



Memo

Date: January 9, 2024

To: Mayor and City Commissioners

From: Phil Nameny, City Planner

CC: Patricia Diefenderfer, Chief Planner; Sandra Wood, Principal Planner

Re: Housing Regulatory Relief Project – 2nd set of amendments to the Recommended Draft

City Council will hold a hearing on the Housing Regulatory Relief Project on January 10, 2024. This memo consists of a second set of potential amendments to the Housing Regulatory Relief Project Recommended Draft. As a result, they are numbered as #4-6 below to augment the first memo dated Jan. 3, 2024.

| # | Amendment | Sponsor |
|---|--|----------|
| 4 | 33.475.235.B & 333.510.223.B. Bird-safe glazing – Reinstatement of staff’s original proposal to temporarily suspend bird-safe glazing requirement in the River overlay zone and Central City plan district when a proposal includes a residential use. | Gonzalez |
| 5 | 33.510.243.B. Ecoroof– Replace Planning Commission’s ecoroof recommendation with staff’s original proposal to temporarily suspend the ecoroof requirement in the Central City plan district when a proposal includes a residential use. | Gonzalez |
| 6 | 33.705.020. Neighborhood Contact Steps – When a proposal includes a residential use, temporarily suspend the 35 day deadline to post the neighborhood contact sign and send notification to recognized organizations. | Gonzalez |

How to read this document:

Strikethrough and underline font is used to mark changes relative to current code. Strikethrough font indicates text that will be deleted and underlined text indicates text what will be added. For these amendments, text shading is included for informational purposes to highlight where the text amendment from the Recommended Draft occurs.

Amendment #4 – Bird-safe Glazing 33.475.235.B. and 33.510.223.B

These amendments provide a temporary suspension of the bird-safe glazing standards that apply in the River Overlay zone and the Central City plan district. The suspensions apply to proposals with residential uses. The bird-safe glazing suspensions were included in the staff Proposed Draft, but they were removed after the public hearing and deliberation by the Planning Commission.

Amendment #4a – 33.475.235.B. (River overlay zone)

Commentary:

33.475.235.B. Development subject to the bird-safe glazing standards

This amendment will suspend the bird safe glazing standard for 5 years if the project includes residential uses. The bird safe glazing standard was identified in the Housing Production Survey as being among standards that add cost to housing developments.

Code Amendment:

33.475.235 Bird-safe Glazing

- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. Development that includes a residential use is exempt from the standards until January 1, 2029. See Map 475-1. For new buildings, the standards apply per facade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per façade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

Amendment #4b – 33.510.223.B. (Central City plan district)

Commentary:

33.510.223.B Development subject to the bird-safe exterior glazing standards

There are two amendments related to this section; one is a temporary suspension, and one is a clarification.

The first amendment suspends the bird-safe glazing requirement for 5 years for development that includes residential uses. This temporarily removes and reduces regulations for housing projects.

The second amendment is a permanent clarification. The bird safe exterior glazing standard was added to the Central City plan district with the adoption of the CC2035 plan. Subsequently, the bird safe glazing standard was added to the River Overlay zones when the River Plan / South Reach was adopted. The standards are identical except that the River Overlay zone bird safe glazing standard (33.475.235) clarified that the standard applies “per facade when the façade has 30 percent or more glazing, including spandrel glazing...”—the words “including spandrel glazing” were added to the River overlay zone standard.

While spandrel glass is an opaque glass that conceals views within, it still contains the reflective quality of standard glass and creates the same issues for birds outside of the building.

In order to ensure that the policy objectives related to bird safe glazing are carried out in the zoning code consistently, this amendment updates the Central City bird-safe glazing standards to include spandrel glazing consistent with the standard in the River overlay zone.

Code Amendment:

33.510.223 Bird-Safe Exterior Glazing

- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects. Development that includes a residential use is exempt from this standard until January 1, 2029. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per facade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

Amendment #5 – Ecoroof 33.510.243.B

This amendment removes the Planning Commission’s recommendation to allow solar panels in lieu of ecoroofs and provides a temporary suspension of the ecoroof requirement for proposals with residential uses. The ecoroof suspension was included in the staff Proposed Draft but was removed after the public hearing and deliberation by the Planning Commission. The commentary and zoning code language are replaced as follows:

Commentary:

33.510.243.B. Ecoroofs

There are two amendments to this Subsection; one is a temporary suspension and the other is a permanent clarification.

The first amendment suspends the ecoroof standard for 5 years if the development includes residential uses. The intent is to reduce the number of regulatory standards that apply to development with residential uses. Some of these standards can increase the cost of building or create additional review delays.

The second amendment is a permanent clarification. The ecoroof standard in 33.510.243.B.1 allows 40% of the roof to be covered with something other than an ecoroof. The standard includes a list of items that can count toward the 40% allowance including common outdoor area, but private outdoor area is not currently included on the list. This amendment adds private outdoor area that is accessible from the dwelling unit to the list as a way to reduce the number of modifications requested for residential developments.

Code Amendment:
33.510.243 Ecoroofs

- A. Purpose. Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:
- Maximize the coverage of ecoroofs;
 - Allow for the placement of structures and other items that need to be located on roofs; and
 - Support the architectural variability of rooftops in the Central City.
- B. Ecoroof standard. In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards. Development that includes a residential use is exempt from the ecoroof standard until January 1, 2029:
1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
 - a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
 - b. Areas used for fire evacuation routes;
 - c. Stairwell and elevator enclosures;
 - d. Skylights;
 - e. Solar panels;
 - f. Wind turbines;
 - g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system; ~~or~~
 - h. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance; or

- i. Uncovered individual unit outdoor area directly accessible to the dwelling unit.
2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.

Amendment #6 – Neighborhood Contact 33.705.020.A & B

These amendments further edit the neighborhood contact requirements to temporarily suspend the requirement that a sign be posted on the development site and a letter be sent to recognized organizations 35 days prior to submitting for a permit or land use review. The 35-day requirement occurs in several places within the neighborhood contact regulations, so the same language is inserted into each of those instances. Note that the permanent removal of Neighborhood Contact III (33.705.020.C) does not change and will be removed as shown in the Recommended Draft. The commentary and zoning code language is replaced as follows:

Amendment #6a – 33.705.020.A Neighborhood Contact I

Commentary:

33.705.020.A.1. & A.2.

Currently, all neighborhood contact process steps begin by the applicant posting the site and sending an email notifying the relevant associations at least 35-days before submitting a permit or land use review to the city. When the development includes a residential use, this amendment temporarily suspends, for 5 years, the requirement that any contact letter or sign posting be sent or put up at least 35 days before applying for a building permit or land use review. This will allow the steps to be taken any time before filing an application but not more than one year before filing. This temporarily allows greater flexibility between the timing for initial posting and for submitting the application.

33.705.020.A.3.

The neighborhood contact regulations contain a standard directing the applicant to submit information via an email or online submittal form prior to applying for a permit or land use review. The standard also directs the Bureau of Development Standards to make information available in a certain online format. The zoning code regulates development and development-related activities, not which kinds of online formats BDS should use. This particular regulation is too prescriptive and not appropriate for the zoning code. BDS has administrative procedures that they follow for how they post neighborhood contact information online. Therefore, this amendment moves the standard directing what the applicant for a development permit or land use review must do to the paragraph related to "required information" and deletes the direction to BDS regarding online formats. This provides flexibility for BDS to utilize technology in the most efficient way, especially as new options develop.

In addition, the reference to contacting the Bureau of Development Services at least 35 days in advance of submitting the permit or land use review is suspended for 5 years if the proposal includes a residential use. See 33.705.020.A.1 & 2 for additional commentary.

Code Amendment:

33.705.020 Neighborhood Contact Steps

A. Neighborhood contact I. Neighborhood contact I requires the following notification and posting steps:

1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the applicant is required to email or mail the contact letter before, but not more than one year before, applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:

a.-d. [No change]

2. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the applicant is required to post at least one sign before, but not more than one year before, applying for a land use review or building permit.

a.-e. [No change]

~~3. Online Access~~

- ~~a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:~~

~~(1) The name, telephone number, and email address of the applicant;~~

~~(2) The address of the site of the proposed development;~~

~~(3) A summary of the proposed development; and~~

~~(4) A site plan that includes the proposed development.~~

- ~~b. The Bureau of Development Services must make the information required by Subparagraph A.3.a available in an accessible online format and as an open data set. The bureau will also provide a way for community members to subscribe to get proactive notification of new information.~~

34. Required information.

- a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the applicant is required to contact BDS before, but not more than one year before, applying for a land use review or

building permit. The email, or online submittal, must contain the following information:

- (1) The name, telephone number, and email address of the applicant;
- (2) The address of the site of the proposed development;
- (3) A summary of the proposed development; and
- (4) A site plan that includes the proposed development.

b. The following information must be submitted as part of the application for a land use review or building permit:

- (1)a- A copy of the email or letter that was sent as required by Paragraph A.1.;
- (2)b- A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;
- (3)e- A photograph of the sign required by Paragraph A.2. posted on the site;
- (4)d- A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit.

Amendment #6b – 33.705.020.B Neighborhood Contact II

Commentary:

33.705.020.B.1. & B.2.

Currently, all neighborhood contact process steps begin by the applicant posting the site and sending an email notifying the relevant associations at least 35 days before submitting a permit or land use review application to the city. When the development includes a residential use, this amendment temporarily suspends, for 5 years, the requirement that any contact letter or posting be sent or put up at least 35 days before filing for the building permit or land use review. This will allow the steps to be taken any time before filing an application but not more than one year before filing. This temporarily allows greater flexibility between the timing for initial posting and for submitting the application.

33.705.020.B.3 Online access

See previous commentary (33.705.020.A.3) regarding neighborhood contact online access requirements.

33.705.020.B.3 Meeting

This amendment suspends the meeting requirement of Neighborhood Contact II for five years, when the proposal includes a residential use. Neighborhood Contact II gets engaged when a development exceeds 25,000 s.f. In addition to posting the site, the current standard requires the applicant hold a meeting within the neighborhood of the proposal prior to the submission of a building permit or land use review. While there is a benefit in providing this initial engagement, it can also increase the amount of time before a development is approved. The Planning Commission determined that the posting requirement was a marginal added step, but that the scheduling of a meeting potentially adds the greatest delay. The posting is kept, but the meeting requirement is

waived for projects with a residential component until January 1, 2029. This suspension works in conjunction with the waiver of the 35 day lead time so that the timing of the posting occurs anytime before application submission, but not more than 1 year prior.

33.705.020.B.3.b and B.3.c

At the beginning of the COVID pandemic, the zoning code was amended to allow the required neighborhood contact meeting to be held remotely. The allowance was initially intended to be short-term because no one knew how long the pandemic would last. Because many meetings continue to be held remotely, or as a combination of in-person and electronic format, this amendment allows this to continue permanently as an option. While there is no requirement for meetings to be one-way or the other, the amendment allows the flexibility for both the developer and neighborhood association to hold a meeting in a format that they are currently using or that is most comfortable given the uncertainty of future situations. The change also provides the option for the meeting to be held outside of the evening/weekend times if it is part of the neighborhood association meeting. This option is being moved from the Neighborhood Contact III which is being eliminated and incorporated into the Neighborhood Contact II thresholds.

Code Amendment:

B. Neighborhood contact II. Neighborhood contact II requires the following meeting, notification and posting steps:

1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the applicant is required to email or mail the contact letter before, but not more than one year before, applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:

a.-e. [No change]

2. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the applicant is required to post at least one sign before, but not more than one year before, applying for a land use review or building permit.

a.-e. [No change]

~~3. Online Access~~

- ~~a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:~~

- ~~(1) The name, telephone number, and email address of the applicant;~~
- ~~(2) The address of the site of the proposed development;~~
- ~~(3) A summary of the proposed development; and~~
- ~~(4) A site plan that includes the proposed development.~~

~~b. The Bureau of Development Services must make the information required by Subparagraph B.3.a available in an accessible online format and as an open data set. The bureau will also provide a way for community members to subscribe to get proactive notification of new information.~~

34. Meeting. The applicant must schedule and attend one public meeting. Until January 1, 2029, the applicant is not required to schedule or attend a meeting if the development includes a residential use. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:

- a. [No change]
- b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings ~~held between March 8, 2020 and January 1, 2024~~ may be held in person, remotely using online video conferencing technology, or a combination of both. ~~The selected technology must have a phone-in option available to those without access to a computer or mobile device;~~
- c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, ~~or~~ between 1 p.m. and 6 p.m. on Saturday or Sunday, or during a scheduled neighborhood association meeting and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting; ~~and~~
- d.-e. [No change]

45. Required information.

a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the applicant is required to contact BDS before, but not more than one year before, applying for a land use review or building permit. The email, or online submittal, must contain the following information:

- (1) The name, telephone number, and email address of the applicant;
- (2) The address of the site of the proposed development;
- (3) A summary of the proposed development; and

(4) A site plan that includes the proposed development.

b. The following information must be submitted as part of the application for a land use review or building permit:

~~(1)a-~~ A copy of the email or letter that was sent as required by Paragraph A.1.;

~~(2)b-~~ A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;

~~(3)c-~~ A photograph of the sign required by Paragraph A.2. posted on the site;

~~(4)d-~~ A signed statement certifying:

~~(1)~~ That the required email or letter was sent at least 35 days, but not more than one year, before applying for the land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the signed statement must certify that the required email or letter was sent before, but not more than one year before applying for a land use review or building permit;

~~(2)~~ That the required signs were posted, at least 35 days, but not more than one year, before applying for the land use review or building permit. Until January 1, 2029, if the proposed development includes a residential use, the signed statement must certify that the required signs were posted before, but not more than one year before applying for a land use review or building permit;

~~(3)~~ That the required meeting was held at least 14 days before applying for the land use review or building permit, and at least 14 days after sending the email or letter and posting the required signs; and

~~(4)~~ That the notes from the required public meeting were emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, prior to applying for the land use review or building permit.