



MEMORANDUM

TO: Planning Commission

FROM: Travis Parker, Director, Planning Department

DATE: December 10, 2017

SUBJECT: Lakewood Development Dialogue – Site Design

This memo is the third of five sets of recommended changes to the Lakewood zoning ordinance as a part of the Lakewood Development Dialogue process. The process began in August of 2017 with a joint study session of the Lakewood City Council and Planning Commission.

The Lakewood Development Dialogue portion of the LakewoodTogether.org website went live the second week of September. Over the past two months the site has had over 1400 visitors and over 300 people have participated on one or more of the subject specific pages.

Three public open houses were hosted by staff and Planning Commission members between September 20 and September 27. Over 70 people attended one or more of the open houses with most providing feedback on one or more areas.

At a study session on October 25, the Planning Commission directed staff to examine 23 possible changes to the ordinance in 5 separate areas. This memo looks at recommended actions regarding site design. The six issues identified by Planning Commission regarding site design were:

1. Research ways to encourage/incentivize amenities usable by pedestrians
2. Research and propose changes to height transition requirements
3. Review bulk plane and build-to requirements at street frontages
4. Review and propose changes to sidewalk and streetscape requirements
5. Examine height transitions between single family homes
6. Research and propose sustainability requirements for site design

Issue #1: Research ways to encourage/incentivize amenities usable by pedestrians

Staff looked at examples of zoning incentives from around the country (examples below). Many cities offer floor area bonuses in exchange for a ratio of square footage dedicated to public use. Additionally, staff took away the following lessons:

- Experience has shown that any public spaces created above or below street level are not well utilized, and do not serve their public function.
- The city should create uniform signage to indicate that spaces are public.
- Guidelines for public spaces need to ensure an adequate ratio of seating for the area, as well as sufficient shade provision and wind-blocking (if necessary).
- The city needs to determine the goal of these spaces as either:
 - An open space on a site *for people already using the building* (i.e. picnic tables and gardens at an office park)
 - A public space that is intended for any and all people who are behaving according to basic standards (where private security and efforts to keep out people unassociated with the building use would be inappropriate)
- Cities with years of experience with incentive-based public spaces have shown mixed results and tend to gravitate to more requirement based systems.

Code Examples

Montgomery, Alabama Zoning Code: Pedestrian Shed

Montgomery's code uses a pedestrian shed, the quarter mile radius defining the area within which the average pedestrian can comfortably walk, to describe public space requirements. Under the code, within certain districts, 5% of each pedestrian shed is reserved for public open space, including one primary centrally located public space.

Montgomery's code also requires playgrounds within 1000 feet of every residential use. By requiring that public spaces border streets, Montgomery's code increases the appeal and likely volume of use of such spaces, since public spaces that appear as extensions of the sidewalk receive more use and add visual interest and appeal to the street.

[Montgomery, Ala., Code app. C, art. VI, § 10.14.2 \(2007\).](#)

(a.) Each Pedestrian Shed shall assign at least 5% of its urbanized area to Civic Space. (c.) Each Pedestrian Shed shall contain at least one main Civic Space. The main Civic Space shall be within 800 feet of the geographic center of each Pedestrian Shed, unless topographic conditions, existing Thoroughfare alignments, or other circumstances require otherwise. (d.) Within 1000 feet of every lot in residential use, a Civic Space designed and equipped as a playground shall be provided. (e.) Each Civic Space shall have a minimum of 50% of its perimeter fronting a Thoroughfare.

San Francisco, California

In San Francisco, privately-owned public open spaces (POPOS) mostly appear in the Downtown office district area. Prior to 1985, developers provided POPOS under three general circumstances: voluntarily, in exchange for a density bonus, or as a condition of approval. The 1985 [Downtown Plan](#) created the first systemic requirements for developers to provide publicly accessible open space as a part of projects in C-3 Districts.

http://sf-planning.org/privately-owned-public-open-space-and-public-art-popos#downtown_plan

SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

“An applicant for a permit to construct a new building or an addition of Gross Floor Area equal to 20 percent or more of an existing building (hereinafter "building") in C-3 Districts shall provide open space in the amount and in accordance with the standards set forth in this Section.”

<i>Minimum Amount of Open Space Required</i>	
<i>Use District</i>	<i>Ratio of Square Feet of Open Space to Gross Floor Area with Open Space Requirement</i>
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50

(c) **Location.** The open space required by this Section may be on the same site as the building for which the permit is sought, or within 900 feet of it on either private property or, with the approval of all relevant public agencies, public property, provided that all open space must be located entirely within the C-3 District.

(d) **Types and Standards of Open Space.** Except as otherwise provided in Subsection (e), the project applicant may satisfy the requirements of this Section by providing one or more of the following types of open space: A plaza, an urban park, an urban garden, a view terrace, a sun terrace, a greenhouse, a small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a galleria, in an arcade, in a public street or alley, or in a pedestrian mall or walkway, as more particularly defined in the table entitled "Guidelines for Open Space" in the Open Space Section of the Downtown Plan, or any amendments thereto, provided that the open space meets the following minimum standards. The open space shall:

- (1) Be of adequate size;
- (2) Be situated in such locations and provide such ingress and egress as will make the area easily accessible to the general public;
- (3) Be well-designed, and where appropriate, be landscaped;
- (4) Be protected from uncomfortable wind;
- (5) Incorporate various features, including ample seating and, if appropriate, access to food service, which will enhance public use of the area;
- (6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;
- (7) Be well-lighted if the area is of the type requiring artificial illumination;
- (8) Be open to the public at times when it is reasonable to expect substantial public use;
- (9) Be designed to enhance user safety and security;
- (10) If the open space is on private property, provide toilet facilities open to the public;
- (11) Have at least 75 percent of the total open space approved be open to the public during all daylight hours.

New York City, New York

New York City's 39-year experience with “incentive zoning” has produced 3.5 million square feet of privately-owned public space. This estimate comes from a new study on New York City's 503 public spaces at 320 privately-owned buildings in Manhattan, Brooklyn, and Queens. The study documents the mixed experience this incentive has produced over the years. The study, “Privately Owned Public Space: The New York City Experience,” rated 15 spaces so attractive

that they draw people from around New York. It rated 66 places worthy as quality neighborhood space, and declared 207 spaces “marginal” and so lacking in design and amenities that they discourage visitors.

Stamford, Connecticut

Stamford included incentive zoning in its zoning regulations in the mid-1970s, according to the Stamford director of planning and zoning. Stamford zoning regulations allow the zoning board to issue a special exception that authorizes floor space “premiums” for “amenities for the benefit of the public” in four commercial zoning districts. The regulations specify 13 types of public amenities: (1) day-care facility, (2) public plaza, (3) increased upper-floor set back, (4) arcade, (5) direct pedestrian connection to public parking garage, (6) short walking access, (7) community room, (8) Mill River Greenbelt (contributions of funds, land, or public access), (9) transportation center pedestrian connection, (10) through-block connection, (11) historic preservation, (12) public use of private parking, and (13) ground-floor retail.

The premiums are distributed based on ratios established for each type of amenity. Most amenities have a one-to-one ratio with the premium. For example, for each square foot of indoor day-care floor area located within the development, up to one square foot of additional floor space may be added to the development.

Some projects have produced plazas above street level “that no one uses.” Revisions to the zoning regulations were made to give the zoning board greater discretion in approving proposed amenities.

Recommendation 1: Create new public amenity requirements for buildings in Transit and Urban contexts.

Recommended approach includes:

- Public amenity space requirement applies to buildings greater than 50,000 sf
- Requirement would apply in Transit and Urban context, but not in Suburban
- Require amenity space based on the size of building area above 50,000 sf (staff would propose a number prior to public hearing)
- Amenity space may be indoor or outdoor, but must be on ground level
- Amenity space must be adjacent to street frontage and designed to clearly indicate public nature
- Be open to the public at all reasonable times

With Planning Commission support of this recommendation, staff would draft code amendment language prior to the Commission’s public hearing on this issue.

Issue #2: Review and propose changes to height transition requirements

Planning staff reviewed the codes of several communities for examples of height transition standards. Examples are below:

Code Examples

Wheat Ridge

Residential Transition - Required Upper Story Stepbacks

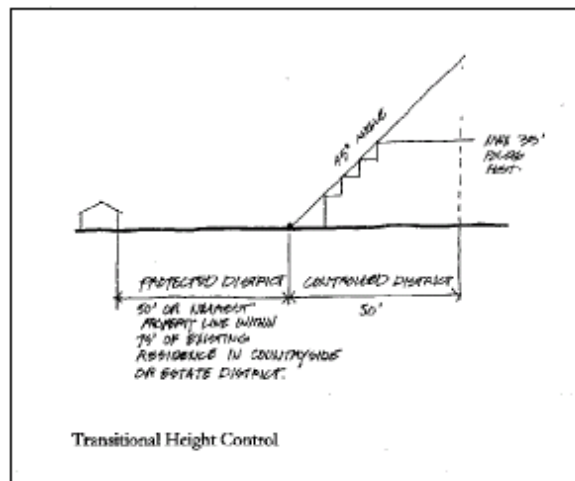
MU-C		MU-N
Minimum Setback - stories 1-2 (see § 26-1105.C)		
1-2 story building	10'	10'
3 story building	15'	15'
4 story building and higher	20'	20'
Minimum Stepback - stories 3-4	5' per story	5' per story
Minimum Stepback - stories 4 and above	30'	30'

Arvada

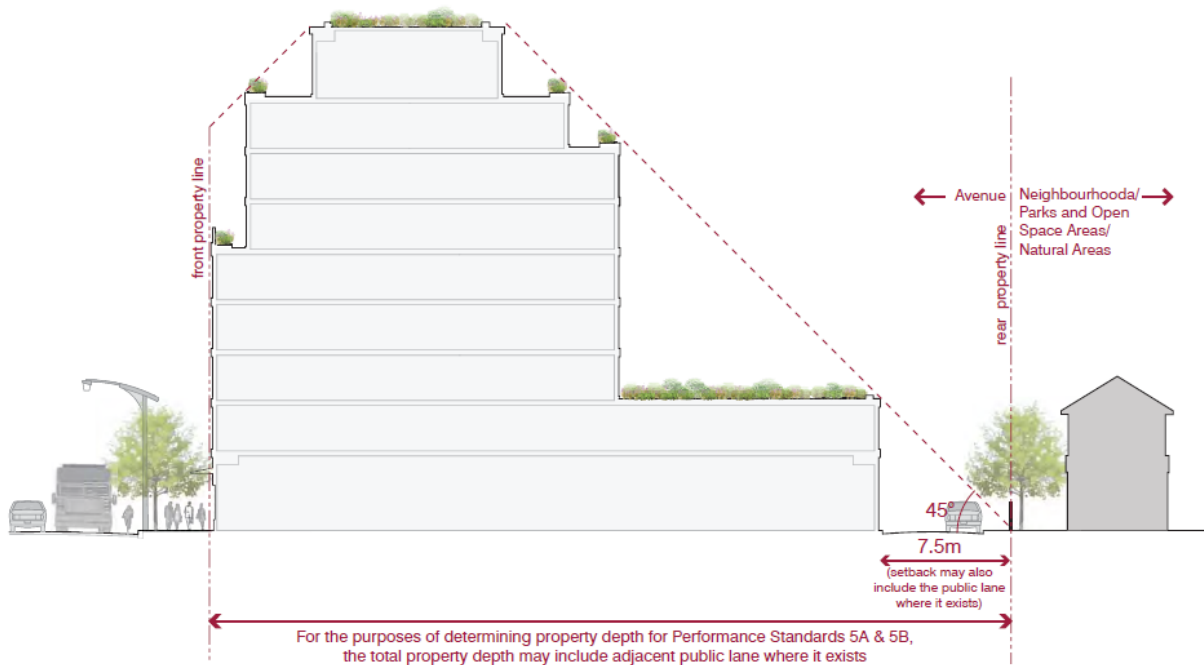
Transitional heights

Where a multifamily residential structure or nonresidential structure is constructed within 100 feet of a single family detached or attached structure on an adjacent lot, the new multifamily or nonresidential structure shall meet one of the following criteria:

- A. It shall not extend upward through a bulk plane beginning on the nearest lot line of the adjacent residential structure and extending upward at an angle of 45 degrees over the multifamily residential or nonresidential lot.
- B. Alternately, the new multifamily or nonresidential structure may be constructed to a height no taller than the adjacent existing single-family structure.



Toronto, Ontario



Illustrating the rear transition for deep properties abutting Neighbourhoods, Parks and Open Space Areas and Natural Areas (30)

The most common example of height transition standards between mid-rise zones and neighborhood zones was a 45-degree bulk plane. A bulk plane is an imaginary plane beyond which no part of the building may project. The bulk plane would begin at the shared property line and project upward at a 45-degree angle. This plane would further limit the height of the structure where it approached the neighboring property line. ***Recommendation 2: Replace the existing height transition setback between mixed-use districts and residential districts to a 45-degree bulk plane. Also apply this transition to areas where R-MF zones abut single family residential zones.***

With Planning Commission support of this recommendation, staff would draft code amendment language prior to the Commission's public hearing on this issue.

Issue #3: Review bulk plane and build-to requirements at street frontages

Below are examples of best practices for street façade bulk plane and build-to requirements. Most of the best practice cities reviewed encourage or require that the bottom two or three floors of the building be built up to the street in urban or transit areas. However, there are often setbacks required on higher floors to keep the building and streetscape at a pedestrian scale.

Toronto, Ontario

“Pedestrian Perception” step-backs on buildings taller than 23 metres should be required to mitigate the perception of height and create buildings at the street that are of a comfortable scale for pedestrians.

Rationale

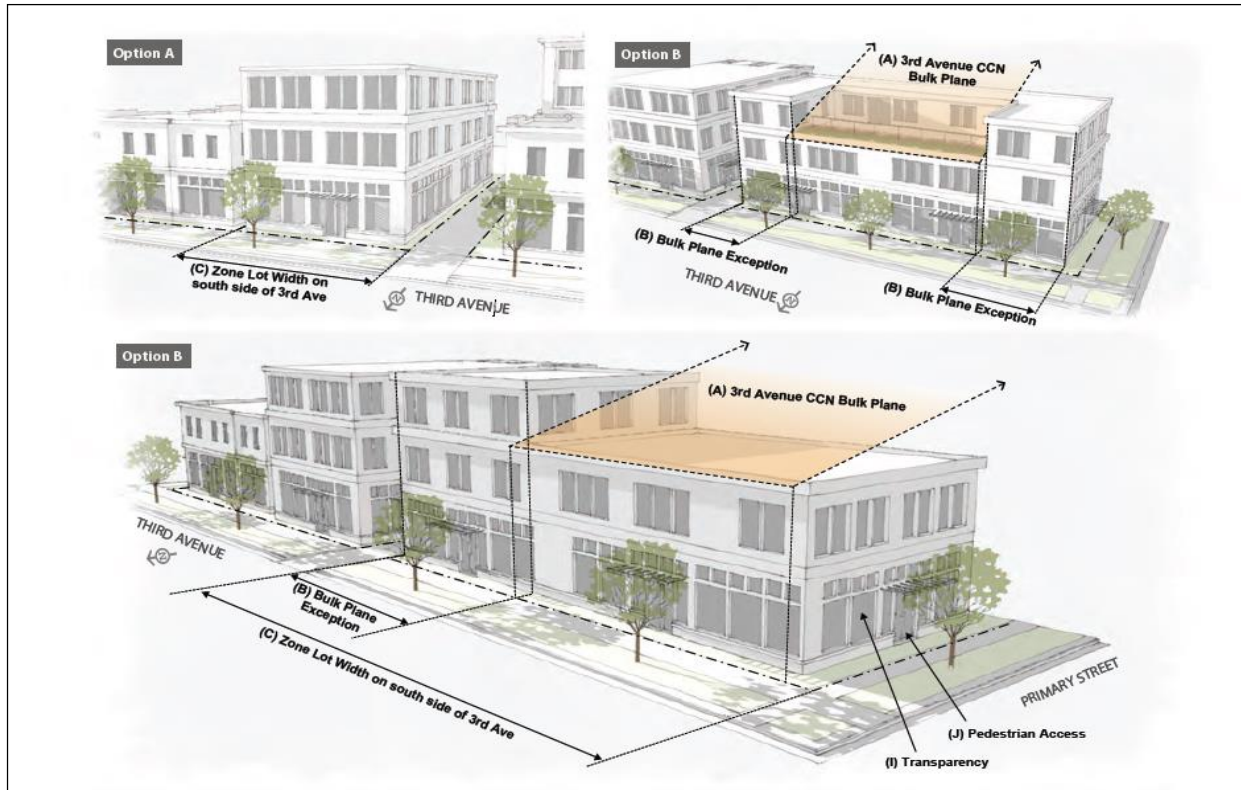
The provisions of Performance Standard 4A will generally result in a step-back of the upper floors of mid-rise buildings. An additional step-back may be appropriate for buildings taller than 7 storeys in height as a means of mitigating the perception of height on the Avenue. The ideal location of this additional “Pedestrian Perception” step-back is not prescribed and should be determined as part of the design process.

Front step-backs articulate building massing, reduce shadow impacts within the public realm, and help to mitigate the pedestrian’s perception of height. The minimum step-back dimension is 1.5 metres.



For buildings taller than 23 metres, an additional step-back may be required. The location of this step-back is flexible. The above example illustrates a 9 storey building on a 30 metre R.O.W. which integrates step-backs in accordance with Performance Standard 4A: Front Façade: Angular Plan and an additional Pedestrian Perception step-back.

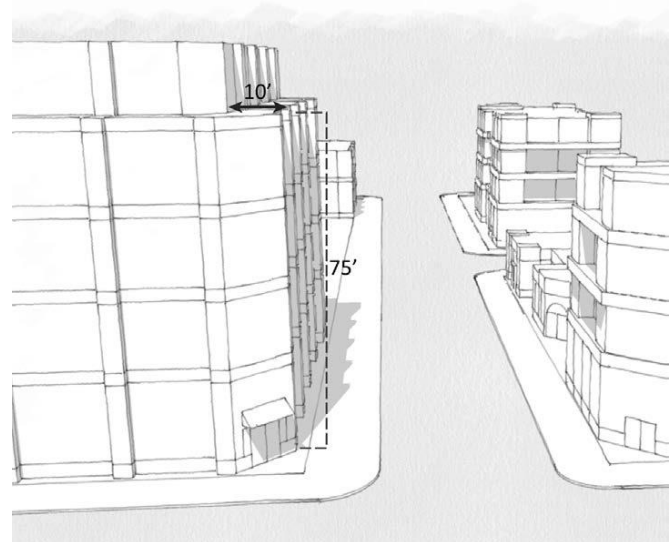
Denver



Wheat Ridge

Upper story stepbacks.

1. For buildings taller than seventy-five (75) feet, an upper level stepback is required for any façade that faces a street or a public space. For such façades, the portion of the façade over seventy-five (75) feet in height must stepback at least ten (10) feet from the outer edge of the first story (Figure 9).
2. Terraces and unenclosed balconies may extend up to eight (8) feet into the required upper level stepback area.



Recommendation 3: Institute “pedestrian perception” setbacks on upper stories of buildings built to the front property line.

Recommended approach includes:

- Setback required above third story of any building built to the front property line
- Additional setbacks considered at higher stories
- Potential for different standards along unique streets or in different areas of the City

With Planning Commission support of this recommendation, staff would draft code amendment language prior to the Commission’s public hearing on this issue.

Issue #4: Review and propose changes to sidewalk and streetscape requirements

Staff has reviewed our current streetscape requirements and found that our landscaping and street tree requirements seem to be producing desired outcomes. The weaknesses identified in our review were in the design of sidewalks in urban and transit contexts and in the ability of the City to require sidewalk connections and upgrades to sidewalk design with new development.

Planning staff proposes working with internal partners to update design standards for sidewalks citywide. Currently, the standard is for detached sidewalks separated by a tree lawn. In more urban environments an appropriate design might have tree boxes or a more urban landscape treatment. Updating these standards for areas of town in the transit or urban context could help produce more desirable outcomes for pedestrians.

Secondly, our policies for when to require development to improve sidewalks have not always resulted in desired improvements. Staff would like to revisit our exaction policies for streetscape improvements to insure that all new developments build or improve streetscapes to the latest design standards.

Recommendation 4: Work with Public Works to update sidewalk design standards with different contextual standards and update policy for requiring streetscape improvements with new development.

Issue #5: Examine height transitions between single family homes

Below are examples staff has identified for contextual height regulations in single family areas.

Nashville, Tennessee

B. Height.

1. The maximum height, including the foundation, of any primary structure shall not be greater than 35 feet or 125% of the average height of the principal structures on the two lots abutting each side of the lot, whichever is less. When one of the abutting lots is vacant, the next developed lot on the same block face shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum height shall be calculated for each street and limited to 35 feet or 125% of the average height of the lesser value. When 125% of the average of the abutting structures is less than 27 feet, a maximum height of 1.5 stories in 27 feet shall be permitted.

Kalamazoo, Michigan

§ 4.1 KALAMAZOO CODE

- a. Area A is the darker shaded central core area. Primary structures in Area A shall be a minimum of two stories in height, and shall not be subject to a maximum height limit.
- b. Area B is the lighter grey shaded area outside the central core area bounded by a solid line (but not including any areas included in Area A). Primary structures in Area B shall be a minimum of two stories in height, and may not be more than two stories taller than the tallest primary structure on any lot located within 200 feet of any property boundary of the subject lot.

Planning staff can craft contextual height transitions following either of these models, or design our own. However, staff is not convinced that this is an issue of citywide concern. More public involvement may be necessary to determine where “mansion-ization” is or could be a problem. There are some areas of town that want or need the investment or whose ownership is interested in maintaining their ability to sell property.

One code section that is in need of a change is the measurement of height. Currently, height is measured to the highest point of a roof. This way of measuring discourages peaked roofs in favor of flat roofs since more floor area can be achieved by building the entire house to the height limit rather than just the peak. Staff recommends measuring peaked roofs to the midpoint of the roof to remove any disincentive for sloped roofs.

Recommendation 5: No height transition change recommended at this time. Staff recommends measuring height to the midpoint of a peaked roof.

Staff will draft code amendment language prior to the Commission’s public hearing on this issue.

Issue #6: Research and propose sustainability requirements for site design

Staff has identified potential site design standards to encourage development (particularly multi-family) that supports the natural environment, public health, self-sufficiency, and community cohesion. The standards are listed by topic in the table below along with staff's recommendation for implementation by one of three mechanisms.

Implementation Mechanisms

1. **Direct Zoning Ordinance Amendment** – Identified portions of the existing zoning ordinance where language should be added.
2. **Enhanced Development Menu** – A list of development requirements that increase the sustainability and community benefit of the development.
 - Applicable developments would be required to choose a minimum amount of items from the menu
 - Not every standard will be suitable for every development, standards may be context specific and may conflict with each other (ex: solar access and tree shade)
 - Intended to provide enhanced benefits for the site itself and the surrounding community
 - A potential role for the community to determine the best standards for their neighborhood
 - Added as a supplemental section in the zoning ordinance
 - Visit www.cityofgolden.net/media/SustainabilityMenu.pdf for an example menu from Golden
3. **Prioritized Research** – Potential requirements that necessitate further research by staff, to be presented to Planning Commission during staff's annual update.

Recommendation 6: Pursue sustainability improvements as indicated in the table below. Where directed, staff will prepare specific amendments to the zoning code. Staff will also create an enhanced development menu and language to include in the zoning ordinance. Items identified for further research will be revisited in the next annual zoning update

Topic	Standard	Desired Outcome	Recommendation	Implementation Notes
Energy	Energy efficient outdoor lighting and equipment	Select Energy Star qualified outdoor lighting fixtures and other equipment to reduce energy consumption	Amend exterior lighting standards (17.6.7 and 17.7.9)	
	Pavements that reduce urban heat island effects	Select parking lot pavements with materials or treatments that reduce heat gain	Set as a priority for future research with Public Works	Include research of pavements treatments that enhance storm water management and use recycled content
	<i>Revision of existing standard – Solar collection system regulations</i>	Remove existing overly restrictive regulation that could add costs and limit solar yield – “ <i>A solar collector shall be allowed in the non-primary front yard, if it is located behind a solid 6-foot-high fence or wall</i> ” (National Electric Code already requires ground-mounted systems be screened)	Amend solar collection system standards (17.5.5.3)	Continue to monitor emerging technologies to inform future code amendments
	<i>Revision of existing standard – Solar garden use</i>	Allow solar gardens in mixed-use/multifamily residential zone districts with a special permit	Amend use table (17.4.1)	
	Lot orientation for solar access	Minimize shading from landscaping, building, and surrounding lots in order to maximize potential solar yield	Include as option in <i>Enhanced Development Menu</i>	
	Development orientation for solar access	Design the development with an east/west street layout in new residential developments to limit solar access obstructions	Amend Subdivision Ordinance: 16-3-2 Residential Subdivision Standards	Require only when not in conflict with existing policies, plans, natural barriers, etc.
	Renewable energy community investment	Provide on-site renewable energy generation or payment into a fund for renewable energy investment in the Lakewood community	Set as a priority for future research	
Water	Waterwise landscape benchmarks	Provide landscape designs that demonstrate they meet Denver Water water-use benchmarks based on land use	Amend landscape standards (17.6.5.1 and 17.7.7.1)	See <u>Appendix A</u> for example benchmarks

Biodiversity	Habitat protection	Provide landscaping and other natural site features that provide habitat protection, restoration, and connectivity for wildlife.	Set as a priority for future research	Conduct an assessment of existing habitat conditions to inform landscaping standards (see Appendix B for project scope)
Waste	Recycling/ Composting contracts	Contract for recycling composting collection (or other applicable waste stream) based on the building use and management	Add recycling contract requirement in a new waste section in residential and commercial site design standards (17.6 and 17.7) and add composting contract as option in <i>Enhanced Development Menu</i>	
	Recycling/ Composting enclosures	Designate space for recycling and composting collection (or other applicable waste stream) based on the building use	Add a new waste section in residential and commercial site design standards (17.6 and 17.7)	
Multimodal Transportation	Multimodal transportation assessment	Identify available pedestrian, bicycle, and transit connections to the site in order to inform wayfinding, connectivity with the existing transportation network, and other infrastructure improvements	Amend application process standards (17.2.2.1)	
	Sidewalks	Provide sidewalk connections in prioritized pedestrian areas	Set as a priority for future research with Public Works	Revisit existing policies to ensure alignment with community plans
	Transit station improvements	Improve adjacent transit stations (shelters, seating, wayfinding)	Include as option in <i>Enhanced Development Menu</i>	
	Transit passes	Provide users with subsidized transit passes based on the building use	Include as option in <i>Enhanced Development Menu</i>	
	Bike parking	Increase the number of temporary bike parking and quality of permanent bike parking spaces	Include as option in <i>Enhanced Development Menu</i>	

Lakewood Development Dialogue
Building Design – November 22, 2017

	Bike amenities	Provide bike amenities that are available to the community (fix-it stations, air pumps)	Include as option in <i>Enhanced Development Menu</i>	
	Bike share system	Contract with bike share services based on the building use	Include as option in <i>Enhanced Development Menu</i>	
	EV private parking spaces	Install EV charging infrastructure and designate spaces for private use	Amend parking standards (17.8.1)	Will revisit in detail in the Parking Study Session
	EV public parking spaces	Install publicly available EV charging infrastructure and designated spaces	Include as option in <i>Enhanced Development Menu</i>	
	Carpool parking spaces	Designate carpool parking spaces based on the building use and size	Include as option in <i>Enhanced Development Menu</i>	
	Carshare parking spaces	Designate Carshare parking spaces based on the building use and size	Include as option in <i>Enhanced Development Menu</i>	
	Carshare contracts	Contract with Carshare services based on the building use	Include as option in <i>Enhanced Development Menu</i>	
Community Amenities	Restorative outdoor spaces	Provide publicly accessible outdoor spaces with natural features that provide relief from noise, weather protection, moveable seating, and multi-sensory aesthetic experiences (water features, art, floral scents, etc.)	Include as option in <i>Enhanced Development Menu</i>	
	Physical activity features	Provide publicly accessible features that encourage physical activity (meandering pathways, drinking fountains, pedestrian level lighting, fitness equipment, bike fix-it stations)	Include as option in <i>Enhanced Development Menu</i>	
	Community gathering spaces	Provide publicly accessible spaces that provide seating, games, features for children, and other elements that support social connection	Include as option in <i>Enhanced Development Menu</i>	
	On-site food production	Dedicate space and ensure site conditions publicly accessible vegetable gardens and fruit trees and a plan to distribute the food locally	Include as option in <i>Enhanced Development Menu</i>	

