

ENVIRONMENT AND PARKLAND

Issue 7: Water quality protections need strengthening. (Lauren, Ele)

Recommendations:

1. Reinststate the Environmental Commission's right to an annual review of the Urban Watersheds Structure Control Plan as well as any new Suburban Watersheds Structure Control Plan. (Text)
2. Decrease the threshold for requiring water quality controls from 8,000 square feet of impervious cover, to 5,000 square feet, staff's original recommendation. (Policy)
3. Bring forward the recently codified Impervious Cover Restrictions for Education Facilities found in § 25-8-366. (Text)

Issue 8: Draft does not adequately protect rights of the public in privately owned, publicly accessible open space subject to public/private partnership agreements or other city consideration. (Rich)

Recommendations:

1. Add to sections 23-3B-2030, 23-4C-1070 and elsewhere in the code as appropriate, the following language: "All privately owned, publicly accessible civic, open space, or parkland subject to 23-3B-2030 or similar provisions in the code shall afford the same rights and protections for free speech and assembly to residents as comparable publicly owned civic, open space, and parkland."

C. INFRASTRUCTURE

Issue 9: Drainage and flooding provisions may be insufficient to address impacts of increased development. (Lauren, Ele)

Recommendations:

1. Provide watershed capacity analysis for every watershed in the City to understand and account for the limitations of the modeling and to provide a baseline of actual current impervious cover that will inform our zoning map and maximum impervious cover requirements. (Map/Policy)
2. Prohibit fees-in-lieu when downstream drainage systems are at or exceeding capacity, eliminating staff discretion in such cases. This could be accomplished by a map, regularly updated with modeled data, to show areas where fees-in-lieu are prohibited. (Text)

Issue 10: Draft does not adequately address connectivity and flooding improvements triggered by remodels. (P) (Lauren, Ele)

Recommendations:

1. Create a remodeling threshold for providing public benefit improvements, including flooding mitigation, streetscape improvements and connectivity improvements (e.g. sidewalks and safe crossings). (Mobility Code Prescription Paper, page 17)
2. The scope of upgrade requirements or incentives should reflect the scope of the remodel project.
3. Consider severity of need for the upgrades based on mobility, flooding and infrastructure issues in the surrounding area.
4. Alternatively, incentivize removal of impervious cover and addition of trees and rain gardens, by allowing site disturbance over the standard threshold without triggering a full blown site plan.

Issue 12: Redirect some savings from lower minimum parking requirements into area connectivity improvements. (Nuria)

Recommendations:

1. Charge a fee for a local area connectivity and civic space fund, offset by savings from the lower minimum parking requirements.
2. Alternatively, provide a calibrated amount of additional publicly accessible on-site open space.

Issue 14: Prioritize civic space at rapid transit stations, including along corridors. (Steven)

Recommendations:

1. For sites adjacent to rapid transit stations of at least 2 acres, require plazas or pocket plazas connecting to the station.
2. For sites between 2-4 acres that are within 800 feet of a rapid transit station, require at least 7% ground-level civic space, connecting to the property abutting the transit station.
3. Require arrangement of plazas to optimize connectivity to the station from the rear, with sufficient depth from traffic to raise air quality, reduce noise, and hold community events.

D. BUILDING AND STANDARDS

Issue 17: Provide real-life modeling for McMansion policy integration. (Chris)

Recommendations:

1. The CodeNEXT team should beta test the draft code via modeling of real-world development scenarios to ensure that the policies of Subchapter F are effectively carried over to the new code with the smallest possible adverse impact on design cost and design flexibility.

Issue 19: Refine alley access provisions for alleys serving commercial properties. (Dave).

Recommendations:

1. Draft code provisions on alley access should provide an exception for cases in which an alley also serves commercial property, as well as residential.

Issue 20: Refine definition of Cooperative Housing, raise occupancy, reduce parking and add new housing type. (Rich)

Recommendations:

1. Change definition of cooperative housing to: "A housing arrangement in which residents share expenses and ownership, and in which all profits or surpluses are allocated to purposes that benefit current or future residents."
2. Raise occupancy limit for cooperative housing to 2 adults per bedroom.
3. Reduce parking requirement to 50% of bedrooms.
4. To facilitate co-housing add a new type to cottage court with a larger main house and separate duplex units on either side

F. PROCESS AND NONCONFORMING ISSUES

Issue 24: Revise proposed public process changes to ensure adequate notice and participation. (Susan, Chris)

Recommendations:

1. Reinstate current code provisions governing mailed notice, posted notice, public response, administrative appeals, site plan extension notice, required meetings to resolve issues including both parties, appellant's right to rebuttal, and mailed notice to organizations for Areawide Interlocal agreements.
2. Provide information about valid petition rights, similar to that provided for vested rights in 23-K-2.
3. Clarify notice requirements for MUPs and consider placing this tool in hands of Land Use Commission, not city staff.
4. Revise proposed language to explicitly prohibit ex parte communication regarding appeals by applicant and applicant's representatives, as well as public.
5. Remove proposed language that allows hearings to proceed with notice errors.

Issue 25: Clarify nonconforming use/structure language to avoid unintended consequences. (Susan, Chris)

Recommendations:

1. Insert language to ensure that existing structures/uses that were conforming/complying at time of code adoption are not rendered noncomplying by code changes (see 25-2-294, 25-2-962).
2. Require public process for change from one nonconforming use to another, and for conversion to Conditional Use.
3. Clarify whether conversion to Conditional Use terminates nonconforming use.

4. Reinstate existing code section that allows only one modification to height and setbacks for nonconforming structures (25-2-963(H)).
5. Reinstate current code provisions for rebuilding a destroyed noncomplying structure, including time limits, gross floor area and interior volume, and location and degree of noncompliance (25-2-964(B)).
6. Require termination of nonconforming parking when nonconforming use/structure is terminated. Reinstate code provision stating the discontinuation of nonconforming STR Type 2 by April 1, 2022 (25-2-950).
7. Revise language in Transects to clearly state that grandfathering of 25' lots applies only to specific lots already granted small lot amnesty prior to code adoption.