “hijacked” by any one group or individual—even the residents. It is only natural that stakeholders have agendas; bringing these agendas into the open and aligning them are critical.

- Create momentum for the vision by assigning specific roles to each stakeholder and getting them to buy in to the plan. Getting stakeholders monetarily involved in the process may help to ensure their continued involvement and support.

- Identify negative influences that are hindering the redevelopment effort and neutralize or eliminate them as soon as possible; they could be a person, a building, or a neighborhood condition.

- Create an identity for the street that is inventive and reflects the neighborhood. Some neighborhood streets are already place-specific and have identities that can be reinforced or enhanced. In other cases, the identity is either nonexistent or negative—in which case, changing the perceived identity (or overcoming the nonidentity) will be one of the biggest challenges.



**M Street, Washington, D.C.**

- Adapt the retail environment to serve and enhance the surrounding neighborhood. Serving a broader trade area may be important, but will usually be a secondary goal.

- Recognize that nearby competition not only will dramatically affect the market for your street, but will also affect the vision you have for its future.

- Hire a leasing professional from day one to coordinate management and recruitment of retail tenants. Recognize that retailers will “vote” on the soundness of the redevelopment’s vision by deciding whether to rent or not.



# 3 Think Residential



**High-density single-family homes accommodate families and make neighborhoods more walkable.**

**S**uccessful retail depends on successful residential neighborhoods. Retailing cannot survive in an environment of deteriorating neighborhood housing, declining population and homeownership rates, disinvestment, crime, and neglect. Most important, successful retail needs a growing number of high-quality residents because this is what retailers look for. High-quality residents are found in high-, medium-, and low-income brackets so, individually and as a group, residents need to take ownership of their streets and start changing the negatives in their neighborhoods so the environment is right to attract retailers.

Great streets are always surrounded by dense residential development. Where residential growth and revitalization is occurring, retail is primed to follow; it simply will not occur the other way around. Retailers will not be attracted to a neighborhood street, regardless of how much public money they get, unless they see the cash registers ringing, and this depends on the strength of the surrounding residential market.

Streets evolve over time, and the quality and amount of the residential development will dictate what type of retail tenant will be interested in leasing space. The typical pattern is for home-grown, startup businesses and creative enterprises looking for low-cost locations to move in first, followed by mass-market national stores and, if the neighborhood is very successful, by specialized higher-end retailers. The community should not expect the best stores to move in immediately, but to the extent that higher-quality residential development occurs, retailing will continue to improve.

- Increase homeownership (including condominium ownership) to stabilize the neighborhood and create more stakeholders and customers.
- Residential development creates a customer base for neighborhood-serving retail, especially grocery store and pharmacy anchors. It is important for such stores—which commonly are national chains and require the most parking—to conform to the urban character of the community.

■ Encourage mixed-use developments. A mix of housing and offices supports retail by creating more customers, supporting longer business hours, and bringing in rents up to 20 percent higher than would be likely in the same place without the mix of housing and office space. Office components provide daytime retail and restaurant demand, while residents add customers in the evening.

■ It isn't necessary to attract national retailers to be a success. Successful streets often have a mix of locally owned and operated vendors, especially specialty food stores (selling baked goods, ethnic foods, coffee, and wine), ethnic restaurants, pharmacies, art shops, antique stores, hardware stores, and service providers (laundry, video rental, garden). If you sit around waiting for Pottery Barn, nothing else is going to happen.

■ Recognize that although neighborhood residential development provides a strong shot in the arm for retailing, it does not provide the only source of demand.

■ Encourage mixed-income housing. A big challenge of retail is the recruitment of retail workers, and they need a convenient place to live. A stock of potential workers living close by enhances the attractiveness of the site for retailers.

■ Ground floor space does not need to be all retail. If the neighborhood street is too long for shopping the entire length, retailing should be concentrated in designated blocks. Shoppers typically will walk for only three or four city blocks. Residential or office uses should predominate beyond a core walking area.

■ Don't underestimate the value of anchors on the street. They help the smaller, independent tenants succeed by drawing customers to the area.



**Residential units above retail keep the street active around the clock, providing convenience for residents and sales volume for retailers.**



# 4 Honor the Pedestrian



Pedestrian amenities entice shoppers to linger.

**T**he era when anything developed in an urban neighborhood was considered to be better than nothing is over. Desperation has driven many communities to accept developments that are inappropriate for an urban street and antithetical to an enjoyable pedestrian experience. Suburban-style, pedestrian-deficient retailing with blank walls facing the sidewalk, parking lots that disrupt retail continuity, throw-away architectural quality, inappropriate building design and scale, and lack of pedestrian amenities are some of the most egregious mistakes that made many urban streets mean and decidedly unfriendly to shoppers.

Neighborhood retailing that is rebuilt in these ways has proved unsustainable, failed to generate ongoing improvements in retail quality or spin-off activity, and fallen short of attracting the level of customer loyalty from the neighborhood or beyond that is necessary for long-term growth. When pedestrians are not honored with a pleasant and enjoyable shopping experience, they usually choose competing locations that do a better job of creating such an environment.

The first goal for a neighborhood shopping street should be to satisfy the aspirations and enhance the lifestyles of a neighborhood's residents. Neighborhood retail should not be structured in a way that encourages commuters to move quickly through the neighborhood to reach other neighborhoods. Too often, neighborhood streets have evolved in ways that make it easier and more enjoyable for shoppers and commuters to travel to other neighborhoods than to stay and conveniently shop nearby.

- Don't let traffic engineers rule the streets. Accommodating traffic is only one of many goals for successful shopping streets. Retail streets must balance the needs of the pedestrian and the needs of the automobile. Traffic must be calmed, and pedestrian amenities must be added for successful shopping streets to be rebuilt.
- Street width is an important determinant of retail success. In neighborhood locations, wide streets form a great barrier to success since they make it difficult to establish either an intimate neighborhood feel or a community connection.





Successful single-loaded retail streets are rare, so to improve chances for success, narrow the street or introduce a landscaped median that will tie the two sides of the street together into one retail experience and make it easier for customers to shop both sides of the street.

■ Recognize that street patterns also affect the pedestrian experience. In most cases, one-way streets should be converted to two-way streets to eliminate the raceway effect of one-way arterials and give the streets more of a neighborhood character.

■ Convenient parking must be designed to enhance the pedestrian experience and not detract from it. Traffic can be slowed by providing on-street parking—this type of configuration protects shoppers from speeding traffic, allows shoppers to park in front of the store, and creates a stronger connection to the street.

■ Encourage multiple entrances to shops so they are accessible from the front sidewalk as well as from off-street parking areas.

**Landscaping and brick sidewalks—often on a modest scale—add significantly to a neighborhood’s ambiance for pedestrians and shoppers as in West Chester, Pennsylvania.**

■ Pedestrian amenities should be added first along the blocks with the greatest concentration of retailing or those with the greatest potential. In some cases, neighborhood shopping streets are too long and some blocks may no longer be suited for retail. In such cases, clearly designate the blocks that are targeted for retailing and concentrate pedestrian amenities there first.

■ Sidewalks should be wide enough to accommodate outdoor dining while providing enough room to allow an unimpeded pedestrian flow; tables should be permitted at the curb line to allow window shoppers to stroll next to the shop windows. Rebuilding sidewalks with brick or patterned concrete also can have a positive effect.

■ Greening the street is necessary to make it more comfortable for pedestrians. Improvements should include tree canopies that provide shade from day one, green spaces where shoppers can linger and relax, and flowers and shrubs that enliven store fronts, tree boxes, light standards, and parking lots.

## VISIBILITY

Transparency is critical. Buyers want to see inside the store—they want it to look safe, they want to see that it offers the goods or services they are interested in, and they want to feel comfortable that a salesperson is not hovering to accost them when they walk in the door. **The best design provides visibility into the store and not just into a window display.**

## ARCHITECTURE

Buildings must look as though they belong in the neighborhood, especially in terms of scale, height, and character. Retail is most successful when it is on a single level, but offices and apartments work very well in levels over retail. The neighborhood vernacular should be expressed in the design of buildings. Good architecture improves the quality of

the neighborhood. In revitalization, it can serve as a model of good design. Flexible guidelines that allow variation within acceptable ranges may be best. Even convenience stores can be accommodated with good design standards. **The standard retail bay in the United States is 30 feet wide by 60 to 90 feet deep. Multiples of this module can accommodate larger users, such as restaurants.** Neighborhood retail often has regular turnover, and adherence to these standards can help find new users. Windows that offer visibility into the store are good advertising and contribute to comfort on entry. Awnings or recessed entries provide comfortable shelter from rain and sun.

## LANDSCAPING

Designs for visibility and landscaping often conflict. Here again, the need for trans-

parency and visibility of retail takes precedence. However, in addition to meeting a community's consumer needs, a retail street can be a place to socialize or to relax and linger, especially when the hard urban edge is softened and enhanced with high-quality plant material. Outdoor dining is an instant indicator of safety and congeniality, but it needs a minimum sidewalk depth of ten to 12 feet for convenient pedestrian flow.

## SIGNAGE, LIGHTING, AND STREET FURNITURE

As in other design media, quality sells—particularly over the long term. Signs, lighting, and street furniture (seating) are low-cost and highly visible ways of projecting a quality image. To ensure consistency and quality, adopt design guidelines that regulate the scale, typeface, materials, and other

design elements of signage, while at the same time encouraging flexibility and creativity. A critical consideration is whether to allow freestanding or hanging signs on buildings. Flush mounting is desirable because it doesn't intrude into the pedestrian zone, but the need for signage to be visible to motorists and pedestrians should contribute to decisions about sign guidelines. Differentiation in retail graphics is both an indicator of unique offerings and a brand identifier. A graphics scheme should not prohibit free expression, but should set standards to ensure long-term quality. Lighting and street furniture in complementary design families add character and safety—lighting for visibility and seating to attract people to the street.

*William B. Renner, EDSA /  
Edward D. Stone, Jr. and Associates*



The city of San Rafael, California, encourages the development of housing as a way of bringing life—including evening activity and customers for merchants—to its commercial streets.

- Landscaping, street furniture, and other pedestrian amenities should be sensitively designed so as not to block retail sight lines for motorists or shoppers.
- High visibility for potential customers who are driving or walking by the stores is as important for retail success as easy accessibility and parking.
- Lighting should be bright enough to ensure security in the evening, but sodium vapor—often referred to as “slum lighting”—should be avoided in favor of white lighting, which renders more realistic colors, less sinister appearances, and a more inviting, comfortable, and reassuring feeling for shoppers.
- Set design standards and work with retailers regarding facade improvements, appropriate historic preservation measures, store signage, awnings, window displays, and advertising. These details indelibly frame the pedestrian experience.



# 5 Parking Is Power

**E**asy accessibility, high visibility, a sense of personal security, and adequate, convenient parking are all preconditions for successful retailing, and without them retail likely will fail, regardless of the sophistication of the shopping environment or the quality of the tenants.

Parking is arguably the most important of these requirements because today's consumers, conditioned by their suburban shopping center experiences, expect nothing less than a guaranteed space close to their shopping destination every time they shop. Neighborhood streets that replicate the convenience and abundance of suburban parking—albeit in quite different configurations—will have solved one of the great dilemmas that urban shopping locations face. These are the challenges: How can communities squeeze enough

convenient parking into a pedestrian environment where it is not desirable to have large parking lots facing the street in front of the stores? How can communities configure parking in ways that are clearly organized so that shoppers can find spaces in multiple locations from block to block?

- Size the street's parking requirements realistically. Recognize that parking needs will usually be less along neighborhood shopping streets than in suburban shopping centers because some urban shoppers will arrive on foot or by transit, shuttle, or bicycle.

- Recognize that parking needs often change over time. If a neighborhood gets improved transit service, parking needs may decline. Conversely, the introduction of additional anchors, changes in tenant types, or a denser concentration of retailers as the street's popularity grows can increase the number of parking spaces needed.

- Provide spaces in a clear, evenly distributed supply of parking that includes on-street and off-street options. Encourage store employees to park away from store entrances.

- On-street parking is critical for some retailers' success because it is the most convenient type of parking and creates the steady turnover of shoppers needed by stop-and-go retailers like coffee shops, dry cleaners, and specialty food stores.



FEDERAL REALTY INVESTMENT TRUST

**At Bethesda Row in the Maryland suburbs of Washington, D.C., designers placed parking behind and to the side of buildings. This fosters a pedestrian-friendly environment and allows stores to utilize most of the road frontage.**

**A mix of parking accommodates different users. Short-term customers can park on the street, while shoppers planning a longer stay can park in the garage.**



■ Metered parking—whether on- or off-street—should be designed to encourage people to use it. The time limits should be fairly enforced so that the needed turnover actually occurs, but don't go overboard. Customers will shop elsewhere if they are turned off by unreasonable and inflexible adherence to the rules.

■ Off-street parking needs to be highly visible from the street, but it should not dominate the landscape, break up the retail district into disjointed parts, or be located farther than one block from storefronts.

■ Parking should be user-friendly, starting with clear signage directing customers to individual lots and lighting that is configured to ensure their personal safety and provide a sophisticated ambiance that makes them feel comfortable at night.

■ Innovative parking designs—such as parking behind, above, or below the stores—should be considered in dense, high-value urban locations. If these configurations are used, parking must be seen as nonthreatening, as visible as possible, and easily accessible, or motorists will avoid it.

■ Shared parking should be planned to accommodate the parking needs of different groups of shoppers as they appear at different times of day. This will eliminate unnecessary spaces that otherwise would sit unused during periods of inactivity.

■ Transit (retailer-sponsored shuttles, bus, light rail, and subway) should be actively promoted by developers, retailers, and employers because it reduces parking needs, extends the street's trade area, and brings a greater diversity of demand.

■ Don't forget about bicycle parking. Bicycles are a growing part of the urban lifestyle and parking for them is cheap to build. The need for bicycle parking is especially important in college communities and in neighborhoods with young, highly educated, and sophisticated residents.



**On-street parking along Clematis Street, West Palm Beach, Florida.**



**The parking garage at Seventh and Collins, Miami Beach, Florida.**



# 6 Merchandise and Lease Proactively

**R**etailers are the soul of the neighborhood commercial street, so getting the right tenant mix and quality will give the street its unique character as well as the diversity of product offerings it needs to compete successfully with more established retail destinations. To achieve this mix, a neighborhood commercial street must be managed and operated like a shopping center—but recognize that having multiple landowners and operating in the public realm enormously complicate these tasks.

Finding tenants that meet all of these criteria is tough, especially in the early years of rebuilding when a critical mass of retailers is often absent and the environmental and social conditions along the street may not yet be optimal to achieve high sales levels. Complicating this task is the fact that the city cannot rely individually on landlords along neighborhood shopping streets to recruit appropriate high-quality tenants, since they are inclined—understandably—to lease their spaces to whomever is willing to pay the rent. It's not easy for a landlord to turn down a tenant because it does not fit within a street's overall leasing plan or add to its optimal tenant mix. Retailers also do not like to take risks, but if you have a coordinated merchandising plan and strive for a good tenant mix, the risk to retailers will be reduced.

To achieve higher sales, rents, and land values, landlords along the street need to band together and work proactively with the public sector to merchandise and

lease their street in a coordinated and mutually supportive way.

- Establish a quasi-public retail leasing and management agency to plan and coordinate the street's leasing strategy, actively recruit tenants, and direct them to appropriate landlords and property owners so that leasing deals can be made privately. Recognize that the tighter the leasing control this agency has, the more quickly the street will evolve into a thriving retail destination.

Bellevue, Washington.





■ As the first priority, hire a leasing and management professional to set up the leasing agency and direct its activities. This needs to be someone who can dynamically “sell” your street and neighborhood, and has a sophisticated understanding not only of retail leasing but also of shopping center management and public/private partnerships. The leasing professional should be part of the street’s planning and design team, so she/he not only understands the long-term vision of the project but also helps to shape it.

■ Develop a comprehensive leasing plan that is flexible and builds on the strengths and competitive advantages that the street and neighborhood already have. Recognize that the plan will need to be adjusted constantly to reflect changing market conditions.

■ Context matters. Tailor the leasing strategy to your community and its position in the regional retail hierarchy. Understand the characteristics of your market and location, know your customer and competition, and evaluate nearby retail streets and tenants to guide tenant recruitment.

■ Recognize what your street is now and what it can become, and market the space realistically with an eye to the future. Cookie-cutter stores are not attractions in and of themselves, but they do lend legitimacy to the location in the eyes of other retailers, and they have advertising clout that helps one-of-a-kind stores.

■ Lead the leasing effort with destination- and neighborhood-appropriate retailers. This will lay the foundation for more intense commercial activity as the street matures.

■ Initiate the leasing program along one or two blocks that have the greatest potential. Creating a successful retail nucleus to build around will give momentum to the project, stimulate the interest of other retailers, and form a critical mass that becomes a recognizable retail destination for neighborhood shoppers.

■ Besides coordinating the leasing program, the leasing and management professional should provide technical assistance to existing and prospective retailers. Financial assistance may also be desirable for facade improvement, building improvements to achieve code compliance, new signage, and the like. She or he should also coordinate maintaining the streetscape and making needed repairs if there is no business improvement district in place.

**Shopping centers carefully choose tenants based on many factors, and neighborhood streets must do the same.**

**Tenants should:**

■ **Fit into the street’s agreed-upon vision and leasing strategy;**

■ **Fill gaps in the street’s retail mix or reinforce specialized tenant concentrations;**

■ **Sell merchandise aimed at the street’s targeted customer markets;**

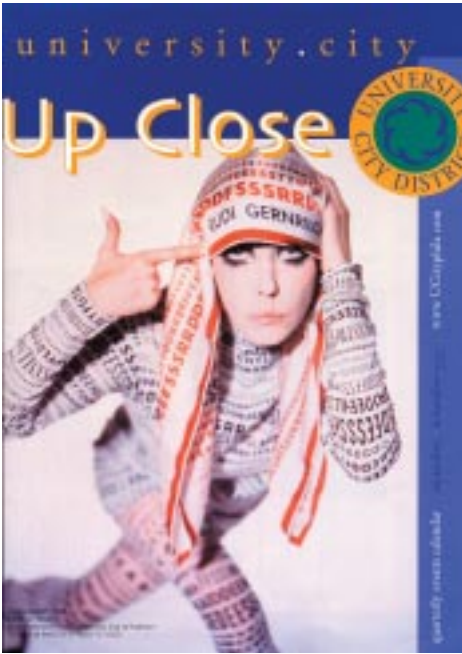
■ **Project the right image, aesthetic, and lifestyle orientation;**

■ **Fit within the physical limitations of the available space;**

■ **Be well managed and creditworthy; and**

■ **Be able to afford the rent!**

# 7 Make It Happen



**N**eighborhood retailing will not spontaneously regenerate. Miracles happen in the movies, but they rarely happen in real life. In many communities, market conditions that caused neighborhood commercial streets to decline are still in place, and it takes an aggressive commitment by the public sector in partnership with the private stakeholders to address negative influences before sustainable retail revitalization will occur.

Communities have powerful financial and regulatory tools to attract desired private investment capital if used judiciously. Some of these tools are “carrots” that create a positive investment climate, improve infrastructure, or reward investors who further community goals. Others are “sticks,” which may need to be used if carrots are not sufficiently convincing. Communities should be willing to use both to convince landowners, developers, and retailers that the revitalization efforts are in their interests. Willingness to exercise regulatory powers to achieve the stakeholders’ vision and protect it from negative influences projects a sense of momentum to the stakeholders and potential tenants and enhances the street’s appeal as a place to do business.



Produce markets, often sponsored by BIDs, add a lifestyle-oriented dimension to neighborhood shopping streets.

- Research carefully what public regulatory and financial tools are available to achieve your goals and what is required to qualify for them, then determine how you can use them as catalysts to make things happen when and where you want them to happen. Direct public resources to generate the maximum bang for the buck in terms of generating and leveraging private investment money.

- Develop a strong relationship with local financial institutions and non-profit organizations, and partner with them to achieve your goals. These organizations are likely to be more willing than national institutions to

lend money to developers of nontraditional urban real estate projects and to neighborhood retailers. They are also likely to be more flexible in terms of what you can do with the money.

■ Set up design guidelines and development standards to make sure that new developments as well as facade and other improvements are compatible with the planned character of the street. These standards can control not only aesthetics, but also such concerns as the types of stores that are acceptable, store operating hours, building scale and materials, building setbacks, and number of parking spaces required.

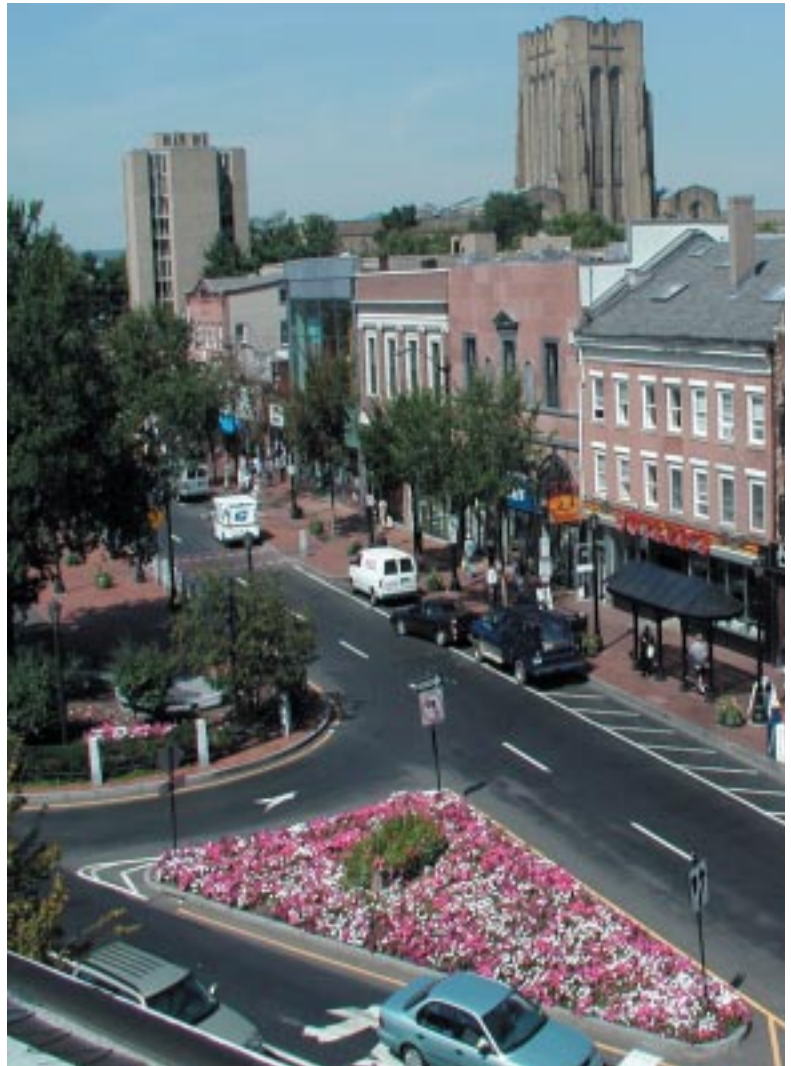
■ Business improvement districts are quite effective at enhancing both the business and physical environment for retailing and for engaging business owners in the revitalization process. Retailers, however, cannot fund BIDs alone; offices are needed to help pay for BID operations. BIDs or special taxing or assessment districts should be set up in the more established commercial streets where landowners and tenants can afford the incremental tax increase. These types of districts should be viewed more as revitalization tools than redevelopment tools.

■ Tax increment financing is best used in districts where major land holdings need to be rebuilt and where infrastructure is substandard or lacking.

■ “Demolition by neglect” statutes should be added to zoning and land development codes to deter landowners from letting their properties deteriorate to the point that they have to be torn down. Don’t be afraid to use eminent domain powers to take control of properties that are abandoned or neglected. These properties are a cancer, and cannot be allowed to spread blight throughout the neighborhood. However, before proceeding, have a full understanding of applicable laws in your state, and give the property owner adequate opportunity to correct the problem.

■ So-called friendly eminent domain can be useful with some property owners who may be willing to sell a deteriorated property to rid themselves of a problem. This can be an effective tool to assemble property required for a large-scale redevelopment project.

■ Use targeted requests for proposals or requests for qualifications to solicit interest in redeveloping key properties.



New Haven, Connecticut.



# 8

## Be Clean, Safe, and Friendly



Successful BIDs keep standards for maintenance, cleanliness, and security high. They also organize activities and events that draw customers to the shopping street, as in Cleveland, Ohio's Playhouse Square.

If a neighborhood shopping street is clean, safe, and friendly, customers will be drawn to their favorite shops even though the street as a whole may still be in transition from failure to success. If even one of these characteristics is absent, some neighborhood residents will continue to shop elsewhere, and few commuters are likely to stop as they drive through. Achieving an acceptable comfort level for neighborhood shoppers, however, won't happen without a coordinated, holistic approach to addressing the street's underlying problems and deficiencies.

To solve these problems, an ongoing management entity for the street should be created to perform many of the tasks that a shopping center manager performs. This organization will need to manage the street in perpetuity, operate it like a

shopping center, protect its competitive position against more established retail locations, and ensure that it does not slip back into its old dysfunctional ways. A BID is an effective vehicle to act as the management entity because it has the support of the property owners and has a dedicated income stream to support its activities. If a BID is not available to fill the management role, it may fall to a group of business leaders, retailers, or city government representatives.



- Think of the street holistically. Work with the city to stringently enforce building health and safety codes to maintain the street's quality, appearance, and safety. But make sure the codes are flexible and suitable for older/historic buildings, and don't stymie undercapitalized but legitimate improvement efforts.

- Be the advocate for the neighborhood—lobby for scarce resources and ensure that commitments are fulfilled.

- Regularly check the pulse of property owners and retailers to keep on top of issues, concerns, and problems before they spin out of control.

■ Enact extra levies and assessments on property owners who neglect their property. This will encourage them to adhere to the neighborhood's standards.

■ Provide an extra layer of security along the street. Crime prevention and customer security are keys to bringing the shoppers back, so security guards need to be visible but benign, helpful, and unobtrusive.

■ Added police patrols also lend peace of mind for potential retailers and customers, particularly if the area had a bad reputation before redevelopment. But public resources are often stretched thin, and the police alone probably won't be able to solve the problem.

■ If homelessness and drug abuse are problems along the street, work closely with city agencies and neighborhood nonprofit organizations to address them. Social services, however, should not be clustered nearby.

■ Work with the city to make sure that street people don't overwhelm the street—although when street people begin moving to the area, it is an indication of success!

■ Security devices such as roll-down metal doors and window grilles should be eliminated or altered so they are see-through and provide visibility to the shop windows.

■ Plan holiday and other special events to give people an extra reason to visit and bond with the shopping district.



**BID staff stand ready to offer assistance to stranded motorists in Birmingham, Alabama.**



**University City, Philadelphia, Pennsylvania.**



# 9 Extend Day into Night

An artistic facade creates an inviting destination at night in the Manayunk district of Philadelphia.

**L**onger hours equal stronger sales, and strong sales define a successful shopping street. It's as simple as that! As revitalization accelerates and rents rise, retailers will be unable to survive unless business hours can be extended to capture more business. The way to do this is to identify, plan for, and tap multiple markets to keep the cash register jingling throughout the day and after the sun goes down. The evening is the hardest time to keep businesses open even though that's when people have time to shop, and it will take a healthy dose of imagination and hard work to achieve the mix of stores, coordinated hours, and

sense of security to create an environment where people are comfortable going out after dark.

Different customers can be drawn to the street during different periods of the day, but the revitalization team must implement a comprehensive strategy to make it happen. Only in the strongest locations will vital retail streets evolve on their own. In the best of these locations, commuters, residents, and nearby workers can be drawn to the street in the morning for coffee or breakfast, to use neighborhood services, and to visit the gym. At midday, office and retail workers will eat lunch, run errands, and leisure shop. In the afternoon, residents and workers will go food shopping, stop at pubs and outdoor cafés, and use neighborhood services. As the evening progresses, neighborhood residents and visitors from other neighborhoods can be drawn out of the house to leisure shop, visit the gym, have dinner, go to the movies and theaters, and take advantage of the nightlife.

This is the ideal that neighborhood commercial streets should strive for. To achieve it requires that multiple





sources of demand be brought to the street to broaden the support for retailing.

■ Day and night, it's the density and mix of uses that extends the shopping day and creates an exciting urban feel to the street.

■ Day and night, it's the proximity and continuity of diverse retailers that creates the opportunities for cross-shopping that makes the street a compelling retail destination.

■ Office uses should be recruited because they are “demand anchors” for retailing along the street, especially in the morning and at noontime, if they are integrated with other activities along the street. If they are self-enclosed fortresses or if they disrupt the retail continuity, they will detract from rather than add to the street.

■ Professional tenants such as doctors and lawyers are very desirable because they steadily attract visitors, employ office staff, and serve neighborhood residents—all of whom are potential shoppers.

■ Civic, cultural, and entertainment anchors attract a high number of visitors and create the possibility for trip chaining and multiple purchases along the street. Nighttime uses such as restaurants, theaters, and cinemas can help compensate for smaller daytime populations such as office workers.

■ Civic uses should be encouraged because they can be attuned to the neighborhood's demographics. A social security office, community center, youth activity center, or department of motor vehicles branch office serves the neighborhood while adding a steady stream of customers to the street.

■ Educational facilities, such as university satellite campuses, should also be encouraged because they bring teachers, students, and educational workers to the neighborhood. A bonus is that they fill off-peak parking spaces.



DEVELOPMENT DESIGN GROUP

Signpost decorations, tree lights, and a handsome cab set the scene for an exciting evening during the winter holiday season. Holiday decorations and festivals are a great way to attract families to a shopping area during the evening hours.

As the sun sets, Third Street Promenade in Santa Monica, California, lights up. The well-lit pedestrian street remains active long after dark.



# 10 **Manage for Change**

**P**lan for the long term, but manage for constant change in the short term. Rebuilding a neighborhood retail street is a long reinvestment process, and market realities will undoubtedly continue to change throughout the ongoing life of the street. If the champion, the city, or the property owners are not prepared to support this dynamic in perpetuity—with both their efforts and their money—the revitalization project should not be undertaken. One-shot projects will fail, following a formula will fail, operating on autopilot will fail, and locking a street into an unchanging reality will fail as well. These truisms need to be recognized up front.

Rebuilding neighborhood retail should be planned comprehensively as an integral piece of the larger community that surrounds it, and it should be tailored to the realities of the area. Communities should focus their initial efforts on carefully chosen development nodes to maximize the impact of their efforts, create momentum, and foster faith in the project. As more resources become available, the focus should expand to neighboring blocks and streets. Individual strategies will vary widely because every street is different—each has its own set of problems and opportunities, each has a unique identity that can be capitalized on, and each will evolve over time as entrepreneurship grows. What usually begins

**Clematis Street, West  
Palm Beach, Florida.**





as a street with local retailers will likely attract regional and national stores as its success builds and its market is reestablished. And even after a critical mass of retailing is achieved, the street still must be constantly managed and nurtured, like a shopping center, to meet fickle consumer demands.

- Treat emerging retail districts as living, breathing entities. Build momentum by continuously putting energy into them, and they will create energy on their own.

- Like children, retail streets could grow and change without guidance, but we wouldn't like the results. If you doubt this conclusion, simply visit most of our cities' neighborhood shopping streets.

- Keep close tabs on the markets that you serve, and lease proactively to match the changing demands of these markets.

- Sometimes there is a need to "prune the deadwood" when leases run out. Even when a retailer may be willing to renew its lease, it may no longer fit into the vision or image of the area. In these cases, the space should be leased to a more suitable tenant. It is not unusual for a shopping center to remove 5 to 10 percent of its tenants every year to remain at the cutting edge of what its customers want. Neighborhood shopping streets need to be willing to do the same.

- Monitor emerging trends, problems, and conflicts closely so that they can be dealt with quickly. An ongoing conflict resolution process should be established to resolve conflicts among stakeholders.

- An ongoing central point of reference and clearinghouse for information should be operated to serve existing and potential customers, tenants, and investors.

- Representatives of the business community and citizen leaders should develop and nurture long-term relationships with public sector representatives who have responsibilities for the district to get an appropriate share of attention and funding. Public officials should likewise reach out to the business and citizen leaders. Strong two-way working relationships will help to achieve both public and private goals over the long term.



**At Ohio State University, High Street, in Columbus, Ohio, is undergoing a revitalization that will include 250,000 square feet of retail, restaurant, and entertainment space.**

# MIDTOWN ATLANTA RETAIL STOREFRONT DESIGN MANUAL

Paramount amongst design requirements for urban retail development/design is the need to accommodate the ever-changing and cutting-edge nature of the retailing business. Storefronts enhance the identity and integrity of a business district and are critical for fostering the creation of legitimate “Places” in Midtown.



This manual pulls information from the *Jones Lang LaSalle Midtown Retail Study* and *Downtown Works Retail Assessment* and contains excerpts from both *Blueprint Midtown* and *Blueprint Midtown II Executive Summary*.

# General Design

**STOREFRONTS SHOULD BE DISTINCTIVE FROM THE FLOORS ABOVE AND ALLOW EASY TRANSITION FROM ONE RETAILER TO ANOTHER WITHOUT MAJOR STRUCTURAL CHANGES.**

- ☐ Avoid monotonous design at ground level by breaking up retail bays.
- ☐ Provide design flexibility for the unique branding needs of individual tenants.
- ☐ A shopper's line-of-sight should be unobstructed from one retail bay to another.





# Dimensions

**LARGE OPEN STOREFRONTS WITHOUT VISUAL BARRIERS FOSTER A CONNECTION BETWEEN SHOPPER AND MERCHANDISE.**

- ☐ Minimum 12-foot exterior soffit height
- ☐ Minimum 14-foot interior ceiling height
- ☐ Minimum 3-foot column setback to create a display vitrine.
- ☐ Maximum 4-inch pilaster depth (measured between face of column and storefront fenestration).
- ☐ Limit columns, space a minimum 20-feet apart (both internally and between exterior windows).
- ☐ Minimum street frontage of 25-feet for national retailers.





# Doors & Windows

**BUILDING DETAILS ADD TO THE UNIQUE CHARACTER OF A STORE AND COMMUNICATE THE QUALITY OF THE MERCHANDISE.**

- ☐ At least 70% of the first level should be glass.
- ☐ Use only “Ultra-Clear” high performance glass (no tinted, textured, reflective or dark glass).
- ☐ Entries should be recessed to allow door to swing out without obstructing pedestrian flow.
- ☐ Where appropriate, install sliding/folding doors and windows to allow activity to spill onto the sidewalk.
- ☐ Windows should be clear of excessive displays or signs leaving the interior of the store visible from the street.
- ☐ Window size should respect pedestrian scale and be aligned to follow the grade of the sidewalk.
- ☐ Utilize floor-to-ceiling storefront windows in excess of conventional 5-foot wide modules.
- ☐ Avoid horizontal banding on windows and limit mullions since they create visual barriers between consumers and merchandise.
- ☐ Retail entrance doors should contain significant glass to allow visibility into businesses.



# Awnings

**AWNINGS PROJECT A UNIQUE STORE BRAND, HIGHLIGHT A BUILDING'S ARCHITECTURAL FEATURES, AND PROVIDE COVER FOR OUTDOOR DINERS AND PEDESTRIANS.**

- ☐ When awnings are utilized, they should accent the top edge of ground floor windows and doorframes.
- ☐ Awnings should project no more than six feet from the building and should be mounted at least eight feet above the sidewalk.
- ☐ Awnings should be constructed of high quality materials. The use of aluminum, vinyl, or other plastic materials is not recommended.
- ☐ Under-awning lights can be used to illuminate the sidewalk and storefront.
- ☐ Internally illuminated awnings should not be used.





# Lighting

**LIGHTING DRAWS ATTENTION TO THE STORE, HIGHLIGHTS MERCHANDISE AND COMPLIMENTS ARCHITECTURAL FEATURES.**

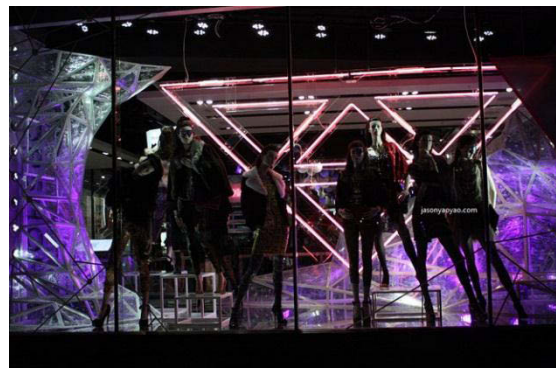
- ☐ Indirect lighting is welcoming to customers and enhances the enjoyment of the nighttime environment.
- ☐ Floodlights and other security lighting should be hidden or shielded to avoid glare.
- ☐ Decorative fixtures like sconces and façade uplighting accent the storefront and enhance architectural details.
- ☐ Storefront displays should be well lit and stay on past store closing to activate the street (until 11 p.m.).



# Window Displays

**WINDOW DISPLAYS CONVEY AN INDIVIDUAL SPIRIT AND IDENTITY AND SHOULD BE EYE-CATCHING.**

- ☐ Displays should be simple and easy to understand. They should contain a few featured items rather than a sample of the store's entire stock.
- ☐ Change displays every 2 or 3 weeks at minimum (successful retailers change them even more frequently).
- ☐ Keep storefronts free of window treatments to allow unobstructed views into the store.
- ☐ The back of display windows should be kept open to allow the store's interior to be visible to passing pedestrians.
- ☐ Consider utilizing art in window displays that tie into the image of the store.





# Signage

**SIGNAGE SHOULD BE CREATIVE, LEGIBLE AND ICONIC AND SHOULD REINFORCE THE QUALITY OF THE STORE'S GOODS AND SERVICES.**

- ☐ Strive for the look of custom art in signage rather than conventional acrylic and/or plastic-faced signs that are internally lit.
- ☐ Signage should be graphically oriented or three dimensional.
- ☐ Signs should be lit with small, shielded light sources as opposed to flood-lighting.
- ☐ Signs should be limited in size and scale in keeping with Midtown's character and pedestrian environment.
- ☐ The architectural elements of the façade should be considered when determining the size and location of any sign.
- ☐ Blade signs are particularly helpful for identifying businesses to pedestrians traveling past the storefront.



# Curb Appeal

**FIRST IMPRESSIONS ARE CRITICAL TO SUCCESS.**

- ☐ Outdoor cafes draw a great deal of attention to the store and enliven the sidewalk.
- ☐ Sidewalk merchandise displays and planting boxes are encouraged inside of the supplemental zone.
- ☐ Tree well fencing and plantings provide an opportunity to individualize a store and enhance the visual organization of the public sidewalk (Note: there are specific requirements for tree well fencing).
- ☐ The cleanliness of everything from storefront windows to the sidewalk itself is critical to a store's success.





# DOWNTOWN

## DESIGN GUIDE

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### CITY OF LOS ANGELES



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**A. AREAS TO WHICH THE DESIGN GUIDE APPLIES/RELATIONSHIP TO OTHER REGULATIONS**

The Downtown Design Guide: Urban Design Standards and Guidelines (“Design Guide”), which supplements Municipal Code provisions, applies to all projects in the areas shown on Figure I-1, except:

- Provisions of an adopted Specific Plan, Community Design Overlay, Streetscape Plan, Design for Development, Supplemental Use District, Development Agreement or other regulations as determined by the Reviewing Agency shall take precedence where there is a conflict.
- Projects in the Historic Downtown must comply with the Historic Downtown Los Angeles Design Guidelines (July 2002) sponsored by the Los Angeles Conservancy as well as with the Design Guide. Where there is a conflict, the Historic Downtown Los Angeles Design Guidelines shall take precedence.

Where the Municipal Code is more restrictive than these Guidelines, and a request has been made to deviate from the Municipal Code to conform to the Design Guide, then the Decision-Making body must find a project is in conformance with the Design Guide and the Urban Design chapter of the Community Plan in the consideration of affirmative findings.

**B. APPLICATION OF DESIGN GUIDE TO PROJECTS/DEFINITION OF PROJECT**

The Design Guide is intended to provide guidance for creating a livable Downtown. It includes both standards (requirements) and guidelines (suggestions). Standards typically use the word “shall”, an active verb (such as, “provide” or “install”), a clear directive (“are not permitted” or “are required”). Guidelines typically use the word “should” or “consider.” Projects must comply with standards and are strongly encouraged to comply with guidelines.

In the spirit of affording maximum creativity, projects that do not adhere to the letter of every provision in the Design Guide, but none-the-less demonstrate a clear alternative approach which is superior to and achieves all the prominent objectives of the Design Guide, will be recognized as valid alternative.

For the purposes of the Design Guide, a project is the construction, erection, or addition to any building or structure, on a lot located in whole or in part within the areas shown in Figure 1-1, which requires the issuance of a grading permit, foundation permit, building permit, or use of land permit. A project shall not include:

1. Demolition;
2. Adaptive reuse of an existing building, which conforms to the Adaptive Reuse Ordinance;
3. Remodeling of designated Historic Resources;
4. Exterior remodeling of any other existing building, unless the aggregate value of the work, in any one 24-month period, is greater than 50% of the replacement value of the building or structure before the alterations or addition as determined by the Department of Building and Safety;
5. Interior remodeling of any other existing building, or the change of use of a building or land, or the relocation of existing uses.





**Figure 1-1** The Design Guide Applies to the Highlighted Districts

### C. HOW TO USE THE DESIGN GUIDE

The Design Guide encourages Downtown Los Angeles to develop as a more sustainable community. To achieve this goal, good choices must be made at all levels of planning and design - from land use and development decisions to building massing and materials choices - with an emphasis on walkability and the making of great streets, districts and neighborhoods. The focus of the Design Guide is on the relationship of buildings to the street, including sidewalk treatment, character of the building as it adjoins the sidewalk, and connections to transit, as illustrated in Figure 1-2 below. The successful treatment of these key features, coupled with particular attention to the details of a project in the first 30-40 vertical feet, forms the basis for providing high quality development at a human scale.

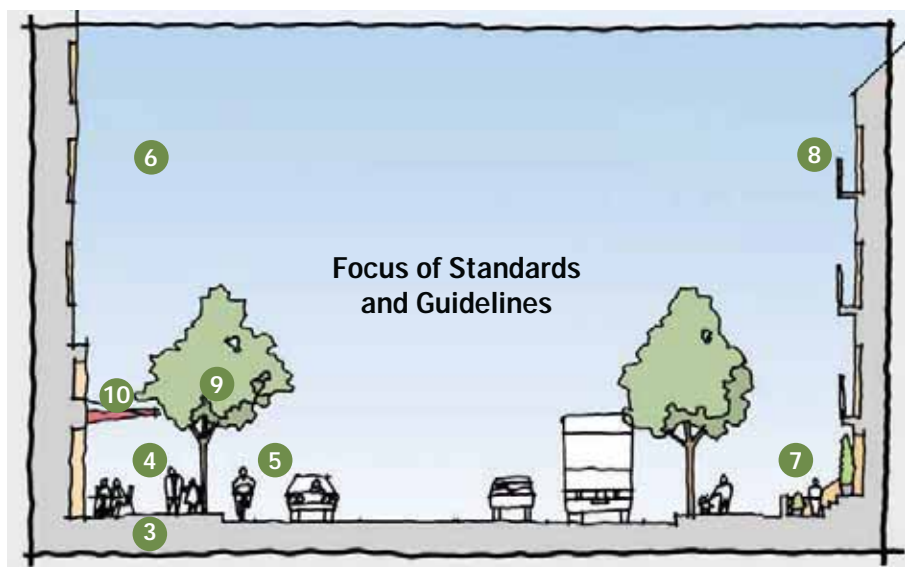
The first step in using the Design Guide is to determine where a project's building walls along the street will be located. Start by consulting the Downtown Street Standards on Navigate LA to determine where the curb line and back of sidewalk adjacent to your project will be in relation to the existing street center line and whether any roadway widening or narrowing will be required. Note that, on many streets, the required sidewalk width will be a combination of public right-of-way dedication and sidewalk easement. Refer to Section 3 of the Design Guide for a more detailed description of the Downtown Street Standards.

Continue reading Section 3 for direction regarding setbacks: are they required/allowed and, if so, how should they be treated? Setback treatment varies by district and with the adjacent ground floor use. Section 3 will also tell you whether you are on a street on which ground floor space must be designed to accommodate retail or similar uses, that is, a Retail Street.

Section 4 establishes key design characteristics of ground floor street walls, which vary by type of street (Retail Streets or other streets). Section 5 addresses parking and access, including alleys. Section 6 addresses building massing and street wall treatment, which vary by district and by street type. Section 7 addresses on-site open space; Section 8 architectural detail; Section 9 streetscape improvements; Section 10 signage; and Section 11 public art and culture.

**Figure 1-2** Focus of the Design Guide. This diagram shows the zone of development on which the standards and guidelines focus. Numbers correspond to the sections of this document in which each topic is addressed:

- 3 Sidewalks and Setbacks
- 4 Ground Floor Treatment
- 5 Parking and Access
- 6 Massing and Street Wall
- 7 On-Site Open Space
- 8 Architectural Detail
- 9 Streetscape Improvements
- 10 Signage





The Appendices provide more detailed guidance on certain topics, including tenant signs, streetscape improvement details, street trees and street lights. Applicants should also review LADOT's Transportation Mitigation Toolkit for environmental review, which focus on enhancing alternative modes to the single-occupant vehicle.

#### D. REVIEW PROCESS

Procedures for implementation of the Design Guide are established in this document and incorporated into the Central City Community Plan. A Downtown Implementation Committee comprised of the Department of City Planning (DCP), Community Redevelopment Agency (CRA/LA), Department of Transportation (LADOT) and Bureau of Engineering (BOE) will continue to provide guidance and technical assistance when needed.

- Building Permit or "as of right" projects will be reviewed and approved by CRA/LA staff, in consultation with Downtown Implementation Committee staff where necessary. In the event the Redevelopment Area Plan expires, then the Department of City Planning will assume responsibility for building permit sign-offs.
- Discretionary applications or entitlements for subdivisions, zone changes, site plan review, etc., will be reviewed and approved by DCP staff, in consultation with the Downtown Implementation Committee staff.

Prior to filing, a preliminary joint meeting with CRA/LA and DCP staff is required in order to consider the proposed project's compliance with the Design Guide. This opportunity to engage in early, innovative and constructive review is intended to avoid unnecessary delays once a project is filed and deemed complete. The pre-filing review will supplement any other pre-development requirement that may be established by the City under its permit streamlining initiative.

The relevant decision-maker (Advisory Agency, DCP Planning Commission, CRA/LA Agency, City Council) will make the final determination of compliance with the Design Guide and will be required to make affirmative general plan findings in so doing.

- Where an environmental assessment is required, the Applicant shall consult the Transportation Toolbox - which affords a variety of techniques that emphasize pedestrian/transit/bicycle over the Single Occupancy Vehicle – and confer with the Department of Transportation on the appropriate tools for the project's environmental clearance.

Further, permanent procedures for implementation will be developed with the adoption of the New Central City Community Plan (NCCCP). A master Community Design Overlay zone may be one technique considered for enactment of permanent procedures.

#### E. AMENDMENTS TO THE DESIGN GUIDE

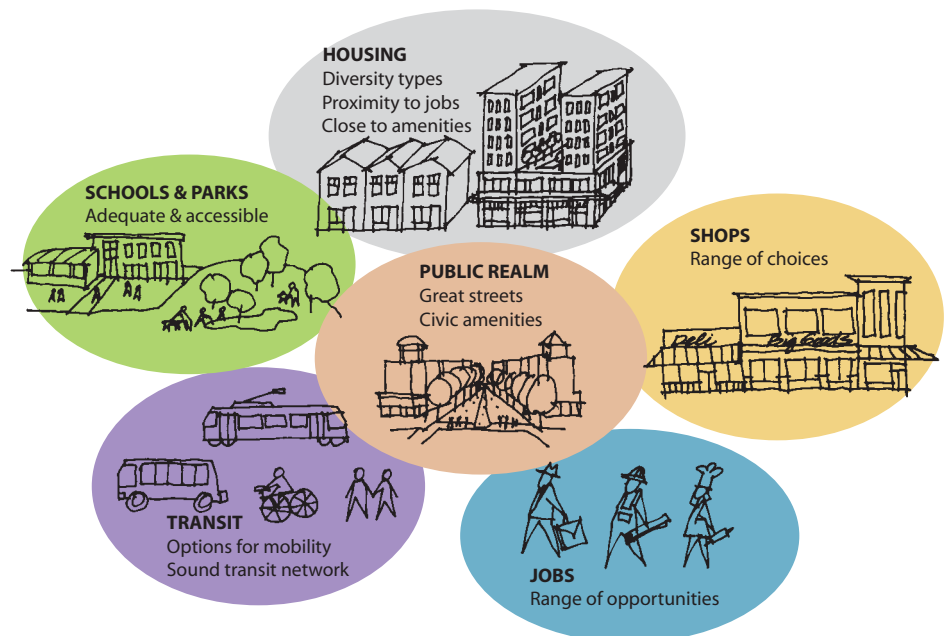
The Design Guide may be amended as necessary by the Citywide Planning Commission and the Redevelopment Agency Board.

## F. DESIGN PRINCIPLES FOR CREATING A LIVABLE DOWNTOWN

### District and Neighborhood Design

- **Employment Opportunities.** Maintain and enhance the concentration of jobs, in both the public and private sectors, that provides the foundation of a sustainable Downtown.
- **Housing Choices.** Provide a range of housing types and price levels that offer a full range of choices, including home ownership, and bring people of diverse ages, ethnicities, household sizes and incomes into daily interaction.
- **Transportation Choices.** Enable people to move around easily on foot, by bicycle, transit, and auto. Accommodate cars but fewer than in the suburbs and allow people to live easily without one.
- **Shops and Services Within Walking Distance.** Provide shops and services for everyday needs, including groceries, day care, cafes and restaurants, banks and drug stores, within an easy walk from home.
- **Safe, Shared Streets.** Design streets not just for vehicles, but as usable outdoor space for walking, bicycling and visual enjoyment.
- **Gathering Places.** Provide places for people to socialize, including parks, sidewalks, courtyards and plazas, that are combined with shops and services. Program places for events and gatherings.
- **Active Recreation Areas.** Provide adequate public recreational open space, including joint use open space, within walking distance of residents.
- **A Rich Cultural Environment.** Integrate public art and contribute to the civic and cultural life of the City.

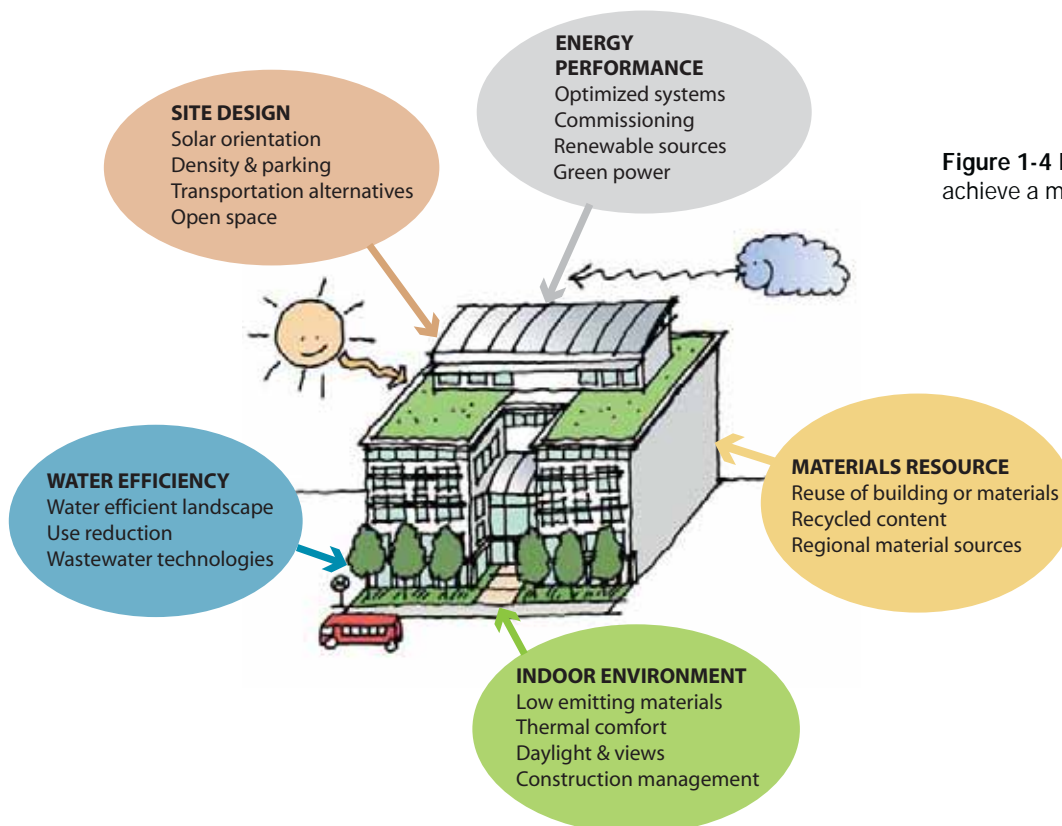
**Figure 1-3** Components of a livable downtown at the neighborhood scale.



## Building Design

- Recognize individual projects are the “building blocks” of great streets and neighborhoods. This requires particular attention to the way the building meets the sidewalk, providing a transition to pedestrian scale and elements that activate the street.
- Respect historically significant districts and buildings, including massing and scale, and neighborhood context, while at the same time, encouraging innovative architectural design that expresses the identity of contemporary urban Los Angeles.
- Accommodate vehicular access and parking in a way that respects pedestrians and public spaces and contributes to the quality of the neighborhood.
- Express an underlying design philosophy (a “big idea”) that is articulated and supported by all aspects of building design and initially conveyed through design sketches, drawings and specifications.

**Sustainability** is the overarching goal of the Design Guide and essential to the concept of a livable Downtown.



**Figure 1-4** Design considerations to achieve a more sustainable building.



Creativity can take many forms: cutting-edge, iconic design like Disney Hall and the Caltrans building (top two images); new life for an historic building like the Biscuit Lofts (third); and a LEED™ and pedestrian friendly project like Eleven/Luma/Evo in South Park (bottom).

## G. ENCOURAGING CREATIVITY AND INNOVATION

The Design Guide provides both specific and broad suggestions, which, if followed, should result in “good buildings” which help create “good streets.” While the definition of “good” varies with individual opinion, there are fundamentals of architectural design (both traditional and modern) that, in most cases, contribute to the creation of good architecture. Judgment of what is good and ultimately acceptable will be made by the Planning Commission and CRA/LA Board with input from staff.

As discussed earlier, exceptions to the precise requirements of the Design Guide may be entertained by decision makers, including the DCP and CRA/LA, provided that a project achieves the overall objectives of the Design Guide. For example, a proposed site may be genuinely unique and requires special consideration, or an innovative architectural design may bring more value to a site and to Downtown than a purely contextual solution.

Typically, buildings are seen as good contextual solutions when they appear similar to other buildings in the neighborhood. But contextual solutions can also reinterpret the existing character and features within a city block, and recompose them in a cleverly modern interpretation. This can result in new projects that are aesthetically unique and represent good building since they too contribute to the overall neighborhood identity.

Most architecture that is considered memorable is ground-breaking in its design approach and sometimes contrasts sharply with its surrounding environment. Such projects usually bring the cache of a well-known or internationally recognized architect whose work is based on a strong theoretical design practice. These projects are often elevated above normal considerations, and exceptions to the Design Guide can be entertained because the design meets or exceeds the objectives of the Design Guide.

Good buildings help sustain a neighborhood and maintain a healthy economic environment. Making good buildings can be achieved using the skills of experienced and talented architects, whose designs routinely incorporate the sustainability and livability objectives of the Design Guide. Using their professional experience, they are often practiced at determining how to integrate these objectives into a project in a manner that results in a contemporary solution that genuinely contributes to the richness of Downtown's built landscape, and in turn, contributes to a great community of good buildings.

To promote a more livable Downtown, projects must address sustainability at multiple levels. The design of the street, buildings, and landscape must work in tandem to achieve the most effective results. Subsequent sections of the Design Guide address sustainability at all those levels. This section provides an overview of the intent of the Design Guide with respect to sustainability.

## A. NEIGHBORHOOD DESIGN

1. Support walkability through sensitive design of the site, building and streetscape.
2. Since all of Downtown is within walking distance of transit, design all projects as transit-oriented developments (TODs) that encourage residents, tenants and visitors to use transit.
3. Orient projects to provide convenient access to the nearest transit options (Metro rail or bus, DASH) wherever possible.

## B. STREET AND ALLEY DESIGN

1. Design sidewalks, including street trees, parkways, tree wells and paving, to collect stormwater runoff, thereby contributing to sustainable Green Streets and enhancing the value of the project.
2. Design alleys and paseos to collect stormwater where feasible.

## C. SITE AND LANDSCAPE DESIGN

1. Incorporate on-site landscape elements that reduces energy use and enhance livability.
2. Consider providing a green roof to reduce solar gain (which contributes to the urban heat island effect) and to reduce the quantity of water entering the storm drain system.

## D. BUILDING DESIGN

1. All projects are required to comply with the City's Green Building Ordinance. In addition, projects that have an Owner Participation Agreement with CRA/LA are required to achieve LEED™ Silver certification.
2. Projects that include a hotel should participate in the California Green Lodging Program.
3. Wherever possible, existing structures should be re-used and integrated into new projects to retain the architectural fabric of Downtown.
4. Projects that preserve and rehabilitate historic structures must comply with the Secretary of the Interior's Standards for Rehabilitation.



LEED™ certified mixed use development in Downtown.



Traugott Terrace in Seattle was the first LEED™ certified affordable housing project in the United States.



Example of a green roof.





Example of building overhang that does not interfere with street tree growth.

Example showing the parkway along the curb, the clear path of travel and use of the remaining sidewalk for outdoor dining.



OUTDOOR DINING, ETC.

PATH OF TRAVEL

PARKWAY

### A. SIDEWALKS

The Downtown Street Standards establish required sidewalk widths for all Downtown streets. On many streets, the required sidewalk width is a combination of public right-of-way (dedication) and easement for sidewalk purposes.

On segments of most north-south streets, an average easement for sidewalk purposes is required. The average easement provides flexibility in building design and at the same time provides space for sidewalk activity. A required average easement may range from 0' to 3 times the average, provided that the total area of the easement divided by the length of the property frontage equals the required average.

Design sidewalks that are walkable and accommodate a variety of uses.

1. A building may project over the required sidewalk easement above a height of 40' and below a depth of 5' to accommodate street trees. Projections, which are permitted in the public ROW by the Municipal Code, such as signs, canopies and awnings, are permitted over the required easement, subject to the same approvals.
2. Provide a minimum 6' continuous path of travel.
3. Provide an 18-24" wide access zone next to the curb, which includes the 6" curb and 12" wide granite or brick edge band adjacent to the back of curb.
4. Outdoor dining may occur on any portion of the paved sidewalk provided a minimum 6' wide continuous path of travel is maintained.



Design sidewalks to accommodate and support large street trees and to collect stormwater, providing continuous parkways where feasible.

5. Provide continuous landscaped parkways, except in the Historic Downtown, adjacent to bus stops, and in other locations determined by staff to be inappropriate for parkways. The continuous landscaped parkways should be designed to collect and retain or treat runoff from, at a minimum, the sidewalk and, if approved by the Bureau of Engineering, adjacent on-site, ground level open space during a storm event producing 3/4 inch of rainfall in a 24-hour period.
6. Where there is curbside parking, one walkway for every one or two parking spaces or other means of access shall be provided through the parkway to curbside parking.
7. If a parkway is designed to collect stormwater from the sidewalk only, the parkway shall be directly behind the access zone and a minimum of 7' wide where the required sidewalk width is 15' or more; 6' wide where the required sidewalk width is more than 10' but less than 15'; and 4' wide where the required sidewalk width is 10'.
8. The elevation of the parkways within 2' of the sidewalk pavement shall be within a few inches of the sidewalk elevation. The center 2' or 3' of the parkway should be depressed 3-4" to form a shallow swale to collect sidewalk stormwater or alternative means of storing runoff, such as gravel sumps within the parkway, may be provided.
9. The roots of trees planted in the parkway shall not be restricted by concrete curbs, root barriers or other means, so that roots may extend throughout the parkway and support a large, healthy tree canopy.
10. If parkways are designed to collect stormwater from the street as well as from the sidewalk, they shall be designed according to the Bureau of Engineering Green Streets guidelines or standards. However, if trees are required to be planted in separate tree wells, rather than in the parkways, as in the bottom right image, they shall be planted as described in the provisions for tree wells on the next page.



All continuous landscaped parkways collect stormwater runoff from the sidewalk.



In addition, they can be designed to filter stormwater run-off from street. If there is a raised curb around the parkway as in this example, the access strip next to the curb must be wider than 18".



Tree with large tree well surrounded by permeable paving with gap graded soil to store and infiltrate stormwater beneath.



Where average 24' wide sidewalks are required, as on Grand Avenue in South Park, a double row of trees is also required.



Where narrow sidewalks or basements prohibit in-ground trees, planters may be used.

Where it is not feasible to plant street trees in continuous landscaped parkways, provide large street wells with gap-graded soil beneath the sidewalk.

11. If trees are not planted in continuous landscaped parkways with the opportunity for unrestricted root growth, they shall be planted in large trees wells that are at least 10' long and a minimum of 7' wide where the required sidewalk width is 15' or more; 6' wide where the required sidewalk width is more than 10' but less than 15'; and 4' wide where the required sidewalk width is 10'.
12. If tree wells have less than 100 square feet of surface area, gap-graded soil shall be provided under the entire sidewalk as specified in Section 9 and Appendix B.
13. Where average 24' wide sidewalks are required by the Downtown Street Standards (through a combination of dedication and easement), at least 50% of a project's frontage shall have sidewalks at least 22' wide and a second row of street trees aligned with those in the parkway zone shall be provided. The interior row of trees should generally be in large tree wells.
14. Where tree wells and parkways would conflict with existing basements, underground vaults, historic paving materials, or other existing features that cannot be easily relocated, the tree well and parkway design shall be modified to eliminate such conflicts. Parking meters and signs are examples of existing features that can be easily relocated. Digital copies of maps showing existing basements in the public ROW are available from BOE, CRA or City Planning Urban Design Studio.
15. Where existing sidewalks are narrow, as on east-west streets in the Historic Downtown, the reviewing agency may determine that street trees not be provided.

Install and maintain streetscape improvements on all streets adjacent to a project.

16. Install streetscape improvements as specified in Section 9.
17. All sidewalk improvements shall be installed and maintained by the adjacent property owners. For example, parkways and tree wells shall be planted, irrigated and maintained by the adjacent property owners as described in Section 9.

## B. SETBACKS

Provide setbacks appropriate to the adjacent land use and district.

1. On Retail Streets, as defined in Figure 3-1, and adjacent to ground floor space designed for retail use in other locations, the building street wall (as defined in Table 6-1) shall be located at or within a few feet of the back of the required average sidewalk width.
2. Adjacent to ground floor space designed for other uses, buildings shall be set back from the back of the required sidewalk to provide a buffer between the sidewalk and building as specified in Table 3-1.
3. Variations in the setback are encouraged to respond to building function and to create visual interest.
4. Treatment of the setback required in Table 3-1 will vary with the use for which the ground-floor is designed:
5. Adjacent to retail, the setback, if any, shall be primarily hardscape and may be used for outdoor dining and other commercial activities.
6. Adjacent to live-work space, the average two-foot setback, shall include a little landscaping, which may be in pots or raised planters.
  - Adjacent to ground-floor residential units with individual entries on the street, the minimum average 5-foot or 6-foot setback shall be primarily landscaped and may include walkways, porches, raised planters, other solid walls up to 3 feet above sidewalk elevation, and transparent fences (e.g., wrought iron, tubular steel, glass) up to a height of 5 feet above sidewalk elevation.
  - If the Reviewing Agency determines that the active ground floor treatment required in Section 4 is not feasible, a minimum average 5-foot setback which is densely landscaped shall be provided.



Zero setback with ground-floor retail.



A small setback with a little landscaping next to professional office or live-work space.



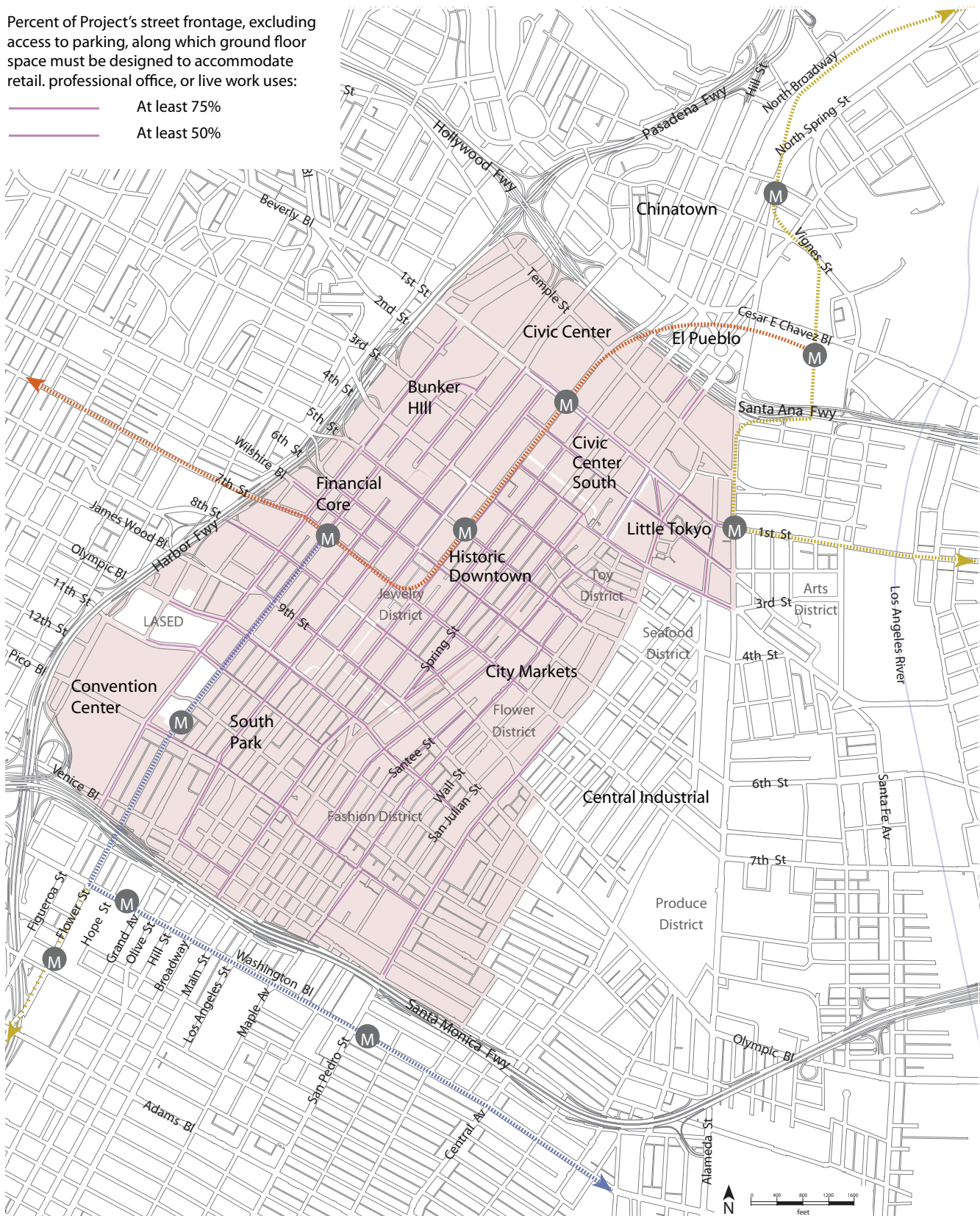
Housing with front yards and secondary entrances along the sidewalk.



**Figure 3-1 Retail Streets**

Percent of Project's street frontage, excluding access to parking, along which ground floor space must be designed to accommodate retail, professional office, or live work uses:

- At least 75%
- At least 50%



**Table 3-1** Permitted Street Wall Setbacks From Back of Required Sidewalk <sup>1</sup>  
(Minimum Average/Minimum-Maximum Range)

DISTRICT / NEIGHBORHOOD	ADJACENT GROUND FLOOR USE		
	RETAIL <sup>2</sup>	PROFESSIONAL OFFICE / LIVE WORK <sup>3</sup>	RESIDENTIAL WITH INDIVIDUAL ENTRIES ON STREET <sup>4</sup>
Civic Center	0'/0-10'	5'/0-15'	5'/5-20'
Civic Center South	0'/0-5'	3'/0-10'	5'/3-15'
Historic Downtown <sup>5</sup>	0'	0'	0'
Little Tokyo	0'/0-3'	2'/0-5'	5'/3-15'
Bunker Hill	0'/0-5'	3'/0-15'	6'/4-16'
Financial Core	0'/0-3'	2'/0-5'	6'/4-12'
South Park	0'/0-5'	2'/0-5'	6'/4-12'
City Markets	0'/0-3'	2'/0-10'	5'/4-16'

- 1 Required sidewalk is as defined by the Downtown Street Standards. In some cases, the required sidewalk width is a combination of public right-of-way (dedication) and a sidewalk easement.
- 2 No setback is required adjacent to ground-floor retail; however, a project may set back within the specified range.
- 3 Setback should include some landscaping, which may be in pots or planters.
- 4 Setback should include at least 50% landscaping.
- 5 Match the prevailing setback where appropriate.

Notes: If at least 50% of the building frontage along a block face is occupied by one or more designated Historic Resources, the average setback of any new building shall match the average setback of the Historic Resources.

The ground floor street wall (primarily entries and display windows) may set back farther than the specified range, provided that structural columns and building walls above the ground floor are located within the specified range, as illustrated below.



The Bradbury Building's columns and upper story walls are within a foot of the back of the required sidewalk, while entrances and display windows are set back a few feet.



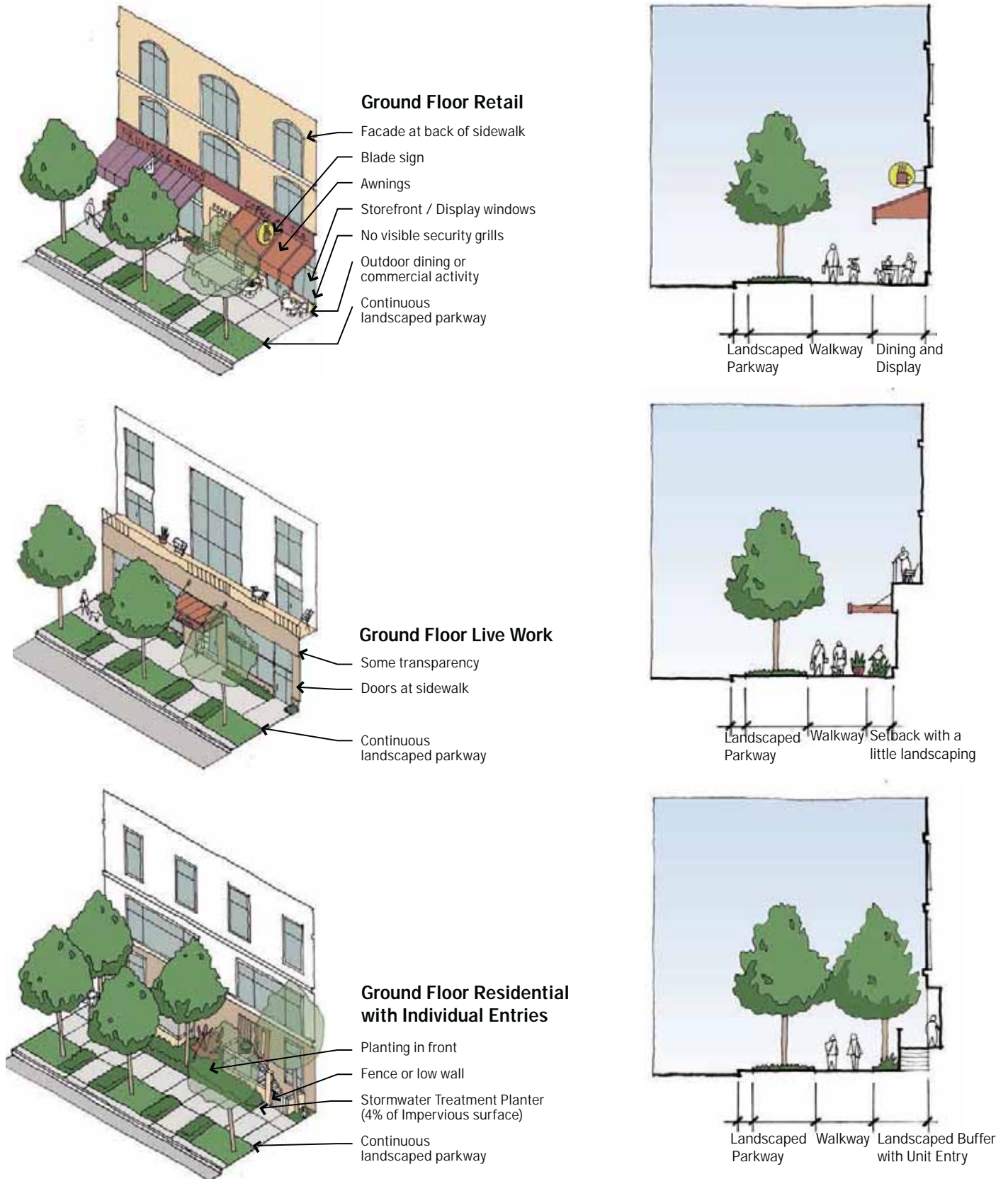
Similarly, columns are at the property line, while the façade is set back a few feet.



Where the ground floor is designed for live-work or office space, a small average setback with landscaping is appropriate.



Figure 3-2 Sidewalk treatment varies with ground floor treatment.





## A. GROUND FLOOR TREATMENT ALONG RETAIL STREETS

Design ground floor space on designated Retail Streets for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic.

1. All streets in the Historic Downtown are Retail Streets. Refer to the Historic Downtown Los Angeles Design Guidelines for guidance regarding ground floor treatment in the Historic Downtown.
2. On Retail Streets, ground floor space with a linear frontage equal to at least 50% or 75% of street frontage, as specified in Figure 3-1, shall be designed to accommodate retail, professional office, and live-work uses.
3. The ground floor space within 150' of an intersection shall be designed specifically for retail uses. Mid-block ground floor space may be designed for retail, professional office, and live-work uses.
4. Where Retail Streets intersect other streets, the ground floor retail space should wrap the corner onto the intersecting streets.
5. Ground floor retail space may be provided on streets that are not designated as Retail Streets in Figure 3-1. If it is, the ground floor retail space should comply with these standards and guidelines.
6. Required ground floor retail space may be located along the required street wall (see Section 6) or along a courtyard or plaza, provided the retail frontage is not more than 60 feet from the back of sidewalk and is visible from the sidewalk.
7. Required ground floor retail space shall be provided to a depth of at least 25 feet from the front façade and shall include an average 14'-0" floor-to-ceiling height. Note that the ground floor retail space may be occupied by other uses initially, but will be available for retail uses in the future when there is demand for such uses.
8. The primary entrance to each street-level tenant space that has its frontage along a public street shall be provided from that street.
9. The primary entrance to each street-level tenant that does not have its frontage along a public street shall be provided from a pedestrian paseo, courtyard or plaza, which is connected to the public street.
10. Wall openings, such as storefront windows and doors, shall comprise at least 75% of a building's street level façade.
11. Clear glass for wall openings, i.e., doors and windows, shall be used along all street-level façades for maximum transparency, especially in conjunction with retail uses. Dark tinted, reflective or opaque glazing is not permitted for any required wall opening along street level façades.
12. During hours of operation, open-wall storefronts are encouraged.



Good examples of ground floor treatments that include retail displays, outdoor dining and awnings for shade.



Good example of individual unit entry several feet above the sidewalk with porch and windows that look onto the street.



Common areas or recreation rooms with transparent windows can also line the ground floor of residential buildings.



Where blank walls are unavoidable, they can be set back with landscaping.

## B. GROUND FLOOR TREATMENT ALONG OTHER STREETS

Design ground floor space facing other streets to accommodate habitable space and to avoid blank walls and visible parking.

1. Along other streets, at least 75% of the ground floor street frontage shall be designed to accommodate the following uses: retail, cultural, professional office, live/work units, residential units with individual entries along the street, and/or other active space such as recreation rooms or common rooms.
2. The ground floor treatment of those uses, except residential units with individual entries, should be similar to that of retail space, except that wall openings shall comprise at least 50% of the street level façade.
3. Residential units with individual entries should include windows on the ground floor that look out onto the street.
4. If a residential unit's individual entry along the street is the unit's primary entry, it must be accessible, that is, at the same elevation as the sidewalk.
5. If a residential unit's individual entry along the street is a secondary entry, the entry and any private outdoor space for the unit may be several (but not more than 4 or 5) steps above the sidewalk elevation. Private outdoor open space for the unit must be directly accessible from the unit, that is, at the same elevation.

## C. GROUND FLOOR TREATMENT ALONG ALL STREETS

Orient buildings to the street to promote the sidewalk activity.

1. A building's primary entrance, defined as the entrance which provides the most direct access to a building's main lobby and is kept unlocked during business hours, shall be located on a public street or on a courtyard, plaza or paseo that is connected to and visible from a public street.
2. At least one building entrance, which provides access to a building's main lobby and which is kept unlocked during business hours, shall be located on a public street.
3. At least one building entrance, which may be either a building or tenant/resident entrance, shall be provided along each street frontage.
4. More public entrances than the minimum specified, including building and/or tenant/resident entrances, are encouraged.

Incorporate a pedestrian-oriented scale at the street level.

5. Street wall massing, articulation and detail, street level building entrances and storefront windows and doors, as well as the use of quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.
6. Architectural features that reinforce the retail character of the ground street wall and/or help define the pedestrian environment along the sidewalk, such as canopies, awnings, and overhangs, are encouraged and should be integral to the architecture of the building.
7. Awnings and canopies shall be fabricated of woven fabric, glass, metal or other permanent material compatible with the building architecture. Internally illuminated, vinyl awnings are not permitted.

Don't waste valuable street frontage on "back of house" uses.

8. Electrical transformers, mechanical equipment and other equipment should not be located along the ground floor street wall.
9. Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls, and other elements that are not pedestrian-oriented shall not be located within 100 feet of the corner on north-south streets and within 50 feet of the corner on east-west streets.

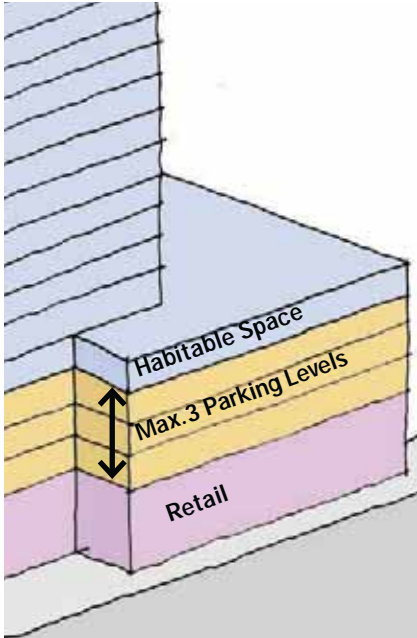


Good examples of buildings that promote sidewalk activity with overhangs, awnings and other transitional elements integrated into the architecture.



Examples of poor equipment location choices. A primary opening to a courtyard garden is walled off with electric meters (left) and irrigation equipment is in plain view near a building entrance (right).



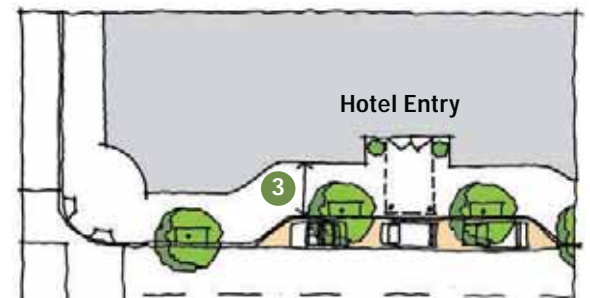
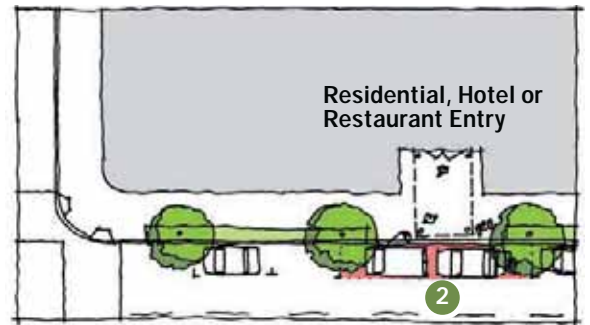
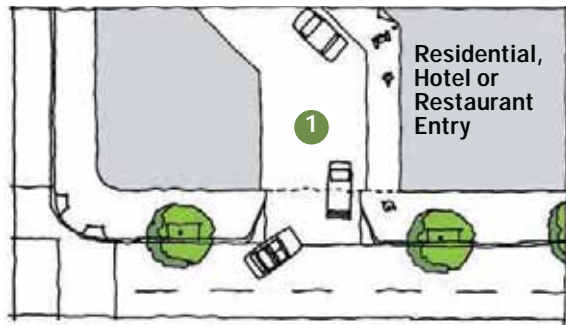


**Figure 5-1** Diagram showing a street wall with ground floor retail and the maximum three parking levels with habitable space above.

#### A. ALL PARKING AND ACCESS

Locate parking, loading and vehicular circulation to minimize its visibility.

1. Parking required for a project shall be integrated into the project it serves. Public parking may be either a freestanding structure or integrated into a project, provided it is clearly signed as public parking.
2. Except for the minimum ground-level frontage required for access to parking and loading, no parking or loading shall be visible on the ground floor of any building façade that faces a street.
3. Parking, loading or circulation located above the ground floor shall be 1) lined by habitable floor area along all street frontages or, 2) if the project sponsor demonstrates that it is not feasible to line the parking with habitable space above the ground floor, integrated into the design of the building façade.
4. Where parking above the ground floor that is not lined with habitable space is permitted, a maximum of three parking levels fronting on a public street shall be allowed above the ground floor, provided they are integrated into the design of the building façade and at least one habitable floor is provided directly above the visible parking levels.
5. Drive-through aisles for fast food or similar use are not permitted.



**Figure 5-2** Drop-off Zones

- 1 Drop-offs occur within building envelope, with minimal obstruction to pedestrian activity
- 2 Drop-offs along the curb line
- 3 Drop-offs can be inset where no curbside parking exists and where sidewalk widths can be maintained

Note: no columns may be located in the walkway/path of travel.

Locate drop-off zones along the curb or within parking facilities to promote sidewalk/street wall continuity and reduce conflicts with pedestrians.

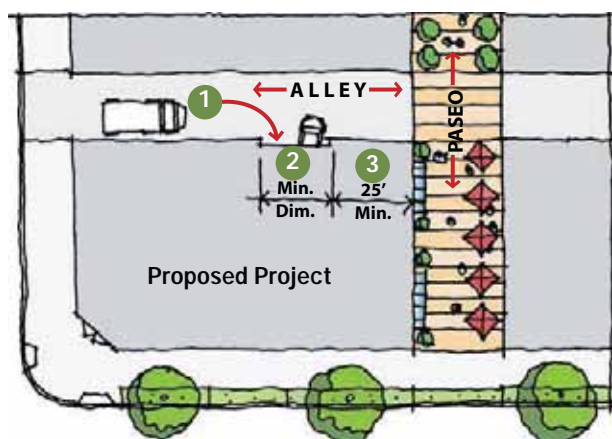
6. Drop-off, including residential, hotel and restaurant drop-off, shall be provided either 1) within the off-street parking facilities using the parking access or 2) along the required curb line where there is a full-time curbside parking lane, with no sidewalk narrowing. Exception: where there is no curbside parking lane and off-street drop-off is not feasible, a hotel may have a drop-off lane up to 80 feet long provided the required sidewalk width is maintained.

Encourage the use of alternate modes of transportation by providing incentives for reduced automobile use.

7. No more than the minimum required parking may be provided unless provided for adjacent buildings that lack adequate parking.
8. Parking shall be sold or rented separately from residential units and commercial spaces ("unbundled") in perpetuity. Parking that is required for residential use but is unused and all commercial parking should be made available as public parking during daytime and evenings.
9. Provide at least one secure bicycle parking space for every two residential units. Provide secure bicycle parking within 200 yards of a building entrance for at least 10% of commercial and institutional building occupants.

Limit the number and width of curb cuts and vehicular entries to promote street wall continuity and reduce conflicts with pedestrians.

10. Vehicular access shall be from an alley or mid-block on an east-west street where feasible.
11. Curb cuts and parking/loading entries into buildings shall be limited to the minimum number required and the minimum width permitted.
12. Parking and loading access shall be shared where feasible.
13. Parking and loading access shall be located a minimum of 25 feet from a primary building entrance, pedestrian paseo, or public outdoor gathering area. This guideline shall not apply to a hotel porte cocheres.
14. Where a vehicular exit from a parking structure is located within 5 feet of the back of sidewalk, a visual/audible alarm shall be installed to warn pedestrians and cyclists of exiting vehicles.



**Figure 5-3** Vehicular Entries and Curb Cuts

- 1 Access to parking/service/loading shall be from the alley, and shared wherever feasible
- 2 Curb cuts and parking/loading access into buildings shall be minimum width requirement by LADOT
- 3 Parking and loading access shall be a minimum of 25' from entrances, paseos, or outdoor gathering areas



Precast panel and glass louver screening, plus photovoltaic panels on top deck (upper), and metal screen with tower element marking the entry corner and vertical circulation (lower).



Example of a parking garage with a glass facade and backlighting that transcends function to provide an interesting architectural facade.

## B. STAND-ALONE PARKING STRUCTURES

### Architectural Treatment

Parking structures should exhibit the same principles as good building design noted in previous sections. Providing an exterior screen comprised of high quality materials that screen the underlying concrete structure can elevate the building's stature and contribute to the overall quality of Downtown's built landscape.

1. Parking structures shall have an external skin designed to improve the building's appearance over the basic concrete structure of ramps, walls and columns. This can include heavy-gage metal screen, pre-cast concrete panels, laminated glass or photovoltaic panels.
2. Parking structures should integrate sustainable design features such as photovoltaic panels (especially on the top parking deck), renewable materials with proven longevity, and stormwater treatment wherever possible.
3. Vertical circulation cores (elevator and stairs) shall be located on the primary pedestrian corners and be highlighted architecturally so visitors can easily find and access these entry points.
4. Treat the ground floor along public streets as specified in Section 4: on Retail Streets provide active ground floor uses along the street frontage of the garage; on all other streets the ground floor treatment should provide a low screening element that blocks views of parked vehicle bumpers and headlights from pedestrians using the adjacent sidewalk.
5. Signage and wayfinding should be integrated with the architecture of the parking structure.
6. Integrate the design of public art and lighting with the architecture of the structure to reinforce its unique identity. This is especially important for public parking structures to aid in visitors finding them upon arrival and getting oriented to Downtown.
7. Interior garage lighting should not produce glaring sources towards adjacent residential units while providing safe and adequate lighting levels per code.



### Landscape Treatment

8. In most circumstances, streetscape and landscaping should complement the building design. If a parking structure is well-designed, it does not need to be screened by dense landscaping in an urban setting.
9. However, where the Reviewing Agency determines that conformance with the architectural design standards and guidelines in 5.A. is not feasible, an unattractive parking structure may be screened with landscaping.
10. A “green screen” that is coordinated with the building design may be provided, along with the required streetscape improvements.
11. Alternatively, an additional row of evergreen columnar trees may be provided in a minimum 8-foot wide setback and staggered with the street trees. In combination, the setback and street trees should screen the parking structure from view.



Streetscape can complement a well-designed parking structure.



In limited circumstances, a green screen (above) or dense tree planting (below) can screen an unimproved concrete structure.



A typical Downtown alley is primarily for vehicular access and loading.



Santee Alley is a pedestrian-priority alley.



Shared alley: primarily pedestrian with resident/delivery vehicular access.

### C. ALLEYS AND BUILDING WALLS FACING ALLEYS

Maintain and enhance alleys.

1. No existing alley shall be vacated unless 1) vehicular access to the project is provided only at the former intersection of the alley with the street; 2) vacating the alley will not result in the need for additional curb cuts for other parcels on the same block; and 3) an east-west pedestrian paseo at least 20 feet wide will be provided in the middle third of the block as part of the project.
2. As a general rule, Downtown alleys shall not be gated. Existing gates shall be removed where feasible.

Use alleys primarily for vehicular access, loading and service.

3. The primary purpose of most Downtown alleys is vehicular access and loading. The exceptions are "pedestrian-priority" alleys as designated as "pedestrian-priority" alleys by the Reviewing Agency. Pedestrian-priority alleys typically are located in the City Markets district.
4. Access to parking shall be from an alley where one exists or can be provided.
5. Where there is no alley and the project includes frontage on an east-west street, parking access shall be located mid-block on the east-west street.

Provide access to utilities and mechanical equipment from alleys.

6. Electrical transformers shall be located to be accessed from an alley where one exists or can be provided. If located adjacent to a sidewalk, they shall be screened and incorporated into the building to read as a storefront or office.

Design building walls that face alleys to be attractive those who see them.

7. While they can be more simply designed than street-facing façades, building walls that face alleys nonetheless should be visually attractive.
8. Parking levels may be visible but should be designed to alleviate the horizontality and lack of articulation and to screen lighting from the public rights-of-way and surrounding residential units, as described in the prior discussion of free-standing parking structures.

Ensure that residents are not adversely affected by the use of alleys for parking access, service and loading.

Urban downtown environments typically experience higher ambient sound levels than, for example, suburban residential neighborhoods due to traffic on streets and alleys, street activity and commercial ground-floor uses.

9. Each home buyer and renter in the Downtown shall sign a statement acknowledging that:
  - Sound levels may be higher than in other locations due to traffic on streets and alleys, street activity, ground floor uses, vehicular loading, and trash collection;
  - There will be additional development all around them;
  - Alleys will be used as the primary access to all parking in the Downtown and for loading, utilities and trash collection.
10. Residential units shall not be located on the ground floor adjacent to alleys in order to reduce light, glare, and noise concerns.
11. Residential units shall be designed to maintain interior sound levels, when windows are closed, at below 45 dB. Because the exterior sound level may exceed 60 dB, measures in addition to conventional construction are suggested to meet the interior standard, including:
  - Use of 1/4" laminated or double glazing in windows
  - Installation of rubberized asphalt in the alleys.

Incorporate green elements in alleys.

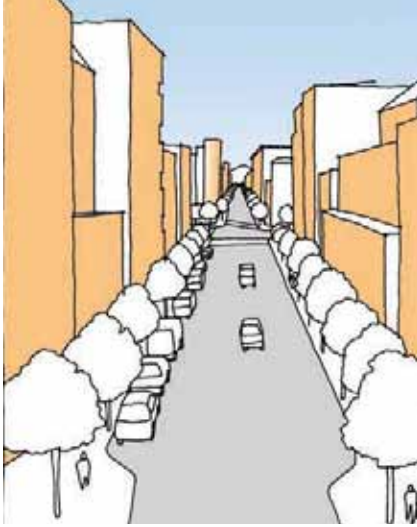
12. Subject to approval by BOE, install permeable paving to infiltrate storm water and eliminate standing water.



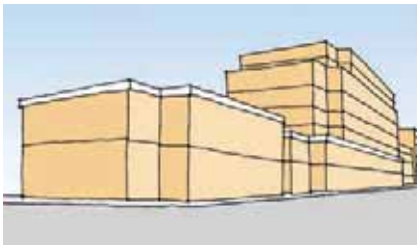
Residential units are not permitted on the ground floor adjacent to non-pedestrian priority alleys as shown here.



Typical alley with standing water (upper); alley with permeable paving along the center flowline to infiltrate runoff and eliminate standing water (lower).



The street wall is largely defined by individual building massing.



Large half- to full-block projects should be massed to form a collection of appropriately scaled buildings that provide cohesion on a block.



All projects shall submit a 3-D model like the Downtown model shown above.

### A. MASSING

The street is often described by urban designers as “a large outdoor room.” The ability to shape this room exists on every street, and its walls are defined by the primary façades of its buildings, which create a street wall. How building mass is distributed on a site usually has the greatest impact on a project’s overall appearance and on the strength of the street wall.

Breaking down large floor plates and varying a building’s height through the creation of smaller structures or façades is a valuable concept when designing large projects that consume half a block or more. Sculpting a building’s massing can also help avoid big bulky structures, which provide more visual monotony than variety. It is the well-balanced variety of building massing and textures of shadow, light and materials that in total adds to the richness of Downtown’s built environment.

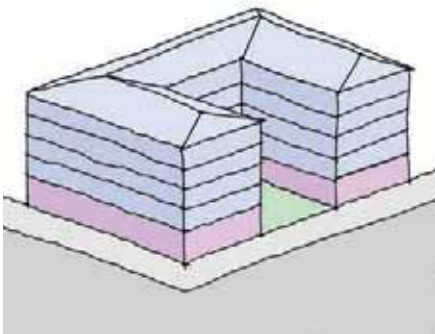
Buildings generally fall within three types of massing as shown in Figure 6-1. Low-rise massing is generally less than 6-story structures. Mid-rise massing is 7 - 20 stories and typically 12-20 stories. High-rise pertains to towers that are more than 20 stories. Any portion of a building that is above 150’, the pre-1957 height limit Downtown, is subject to the tower standards and guidelines in this section.

**Design building massing to reinforce the street wall with well-scaled elements or structures that are sensitive to the neighborhood context.**

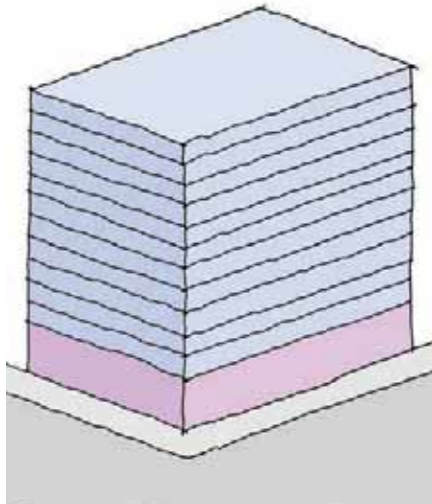
1. Break large projects into a series of appropriately scaled buildings so that no building is more than 300 feet in length. Provide a passageway at least 20 feet wide between buildings.
2. Generally, buildings should maintain a consistent street wall along their street frontages. While variety in massing can occur through step-backs as a building ascends upward, it is not required.
3. Monolithic slab-like structures that wall off views and overshadow the surrounding neighborhood are discouraged.
4. To assist staff in understanding the proposed massing of a project, all projects shall provide a 3-D digital model in Google Earth SketchUp format.



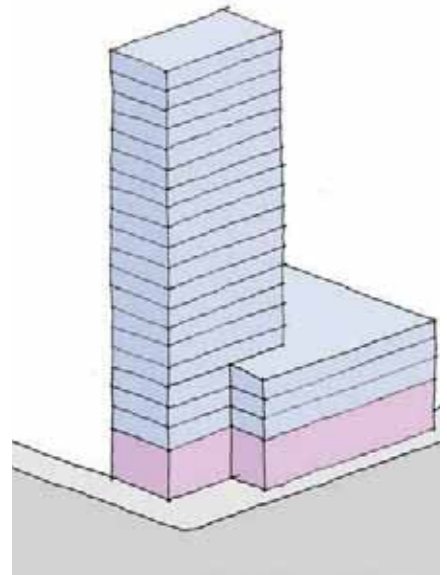
**Figure 6-1** Examples of Three Massing Types.



**Low-rise.** Generally courtyard housing up to 6 stories.



**Mid-rise.** Block structures 7-20 stories and typically 12-20 stories.



**High-rise.** Generally towers that are more than 20 stories.



**Street Wall.** Examples showing various street wall heights.



3-story street wall



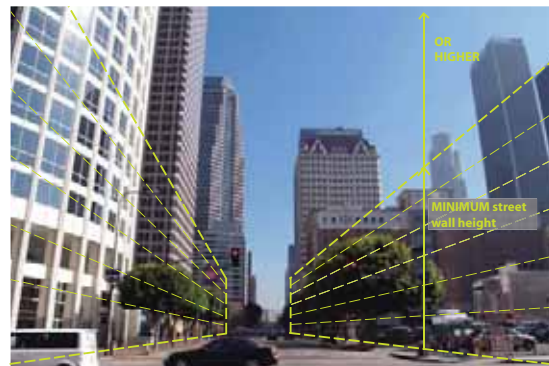
4-story street wall



6- and 7-story street wall



**Bunker Hill.** Minimum 3-story street wall.



**Financial Core.** Minimum 6-story street wall.

## B. STREET WALL

On Retail Streets, design building walls along the sidewalk (Street Walls) to define the street and to provide a comfortable scale for pedestrians.

1. Street walls shall be located in relationship to the back of sidewalk as specified in Table 3-2.
2. 90% of a building's street walls shall have the minimum number of stories specified Table 6-2. Walls above the ground floor that step back less than 15 feet from the ground floor street wall are considered to be part of the street wall.
3. Buildings may, but are not required to, step back above the minimum height required along the street. Step backs should be judiciously applied to minimize disruption of the overall street wall.
4. Breaks in the street wall should be limited to those necessary to accommodate pedestrian pass-throughs, public plazas, entry forecourts, permitted vehicular access driveways, and hotel drop-offs.
5. An identifiable break should be provided between a building's retail floors (ground level and, in some cases, second and third floors) and upper floors. This break may consist of a change in material, change in fenestration, or similar means.

See Section 5 for the treatment of parking along street walls.



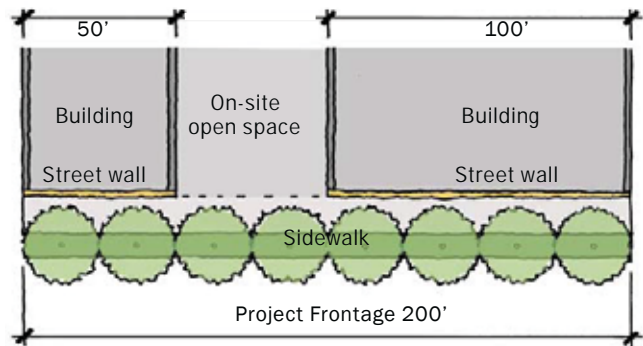
**Table 6-1** Building Street Wall Characteristics

DISTRICT / NEIGHBORHOOD	MINIMUM PERCENT OF PROJECT FRONTAGE TO BE LINED WITH BUILDING STREET WALL AT BACK OF SETBACK <sup>1</sup>		MINIMUM STREET WALL HEIGHT (STORIES) <sup>2</sup>
	RETAIL STREETS	OTHER STREETS	
Civic Center <sup>3</sup>	NA	NA	NA
Civic Center South	80%	70%	75' (6)
Historic Downtown	95%	95%	75' (6) <sup>4</sup>
Little Tokyo	90%	80%	35' (3)
Bunker Hill	75%	65%	35' (3)
Financial Core	80%	70%	75' (6)
South Park north of Pico Blvd.	80%	70%	45' (4)
South Park south of Pico Blvd.	80%	70%	35' (3)
City Markets	75%	65%	25' (2)

- 1 Setback from back of sidewalk is as specified in Table 3-1.
- 2 Stories are included for information only. The requirement is height measured in feet.
- 3 Minimum street wall is not applicable in the Civic Center due to the unique nature of city, state, county and federal projects.
- 4 The minimum street wall height along Broadway and Spring Street is 150'.

Note: Subject to approval of the Reviewing Agency, frontage along courtyards that are open on one side to the street and lined with ground-floor uses may be counted as street wall.

Example. Building street wall at back of setback=75% of project frontage:



Example of minimum percent of project frontage to be lined with building street wall at back of setback. In this example, 75% of the building street wall is at the back of setback.



**South Park north.** Minimum 4-story street wall.



**City Markets.** Minimum 2-story street wall.



Walls above the ground floor that step back less than 15' from the ground floor street wall are part of the street wall, as illustrated above.

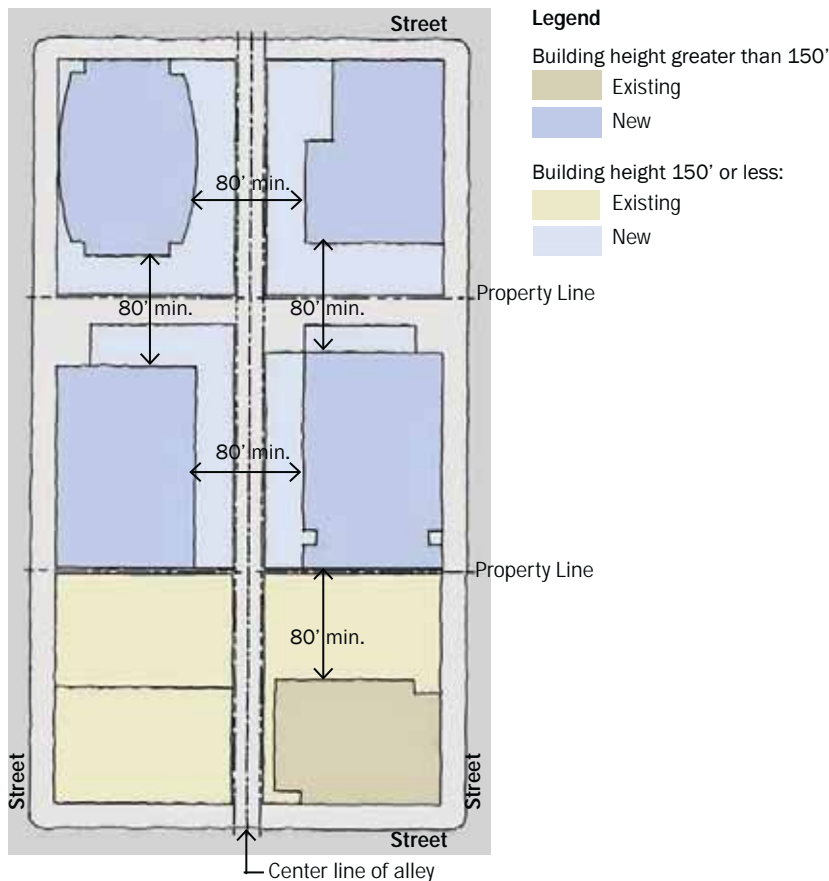
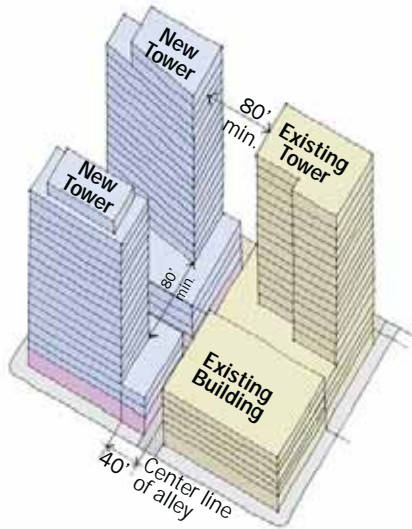
### C. SPACING

#### Tower Spacing

Towers should be spaced to provide privacy, natural light and air, as well as to contribute to an attractive skyline.

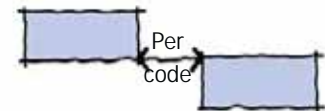
1. Generally, the portion of a tower above 150 feet shall be spaced at least 80 feet from all existing or possible future towers, both on the same block and across the street, except where 1) the towers are offset (staggered), 2) the largest windows in primary rooms are not facing one another, or 3) the towers are curved or angled, as illustrated in Figure 6-2.

Where there is an existing adjacent tower, the distance should be measured from the wall of the existing adjacent tower to the proposed tower. Where there is no existing adjacent tower, but one could be constructed in the future, the proposed tower must be 40 feet from an interior property line and 40 feet from the alley center line shared with the potential new tower as shown in Figure 6-2.

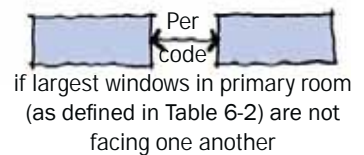


**Exceptions.** Towers over 150' in height may vary from the minimums shown in the plan diagram above in the following conditions:

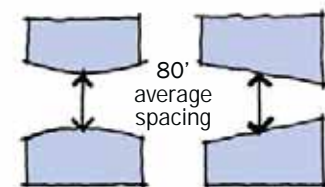
#### 1) Offset Towers



#### 2) Adjacent Towers



#### 3) Curved or Angled Towers



**Figure 6-2** Plan and axonometric diagram showing minimum tower spacing to existing and future adjacent towers and exceptions.

## Residential Unit Spacing

Provide privacy and natural light and air for all residential units.

- The shortest horizontal distance between the specified window of one residential unit and the specified window or wall of another residential unit in the same project shall have, at a minimum, the "line-of-sight" distances from the middle of the windows specified in Table 6-2 below.

**Table 6-2** Minimum Line-of-Sight Distances Between Units

	PRIMARY ROOM - LARGEST WINDOW	SECONDARY ROOMS - LARGEST WINDOW	BLANK WALL
<b>Primary room - Largest window</b>	40'	-	-
<b>Secondary rooms - Largest window</b>	30'	15'	-
<b>Blank Wall</b>	20'	15'	10'
<b>Public corridor</b>	8'	0'	0'
<b>Side property lines</b>	20'	setback	setback

**Primary room** is a living, dining, combined living/dining or family room.

**Secondary rooms** are all rooms not defined as the primary room. If there is more than one large windows, any may be selected as the largest.

**Blank walls** include garden walls 4' or more in height, frosted glass or other translucent but nontransparent material, and windows with a lower sill not less than 5'-6" above finished floor.

**Public Corridors** are corridors used for circulation. They may be located within window-to-window or window-to-wall spacing distances. However, such corridors shall also have a minimum privacy spacing distance from primary and secondary windows as established above.

- In dwelling units, operable windows shall be installed in all units to provide natural ventilation.

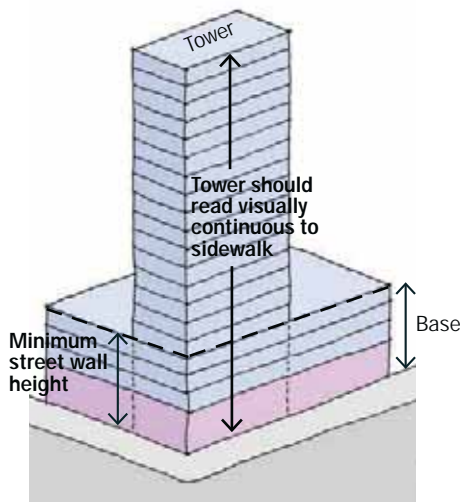


Lofts can feature natural light and views when designed with adequate floor-to-floor heights and extensive glazing on the exterior.

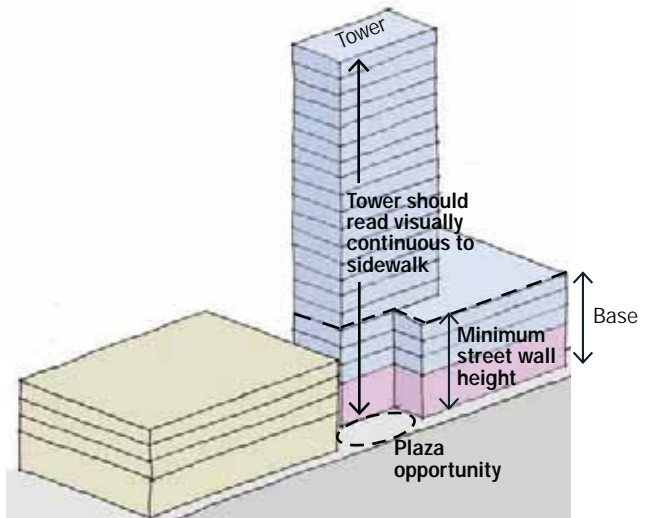
### D. TOWERS

These diagrams illustrate several common types of tower forms and how the street wall minimum is measured for each. The base/tower consisting of ground floor retail and parking or habitable space above.

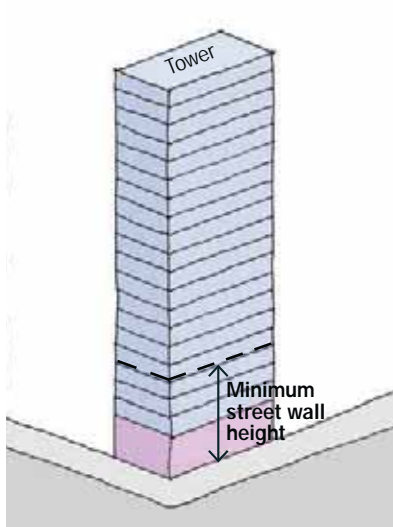
**Figure 6-3** Common Tower Forms



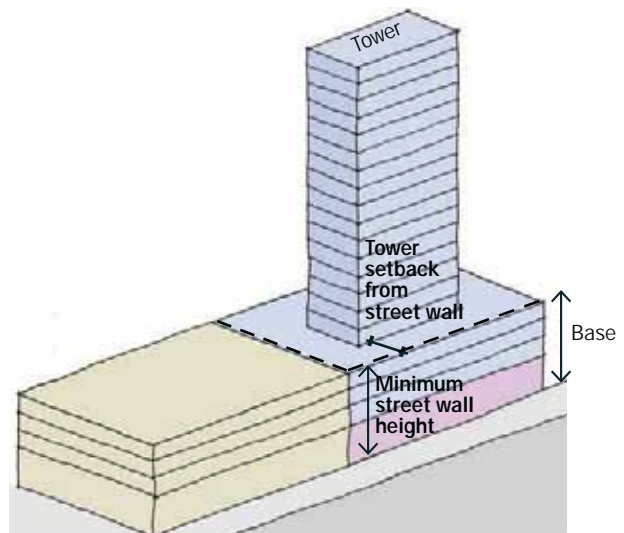
**Tower at Street Corner.** Base (or podium) with the tower set flush to a street corner. The tower massing and detail reads visually continuous to the sidewalk. The minimum street wall height must be met by the base and the tower.



**Tower Engaged with Base.** Base and tower forms are engaged. The tower massing and detail shall read visually continuous to the sidewalk. The minimum street wall height must be met by the base and the tower.



**Tower Only.** Tower form without a base. The minimum street wall must be met at the tower.



**Tower Set onto a Base.** Usually the tower rises above the base and steps back from the street wall 20' or more. The minimum street wall must be met by the base. This form is not generally preferred.



### Tower Massing

Towers in Downtown greatly affect the appearance of the overall skyline. Evaluations in other cities suggest that towers are most attractive when they have a ratio of height to width of about 3.5:1, for example, 100 feet wide and 350 feet tall. Reducing the bulk of the top of a tower ("sculpting" the tower) can make it more attractive.

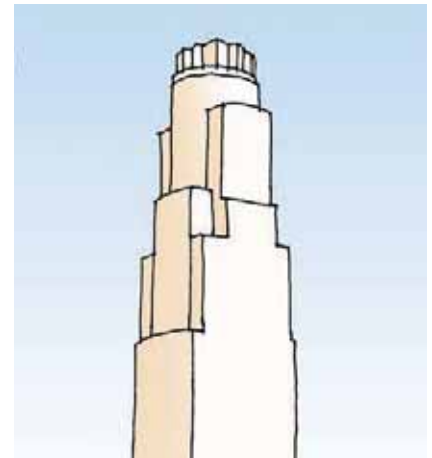
**Towers should have slender massing and sound proportions.**

1. Towers should have their massing designed to reduce overall bulk and to appear slender.
2. Towers may extend directly up from the property line at the street and are not required to be setback.
3. Tower siting and massing should maintain key views to important natural and man-made features.

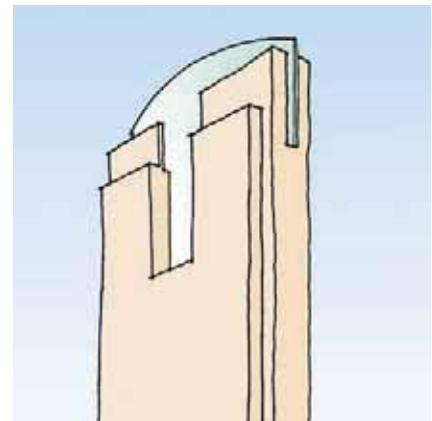
### Tower Form

**Tower forms should appear simple yet elegant, and add an endearing sculptural form to the skyline.**

4. Towers should be designed to achieve a simple faceted geometry (employing varied floor plans), and exhibit big, simple moves. They should not appear overwrought or to have over-manipulated elements.
5. Towers that emulate a more streamline modern style (such as a Mies van der Rohe tower employing a single floor plan) should provide variety through subtle details in the curtain wall, and the articulation of a human-scaled base at the street level.
6. If a project has more than one tower, they should be complementary to each other and employ the same architectural design approach.
7. Generally, buildings over 150' tall (the historic datum for Downtown) should not be historicized. They are contemporary interventions in the skyline and should appear as such.
8. A tower's primary building entrances should be designed at a scale appropriate to the overall size and design of the tower and be clearly marked.
9. A building's top should be delineated with a change of detail and meet the sky with a thinner form, or tapered overhang.



**Tapered.** Tower tapers gracefully towards the sky to appear thinnest at top.



**Engaged.** Tower as a set of engaged masses that form a sculptural top.



**Pavilion.** Tower retains its box form towards the sky and culminates in a pavilion-like top.



Biddy Mason Park is a paseo connecting Broadway and Spring Street.



On-site open space should be designed to serve a building's residents.



Projects that provide publicly accessible open space at-grade may receive a reduction in the on-site open space requirement .

Provide publicly accessible open spaces at street level that provide pedestrian linkages throughout Downtown.

1. A 50% reduction in required open space will be granted if a project includes open space that is:
  - Located at the ground level;
  - Open to the public during daylight hours;
  - At least 5,000 square feet in size;
  - Lined with ground floor spaces designed for retail, especially restaurants that include outdoor dining, and/or cultural uses, along at least 20% of its frontage;
  - At least 40% landscaped, including usable lawn or lawn alternative;
 and includes at least one gathering place with fountain or other focal element.
2. Where blocks are longer than 400 feet (the north-south dimension of most Downtown blocks exceed 400 feet), one mid-block pedestrian pathway or paseo, which is open to the public, should be provided by a project that includes more than 300 feet of frontage or is located in the middle of the block.
3. A paseo shall:
  - Be at least 15' wide at a minimum and 20' wide average;
  - Have a clear line of sight to the back of the paseo, gathering place, or focal element;
  - Be at least 50% open to the sky or covered with a transparent material;
  - Be lined with ground floor spaces designed for retail, especially restaurants, and/or cultural uses along at least 50% of its frontage; and
  - Include at least one gathering place with a fountain or other focal element.

Provide adequate open space to serve residents.

4. Site landscaping and residential open space shall be provided as required by Section 12.21.G. of the Zoning Code, except as follows:
5. At least 50% of the required trees shall be canopy trees that shade open spaces, sidewalks and buildings.
6. Variances from the required number of trees shall not be permitted; however, required trees may be planted off-site if the Reviewing Agency determines that they cannot be accommodated on-site. Off-site trees may be planted, in the following locations in order of preference: nearby streets, public parks and private projects



Establish a clear hierarchy of common open spaces distinguished by design and function to create an connected pedestrian realm conducive to both active and passive uses.

Downtown's common open spaces are comprised of the following:

- **Streets.** Streets are the most public of all open spaces. Streets communicate the quality of the public environment and the care a city has for its residents.
  - **Residential Setbacks.** Building setbacks adjacent to residential buildings provide a transition between the public and private realm, allowing residents to have private spaces with visual access to the public realm.
  - **Paseos.** Paseos are extensions of the street grid located on private property. As outdoor passages devoted exclusively to pedestrians, they establish clear connections among streets, plazas and courtyards, building entrances, parking and transit facilities.
  - **Entry forecourts.** Entry forecourts announce the function and importance of primary building entrances. They should provide a clear, comfortable transition between exterior and interior space.
  - **Courtyards.** Courtyards are common open space areas of a scale and enclosure that is conducive to social interaction at a smaller scale.
  - **Plazas.** Plazas are common open space areas typically amenable to larger public gatherings. They are readily accessible from the street, as well as active building uses.
  - **Corner Plazas.** Corner plazas should be an appropriate in scale (intimate for residential, larger for commercial) and be programmed with specific uses (to provide outdoor dining for an adjacent restaurant, or small neighborhood gathering place featuring a public amenity). Unprogrammed or over-scaled corner plazas are discouraged.
  - **Roof Terraces.** Roof terraces and gardens can augment open space and are especially encouraged in conjunction with hotels or residential uses.
7. Locate on-site open space types in relation to the street and permit public access during normal business hours as follows:



Good example of a commercial corner plaza.



Good example of a roof terrace.

**Table 7-1** Open Space-to-Street Relationship and Public Access Requirement

OPEN SPACE TYPE	LOCATION	CONNECTION TO STREET	PUBLIC ACCESS
Residential Setbacks	street level	private with visual access	not required
Paseos	street level *	direct connection required	required
Entry Forecourts	street level *	direct connection required	required
Courtyards	street level or above grade	direct connection not required	not required
Plazas	street level *	direct connection required	required
Roof Terraces	above grade or rooftop	direct connection not required	not required

\* minor deviations of up to 2 vertical feet from sidewalk level are permitted



Seating is an essential element in most open spaces.

Incorporate amenities that facilitate outdoor activities such as standing, sitting, strolling, conversing, window-shopping and dining, including seating for comfort and landscaping for shade and aesthetics.

8. Provide landscaping and seating in each open space type as follows. Planters, planter boxes and similar planting containers may count toward this requirement.

**Table 7-2** Landscaping and Seating

OPEN SPACE TYPE	MINIMUM PLANTED AREA	MINIMUM SEATING*
Paseos	10%	1 seat per 2,000 SF
Courtyards	25%	1 seat per 500 SF
Plazas	25%	1 seat per 500 SF
Roof Terraces	25%	None specified

\* seats may be permanent or movable, accessible during normal business hours. Two linear feet of bench or seat wall equals one seat

9. Plazas and courtyards are encouraged to incorporate amenities beyond the minimum required, including permanent and/or temporary seating, to facilitate their enjoyment and use. Seating should be placed with consideration to noontime sun and shade; deciduous trees should be planted as the most effective means of providing comfortable access to sun and shade.

Use landscape elements to provide shade and other functional and aesthetic objectives.

10. On roof terraces, incorporate trees and other plantings in permanent and temporary planters that will shade, reduce reflective glare, and add interest to the space. In addition, provide permanent and temporary seating that is placed with consideration to sun and shade, and other factors contributing to human comfort.
11. Landscape elements should support an easy transition between indoors and outdoors through such means as well-sited and comfortable steps, shading devices and/or planters that mark building entrances, etc.
12. Landscape elements should establish scale and reinforce continuity between indoors and outdoors space. Mature canopy trees shall be provided within open spaces, especially along streets and required setbacks.

13. Landscape elements should provide scale, texture and color. A rich, coordinated palette of landscape elements that enhances the Development Site's identity is encouraged.
14. Landscaping should be used to screen or break up the mass of blank walls. For example, trees and shrubs may be planted in front of a blank wall where there is room or vines may be trained on the wall where space is limited.

Design open space areas so as to lend them the character of outdoor rooms contained by buildings.

15. Contain open space along a minimum percentage of its perimeter by building and/or architectural features as follows:

**Table 7-3** Containment of Open Space

OPEN SPACE TYPE	MINIMUM CONTAINMENT
Paseos	2 sides
Entry Forecourts	2 sides
Courtyards	3 sides
Plazas	1 side
Roof Terraces	none



Landscaping can take a variety of forms.



Open space and streets should be designed to accommodate a variety of activities and events.



Bad example of building façades that provides little to no visual relief and too much blank surface.



Good example of a break in the street wall to provide pedestrian access to an open space.

Good example of horizontal variation along a façade.



Once a building's massing and street wall have been defined, architectural details, including façade variation, materials and window treatment, shape a building's visual identity. Buildings should be well-detailed with long-lived materials that can be appreciated when viewed as a part of the distant skyline, or at the most intimate level by the pedestrian.

### A. HORIZONTAL VARIATION

Vary the horizontal plane of a building to provide visual interest and enrich the pedestrian experience, while contributing to the quality and definition of the street wall.

1. Avoid extensive blank walls that would detract from the experience and appearance of an active streetscape.
2. Horizontal variation should be of an appropriate scale and reflect changes in the building uses or structure.
3. Vary details and materials horizontally to provide scale and three-dimensional qualities to the building.
4. While blank street wall façades are prohibited, an exception may be made for integration of public art or a graphic-based façade if it adds scale and interest to an otherwise bland frontage. In these cases, the façade should be a maximum of four floors high, and should have horizontal variation in its surface plane (using cut outs, insets or pop-outs). It should employ different scales of elements as viewed when seeing the entire building massing and as seen by pedestrians at a more intimate scale near the street.
5. Provide well-marked entrances to cue access and use. Enhance all public entrances to a building or use through compatible architectural or graphic treatment. Main building entrances should read differently from retail storefronts, restaurants, and commercial entrances.



## B. VERTICAL VARIATION

Both classical and modern buildings can exhibit basic principles of visual order in the vertical plane -- often with a distinct base (street and pedestrian lower levels), a middle (core mid-section, and often consistent for multiple floors of a mid- to high-rise building), and a top (the upper level that distinguishes a building and defines how it “meets the sky”). Modern or contemporary building designs often layer this principle with more variation and syncopation to create interesting architectural compositions.

Variation in the vertical plane of a building shall clarify the building’s uses and visually differentiate ground floor uses, from core functions and how the building “meets the sky.”

1. Employ a different architectural treatment on the ground floor façade than on the upper floors, and feature high quality materials that add scale, texture and variety at the pedestrian level.
2. Vertically articulate the street wall façade, establishing different treatment for the building’s base, middle and top) and use balconies, fenestration, or other elements to create an interesting pattern of projections and recesses.
3. Provide an identifiable break between the building’s ground floors and upper floors designed for office or other use. This break may include a change in material, change in fenestration pattern or similar means.
4. In order to respect existing historic datums, the cornice or roof line of historic structures should be reflected with a demarcation on new adjacent structures.
5. Where appropriate, employ shade and shadow created by reveals, surface changes, overhangs and sunshades to provide sustainable benefits and visual interest on façades exposed to the sun.



Good examples of vertical variation from the street level base of lofts, to the middle, and at the top where the building meets the sky with a thin overhang.



Good example of a street wall with balconies and varied windows that create a pattern of projections and recesses.



Good examples of an identifiable break between ground level retail and the upper floors.



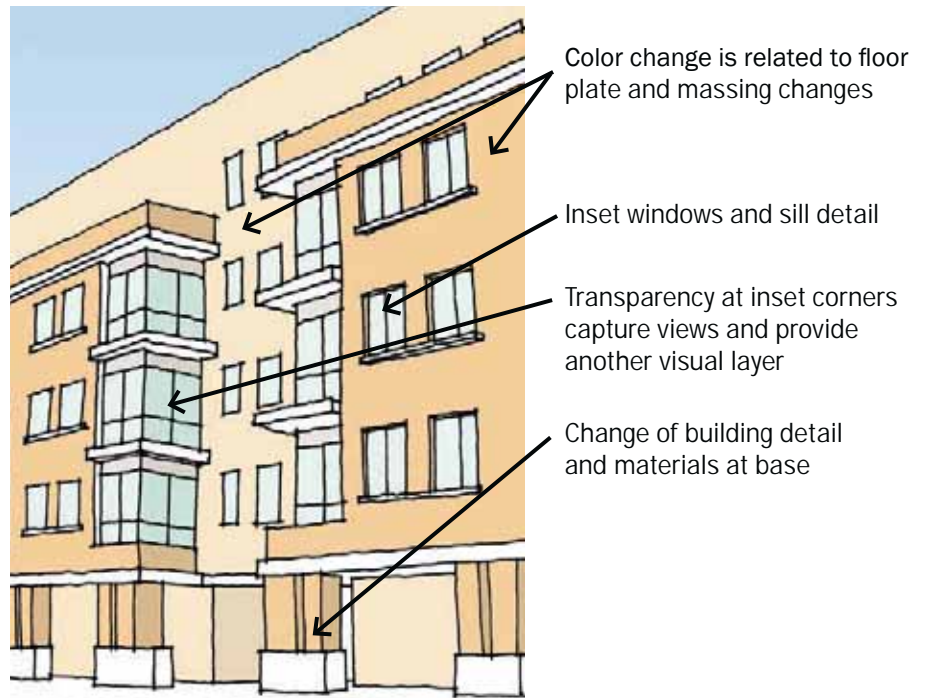
### C. MATERIALS

After establishing a building's overall massing and vertical and horizontal variation, it is important to develop a building's visual character at the level of material choices and detailing. The interplay of materials, windows and other elements should support the larger design objectives as articulated by the architect.

Buildings shall aim for a "timeless design" and employ sustainable materials and careful detailing that have proven longevity.

1. Feature long-lived and sustainable materials. The material palette should provide variety, reinforce massing and changes in the horizontal or vertical plane.
2. Use especially durable materials on ground floor façades.
3. Generally, stucco is not permitted.
4. Detail buildings with rigor and clarity to reinforce the architect's design intentions and to help set a standard of quality to guide the built results.

**Layering.** A building's skin should be layered and bear a direct relationship to the building's structural elements.



5. To provide visual variety and depth, layer the building skin and provide a variety of textures that bear a direct relationship to the building's massing and structural elements. The skin should reinforce the integrity of the design concept and the building's structural elements, and not appear as surface pastiche.
6. Layering can also be achieved through extension of two adjacent building planes that are extended from the primary façade to provide a modern sculptural composition.
7. The building's skin, especially for towers, should be primarily transparent.
8. Cut outs (often used to create sky gardens) should be an appropriate scale and provide a comfortable, usable outdoor space.
9. Design curtain walls with detail and texture, while employing the highest quality materials.
10. Design the color palette for a building to reinforce building identity and complement changes in the horizontal or vertical plane.



Layering with two adjacent planes that extend from the primary façade forming a modern composition.

**Bad example** of a building with poor variation, materials and detail choices.

Color change without any change in wall surface

Sunshades that aren't well integrated and non-functional

Heavy, solid balconies

Windows and doors flush on a stucco finish





Windows should be well-detailed have a recessed depth.



Lighting should be designed to enhance the identity of a project with appropriate character and scale.



Landscape lighting, combined with facade lighting, can enhance the pedestrian environment.

## D. WINDOWS AND DOORS

Provide high-performance, well-detailed windows and doors that add to the depth and scale of the building's façade.

1. Window placement, size, material and style should help define a building's architectural style and integrity.
2. In buildings other than curtain wall buildings, windows shall be recessed (set back) from the exterior building wall, except where inappropriate to the building's architectural style. Generally, the required recess may not be accomplished by the use of plant-ons around the window.
3. Windows and doors shall be well-detailed where they meet the exterior wall to provide adequate weather protection and to create a shadow line.

## E. GLAZING

Incorporate glazing that contributes to a warm, inviting environment.

1. Ground-floor window and door glazing shall be transparent and non-reflective.
2. Above the ground floor, both curtain wall and window/door glazing shall have the minimum reflectivity needed to achieve energy efficiency standards. Non-reflective coating or tints are preferred.
3. A limited amount of translucent glazing may be used to provide privacy.

## F. LIGHTING

Provide well-designed architectural and landscape lighting.

1. All exterior lighting (building and landscape) should be integrated with the building design, create a sense of safety, encourage pedestrian activity after dark, and support Downtown's vital nightlife.
2. Each project should develop a system or family of lighting with layers that contribute to the night-time experience, including facade uplighting, sign and display window illumination, landscape, and streetscape lighting.
3. Architectural lighting should relate to the pedestrian and accentuate major architectural features.
4. Landscape lighting should be of a character and scale that relates to the pedestrian and highlights special landscape features.
5. Exterior lighting shall be shielded to reduce glare and eliminate light being cast into the night sky.

### Security lighting

6. Integrate security lighting into the architectural and landscape lighting system. Security lighting should not be distinguishable from the project's overall lighting system.
7. Illuminate alleys for both vehicles and pedestrians.

## G. SECURITY GRILLS AND ROLL-DOWN DOORS AND WINDOWS

Balance the need for security doors and windows with the need to create an attractive, inviting environment.

1. Exterior roll-down doors and security grilles are not permitted except as noted below.
2. Subject to approval of the Reviewing Agency, interior roll-down doors and security grilles may be permitted, provided they are at least 75% transparent (open), retractable and designed to be fully screened from view during business hours.
3. Subject to approval of the Reviewing Agency, exterior security grilles and roll-down doors may be permitted in the City Markets, provided they are designed to be fully screened from view during business hours.

## H. MINIMIZING IMPACTS ON NEIGHBORS

In Downtown, many projects are viewed directly from adjacent properties where tenants and residents have clear sight lines to roofs and back-of-house functions. It is important that new projects respect neighboring properties, and that the major mechanical systems, penthouses and lighting are designed to limit adverse impacts.

Architecturally incorporate or arrange roof top elements to screen equipment such as mechanical units, antennas, or satellite dishes.

1. Mechanical equipment shall be either screened from public view or the equipment itself shall be integrated with the architectural design of the building.
2. Penthouses should be integrated with the buildings architecture, and not appear as foreign structures unrelated to the building they serve.
3. Ventilation intakes/exhausts shall be located to minimize adverse effects on pedestrian comfort along the sidewalk. Typically locating vents more than 20' vertically and horizontally from a sidewalk and directing the air flow away from the public realm will accomplish this objective.
4. Antennas or satellite dishes shall be screened.

Minimize glare upon adjacent properties and roadways.

5. Lighting (exterior building and landscape) shall be directed away from adjacent properties and roadways, and shielded as necessary. In particular, no light shall be directed at the window of a residential unit either within or adjacent to a project.
6. Reflective materials or other sources of glare (like polished metal surfaces) shall be designed or screened to not impact views nor result in measurable heat gain upon surrounding windows either within or adjacent to a project.
7. Other sources of glare, such as polished metal surfaces, shall be designed or screened to not impact views from surrounding windows.



Interior grilles that are more than 75% open are less visible during non-business hours and easier to screen from view during business hours.



Awnings can be used to conceal existing exterior roll-down doors during business hours. Left: overall view of the storefront. Right: detail of the grill housing.



There are always exceptions: this security grille is not retractable, but could be approved given its aesthetic contribution.





Corner curb extension at Grand Avenue and 11th Street.

#### A. RESPONSIBILITIES OF THE CITY AND OTHER PUBLIC AGENCIES

1. Recognize the shared use of streets not just for moving traffic, but equally as 1) the front door to businesses that are the economic and fiscal foundation of the City and 2) outdoor open space for residents and workers in a City that is severely lacking in public open space. That is, recognize that all streets on which residential or commercial development is located are “pedestrian-oriented streets” and design and improve them accordingly.
2. Implement the standards and guidelines in this document that pertain to improvements within street rights-of-way, including sidewalk configuration and streetscape improvements.
3. For improvement projects undertaken by public agencies, comply with the Downtown Street Standards and all standards and guidelines in this document, including sidewalk width, sidewalk configuration and streetscape improvements. In the case of sidewalk width, acquisition of rights-of-way or easements from adjacent property may be required.
4. Do not unreasonably burden property owners, developers and business owners with complicated regulations and protracted processes.

#### B. RESPONSIBILITIES OF THE DEVELOPER OR LEAD PUBLIC AGENCY

1. Provide sidewalks, parkways and walkways as specified in Section 3.
2. Install and maintain the improvements specified in this section.
3. Execute a Maintenance Agreement with the City by which the developer or Lead Public Agency agrees to maintain the streetscape improvements and accepts liability for them.
4. Install the ornamental street lighting specified in sub-section G and agree to an on-going assessment by the City to maintain and operate the lights.

#### C. SIDEWALK IMPROVEMENT WHERE FUTURE ROADWAY WIDENING MAY OCCUR

1. Where 1) a street dedication has been made in the past or is required at the time of development and 2) the roadway has not been widened, that portion of the sidewalk located in the potential future widening shall be the Temporary Sidewalk Zone.
2. The Temporary Sidewalk Zone may not be included in the required sidewalk width.
3. Street trees may not be planted in the Temporary Sidewalk Zone.



4. On streets where continuous landscaped parkways are required, develop the Temporary Sidewalk Zone as a landscaped parkway. Design the irrigation so that the portion in the Temporary Sidewalk Zone can be removed without damaging the irrigation in the remaining parkway.
5. On streets where tree wells are required, pave the Temporary Sidewalk Zone as an extension of the permanent sidewalk with an expansion joint at the future back of curb.

#### D. CURB EXTENSIONS AND CROSSWALKS

1. Mid-block crosswalks shall be provided on all blocks 550' or longer, subject to approval by LADOT.
2. Curb extensions shall be provided at all corners and mid-block crossings, except at the intersection of two arterial streets (Major or Secondary Highways) and on streets where the curb lane is used as a peak-hour traffic lane, subject to approval by LADOT.

#### E. PAVING PATTERN

1. In the LASED Streetscape Plan area, the paving pattern specified in the adopted Streetscape Plan shall be installed.
2. On Hope Street the paving pattern used between Olympic Boulevard and 9th Street shall be installed.
3. In all other locations north of the 10 Freeway, the standard CRA/LA edge band shall be installed. The edge band detail is included in Appendix B.

**Table 9-1** Edge Band Characteristics

DISTRICT / NEIGHBORHOOD	EDGE BAND MATERIAL
Civic Center	NA
Civic Center South	TBD
Little Tokyo	TBD
Bunker Hill	Red granite, flame finish
Financial Core	Black granite, flame finish
LASED / Figueroa Corridor South	Black granite sawcut, bush hammered, flush joint
South Park	Endicott Brick medium
City Markets	TBD



Mid-block crosswalks on north-south streets improve pedestrian access.



Examples of district paving pattern and the standard CRA/LA edge band: without grout joints (upper two) and with grout joints (lower).



Streetscape improvements will vary by district and project.

## F. STREET TREES

### Tree Species and Spacing

1. Street trees shall be planted in conjunction with each project. In-lieu fees are not permitted.
2. Space trees as specified by City staff, but not more than an average of 25 feet on center to provide a more-or-less continuous canopy along the sidewalk.
3. Spacing from other elements shall be as specified by the Urban Forestry Division (UFD)/Bureau of Street Services/Department of Public Works, except trees may be 6 feet from pedestrian lights. The Applicant shall agree to maintain the trees so that the pedestrian lights are accessible for maintenance purposes.
4. Trees shall be species/cultivars that will achieve a mature height, given site conditions, of at least 40 feet on Major Highways Class II and Secondary Highways and 30 feet on other streets with a mature canopy that can be pruned up to a height of 14 feet. Typically street trees will achieve about two-thirds of the mature height specified in Sunset Garden Book.
5. Species/cultivars shall be as shown in the Master Tree List in the Appendices unless otherwise approved by the Reviewing Agency and UFD.
6. Required street trees shall be shade trees. However, if approved by the Reviewing Agency and UFD, palms may be planted between or in addition to required shade trees.

### Planting Standards

7. Plant minimum 36" box trees.
8. Parkways shall be planted with: 1) turf or turf substitute that is level with the adjacent walkway and walkable or 2) groundcover or perennials at least 18 inches but not more than 3 feet tall, except within 2 feet of tree trunks.
9. Where tree wells are installed as permitted/specified in Section 3, tree wells may be: 1) planted as described above; 2) covered with a 3-inch thick layer of stabilized decomposed granite, installed per manufacturer's specifications, and level with the adjacent walkway; or 3) covered by a tree grate.
10. Where gap-graded (structural) soil is required by Section 3, it shall be installed to a depth of at least 30 inches below the required miscellaneous base material under the concrete sidewalk for the entire length and width of the sidewalk adjacent to the project, except: 1) gap-graded soil is not required under driveways and 2) adjacent to existing buildings, the existing soil should be excavated at a 2:1 slope away from the building wall or as required by the Department of Building and Safety to avoid shoring of the building footing.
11. Irrigate the trees and landscaped parkways with an automatic irrigation system. In-line drip irrigation (Netafim or equal) is preferred. Spray heads or bubblers may also be used provided they adequately irrigate trees (minimum of 20 gallons per week dispersed over the root zone) and do not directly spray the tree trunks.

12. Maintain and prune street trees as specified by the Urban Forestry Division, including: obtain a permit prior to pruning and adhere to International Society of Arboriculture (ISA) Tree Pruning Guidelines and American National Standards Institute (ANSI) A300 standards. These guidelines prohibit "topping" and "heading."

The appendices provides details and specifications for the above requirements.

## G. STREET LIGHTS

There are two types of street lights in the Downtown: roadway lights ("street lights") and pedestrian-scale lights ("pedestrian lights"). Street lights provide illumination of both the roadways and sidewalks to the levels required by the Bureau of Street Lighting (BSL) for safety and security. Pedestrian lights are ornamental and do not contribute to the required illumination level, but they may supplement it. Pedestrian lights contribute to the pedestrian scale of the street and add a warm glow of yellow light on the sidewalk.

1. On streets having an established historic street light, continue the predominant street light pattern, modified as required by BSL to meet current illumination standards, using replicas of the historic street lights as specified by BSL. If a project includes roadway widening, refurbish and relocate the historic street lights with supplemental replicas as required by BSL.
2. In other locations, pedestrian street lights, as specified by the Reviewing Agency and approved by BSL, shall be attached to each existing roadway light and a matching pedestrian light on a pole specified by the Reviewing Agency and approved by the BSL shall be installed approximately equidistant between the roadway lights. Pedestrian light spacing must be carefully coordinated with street tree planting in order to meet BSL spacing requirements and maintain the required tree spacing. An alternative street lighting pattern may be approved by the Reviewing Agency and BSL.
3. Pedestrian street lights may be set back from the curb on wide sidewalks installed on private property as follows:
  - Where sidewalks are at least 24 feet wide, the pedestrian lights may be set back between the clear path of travel and the commercial activity zone adjacent to the building.
  - Where the building is set back from the sidewalk, the pedestrian street lights may be installed on poles directly adjacent to the back of sidewalk.
  - All light sources shall provide a warm (yellow, not blue) light if metal halide or high-pressure sodium or, preferably, LED lights that produce a similar quality of light.
  - All optic systems shall be cut-off.

Topped tree



One year later



Topping and heading is prohibited.



Street lights.



Pedestrian lights.





Streetscape improvements should support activity during both day time and evenings.

## H. STREETScape PROJECT APPROVAL AND PERMITS

Streetscape project approval results in the issuance of a permit by the Department of Public Works. Three different types of permits are issued for streetscape projects, each with varying levels of review. Projects are reviewed for consistency with general City standards and specifications for projects in the public right-of-way. The following is a description of the types of permits required for Streetscape projects.

1. **A-permit.** The A-Permit is the first level of street improvement permits and is issued over the counter with no project plans. Items typically permitted through this type of review are new or improved driveways and sidewalks. A nominal fee may be charged for plan check, filing, and inspection.
2. **Revocable Permit.** Revocable Permits are the second or mid-level of street improvement permits. Revocable permit applications require the submittal of professionally prepared drawings on standard City (Bureau of Engineering) drawing sheets and are reviewed by the various Bureaus within the Department of Public Works for safety and liability issues. Improvements approved through the Revocable Permit process are maintained by the permittee. Failure by the permittee to keep the improvement in a safe and maintained condition allows the City to revoke the permitting rights at which point a permittee is requested to restore the street to its original condition. Projects requiring approval through the Revocable Permit process include improvements within the public right-of-way that do not change the configuration of the street. A moderate fee is assessed for plan check, administrative filing, and inspection and the applicant is typically required to provide proof of liability insurance.
3. **B-Permit.** The B-Permit is reserved for streetscape projects requiring the highest level of review. Approval through the B-Permit process is required for projects that are permanent in nature and developed to a level that allows the City to maintain the improvement permanently. A B-Permit is usually issued for improvements that change the configuration of the street, traffic patterns, or other substantial permanent changes to the streetscape. Projects subject to the B-Permit review process require professionally prepared drawings submitted on standard City (Bureau of Engineering) drawing sheets and are reviewed by all public agencies affected by the improvements. A fee commensurate with development is assessed for plan check, administration, and inspection. Construction bonding is required to ensure that the improvements are installed, and various levels of insurance are required.

The provisions in this section supplement the Zoning Code.

Applicants with limited experience in signage design and implementation are encouraged to review Appendix A. Guide to Tenant Signs.

### A. MASTER SIGN PLAN

Signage can contribute to creating strong building identity when it is well-integrated with the design of the architecture. A project's signage program must begin during design development to better achieve integration with the architecture.

1. All projects over 50,000 square feet, or that have more than 50 residential units, shall submit a master sign plan for the entire project during the design development phase. The master sign plan shall identify all sign types that can be viewed from the street, sidewalk or public right-of-way.

The plan shall be designed and prepared by a single graphic design firm or signage design company to assure a cohesive, integrated approach to the variety of signs required for building identification, wayfinding and regulatory needs.

The master signage plan shall include:

- A site plan identifying location of all sign types and that identifies each proposed sign by number, showing its location in relation to structures, walkways and landscaped areas;
- A matrix describing general characteristics of each sign type, sign name or number, illumination, dimensions, quantity); and
- A scaled elevation of each sign type showing overall dimensions, sign copy, typeface, materials, colors and form of illumination.

### B. SIGNAGE GUIDELINES BY TYPE

The following guidelines do not supersede regulations in the Central City Signage Supplemental Use District, but are intended to provide design guidance to achieve visually effective and attractive signage throughout Downtown.

These design recommendations and visual examples are meant to help Applicants understand what is generally considered good signage design for a corporate campus, residential or retail project.





**Campus Identity Sign.** Example of a corporate campus identity sign that is integrated with the architecture and landscaping.

### Corporate Campus Signs

A corporate campus refers to a commercial property that may include multiple buildings with commercial or institutional tenants, often with ground floor commercial and retail spaces, open space, parking garage and loading dock. In the Financial Core or Bunker Hill, they are typically exemplified by high-rise towers.

1. Signage should reinforce the corporate or campus identity.
2. All signs integrate with the architecture, landscaping and lighting, relate to one another in their design approach, and convey a clear hierarchy of information.
3. Signs that hold multiple tenant information should be designed so individual tenant information is organized and clear within the visual identity of the larger campus or building.
4. For buildings over 120 feet tall, see requirements for tall building signs.



**Corporate Identity and Retail Signs.** Campus identity can be derived from prominent public art, as shown here (top). Signs for retail or public amenities should be related to the overall campus identity (below).



**Campus Identity Sign.** The corporate campus name and graphic identity should be established at the most prominent public corners.



**Campus Parking Sign.** Secondary information for valet parking or a loading dock should be related in its design to the campus identity sign.

### Residential Project Signs

5. Signage should reinforce the identity of the residential complex and be visible from the most prominent public corner or frontage.
6. All signs shall be integrated with the design of the project's architecture and landscaping. As a family of elements, signs should be related in their design approach and convey a clear hierarchy of information.
7. Signage should identify the main/visitor entrance or lobby, resident or visitor parking, community facilities, major amenities and commercial uses. These signs should be related in style and material while appropriately scaled for the intended audience.
8. Residents soon learn the project entries and facilities so signs should not be too large or duplicative.
9. Signs for community facilities should be prominent and easily read by first time visitors.
10. Mixed-use projects with commercial or retail tenants shall comply with the retail section below.



**Integrated Design.** Examples of residential identity signage integrated into a sculptural seating and lighting element at the main entry (left) and into an entrance canopy (right).



**Hierarchy of Signs.** Examples of residential identity signage present at the most prominent corner. A related family of signs ranging from overall project identity to the parking garage are shown here (above).



**Multi-Tenant Retail Signs.** Examples of multi-tenant retail where individual signs are treated in a consistent manner and integrated with the architecture (above).

### Retail Signs

11. Retail signs should be appropriately scaled from the primary viewing audience (pedestrian-oriented districts require smaller signage than fast moving automobile-oriented districts).
12. The location, size, and appearance of tenant identification signs should contribute to street activity and enhance the street-level experience that is appropriate to each Downtown district or neighborhood.
13. For projects that have multiple storefront tenants of similar size, generally all signage should be of the same type (i.e., cut out letters, blade, or neon) and the same relative size and source of illumination. Retail tenants will appear to be different by their store name, font, color and type of retail displays.
14. Historic buildings with ground floor retail shall have signs that do not obscure the architecture, but are integrated into the original or restored storefront elements.



**Ground Floor Retail Signs at Historic Structures.** Examples of new retail signage that is integrated with the architecture of the historic structure (above).



**No Duplicative Signs.** Example of retail signage that is not allowed because it duplicates information on panels and on the awning (above).



**Appropriately Scaled Signs.** Example of retail sign appropriately scaled to the storefront in a pedestrian-oriented environment.



## Tall Building Signs

Buildings at least 120 feet tall may have “Tall Building Signs” that identify the building, subject to the following criteria:

15. **Location.** On a flat topped building, Tall Building Signs must be located between the top of the windows on the topmost floor and the top of the roof parapet or within an area 16 feet below the top of the roof parapet. On buildings with stepped or otherwise articulated tops, Tall Building Signs may be located within an area 16 feet below the top of the building or within an area 16 feet below the top of the parapet of the main portion of the building below the stepped or articulated top. Tall Building Signs must be located on a wall and may not be located on a roof, including a sloping roof, and may not block any windows.
16. **Maximum Sign Area.** A Tall Building Sign may not occupy more than 50% of the area in which the sign may be located on a single building face or 800 square feet, whichever is less and may include only a single line of text.
17. **Number of Tall Building Signs.** A building may have no more than two Tall Building Signs on any two sides of the building. In the case of a cylindrical or elliptical building, the building should be considered to have four quadrants, which will in no case exceed 25% of the perimeter of the building. Both Tall Building Signs on a building must be identical.
18. **Materials.** Tall Building Signs must be constructed of high quality, durable materials that are compatible with the building materials. Cut-out letters that are individually pin-mounted and backlit are encouraged. Box signs are prohibited.
19. **Orientation.** To the extent feasible, Tall Building Signs shall not be oriented toward nearby residential neighborhoods.
20. **Flexibility.** Tall Building Signs shall be designed to be changed over time.
21. **Other Guidelines.** Tall Building Signs are encouraged to meet the following guidelines:
  - The use of symbols, rather than names or words, is encouraged.
  - Tall Building Signs should be integrated into the architectural design of the building.
  - Nighttime lighting of Tall Building Signs, as well as of distinctive building tops, is encouraged and the two should be integrated. Lighting of Tall Building signs should include backlighting that creates a “halo” around the skylight sign. Backlighting may be combined with other types of lighting.



Tall Building Signs are intended to identify downtown high rises both in a distance skyline view and from the streets Downtown.

## C. SIGNAGE GUIDELINES FOR ALL SIGN TYPES

### Signs in Context



1. Signs should be conceived as an integral part of the project design so as not to appear as an afterthought.
2. The location, size, and appearance of signs should complement the building and should be in character with the Downtown district in which they are located.
3. Signs should respect residential uses within and adjacent to a project. The intent is to promote a more peaceful living environment without undue impacts upon residential uses. Small signs, no animation, limited lighting and shorter operating hours are appropriate where signs are visible from residences.

### Sign Location in Relation to Street Trees



4. Except in locations where street trees are not required, no signs shall be located between 14 feet above sidewalk elevation and 40 feet above sidewalk elevation to avoid conflicts with the tree canopy, except where the Applicant demonstrates that no conflict will occur.
5. To accommodate tenant signs below the tree canopy, a street tree's lateral branches may be removed below a height of 14 feet above the sidewalk elevation, provided that: a) no removed branch has a diameter of more than 1/4 of the trunk diameter or 3", whichever is less, and b) the total tree height is 2.5 times the clear trunk height. For example, if the total tree height is 35 feet, the lateral branches along the trunk may be removed below 14 feet. If the total tree height is 25 feet, the lateral branches may be removed below 10 feet.
6. Trees may not be topped or headed back on the sides to expose signs. If a tree is topped or headed back to expose a sign, the tree shall be replaced by the sign permit holder or sign owner with a tree equal in size to the topped or headed tree prior to topping or heading.



Tenant signs located below the tree canopy eliminate the potential for conflicts between signs and trees.

### Sign Illumination and Animation

7. Illuminated signs that reflect the individual character of the Downtown districts are encouraged.
8. Signs shall use appropriate means of illumination. These include: neon tubes, fiber optics, incandescent lamps, cathode ray tubes, shielded spotlights and wall wash fixtures.
9. Signs may be illuminated during the hours of operation of a business, but not later than 2 a.m. or earlier than 7 a.m.



### Prohibited Signs

10. The following signs are prohibited:

- Internally illuminated awnings
- Conventional plastic faced box or cabinet signs
- Formed plastic faced box or injection molded plastic signs
- Luminous vacuum formed letters
- Animated or flashing signs
- Wall murals covering windows.



**Icons and emblems.** Large-scale signature sculptural statements and gateway markers can create a dramatic first impression of a neighborhood.



**Civic Buildings.** Public facilities require public art that can embody the agency's mission while providing a more human and welcoming face to visitors.



**Plazas.** Plazas should be activated with more prominent, enigmatic artwork such as large sculptures, arbors, lighting or water features which include adequate space for people to gather and amenities to make it inviting.

Historically, cities embrace the arts of their time, and the character, personality and spirit of the city is often conveyed most vividly through its arts and culture. Downtown stakeholders have a proven commitment to the arts, for they play a significant role in cultivating livable neighborhoods. As a result, Downtown is a popular destination to experience public art, art galleries, museums, and theater and to celebrate cultural traditions in enhanced urban settings. For these reasons, public art in Downtown should aspire to meet the following goals and guidelines:

### A. GOALS

**Integrate public art in the overall vision of the project's architecture, landscape and open space design by incorporating the artist into the design team early in the process. The goals are as follows:**

- **Artistic excellence.** Aim for the highest aesthetic standards by enabling artists to create original and sustainable artwork, with attention to design, materials, construction, and location, and in keeping with the best practices in maintenance and conservation.
- **Image.** Generate visual interest by creating focal points, meeting places, modifiers or definers that will enhance Downtown's image locally, regionally, nationally and internationally.
- **Authentic sense of place.** Enliven and enhance the unique quality of Downtown's diverse visual and cultural environments. Provide meaningful opportunities for communities to participate in cultural planning, and a means for citizens to identify with each other through arts and culture in common areas.
- **Cultural literacy.** Foster common currency for social and economic exchange between residents, and attract visitors by ensuring that they have access to visual 'clues' that will help them navigate and embrace a potentially unfamiliar environment. This can be achieved through promotional materials and tours as well as artwork.
- **Style.** Artworks must demonstrate curatorial rigor in terms of building the city's collection of public art and shall illustrate themes and levels of sophistication that are appropriate for their location.
- **Responsiveness.** Without formally injecting art into the early stages of the planning process for each new development, it will either be left out, or appear out of sync with the overall growth of the built environment.

## B. GENERAL GUIDELINES

1. All artwork erected in or placed upon City property must be approved by the Department of Cultural Affairs, and in some cases may require a special maintenance agreement with the appropriate BID or similar community organization.
2. Artwork in privately owned developments should be fully integrated into the development's design, in the most accessible and visible locations. Enclosed lobbies and roof top gardens are considered appropriate locations.
3. Artwork in retail streets and developments will need to be viewed in relation to existing signage and shop frontage.
4. Attention must be paid to how the artwork will appear amidst mature landscape.
5. Special care should be made to avoid locations where artworks may be damaged, such as the vehicular right of way.

## C. CONTRIBUTING TO AN URBAN TRAIL

Ideally, each Downtown neighborhood would develop an aesthetic "heart" with unique characteristics. It could be represented by a neighborhood boundary, main boulevard, business core or cultural corridor. The art that defines the heart can also branch out to offer connections that form an "Urban Trail." This trail could provide physical and visible connections, a path of discovery using elements like:

- Icons and emblems
- Civic buildings
- Street furnishings
- Plazas
- Parks, paseos and courtyards
- Façades
- Transit hubs.



### Parks, Paseos and Courtyards.

These spaces allow for closer, quieter contemplation of art, and can provide playful sequential elements.



**Façades.** An artist's sculpted or surface treatment can become a visual showcase that complements the architecture.



**Transit Hubs.** Strategically located artworks can serve as beacons to attract people to transit, and to make a commuter's wait more interesting.

**List of Places**

- 1 Music Center Plaza  
Festivals, outdoor dining, tourism,  
concert outdoor lobby
- 2 Civic Park (future)  
Outdoor dining, festivals, proposed  
small-scale event site, outdoor screenings
- 3 Cathedral Plaza  
Events, Shakespeare Festival/LA, cafe,  
church lobby
- 4 City Hall South Lawn  
Farmers market, small demos, speeches
- 5 City Hall West Lawn and Courtyard  
Political events
- 6 Grand Avenue Festival  
Annual October ~ 25,000 attendees
- 7 MOCA  
Street level - public art, nighttime openings  
Below street level - cafe
- 8 Spiral Court, California Plaza  
Outdoor dining
- 9 Watercourt  
Summer lunch and evening programming  
50 programs June - October
- 10 Colburn  
Plaza and Cafe, gathering spot for students
- 11 Wet Fountain
- 12 Paseo - Wells Fargo Court  
Interior
- 13 Angel's Flight
- 14 Grand Central Market  
Paseo - Outdoor seating
- 15 Biddy Mason Park
- 16 CRT Parking Garage Paseo
- 17 Broadway Pedestrian Activity
- 18 Arcade Building  
Paseo
- 19 Old Bank District  
Outdoor cafes and street life
- 20 Monthly Art Walk - 2nd Thursday
- 21 Walt Disney Outdoor Site  
Garden and Amphitheater
- 22 Arts High School Theater entry on Grand Ave.  
and New outdoor Lobby
- 23 Arts High School Grand Ave. Entry
- 24 DWP Fountain Circuit (potential)
- 25 Bamboo Lane (future)
- 26 Art Walk/West Plaza
- 27 Central Plaza  
Informal games, people sitting,  
some events (under utilized)
- 28 Blossom Plaza (future)  
Event site, outdoor dining, paseo -  
connect Gold Line to Broadway
- 29 Network of Chinatown Alleys (new)
- 30 Future bridge to State Historic Park
- 31 State Historic Park  
Event site, concerts, circus, etc.
- 32 Farmlab and Under Spring  
Events, openings, music
- 33 Chinatown Pedestrian Overpass  
(should be gateway)
- 34 Solano Canyon  
Pedestrian enclave
- 35 Bridge to Chinatown West

Everything in the Design Guide is intended to provide a framework for and support an increasingly active civic and cultural environment for residents, workers and visitors in the Downtown in public spaces and along the streets. Figure 12-1 maps many of the current events, activities, cultural facilities street activity and other aspects of life in the Downtown public realm.

**A. GOAL**

Every project should contribute to the civic and cultural life of the Downtown, building on and connecting to existing elements.

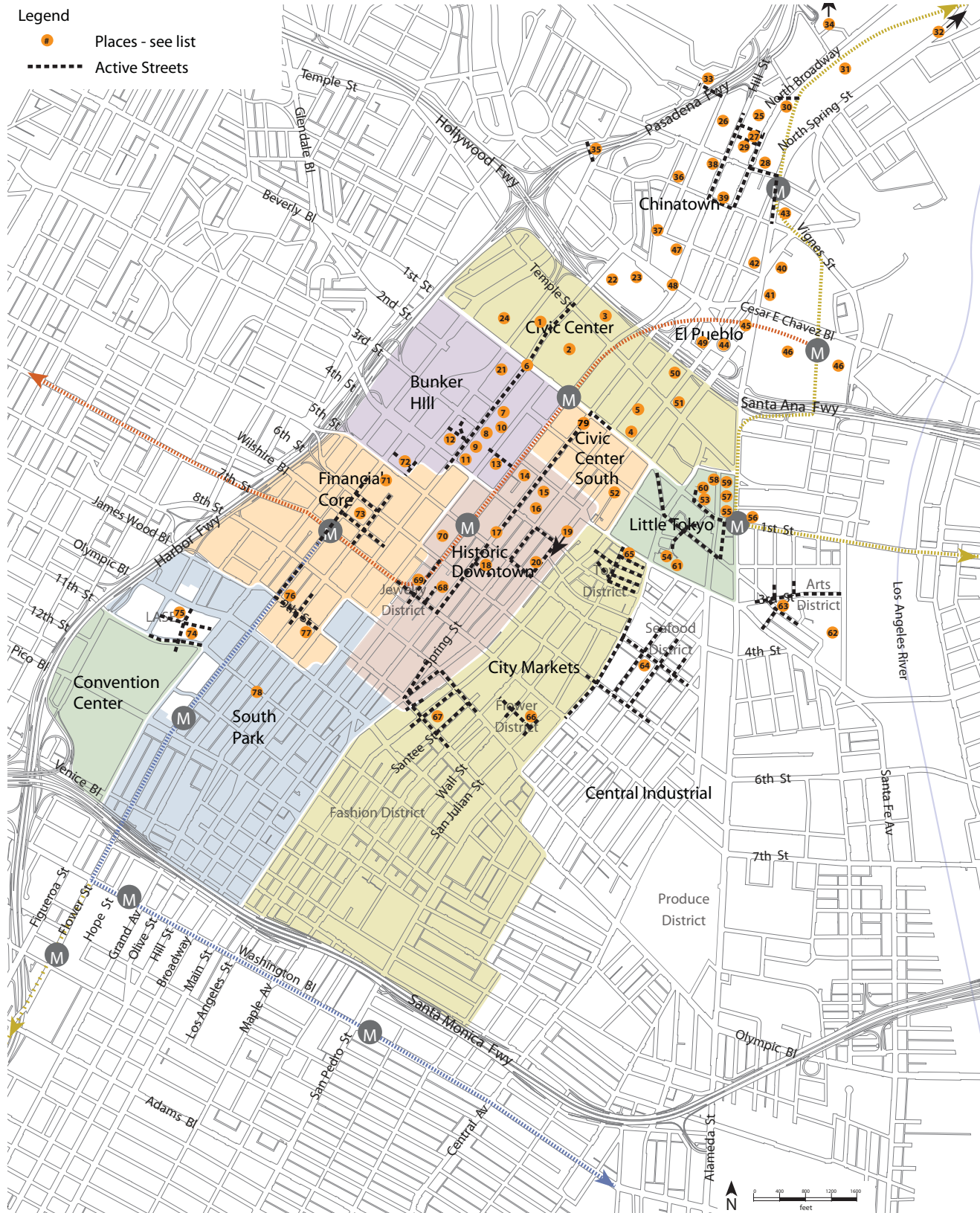
**B. GUIDELINE**

## 1. Describe how your project will:

- Contribute to the civic and cultural life of the Downtown.
- Connect to existing elements illustrated on the map in Figure 12-1.

- 36 Alpine Recreation Center  
Tai Chi, basketball, sports etc.
- 37 Future Ord Street Stairs
- 38 Castelar School Playground  
Festival and event space, carnivals, moon festival
- 39 Chinatown Street Activity
- 40 Main Street Triangle
- 41 California Endowment Entry Plaza  
Annual Event Site, Healthy Neighborhood  
test and man street closure
- 42 Phillipe's
- 43 Homegirl Cafe
- 44 El Pueblo  
Events, festivals, music on weekends,  
church events, outdoor dining and shopping
- 45 Redesigned Plaza
- 46 Union Station and Gateway Plaza  
Some private events
- 47 Chinatown Library  
destination, classes, lectures,  
community meetings
- 48 Dragon Gateway (no pedestrian place)
- 49 Plaza de Cultura y Artes  
New cultural center 2010
- 50 Gloria Molina Parkway (future)
- 51 Triforium Plaza (no current uses)
- 52 St. Vibiana's  
Concerts, possible event site
- 53 Little Tokyo Walk Streets
- 54 JACCC  
800 seat theater  
Festival plaza (Noguchi)
- 55 JANM  
Event Plaza, outdoor music, tea room
- 56 New Gold Line Station
- 57 Temporary Contemporary
- 58 Arts Park (unbuilt)
- 59 Go For Broke Monument  
Magnet for JA tourists
- 60 East West Players  
Outdoor Lobby
- 61 Irvine Japanese Garden  
Traditional - new site for weddings and events
- 62 Sci-Arc
- 63 Arts District  
Walk streets, some outdoor dining, some street  
closures on traction for events
- 64 Skid Row  
very dense
- 65 Toy District  
Streets
- 66 Flower Mart
- 67 Fashion District  
Walking streets
- 68 "St Vincent" Court  
Outdoor dining
- 69 Jewelry District
- 70 Pershing Square  
Outdoor Concerts, events, and ice skating
- 71 Library West Lawn  
(nice place)
- 72 Library Steps
- 73 Financial District  
Walking streets
- 74 Nokia Plaza  
Possible events
- 75 LA Live
- 76 Ralph's  
New destination
- 77 FIDM and Grand Hope Park
- 78 South Park new housing, restaurants & nightlife
- 79 Broadway to City Hall  
Historic Parade Route





**Figure 12-1** Existing Downtown Activity (map courtesy of Aaron Paley, Community Arts Resources).



# DEFINITIONS

Whenever the following terms are used in the Design Guidelines, they shall be construed as follows.

**Floor Area.** As defined by the Zoning Code. Floor Area does not include outdoor eating areas located in terraces, courtyards, private setback areas, public sidewalks, or other outdoor spaces.

**High-Rise.** Generally, structures exceeding 240' or over 20 stories tall.

**LEED®.** The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. See the official website [www.usgbc.org](http://www.usgbc.org) for more information.

**Low-Rise.** Generally structures that are up to 6 stories tall, most often seen in courtyard housing or small commercial structures.

**Mid-Rise.** Block structures that are 7-20 stories tall and typically 12-20 stories, most often seen in residential housing or commercial structures.

**Parkway Zone.** Sidewalk zone reserved for streets, other landscaping and access to parked cars.

**Reviewing Agency.** Department of City Planning and/or the Community Redevelopment Agency of the City of Los Angeles. The review process is outlined in Section 1.

**Street Wall.** The building wall along the back of sidewalk/setback.

**Towers.** Generally high-rise structures, or portions more slender than, and rising above a building's street level base.

**Zoning Code.** The planning and zoning provisions of the Los Angeles Municipal Code (LAMC), Chapter 1 as amended.

# APPENDICES

## **APPENDIX A**

Guide to Tenant Signs

## **APPENDIX B**

Downtown Street Tree Details and Specifications (to be added)

## **APPENDIX C**

Master Tree List (to be added)

## **APPENDIX D**

Master Street Light and Pedestrian Light List (to be added)



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2: [www.arts.qld.gov.au](http://www.arts.qld.gov.au), "Confluence" by Daniel Templeman, Brisbane Australia

3: Electroland, "Enteractive" by Electroland, Met Lofts, Downtown Los Angeles.

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1: [www.lostateminor.com](http://www.lostateminor.com), "Stadlounge" by Pipilotti Rist with Carlos Martinez Architects, St. Gallen, Switzerland

2: [www.mayer-of-munich.com](http://www.mayer-of-munich.com), Glass wall by Brian Clarke, Al Faisaliah Center, Riyadh, Saudi Arabia

3: "Astride Aside" by Michael Stutz, Metro Gold Line, South Pasadena, Los Angeles.





## San Mateo City Charter and Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 27 ZONING](#)[Chapter 27.38 CBD DISTRICTS—CENTRAL BUSINESS DISTRICT](#)**27.38.110 REQUIRED RETAIL FRONTAGE.**

The following provisions apply in the required retail frontage area as shown in the City's Downtown Plan (the "Required Retail Frontage"):

(a) Permitted Uses. The following uses are permitted on the ground floor subject to the requirements in Section [27.38.040](#), Conditions of Use, and the standards listed in subsection (c) below:

(1) Retail Sales. Uses principally engaged in retail sale or rental of consumer or household goods, including ancillary repair services. These retail uses are characterized by face-to-face transactions conducted by both the buyer and seller on the business premises. Retail businesses that conduct a majority of their sales (over 50%) via the Internet or other means of telecommunications are not considered "retail" for the purposes of this section.

(2) Personal Services. Uses principally providing services of a personal convenience nature to the individual consumer. These types of uses are primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical personal services uses include, but are not limited to, beauty and hair salons, shoe repair shops and tailor shops. This definition of "Personal Services" does not include professions as defined in Section [5.24.160](#) of the City of San Mateo Municipal Code or any similar professions.

(3) Eating and Drinking Services. Uses principally engaged in the preparation and retail sale of food and/or beverages, but excluding uses principally involving food preparation for off-site catering.

(4) Theaters and Cultural Facilities. Uses providing entertainment such as motion pictures, plays or operas or cultural facilities such as a museum.

(5) Banks. Uses providing financial services including banks, savings and loan institutions, lending institutions, and credit unions unless located at the intersection of two (2) streets within the required retail frontage area as shown in the Downtown Plan; banks and other financial services are prohibited at these corner locations. Such uses shall be retail service in nature, dedicated to serving the general customer, and not be open by appointment only. At least 50% of the ground floor area shall be devoted to this type of retail, customer serving use.

(b) Special Uses. The following uses are permitted subject to approval of a special use permit:

(1) All Properties. Any other use deemed similar in nature and operation to the permitted uses, and found to be consistent with the purposes of this chapter and the policies of the Downtown Plan, may be authorized upon approval of a special use permit by the Planning Commission, subject to the provisions of Chapters [27.08](#), Rules of Procedure, and 27.74, Special Use Permits, unless appealed to the City Council in accordance with Section [27.08.060](#).

(2) Ground Floor Dependent Offices on Non-Corner Properties. Offices used for on-site property management, or for professional or consulting services, including, but not limited to, travel agencies, insurance agencies, income tax preparers, real estate agencies and notary publics, when not exceeding 2,500 square feet per building and not located at the intersection of two (2) streets within the required retail frontage area as shown in the Downtown Plan. Such uses shall require ground floor visibility to serve patrons on an unannounced or drop-in basis, shall conduct a majority of their business face-to-face on the premises with their customers, and shall maintain retail storefronts comparable to traditional retail sales operations, including display of goods and services for sale.

(c) Standards.

(1) Ground Floor Retail Frontage Width and Depth Standards.

(i) For non-corner properties with street frontage widths of 25 linear feet or less, at least 67% of the building's street frontage, to a depth of 60 feet, shall be limited to the permitted uses specified above.

(ii) For non-corner properties with street frontage widths greater than 25 linear feet, at least 75% of the building's street frontage, to a depth of 60 feet, shall be limited to the permitted uses specified above.

(iii) Reduction in Ground Floor Retail Frontage Width and Depth Requirement. Reductions in the above requirements may be authorized upon approval of a special use permit by the Planning Commission, subject to the provisions of Chapters

27.08, Rules of Procedure, and 27.74, Special Use Permits, and if each of the following findings can be made in addition to the findings required for special use permits:

(A) The property has physical limitations such as narrow building or lot width, or an unusual building or lot configuration which renders it infeasible to meet the retail depth and width requirements set forth above; and

(B) The proposed uses and associated changes to the building and property are consistent with the purposes of this chapter, and applicable policies pertaining to downtown including, but not limited to the General Plan, Downtown Plan, and Pedestrian Master Plan.

(2) Public Access. All permitted and specially-permitted uses shall be directly accessible from a public sidewalk or a plaza accessible from the public sidewalk along the required frontage.

(3) View of Interior Space. New or reconstructed building walls at the ground level shall have at least 75% of the width along the street devoted to pedestrian entrances, transparent show or display windows of at least two (2) feet in depth, or windows affording a view of retail, office, or lobby space.

(4) Ground Floor Entries to Other Uses.

(i) For lots with street frontage widths of 25 linear feet or less, not more than 33% of the street frontage shall be devoted to entrances to uses other than the above permitted uses.

(ii) For lots with street frontage widths greater than 25 linear feet, not more than 25% of the street frontage shall be devoted to entrances to uses other than the above permitted uses.

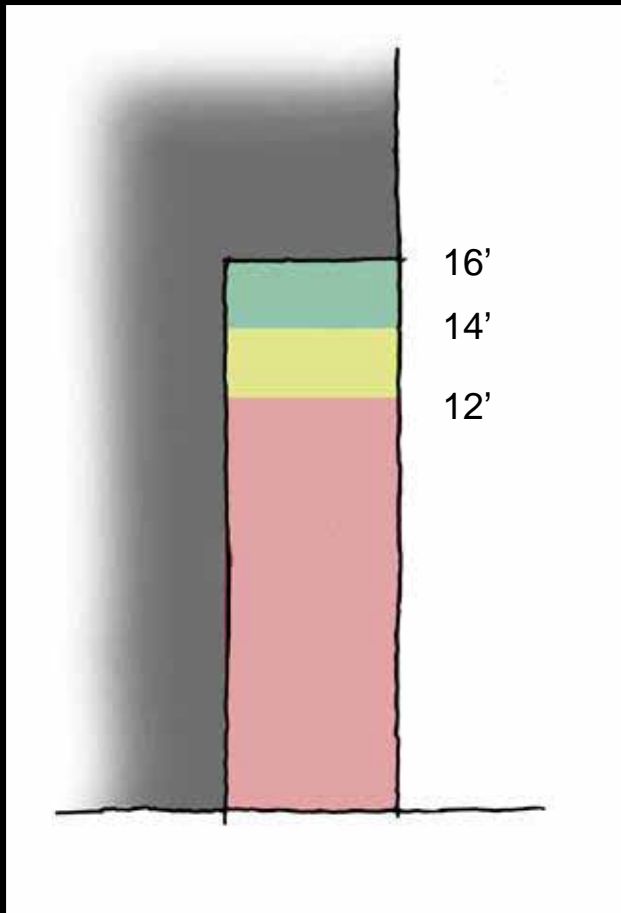
(5) Location of Parking. Surface parking shall not be permitted within 50 feet of property lines designated for required retail frontage and shall be required to be located behind a building meeting the requirements of this title.

(6) Second Floor Offices. Second floor offices, including medical and dental clinics, and financial institutions are permitted only if the ground floor of the structure is occupied by one (1) of the permitted uses listed above. (Ord. 2012-8 § 5; Ord. 2001-28 § 1; Ord. 2000-16 § 2; Ord. 1993-7 § 2; Ord. 1989-19 §§ 2, 3; Ord. 1986-14 § 1)

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View the [mobile version](#).

# Quality Retail Space: Dimensions



- Height  
*at least 12 feet*
- Bay width  
*20 to 30 feet*
- Depth  
*45 to 80 feet*

Most retailers have specific space requirements.

## Administrative Approval Application

### Planning Division

Form will not be processed until it is completely filled out

#### 1. Applicant

Name: PHOENIXIA LLC  
 Address: 588 S. OLD Woodward  
 Phone Number: 248-644-3122  
 Fax Number: 248-644-1009  
 Email: \_\_\_\_\_

#### Property Owner

Name: SAMEER Eid  
 Address: 5280 BROADWAY  
 Phone Number: 248-840-8132  
 Fax Number: 248-644-1009  
 Email: \_\_\_\_\_

#### 2. Applicant's Attorney/Contact Person

Name: SAMEER Eid  
 Address: 5280 BROADWAY  
 Phone Number: 248-840-8132  
 Fax Number: 248-644-1009  
 Email: \_\_\_\_\_

#### Project Designer

Name: 25 HED Mode  
 Address: 645 TUF SHER  
 Phone Number: 248-399-1370  
 Fax Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

#### 3. Project Information

Address/Location of Property: 588 S. Old Woodward  
 Name of Development: \_\_\_\_\_  
 Parcel ID #: \_\_\_\_\_  
 Current Use: RESTAURANT  
 Area in Acres: \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_

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 Revised Final Site Plan Approval: \_\_\_\_\_

#### 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
- 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

to put in a SHED in the back of the Property

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: Sameer Eid Date: 01.23.17

Application #: <u>17-004</u>	Office Use Only Date Received: <u>1/25/17</u>	Fee: <u>\$100</u>
Date of Approval: <u>2/24/17</u>	Date of Denial: _____	Reviewed by: <u>M. B. L.</u>



## CONSENT OF PROPERTY OWNER

I, SAMEER Eid, OF THE STATE OF Mi AND COUNTY OF Jefferson  
(Name of property owner)

STATE THE FOLLOWING:

1. That I am the owner of real estate located at 588 S. OLD WOODWARD  
(Address of affected property)
2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by:  
PROENIA LLC  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Dated: 01.23.17

SAMEER Eid  
Owner's Name (Please Print)

Sameer Eid  
Owner's Signature





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**5**  
YEAR LIMITED  
WARRANTY

### STANDARD FEATURES - QUALITY FROM THE START

#### ROOFING

- Rafters/Trusses Joined with Steel Plates
- 3-Tab Shingles w/ 25 Year Mfg's Warranty
- Roof system w/ 7/16" OSB Decking, 15# Felt Paper & Steel Drip Edge
- 4" (ranch or lean-to) or 3" (barn) Sidewall Eaves
- 4/12 Roof Pitch

#### FLOORING

- 3/4" Interlocking Floor Decking
- Aluminum Threshold at Door
- 2x6 Treated Wood Floor Joists

#### DOORS

- Patented, Steel-Reinforced 4'x6' Doors, Shipped on Both Sides
- 5" Patented, Locking "L" Handle
- Patented, Heavy-Duty Steel Hinges

#### WALLS

- 2x4 Framing, 24" O.C.
- Double Top Plates
- LP<sup>®</sup> SmartSide Siding w/ 50 Year Warranty



#### Garden Hutch

- Single Slope 3/12 Roof Pitch & 3-Tab Shingles
- 5'8" or 6'5" (on tall wall) Clear Interior Height
- 5'5" Tall Door Placed on Front (short) Wall
- 4" Block Sidewall Eave (short wall only)

WxLxH"	Base	w/Paint	Monthly*
4'x6'x7'6"	\$1,019	\$1,121	\$21



#### Garden Ranch

- Ranch Style 4/12 Roof Pitch & 3-Tab Shingles
- 5'8" Clear Interior Sidewall Height
- 6' Tall Door Placed on End Wall
- 4" Block Sidewall Eave

WxLxH"	Base	w/Paint	Monthly*
6'x6'x7'5"	\$1,119	\$1,231	\$23
6'x8'x7'5"	\$1,309	\$1,440	\$27
6'x10'x7'5"	\$1,469	\$1,616	\$30
6'x12'x7'5"	\$1,629	\$1,792	\$33
8'x6'x7'9"	\$1,419	\$1,561	\$29
8'x10'x7'9"	\$1,599	\$1,769	\$33
8'x12'x7'9"	\$1,739	\$1,979	\$37
10'x10'x8'11"	\$1,929	\$2,122	\$40
10'x12'x8'11"	\$2,189	\$2,406	\$45
10'x16'x8'11"	\$2,649	\$2,914	\$54



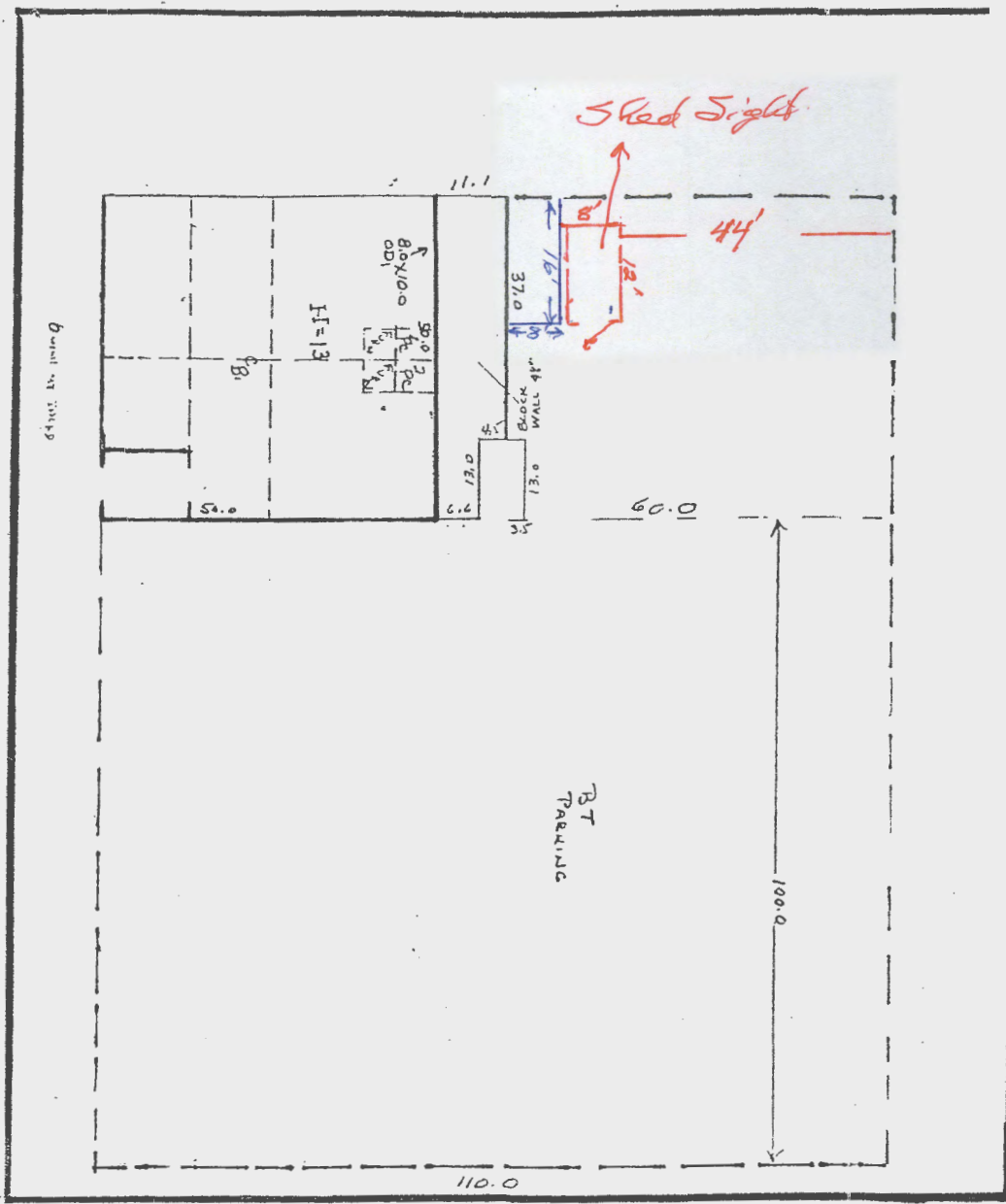
#### Garden Barn

- Barn Style 4/12 Roof Pitch & 3-Tab Shingles
- 6' Clear Interior Sidewall Height
- 6' Tall Door Placed on End Wall
- 3" Flat Sidewall Eave

WxLxH"	Base	w/Par
6'x6'x9'11"	\$1,229	\$1,339
6'x8'x9'11"	\$1,419	\$1,566
6'x10'x9'11"	\$1,579	\$1,736
6'x12'x9'11"	\$1,739	\$1,966
8'x6'x9'11"	\$1,649	\$1,819
8'x10'x9'11"	\$1,859	\$2,049
8'x12'x9'11"	\$2,079	\$2,289
10'x6'x10'11"	\$2,309	\$2,549
10'x12'x10'11"	\$2,649	\$2,919
10'x16'x10'11"	\$3,219	\$3,549



**PROFESSIONAL  
INSTALLATION INCLUDED**



PLOT PLAN



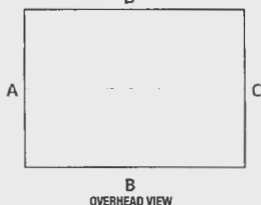
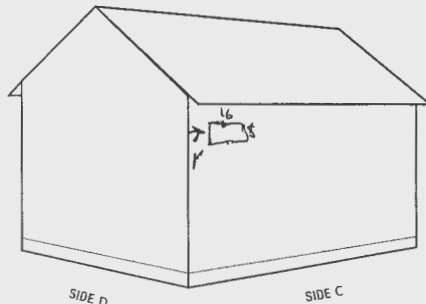
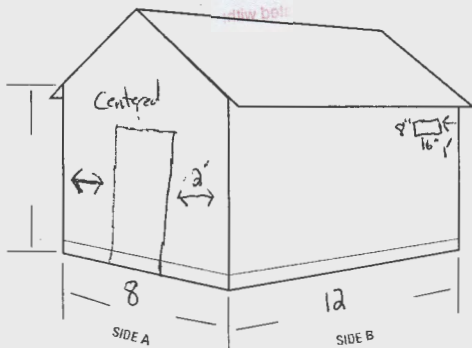
# TUFF SHED

## BUILDER'S HELPER

SO #: \_\_\_\_\_

Sales Consultant: Ryan MadiganCustomer Name: SamirRANCH MODEL: 8 x 12 Garden

INSTALL DATE: \_\_\_\_\_



Base Paint: \_\_\_\_\_

Trim Paint: \_\_\_\_\_

Accent Paint(AP): \_\_\_\_\_

AP Location: \_\_\_\_\_

Shingle: \_\_\_\_\_

Drip/Vent Color: \_\_\_\_\_

Options (List): Door Centered2 8" x 16" Vents1' off back wall onSides B & C

Initials

Customer or responsible individual will be at site at time of delivery? ..... ☒ YES ☐ NOIs site clean and level? (Customer understands a leveling fee may apply if site is more than 4" out of level.) ..... ☒ YES ☐ NOIs there 18" clearance around all 4 sides of the building? ..... ☒ YES ☐ NOIs there clear access to the building site? ..... ☒ YES ☐ NOIs there a 110-volt/20 AMP power outlet within 100'? ..... ☒ YES ☐ NOCustomer understands building permits, fees and all related cost of site readiness are customer's responsibility? ..... ☒ YES ☐ NOCustomer has been presented the "What to Expect" document? ..... ☒ YES ☐ NOCustomer understands that changes, cancellations or postponement will result in restocking/rescheduling fee? ..... ☒ YES ☐ NOIs this a NO FLOOR option? ..... ☒ YES ☐ NODoes the Customer plan to insulate this building? ..... ☒ YES ☐ NOHow close to the build site can we park our vehicle? ..... ☒ FL

Special Instructions:

CUSTOMER APPROVAL:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



SOUTH OLD WOODWARD

113'

148'

EXISTING  
PARKING LOT  
TOTAL PARKING PROVIDED  
= 40 CARS

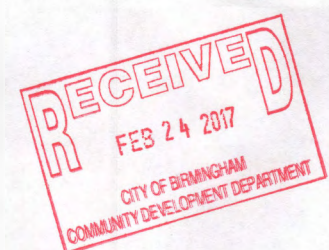
EXISTING  
PHOENICIA  
RESTAURANT  
3,153 S.F.  
588 South Old Woodward

EXISTING 5'-0" HIGH  
WALL

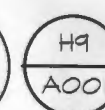
EXISTING TRANSFORMER

PROPOSED 8'  
X 12' SHED

EXISTING DUMPSTER



APPROVED  
M.B.L. 2/24/17  
17-004 PB



Proposed Site Plan  
SCALE: 1/8" = 1'-0"



**SAROKI**  
ARCHITECT

430 N. OLD WOODWARD  
BIRMINGHAM, MI

P. 248.2  
F. 248.2

SarokiArchitecture.com

Project:

Phoenicia  
588 South Old Woodward  
Birmingham, Michigan

Date: Issued For:

02-24-2017 SUBMITTAL

Sheet No.:

**A001**  
PROPOSED SITE PLAN





## **MEMORANDUM**

**Planning Division**

**DATE:** March 9, 2016

**TO:** Joseph A. Valentine, City Manager

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

**SUBJECT:** Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2017-2018

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Please find attached the Planning Division's annual report for 2016-2017, including the Planning Board's Action List 2017-2018, the Historic District Commission's Action List, and the Design Review Board's Action List for your review.

**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION ANNUAL REPORT &  
2017-2018 ACTION LIST OF THE PLANNING BOARD,  
THE HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD**

**PLANNING BOARD**

Scott Clein, Chairperson  
Gillian Lazar, Vice Chairperson  
Bryan Williams  
Janelle Whipple Boyce  
Bert Kosek  
Robin Boyle  
Stuart Jeffares  
Lisa Prasad, Alternate Member  
Dan Share, Alternate Member  
Ariana Afrakhteh, Student Representative  
Bella Niskar, Student Representative

**HISTORIC DISTRICT COMMISSION AND DESIGN REVIEW BOARD**

John Henke, III, Chairperson  
Shelli Weisberg, Vice Chairperson  
Mark Coir  
Keith Deyer  
Michael Willoughby  
Natalia Dukas  
Thomas Trapnell  
Adam Charles (Alternate Member)  
Dulce Fuller (Alternate Member)  
Josh Chapnick, Student Representative  
Griffin Pfaff, Student Representative

**PLANNING DIVISION STAFF**

Jana L. Ecker, Planning Director  
Matthew Baka, Senior Planner  
Sean Campbell, Assistant City Planner  
Lauren Chapman, Assistant City Planner

**THE 2016 -2017 COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION ANNUAL REPORT  
PLANNING BOARD, HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD**

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Each year, the City Commission asks the Planning Division to prepare a report outlining the board and commission activities from the previous year. This report covers the year beginning **April 1, 2016 and ending March 31, 2017**. In preparing the report, the Planning Board, the HDC, and the DRB have the chance to review their goals and objectives for the upcoming year.

The report is separated into two distinct parts: 1) Accomplishments and 2) Goals. The Accomplishments section cites in narrative form the activities conducted by each board. This narrative will include a list of public hearings, studies and reviews.

The Goals section lists the items from the Planning Board's 2017-2018 Action List, the HDC's 2017-2018 Action List, and the DRB's 2017-2018 Action List, and speaks to the action taken on each item. From this list, each board, as well as the City Commission, has the opportunity to evaluate their goals and objectives, and make any needed amendments.

## SECTION ONE: ACCOMPLISHMENTS

### PLANNING BOARD

#### Site Plans

The Planning Board, which meets the second and fourth Wednesdays of each month, sets aside their first meeting of the month for discussion or study items and their second meeting of the month for site plan reviews. The following list includes all the site plans reviewed from **April 1, 2016 to March 31, 2017**. It should be noted that each site plan may have been reviewed more than once:

1. 835 & 909 Haynes – Fred Lavery Porsche / Audi
2. 191 North Chester, First Church of Christ, Scientist
3. 100 Townsend – The Corner Bar
4. 856 North Old Woodward Avenue – construction of a new mixed use building
5. 748 – 750 Forest – new 3-5 story mixed use building
6. 200 – 2070 Villa Street – extension of site plan
7. 100 – 450 Woodland Villa – gate across road
8. 400 W. Maple – building lobby addition
9. 602 Riverside Drive, Lot 6 – Single family cluster home
10. 2010 & 2012 Hazel Street – Crosswinds – construction of rear decks
11. 401 – 451 S. Eton – Irongate
12. 2010 Cole Street – new 3 story mixed use building
13. 33353 Woodward – Tuffy Car Repair
14. 35975 Woodward – construction of new two story building
15. 325 S. Old Woodward – Adachi Bistro
16. 2159 E. Lincoln – Lincoln Yard Bistro
17. 2100 E. Maple – Whole Foods Bistro
18. 280 E. Lincoln – Grace Baptist Church
19. 576 Bloomfield Court – new 4 car garage
20. 412 – 420 E. Frank – construction of new 3 story residential building
21. 225 E. Maple – Social Kitchen – permanent enclosure of dining in City via
22. 250 N. Old Woodward – Four Story Burger, name change from Ironwood Grill

#### Special Land Use Permits

The Planning Board reviewed the following special land use permits (SLUP's):

23. 835 & 909 Haynes – Fred Lavery Porsche / Audi
24. 100 Townsend – The Corner Bar
25. 325 S. Old Woodward – Adachi Bistro
26. 2159 E. Lincoln – Lincoln Yard Bistro
27. 2100 E. Maple – Whole Foods Bistro
28. 280 E. Lincoln – Grace Baptist Church
29. 225 E. Maple – Social Kitchen – permanent enclosure of dining in City via
30. 250 N. Old Woodward – Four Story Burger, name change from Ironwood Grill

### **Community Impact Statements**

For proposed construction over 20,000 square feet, the developer must provide a Community Impact Statement (CIS), which addresses planning, zoning, land use and environmental issues, as well as public service and transportation concerns.

1. 856 North Old Woodward Avenue – construction of a new mixed use building
2. 748 – 750 Forest – new 3-5 story mixed use building

### **Rezoning Applications**

Over the past year, there were ten requests for rezoning/zoning amendments on property within the City of Birmingham.

1. 404 Park Street, Parcel No. 19-25-451-021– Application for rezoning from R-2 (Single Family Residential) to TZ1 (Transition Zone).
2. 191 North Chester, First Church of Christ, Scientist – Application to rezone from TZ1 – Transition Zone to TZ3 – Transition Zone.
3. 245, 325 & 375 S. Eton – Petition to amend maximum height for mechanical equipment in the MX zoning district.
4. 555 South Old Woodward, 555 Building – Application for rezoning of the property from D-4 in the Downtown Overlay District to D-5, a new zoning classification proposed for the Downtown Overlay District, to allow renovation and expansion of the existing mixed use building.
5. 412 – 420 E. Frank – Application to rezone from R3, B1 and B2B to TZ1 (Transition Zone).
6. 2100 East Maple Road – Whole Foods Market – Application to define Rail District and include this property within the boundaries.
7. 211 S. Old Woodward – Birmingham Theater – Request to create a new category of liquor licenses for theaters in Downtown Birmingham.
8. 555 South Old Woodward, 555 Building – Application for rezoning from D-4 in the Downtown Overlay District to D-5 in the Downtown Overlay District.
9. 411 S. Old Woodward – Birmingham Place – Application for rezoning from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay District.
10. 225 E. Merrill – Merrillwood Building – Application for rezoning from D-4 in the Downtown Overlay to D-5 in the Downtown Overlay District.

**Pre-Application Discussions**, as suggested in the DB2016 Report, are recommended for new construction. This type of discussion is beneficial to both the applicant and the Planning Board, giving both the opportunity to informally discuss proposals. However, the placement of the discussion, at the end of a site plan review meeting, often precludes all issues from being discussed. The following Pre-Application discussions occurred from April 1, 2016 to March 31, 2017:

1. 33877 Woodward Avenue – Sav On Drugs
2. 225 E. Maple – Social Kitchen
3. 2010 Cole Street – new 3 story mixed use building
4. 298 S. Old Woodward – new 5 story hotel



## **Courtesy Reviews**

1. Chesterfield Fire Station, Birmingham Fire Department

## **Study Sessions/ Discussions**

The Planning Board also engaged in many study sessions and discussions with regards to the following topics. It should be noted that these topics are often discussed at multiple meetings:

1. Glazing Standards
2. Outdoor Storage
3. Transitional Zoning (TZ2)
4. Wayfinding Update
5. Height in MX District
6. Outdoor Dining Enclosure Standards
7. City Commission Direction on Current Planning Issues
8. Planning Board Action List 2016-2017
9. Dormer Regulations
10. Non-conforming Building Regulations
11. D-5 Zone in the Downtown Birmingham Overlay District
12. Rail District Boundaries
13. Economic Development License Location Map
14. Theater Licenses
15. Window Tinting Requirements
16. Ad Hoc Rail District Report
17. Shared Parking Options
18. Planning Board Action List 2017 – 2018
19. Historic Designation of 927 Purdy

### **Public Hearings/ Zoning Amendments**

Public hearings were held by the Planning Board to ensure public participation at various stages in the planning process. The following ordinances were reviewed at public hearings by the Planning Board:

1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham as follows:
  - a) To amend Article 4, Section 4.90 WN-01, Window Standards, to amend the glazing standards; and
  - b) To amend Article 7, Section 7.05, Architectural Design Review to amend the first floor glazing requirements.
2. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham as follows:

To amend Section 2.23, O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses, to amend the Accessory Permitted Uses.

To amend Section 2.27, B1 (office-Residential) district intent, permitted uses, and special uses to amend the accessory permitted uses.

To amend Section 2.29, B2 (General Business) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.31, B2B (General Business) District intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.33, B2C (General Business) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.35, B3 (Office-Residential) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.37, B4 (business residential) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 2.39, MX (mixed use) District Intent, Permitted Uses, and Special Uses to amend the Accessory Permitted Uses.

To amend Section 4.12 FN-03, Fence Standards, to remove the Outdoor Storage Fence provisions from this section.

To amend Section 4.57, Screening Standards, to add screening standards for outdoor storage.

To amend Sections 4.67 to 4.72, Storage and Display Standards, to amend the outdoor display and storage standards in O1, O2, B2, B2B, B2C, B4 and MX.

To amend Section 5.10, B2 District, B2B District, B2C District, Use Specific Standards to amend the outdoor display and storage standards.

To amend Section 5.12, B4 district, Use Specific Standards to amend the outdoor display and storage standards.

To amend Section 5.13, MX District, use Specific Standards to amend the outdoor display and storage standards.

To amend Section 9.02, Definitions, to add definitions for Outdoor Display, Outdoor Storage and Building Frontage, principal.

3. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham as follows:

To amend Section 4.19, HT-04, Height Standards, to alter the maximum height of buildings in the MX district to allow for rooftop mechanical equipment.

4. To consider the following amendments to 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.

To amend Article 09, Definitions, Section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable Attic" and "Story".

5. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

To amend Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D5 zone and to establish development standards for this district;

To amend Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming commercial buildings;

6. To consider the following amendments to chapter 126, zoning, of the code of the city of Birmingham:

To amend Article 2, Section 2.29, b2 (General Business) District Intent, Permitted Uses, and Special Uses to amend the accessory permitted uses to allow bistro uses on parcels within the rail district.

To amend Article 2, Section 2.31, B2B (General Business) District Intent, Permitted Uses, and Special Uses to amend the accessory permitted uses to allow bistro uses on parcels within the Rail District.

To amend Article 9, Section 9.02, Definitions, to add a definition for Rail District.

To amend Article 2, Section 2.29, B2 (General Business) District Intent, Permitted Uses, and Special Uses to amend the accessory permitted uses to allow the use of economic development licenses in this zone district.

To amend Appendix C, Exhibit 1, Economic Development Licenses map.

7. To consider the following amendments to Chapter 10, Alcoholic Liquors and Chapter 126, Zoning, of the Code of the City of Birmingham;

To amend Part II, Article II. Licenses, to add Division 5. Licenses for Theaters.

8. To amend chapter 126, zoning, of the city code, Article 3, Section 2.37 (B4) to allow the use of liquor licenses for theaters in the B4 zone district.

9. To consider the following amendments to 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.

To amend Article 09, Definitions, Section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable Attic" and "Story".

## **Regional Planning with the Woodward Corridor Communities**

**Bus Rapid Transit:** The City of Birmingham continues to work with the cities of Detroit, Highland Park, Pleasant Ridge, Huntington Woods, Ferndale, Berkley, Royal Oak, Bloomfield Hills and Pontiac, and Bloomfield Township to conduct a federally funded Alternatives Analysis and Preliminary Engineering plans to study mass transit opportunities along the entire 27 mile Woodward Corridor. Other partners in this effort include SEMCOG, MDOT, the Woodward Avenue Action Association, the Michigan Suburbs Alliance, DDOT, SMART, Wayne State University, the Detroit Zoological Society and Beaumont Hospital. The Woodward Corridor Alternatives Analysis Steering Committee ("WCAASC") meets every several months at this point in the process.

## **National Planning Initiatives**

**Guidelines for Creating Walkable and Bikeable Communities:** Ms. Ecker served on the Agency and Advocate Organization Review Panel to assist with the compilation and review of the upcoming publication Guidelines for Creating Walkable and Bikeable Communities, prepared by the U.S. Department of Housing and Urban Development.



	TOPIC	STUDY SESSION	PUBLIC HEARING	STATUS	NOTES
<b>1</b>	Review dormer and habitable attic regulations in SF zones	0			As directed by the City Commission on 7-11-2016
<b>2</b>	Consider outdoor storage and display standards	4/10/13 4/24/13 6/12/13 8/14/13 8/28/13 1/22/14	7/13/16 PB	In Progress	Develop standards for outdoor storage and displays
<b>3</b>	Glazing Standards	8/28/2013, 3/11/2015, 4/22/2015, 10/14/2015	9/11/13, 9/25/13, 1/27/14, 11/11/2015 PB, 11/23/15 CC	In Progress	CC approved changes to the Triangle Overlay and Article 04 of the Z. O. on 11.23.15 to be consistent with the DB Overlay by measuring Glazing between 1 and 8 feet above grade. Further changes to be considered at future study sessions.
<b>4</b>	Height in MX district	6/22/2016	7/27/2016		Allow 10' height for rooftop mechanical equipment
<b>5</b>	Zoning Transition Overlay (TZ2)	2/27/13, 4/10/13 4/24/13, 5/8/13 5/22/13, 6/12/13 7/24/13, 8/28/13 9/11/13, 11/13/13 1/8/14, 3/12/14 10/8/14, 2/25/15 4/08/15, 5/15/15	10/9/13 2/26/14 4/9/14 4/23/14 6/24/15 PB 08/24/15 CC	In Progress	CC approved rezoning of parcels to the TZ1 and TZ3 zoning classification on 8.24.15. TZ2 sent back to the Planning Board for further study of permitted uses.
<b>6</b>	Parking Requirements				As directed by the City Commission on 7-11-2016
<b>7</b>	Definition of Retail				As directed by the City Commission on 7-11-2016

<b>8</b>	Address allowable changes for commercial non-conforming buildings				As directed by the City Commission on 7-11-2016
<b>9</b>	Consider looking at principal uses allowed and add flexibility("a nd other similar uses")				
<b>10</b>	Potential residential zoning changes: MF & MX garage doors, garage house standards, dormers	1/22/2014, 11/14/14, 1/28/15, 2/11/15	3/11/2015	In Progress	Ordinance Amendment recommended for approval to City Commission at PH
<b>11</b>	S. Woodward Avenue Gateway Plan (Woodward Corridor Lincoln to 14 Mile Road)	2/27/08 9/24/08 10/20/08 (PB/CC) 2/10/09 (LRP) 10/17/2011 (Joint with CC) 1/22/2012 (LRP) 4/24/13 5/8/13		In Progress	LSL/Hamilton Anderson contracted to lead master plan process - Subcommittee formed to guide master plan process in 2013 - Charette held in May of 2013 Draft plan received from LSL early in 2014 - Project postponed in summer of 2014 due to staff shortage and pending projects

<b>12</b>	Sustainable Urbanism – Green building standards, impervious surface, solar and wind ordinances, deconstruction, geothermal, native plants, low impact development etc.	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/2010 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed; Wind ordinance completed	Incentive option in Triangle District  Guest speakers in LEED Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction  Sustainability website & Awards  Native plant brochure
<b>13</b>	Regional Planning Projects	6/12/13 10/9/13 11/13/13 2/1/14 (LRP)		Ongoing	Woodward Complete Streets and Woodward Alternatives Analysis
<b>14</b>	Wayfinding			On Hold	Implement way finding plan
<b>15</b>	Southern Downtown Overlay Gateway	5/13/2015, 6/10/2015, 7/08/2015, 9/09/2015, 9/30/2015		In Progress	Consideration of a new D5 overlay zone requested by the owners of the 555 Building
<b>16</b>	Medical Marijuana	2/25/2015		On Hold	

## **HISTORIC DISTRICT & DESIGN REVIEW COMMISSION, THE HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD**

Both the HDC (Historic District Commission) and the DRB (Design Review Board) meet on the first and third Wednesdays of each month, with a limit of 4 regular reviews per meeting, and up to 8 reviews without formal presentation. Limiting reviews in this way allows the HDC & DRB time to conduct public hearings and discuss study session items.

### **Design Reviews**

The following businesses requested design reviews by the DRB to alter the appearance of their buildings:

1. 344 Hamilton – Façade renovation
2. 1555 E. 14 Mile – Kakos Market, Façade renovation
3. 180 E. Brown – Façade Renovation
4. 34602 Woodward – Lavery Audi, Façade renovation
5. 33722 Woodward, Meadow Brooke Urgent Care - Façade renovation
6. 912 S. Old Woodward, OWC - Façade renovation
7. 33502 Woodward - Façade renovation
8. 2254 Cole St. – Façade renovation

### **Historic Reviews**

The following historic buildings proposed changes that required review by the HDC:

1. 556 W. Maple – Allen House
2. 100 Townsend – Façade renovation
3. 166 W. Maple – Caruso Caruso
4. 277 Pierce - Demolition request
5. 539 S. Bates – New Addition
6. 300 Warren Ct. Alterations to historic home
7. 215 N. Old Woodward - Façade renovation
8. 126 S. Old Woodward – Façade renovation
9. 539 S. Bates – Changes to previously approved addition
10. 159 Pierce – Façade renovation
11. 325 S. Old Woodward – Façade renovation
12. 117 Willits, Mitchell's – Outdoor Dining

### **Sign Reviews**

The following businesses requested sign reviews:

1. 576 E. Lincoln, Birmingham Bloomfield Credit Union
2. 555 S. Old Woodward, Triple Nickel
3. 2100 E. Maple, Whole Foods
4. 200 Chester, Baldwin House
5. 210 S. Old Woodward – KW Domain
6. 142 W. Maple – Allen Edmonds

**Study Session Discussions:**

1. Millrace Rd. name change request

**SECTION TWO: GOALS**

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The Planning Division boards and commissions set specific goals and priorities each year as part of the annual report. The formulation of these goals comes from the City Commission, Planning Board, HDC, DRB, and City Staff. Upon review of the items noted on the action lists that follow (see attached), the Planning Board, the HDC, and the DRB will make recommendations to the City Commission, as they deem important and necessary.

**2017 HDC ACTION LIST RANKING**

<b>HISTORIC</b>	<b>Rank</b>
Historic District Ordinance Enforcement	1
Coordinate Overlay/Historic/General sign standards	2
Preservation Education	3
Commercial In-fill Guidelines	4
Certified Historic Homes Plaques	5
Print Eco City Neighborhood Survey	6
Alleys and Passages	7



## 2017 DRB ACTION LIST RANKING

<b>SIGNS</b>	<b>Rank</b>
Sign Ordinance Enforcement	1
Coordinate Overlay/Historic/General sign standards	2
Develop Informational Sign Guidelines	3
Sign Band Designation on New buildings	4

<b>DESIGN REVIEW</b>	<b>Rank</b>
Ordinance Enforcement	1
Improve Sequence of Reviews Between Boards	2
Continue to Implement 2016 Plan	3
Alleys and Passages	4



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# PLANETIZEN



MENU

BLOG POST

## The Wisdom of Engaging Nervous Cyclists

It was clear to the City of Toronto that engaging less confident cyclists that make up 60% of the population, yet seldom come to community meetings, might be the key to dramatic mode shifts in the city. Here's how it happened.

Dave Biggs | [@MetroQuest](#) | March 13, 2017, 5am PDT



Comfort levels for biking vary greatly. What's the profile in your city?

Pete Spiro / [Shutterstock](#)

One of my favorite tasks is interviewing clients to prepare a case study. It's fun to hear their perspective, and sometimes a great story like this one emerges. This story highlights an unexpected outcome of community engagement for a cycling plan that reminds us in a powerful way about the importance of reaching the broadest audience possible. It also serves as a warning about how easy it is to be steered off course when your community engagement is dominated by a minority with strong opinions.

While many agencies are motivated to engage a diverse audience by regulations or politics, it's becoming increasingly clear that the successful implementation of plans often hinges on the views of some of the most historically underrepresented residents. The City of Toronto's recent approval of the landmark [Ten Year Cycling Network Plan](#), which will double spending on cycling for ten years, powerfully proves the value of broad public participation.

It might surprise many that [traffic congestion in Canada's largest city](#) ranks among the worst in North America. Like many congested metropolitan areas, transportation planners are looking to encourage cycling as a cost-effective and healthy way to ease congestion.

As the city embarked on the development of the cycling plan, it was clear to the project team that broad engagement would be critical to unveiling insights that could lead to dramatic mode shifts. Historically, community engagement on cycling issues attracts primarily avid cyclists and angry anti-cycling critics. The result is often a highly polarized debate between people with entrenched and relatively extreme views.

The most important audience is also one that is historically underrepresented. To dramatically increase cycling and reduce traffic congestion, the team needed to hear from less confident cyclists who make up 60% of the population to understand what infrastructure would make them feel safe and comfortable.

### **A Blend of High Tech and High Touch Engagement**

The City of Toronto and the IBI Group collaboratively developed the multi-faceted consultation approach to the Ten Year Cycling Network Plan. The results were impressive with 10,500 survey respondents. They blended innovative digital and face to face engagement strategies, including an interactive online survey using MetroQuest that engaged over 7,000 residents and collected over 300,000 data points, eight outdoor events on popular cycling routes, 12 stakeholder workshops, six rides led by staff to investigate neighborhood opportunities, and over 90,000 trips captured by the city's Cycling App (full disclosure - I'm the co-founder of MetroQuest hence the reason for my interviews with the project team that led to this story in the first place).

The massive reach of the community engagement was useful beyond political sound bites. It allowed the project team to understand the opinions of different demographic groups, even the ones that are traditionally missing. Jason Diceman, senior public consultation coordinator at the City of Toronto, played a key role in the community outreach on the project. Diceman states, "Collecting opinions from a mass audience empowered us to filter the data to see the opinions of less confident cyclists. While these respondents were a small minority of the overall responses, they represented a majority of our residents."

While confident cyclists typically only represent 1% of a given population, people who occasionally cycle because they are "interested but concerned" about their safety in traffic may represent 60% of the population. The risk of an inaccessible or too-narrow public consultation approach comes from vastly under-representing the voice of this majority.

The accessibility of the digital engagement was particularly important in reaching a broad audience and, in particular, less confident cyclists. As Christina Bouchard, City of Toronto planner who led the project, states, "Including a digital consultation component that residents could access from their own homes, according to their own schedule was more accessible to 'interested but concerned' riders than the typical public meeting at a community center. Outreach efforts that capture the voice of people who are less confident and only cycle occasionally can be particularly valuable, as they are the very people most likely to switch from driving to cycling if the conditions are right."



Separated lanes can be inviting to nervous cyclists. (Image via the Toronto Cycling Network Plan)

Beyond the sheer numbers, project leaders also commented on the importance of the quality and richness of the community input. As Bouchard states, "The digital survey and mapping tools in the MetroQuest software also allowed for the inclusion of more complex questions about neighborhood origins, destinations and desired lines. The wider base of input with aggregated mapping questions, which would have been difficult to ask using a standard written-word survey, provided an overall higher quality of feedback."

Some of the insights, particularly those from less confident cyclists, were surprising and revealed previously hidden preferences.

### Key Insights From Community Input

Norma Moores, Project Manager with IBI Group led the consultant team for the project. With 30 years of experience designing and delivering transportation master plans and detailed designs for cycling infrastructure projects, she has overseen a wide range of public consultations. Moores explains, "Engagement options that are easily accessible to more moderate stakeholders, can impact the outcomes of a project design." In the past, highly engaged individuals who take the time to attend events are often cyclists predisposed to "vehicular style" cycling. They may be more comfortable mixing with motor vehicles and thus prefer network designs and facility types that support a more aggressive riding style on direct, busy streets. These confident riders typically have less interest in options on quiet local streets or separated facilities as part of the overall network design.

From a network design perspective, broader outreach in under-represented areas of the City of Toronto that are suburban in character, revealed that many families and occasional cyclists were supportive of off-street facilities that could be used for recreational cycling such as multi-use trails.

It's useful to note that without careful consideration to the voices of the less confident cyclists, the results of the community engagement would have pointed to infrastructure suited to the 1% of the population who are already confident cyclists since they are highly engaged. Naturally it's important to meet the needs of confident cyclists. By also accommodating those on the fence, planners can open up a massive opportunity for change. The key lesson for planners is that, beyond cycling plans, it's likely that this same danger affects all kinds of planning efforts.

### The Shallow End of the Pool

A city without separated bike lanes and off-street cycling paths may be like a swimming pool with no shallow end. It's fine for confident swimmers but intimidating for novices. Surveys have found that bike ownership is the same in all parts of Toronto, however these bikes are ridden less often in suburban communities. When meeting with councilors, city staff were told that there was little support for painted bicycle lanes on streets. However, the feedback received as part of the Cycling Network Plan consultation suggested that the provision of separated facilities such as cycle tracks or trails could be more valued by a wider base of riders. As Bouchard states, "For these types of riders, the starting point may be tuning up their bike for a recreational ride. Now with a bike in rideable condition and after building confidence riding local trails, they become more likely to take a trip to the store and then perhaps to work."

To ensure delivery of the recommendations for each community in each of Toronto's 44 wards, a majority of councilors needed to approve a doubling of the budget allocated to the city's cycling program. The adoption of a broad, accessible and inclusive consultation effort ensured that sufficient residents were engaged in a majority of wards across the amalgamated mega-city. On June 9, 2016, the Toronto City Council adopted the plan, provisioning a doubling of the annual budget from \$8 million to \$16 million for cycling. This will connect, grow and renew Toronto's cycling network over the next ten years. The plan includes over 600 miles of new cycling network routes.

With the plan freshly minted, it's too soon to tell how successful these changes will be in motivating a significant shift towards biking. Over the next few years we'll be watching Toronto's progress carefully. You can follow along at the [Toronto Cycling Network Plan website](#).

In the meantime, hopefully this story will motivate other cities to broaden the reach of their community engagement to reveal previously hidden opportunities for change.



### **Dave Biggs**

Dave Biggs is the Chief Engagement Officer at MetroQuest Community Engagement Software and a passionate public engagement strategist focused on best practices in community engagement for planners.

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**Juan Vinasco** • 5 days ago

Thanks for sharing. Right now we are in the process of building our own cycling plan "Plan Bici" in Bogotá and the Toronto experience is certainly enriching.

^ | ▾ • Reply • Share ▸



**Dave Biggs** → Juan Vinasco • 5 days ago

You're quite welcome, Juan. I wish you all the best with Bogotá's cycling plan.

^ | ▾ • Reply • Share ▸



**keenplanner** • 6 days ago

Very insightful.

I always think to myself: "Would a parent allow their 8-year-old to ride this route?" when we are considering bike facilities. Here in SF, cycling is very popular with visitors. I always wonder if they feel confident on our streets, and are there enough wayfinding signs to guide them?

Planning for the least able riders will create a cycling network that works for almost everyone.





**Dave Biggs** → keenplanner • 5 days ago

I like that criteria about an 8 year old. Having biked around SF as a visitor I do think there are challenges but there's certainly plenty of cities behind you. I would have benefited from a cycling map to do better route planning.

^ | v • Reply • Share ›



**DAW64** • 8 days ago

Nice and insightful article. Thanks for sharing

1 ^ | v • Reply • Share ›



**Dave Biggs** → DAW64 • 8 days ago

Thanks for the kind words.

^ | v • Reply • Share ›



**Roger Wilson** • 8 days ago

Keep the insights coming, Dave! This article in particular points to a strategy that many planners are missing: diving into demographics to understand if a minority of participants really represent a majority of community members. That is so important in today's world of squeaky wheels.

1 ^ | v • Reply • Share ›



**Dave Biggs** → Roger Wilson • 8 days ago

"World of squeaky wheels." That's hilarious. Can I quote you on that? Good one.

^ | v • Reply • Share ›



**Roger Wilson** → Dave Biggs • 8 days ago

LOL go right ahead Dave.

^ | v • Reply • Share ›



**David Nelson** • 8 days ago

Dave. Please write some articles which are not advertisements for your services. I appreciate the value of the concepts, but this post should really be candidly provided as marketing, not educational material.

^ | v • Reply • Share ›



**Roger Wilson** → David Nelson • 8 days ago

I also appreciate the value of the concepts and I have to say that I find these types of posts to be educational. The article is clearly about lessons learned so that they can be applied elsewhere and that's of value to me.

1 ^ | v • Reply • Share ›



**Dave Biggs** → David Nelson • 8 days ago

Hi David, Due to their popularity with readers, Planetizen editors requested that I write more stories related to project work which, for me, not surprisingly always involves MetroQuest in some way. It was not meant as an advertisement but rather a story about the value of going beyond the usual suspects. I've written several and will indeed write many others on other community engagement topics not related to specific projects.

1 ^ | v • Reply • Share ›



**Roger Wilson** • 8 days ago

Great story Dave! Thanks for sharing it. It's interesting that they honed in on that demographic (nervous cyclists) and were able to isolate those people among so many others. So they asked specific questions in the survey to determine level of confidence, is that right?

2 ^ | v • Reply • Share ›



**Dave Biggs** → Roger Wilson • 8 days ago

Many thanks for the kind words, Roger. You are correct. They included in MetroQuest a specific "visual preference" question to assess cycling comfort levels as well as some "demographic" questions at the end which collected info on age, gender, location, etc. This allowed planners to hone in on specific groups to determine patterns like those discussed in the article.

1 ^ | v • Reply • Share ›

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FLS PROPERTIES #5 LLC  
856 N. OLD WOODWARD  
BIRMINGHAM, MI

City of Birmingham Planning Commission  
151 Martin Street  
P.O. Box 3001  
Birmingham, MI 48012

RE:  
The Pearl  
856 North Old Woodward  
Birmingham, MI

Dear Commission Member,

We received our Site Plan Approval on July 13, 2016 for a 4 story, 26 unit apartment building with below grade parking at 856 N Old Woodward. We have discovered that that site itself has proven to be quite difficult though our due diligence. In spite of this, we have completed the Construction Documents, worked with DTE, performed environmental & geotechnical reports, obtained estimates from General Contractors, and submitted for building permits.

We have encountered several financial hardships that are forcing us to re-evaluate our budget if we want to continue moving forward with the project:

- a substantial cost overrun from DTE's services
- not only will the soil need to be remedied as it is contaminated, but it is also of poor bearing quality and will require costly concrete caissons for the foundation
- the required steel framing due to the complexity of the building design with stepped back & tiered balconies as well as being clad in limestone

We are currently working on several value engineering ideas to offset these cost overruns which are what have brought us here to address the planning commission tonight. One of those being the original façade of the building: It was proposed to be made entirely of Indiana limestone. If we reduce the amount of limestone and replace it with either cast stone or stucco, we could easily offset some of our additional costs and yet still keep the design integrity of the building. Please find attached prepared diagrams illustrating some very comparable material options for the façade.

FLS PROPERTIES #5 LLC

FLS PROPERTIES #5 LLC  
856 N. OLD WOODWARD  
BIRMINGHAM, MI

Another aspect we have looked into is to reduce the number of provided off street parking spaces to simplify the structural system. Per our calculations we are currently providing 8 additional parking spaces beyond what is required per city ordinance. We could greatly reduce the cost of the structure if we are able to sacrifice some or all of the additional spaces with structural columns.

Please understand that these decisions are not merely meant to save money but to save the project. These proposed changes will of course be done in a tasteful manner and will actually allow us to move forward on the project and construct it. This project could be a large benefit to the city as a new occupied building to generate residences in the downtown area and bolster the tax base, and we would truly hate to see that opportunity cut short.

Sincerely-

A handwritten signature in black ink, appearing to read "Frank R. Simon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Frank Simon  
FLS Properties