

Item 4

## MEMORANDUM

TO: Shoreline Planning Commission
FROM: Joe Tovar
SUBJ: Director's Report for January 4, 2007 Meeting
DATE: December 28, 2006

I will be discussing several items at next week's meeting that bear on the Planning Commission's work tasks, priorities, and operations in 2007.

#### 1. Improvements in coordination between the City Attorney's office and planning

In an effort to assure the legal sufficiency of all the City's land use planning activities, I have met with the City Attorney to identify a number of improvements that I would like to implement in 2007. For example, with respect to legislative items such as plan and code text amendments, we will move up the time when we circulate draft proposals to the City Attorney's office for their review. This should have no perceptible impact on the Commission's activities, but will hopefully improve the legal adequacy of such items before they even reach your agendas.

A second more direct improvement will involve the assistance of the City Attorney's office in preparing Findings and Conclusions for quasi-judicial items that the Commission recommends to the City Council. We will have Assistant City Attorney Flannary Collins attending those meetings where the Commission has such items on the agenda. We hope to prepare a draft template of proposed Findings and Conclusions prior to your meeting and Flannary will be available to help refine and customize necessary adjustments during your deliberation.

#### 2. Proposed long-range Planning Work Program

A reading of the minutes from your December 14 meeting shows that we had a pretty extensive discussion of the major tasks ahead for 2007 and a fairly generalized review of timing for these items. We previously reviewed with the Commission the commitments, priorities and directions that were discussed with the City Council back in October – and have since fleshed out the draft resolution for Council to adopt on January 8. I would hope that either the Chair of Vice-Chair would be available to help present the Resolution and its accompanying staff report to the Council. Resolution 254 (Ex. A) and the transmittal staff report (Ex. B) are attached.

Also attached is a more complete version of the "Long-Range Planning Work Program for 2007-2008" (Ex. C). It showing timing and actions for the major public policy initiatives (Goal 5 Comprehensive Housing Strategy; Goal 6 Environmentally Sustainable Communities; Goal 4 Aurora Project; and Goals 2 and 3 regarding Town Center and Ridgecrest plans). Theses goals are shown on Ex D.

The Work Program chart also shows other key information.

Starting at the top of the chart, we have shown the six scheduled participants in the "Shoreline Speaker Series." First up will be Mark Hinshaw in February speaking on innovative form-based codes and changing housing needs and forms. Also attached is an article (Ex. E) that Mark wrote in the recent edition of <u>Planning</u> magazine. We follow Mark on about a six-week interval with the other speakers listed. We will heavily publicize this speaker series through <u>Currents</u>, the City's website, and other media. The public will be invited to these lectures which will also be televised on the City TV channel.

Also shown are the regularly scheduled months for the joint City Council-Planning Commission meetings as well as the timing for various steps or actions on the major planning projects. Note that the latter are shown in gray, however we have shown those steps that involve Planning Commission meetings-of-the-whole with black. Last, we have shown City Council actions/decision points with stars. We will post this "road map to long-range planning" on the City website, and include links to other pages with more detailed information about each topical area.

As you know, three of you serve as members of the Comprehensive Housing Strategy and three of you serve as members of the about-to-be-appointed Aurora ABC Team. These ad hoc groups will be meeting twice monthly for the first six months of 2007. This will provide a lot of excellent planning commission perspective and expertise into those two efforts – but at the expense of a temporarily heavier meeting schedule. To offset this, staff proposes that for this period we step back the frequency of regular planning commission meetings from two a month to one a month. This would appear to allow sufficient agenda time to address the relatively few items (quasi-judicial rezones mostly) that we see on the immediate horizon, avoid burning out the commission or spreading the staff too thin.

Lest the remaining three Commissioners think that they would be left at loose ends, I have another important tasks for them to consider in lieu of the second monthly regular meeting. The "Ridgecrest Subarea Plan" is shown on the calendar, but with no specific steps and dates yet set. We have worked with Tom Boydell, the City's Economic Development Manager, to retain a UW landscape architecture class to work with staff and an ad hoc advisory committee during winter quarter. The class will sponsor at least two evening meetings, one in January and one in March, as part of their process. I believe it would greatly enrich that process if we could have, say three planning commissioners, to volunteer to join us and a few other neighborhood representatives on those evenings. This ten-week quarter would be, in effect, a pre-planning phase of the Ridgecrest planning effort, similar to the planning student work on Town Center that we briefly reviewed with the Commissioners in December. Later in 2007 we will review the draft concepts for Ridgecrest with the full Planning Commission and Council prior to drafting proposed plan and code amendments for public review later in 2007 or early in 2008.

I look forward to hearing your thoughts and recommendations on all these topics.

#### Attachments

- Ex. A Resolution 254 for City Council's January 8, 2007 agenda
- Ex. B Staff report transmitting Resolution 254
- Ex. C Long-Range Planning Work Program for 2007-2008
- Ex. D City Council Goals for 2007-2008
- Ex. E Article by Mark Hinshaw in Planning Magazine

#### **RESOLUTION NO.**

#### A RESOLUTION OF THE CITY COUNCIL, CITY OF SHORELINE, WASHINGTON, RECOGNIZING THE WORK OF THE PLANNING COMMISSION AND PROVIDING DIRECTION REGARDING THE CITY'S PLANNING WORK PROGRAM

**WHEREAS**, the Shoreline City Council and Planning Commission met jointly on October 30, 2006 to discuss implementation of the City's Planning Work Program, City Council Goals for 2007-2008, various means for public participation and citizen outreach, and other issues of mutual concern; and

**WHEREAS**, it was a productive meeting, many ideas were discussed, and the City Council offered direction on a number of items; and

**WHEREAS**, it is the best interests of the public, the Planning Commission, and the City staff that the City Council give clear direction regarding priorities for the Planning Work Program and public participation, affirm the important role of the Planning Commission as the City's land use hearing body, and provide for ongoing communication and coordination between the Council and the Planning Commission;

# NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

The Shoreline Planning Commission work program for 2007 shall include the following tasks, direction, and understandings.

<u>Section 1.</u> The City Council commits to meeting at least twice annually with the Planning Commission in joint meetings, in April prior to the City Council's retreat, and in October prior to the City's budget process.

<u>Section 2.</u> The City Council affirms that the Planning Commission is the hearing body for both quasi-judicial and legislative rezones. When appropriate, a representative of the Commission will participate in presenting its recommendation to the City Council.

<u>Section 3.</u> The City Council approves the concept of sponsoring a Speaker Series (community conversation) in 2007, directs that these be televised on the City's cable access channel, and that the community at large be alerted to this opportunity through *Currents*, the City website and other appropriate media.

<u>Section 4.</u> The City Council agrees that three members of the Planning Commission shall serve on the Comprehensive Housing Strategy Citizen Advisory Committee as it helps implement Council Goal 5, which is to "Develop a Comprehensive Housing Strategy."

<u>Section 5.</u> The City Council requests that the Planning Commission and Parks Board periodically meet in joint session to provide a sounding board to review and critique the City' progress in implementing Council Goal 6, which is "To Create an Environmentally Sustainable Community."

<u>Section 6.</u> The City Council supports the concepts of legislative rezones and formbase codes in order to implement adopted comprehensive plan policies and to improve the timeliness and predictability of the City's development review process, and asks that the City staff and Planning Commission prepare for Council review a schedule and strategy for utilizing these land use tools.

ADOPTED BY THE CITY COUNCIL ON \_\_\_\_\_

**ATTEST:** 

Mayor

Council Meeting Date: January 8, 2007

Agenda Item:

## CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Resolution regarding Planning Commission and 2007 Planning Work Program
	Planning and Development Services Joseph W. Tovar, FAICP Director

#### **PROBLEM/ISSUE STATEMENT:**

The City Council met with the Planning Commission in late October of 2006 and held a far-ranging discussion about Commission operations and the 2007 planning work plan, including the portions of the work program that affect the Planning Commission. The proposed resolution reflects that discussion and memorializes the Council's direction, commitments and priorities for the coming year.

#### FINANCIAL IMPACT:

The financial impact of the Planning Commission and Planning Work Plan items discussed herein have been addressed in the PADS budget that Council adopted for 2007

#### RECOMMENDATION

Staff recommends that the City Council adopt Resolution \_\_\_\_\_ recognizing the work of the Planning Commission and providing direction regarding the City's Planning Work Program.

Approved By: City Manager \_\_\_\_ City Attorney \_\_\_\_

#### INTRODUCTION

The proposed resolution reflects the Council's October 30, 2006 discussion with the Planning Commission and memorializes the Council's direction, commitments and priorities for the coming year.

#### BACKGROUND

In the past, Council has met infrequently with the Planning Commission. Such ad hoc joint discussions usually were prompted by the need to discuss a controversial, pending issue, which in turn narrowed and constrained the scope of the dialogue. At its annual retreat, the Planning Commission concluded that regularly scheduled joint meetings would facilitate candid communication and improved understanding between the Council and the Commission.

In addition, several issues had also arisen during at Council meetings, partly in response to citizen comments and partly in the course of the City Council's review of Planning Commission recommendations. For example, during the review of quasijudicial rezones, Council members expressed concern that some members of the public perceived these rezones to be "spot zones" rather than implementation of adopted comprehensive plan policies. Also, in response to a specific query from a citizen, the Council wished to review the question of whether the Commission should be the hearing body for such land use matters, or whether the Council should assume that role.

These and other issues were addressed in a wide-ranging discussion at the joint meeting in October. The Councilmembers and Commissioners shared ideas and experiences, and as a result of the meeting, the Council agreed to meet twice yearly with the Commission to discuss items of mutual interest and to promote communication on issues on a regular basis.

In addition the Council, in its discussion with the Commission, supported the following concepts:

- The Planning Commission is the hearing body for rezones. When appropriate, a representative of the Commission will participate in presenting its recommendation to the City Council.
- The Council and the Commission will co-sponsor a Speaker's Series on planning issues in 2007.
- The Planning Commission and Parks Board will be asked to meet jointly to assist in the implementation of Goal 6, "Creating an environmentally sustainable community".
- The Council supports the concepts of legislative rezones and form-based codes and requests that city staff and the Planning Commission review strategies for their use.

The attached resolution is a more formal re-statement of these concepts and reflects Council direction of some major items for the Commission's 2007 work program.

### **RECOMMENDATION**

Staff recommends that the City Council adopt Resolution \_\_\_\_\_ recognizing the work of the Planning Commission and providing direction regarding the City's Planning Work Program.

### ATTACHMENT

Resolution No. \_\_\_\_\_

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# 2007-2008

## Goal No. 1

Complete the projects approved in the 2006 Parks Bond

## Goal No. 2

Implement the Economic Development Strategic Plan

## Goal No. 3

Implement an affordable civic center/city hall project

## Goal No.

Complete the Aurora improvements from 165th to 205th Streets including, but not limited to, sidewalks, drainage and transit

## Goal No. 5

Develop a comprehensive housing strategy

## Goal No. 6

Create an "environmentally sustainable community"

## Goal No. 7

Provide safe and affordable transportation options to support land use plans including walking, bicycling, transit and vehicular options

## Goal No. 8

Develop a Fircrest master plan in partnership with the state

## Goal No. 9

Increase emergency preparedness training and education

## Goal No. 10

Increase opportunities for all residents, including our youth, to get more involved in neighborhood safety and improvement programs

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December 2006

## **Re-Forming Regulations**

What it takes to encourage downtown housing.

APA American Planning Association

By Mark Hinshaw, FAICP

Downtown housing is popular in many cities - but in some places it just can't get built.

Making great communities happen

It's not the market that's at fault. It's the regulations.



A few years ago, I reviewed a land-use code that contained more than 100 pages, including endless lists of permitted and conditional uses, special districts, tables, charts, cross-references, definitions, and other minutiae. Some cities require city council hearings for certain projects. Others require onerous permit fees, impact fees, long processing times, or special reviews.

What sensible developer would try to tackle that mess in order to build housing units downtown?

If we are to recast downtowns as places for new investment, we must

clean up or even clean out outdated, unnecessary, or burdensome regulations. Regulations can and should be simple and easy to read — even by people unschooled in the arcane language of zoning. An architect-translator shouldn't be needed.

Regulations should set the bar, and set it high, so that good developers can feel confident that their investment is protected. This was one of the original purposes of zoning: to protect land values.

Developers don't mind standards. It is uncertainty in the decision-making process that upsets them most.

#### One piece of a strategic package

Far too many cities are under the mistaken impression that by merely adopting a plan or changing a code, they will automatically attract new development. But most developers seek out communities with a solid financial commitment, not just lip service. New regulations and standards must be a part of an overall set of strategies that include capital improvements, tax incentives, and tools such as tax increment financing.

It's especially important for cities to help assemble property. Cities that have seen immediate results in their downtowns have used the acquisition and resale of strategic parcels to jump-start new development.

Many cities have also provided structured parking as a part of new development. This step alone has often made the difference between a feasible project and a stalled one. Cities have to be willing to spend money up front in order to realize long-term enhanced tax revenues.

#### A good attitude

In most communities, single-family subdivisions, strip malls, and office parks are allowed by right at the edge of town, so the cards are stacked in favor of outward, lateral development.

But some jurisdictions are determined to make it easier to develop downtown because infrastructure there is more cost-effective and transit service can be supported; the tax base benefits as a result. These cities realize that low-rise, dispersed, outward development does not pay its own way.

Bellevue, Washington, has used traffic calculations to show that urban residential development can be assessed relatively low impact fees compared to the fees imposed on outlying development.

Tacoma, Washington, has reduced its long downtown code to about 10 succinct pages. The city is so committed to collaboration and smooth permitting that it offers to refund permit fees if the process takes more than the allotted time. No fees have been returned to date.

Portland, Oregon, has a centralized permit counter that allows coordinated, expedited processing. San Diego fast-tracks urban residential projects through the permitting system. Some jurisdictions have assigned staff members to assist in the development process; they serve as central coordinators and advocates, ensuring that the process has as few snags as possible.

#### Creating urban residential districts

When cities started exploring the notion of urban, mixed use development in the early 1980s, the regulatory response was often to create mixed use districts, which allow both residential and commercial development. However, property owners pegged the value of their land to commercial use and that meant the land was priced too high for residential uses. As a result, few, if any, residential developments were built without a subsidy.

A more effective approach is to create districts in which a mix of uses can occur, but to weight the potential development in favor of residential uses. This approach clearly signals the city's intent and keeps land prices in line with normal ratios of land cost to unit cost for residential development. It also prevents landowners from speculating that someone will cash them out to build an office tower.

Sometimes cities must rezone an area to realign property values. Often the land supply then shifts towards residential use. Some property owners have resisted this step by opposing what they call "downzoning," but in many cases they have been able to sell their properties faster.

An ironic twist is that in many cities, downtown residential development is now out-bidding office development. As the economy shifts away from concentrations of high-rise office towers (in a sense, the factories of the late 20th century), land is becoming more valuable for residential use. This is seen in both new development and in the adaptive reuse of older, formerly Class B and Class C office buildings into apartments, condominiums, and hotels.

Finally, most downtown residents look for places with a true neighborhood ambiance: quiet at night, neighborliness, local shops, services, cafes, and eyes on the street. Accordingly, cities need to carve out districts that are predominantly residential but allow an abundance of other uses as well.

#### Simplifying codes

Land-use codes need not be elaborate and convoluted. The length of existing codes is due, in part, to detailed lists of uses, but design standards add verbiage as well. Portrayed in code form, design standards seem drained of their intent, as if it were possible to quantify good design.

Instead, cities should boil down quantitative requirements to a bare minimum and put provisions that address the quality of development in a separate document — one that is adopted into the municipal code by reference so it has the force of law. Essentially, the hard-core code for a downtown needs only the following elements:

**Uses**. Because it is the nature of downtowns to embrace virtually any type of function, the code should not list permitted, conditional, and special land uses. If properly crafted, design standards can mitigate the effects of most uses, so long as they are fully contained within structures. And if the downtown has been planned in a way that identifies infrastructure needs, individual uses should not have to prove that they can be accommodated.

Instead, a city could create a short list of uses that should be excluded from downtown. Heavy industry is one likely category, as are open storage lots and maximum security prisons. This short list of prohibited uses should, ideally, fit into less than a single page of text.

**Floor area ratio**. Advocates of form-based codes have begun to recommend eliminating FAR (floor area ratio) calculations in favor of bulk and dimensional standards. While this approach may be valid in low-

rise areas, it is not logical in high-density, high-rise, mixed use downtown districts. This blanket dismissal of a completely appropriate tool is misguided for several reasons.

First, developers use FAR as an indicator of the development potential of a site. It is a simple calculation that they can do without an architect's help. The calculation offers a degree of predictability and certainty. It allows for mixing uses by specifying the outer limit of intensity but not specific densities, as the tool of dwelling units per acre does.

In fact, density as expressed in dwelling units per acre has a built-in incentive to create larger units. There is no advantage to building smaller units, since the yield is identical. With FAR, the developer decides the size and mixture of units: the smaller the units (hence the more affordable), the more units can be built.

Form-based codes seek to attain a degree of uniformity in urban form by using dimensional standards. But uniformity is antithetical to vital, diverse downtowns, which thrive on variety in form, height, style, and appearance. FAR allows an almost infinite range of building forms, from low-rise structures to towers. It allows development to be a function of parcel size and therefore automatically produces variety.

FAR also allows a jurisdiction to weight development intensity in favor of certain uses, such as housing.

FARs can be used with a bonus system that rewards developers for including certain amenities. They might be granted additional height and bulk for offering day care, or a neighborhood meeting room, or public art, or a public facility like a branch library.

FARs can be also used to encourage historic preservation by allowing a transfer of FAR to other sites. The owner of the historic structure is compensated, and no public funds need be involved, as this can be a purely private transaction.

The FAR system, along with bonuses, has been used in larger cities for several decades. It is a wellestablished method that has met the test of court challenges. As a way of regulating downtown growth and development, FAR is now being used in mid-sized and smaller communities. It continues to be a helpful and appropriate regulatory technique.

**Height**. Nothing agitates neighborhood groups more than the prospect of a "tall" building in their vicinity. But height is relative. I once worked with a community where a controversy raged over whether to allow downtown building height to be increased from 30 feet to 33 feet — a difference of *three* feet! Many vocal citizens feared that the increased height would allow "high rises." Entire public meetings were devoted to this issue. That city is still locked in verbal warfare today.

In another community, a rapidly maturing suburb, activist neighborhood groups challenged a high rise in a case that took five years and ended up in the state's supreme court. They claimed that taller buildings would destroy the "rural" character of the community. Ultimately, the court denied the project by overturning the city's code; the city recrafted it to allow for development on a more sympathetic scale. Several mid-rise, but nonetheless high-density, developments have been built since that court decision.

Of course, it can be argued that once a city allows high-rise, multistory buildings, it makes no difference whether they are 14 stories or

40 stories. But to some people, it does. In the early 1990s, voters in both San Francisco and Seattle handily passed initiatives that placed limits on the height of downtown towers.

It would be smart for cities to coordinate the height limits imposed by zoning with important "break points" in the building code. Now that many cities are adopting the International Building Code, this should be easier to accomplish.

Forty to 50 feet in height is a threshold for wood frame construction. Another break point is 75 feet, because above that true high-rise construction codes are triggered. Once in the high-rise category, there is a minor change

at around 160 feet, but beyond that there are no significant thresholds — although other rationales may make sense.

For many years, the city of Philadelphia did not allow buildings to exceed the height of the statue of William Penn atop city hall. Washington, D.C., uses the height of the Capitol dome as the maximum.

San Francisco limits the height of buildings that could potentially shadow certain parks. Seattle and other cities require setbacks on buildings over a specified height along designated view corridors to ensure that a key aspect of community character is protected.

Vancouver, British Columbia, has advanced a regulatory concept that allows for greater height if the bulk of a building (as expressed in floor plate size) is decreased. In the last five years, Vancouver has seen the emergence of a distinctive, pencil-like residential tower — very slender (with floor plates less than 7,000 square feet), but very tall. Ostensibly, this concept allows for views between buildings (Vancouver also has a tower spacing distance regulation) and a development pattern in which very tall towers are surrounded by an "understory" of row houses. The combination of sleek, glassy towers with sidewalk-hugging homes is not only striking but adds immeasurably to the city's sense of street life.

**Parking**. For better or worse, parking supply drives the form and location of development. Developers depend on adequate parking to get financing, and cities carefully review and monitor parking lots and structures.

Over the last two decades, Robert Cervero of the University of California at Berkeley has researched the effect of parking on development and behavior. He suggests that cities should use parking ratios strategically to create compact, transit-oriented development. He advocates maximum parking standards rather than minimums. His studies show that it is possible to change commuting patterns by limiting the parking supply, even in suburbs.

As it happens, downtowns with constrained parking supply — and relatively high parking fees — often enjoy greater retail activity. That is because people will choose to park once and then walk to multiple destinations. Or they will elect to use transit. There is nothing like a direct hit to the wallet to alter human behavior.

#### Design standards and guidelines

Good design standards and guidelines are important to the character and quality of downtown development, but they should not be prescriptive. Each design standard and guideline should state an intention, so that various solutions may be evaluated against it.

Just as the basic regulations should concentrate on a short list of subjects, so should design standards. If they are too long and complicated, developers can be discouraged. Some will be small, local firms that are not necessarily familiar with the state of the art in regulations.

Standards should be written in plain English with short, declarative sentences. If technical terms are used, they should be defined in a glossary. The overall attitude expressed by the standards should be to inspire people to do good work, not merely to toe the line on numerical details. If numbers are used at all, they should be expressed in ranges, to allow for built-in flexibility.

Within downtown settings, standards and guidelines should generally focus on the street-level environment — the setting that has the most impact on the public. The upper levels of buildings can be left to the private sector, except in cases where rooflines affect the skyline. In that case, a few standards can address shape, lighting, and the need to conceal communications or mechanical equipment.

Factors to concentrate on in the design standards:

**The base**. The base of a building may include commercial uses, parking, or both — although in general, parking should not be allowed to abut the sidewalk without an intervening use. It is important that the base contribute positively to the experience at street level — and not just directly in front of the building, but as seen from across the street and down the block.

Many cities subject the base to "set-to" lines or maximum setback lines. In some locations, additional

sidewalk width is desired — although it is possible to go overboard with this requirement. Rarely does sidewalk width need to exceed 20 feet. In most cases, a width of 14 to 16 feet is perfectly adequate for pedestrians. Needlessly wide sidewalks can seem vacant most of the time.

What is the appropriate height of the base? This figure might be based on the long-standing historic pattern of local development, allowing newer buildings to better fit into their context. Often downtowns have an understory of

buildings that are in the range of two to six stories. Alternatively, the base height could be related to the street width. Most downtown streets are 60 to 90 feet wide; a ratio of 1:1 (wall height to width of street) seems comfortable.

#### Streetscape envelope: the horizontal dimen-

**sion**. A linear envelope of space hugs a building's lower, outer edge, fronting the adjacent sidewalks. This envelope is about 15 feet tall and 15 feet wide. This is the public realm, and it contains a host of elements that address sociability, safety, and visual appeal.

**Street wall: the vertical dimension**. The most important aspect of the wall that abuts the sidewalk is the richness of visual interest. Blank walls are deadly in any downtown.

Blank-walled parking structures are the worst offenders. No parking garage should be permitted to present a windowless wall or an open bay of parking to the street. Ideally, there should be shops at sidewalk level; at a minimum, retail space can be inserted into the corners, which are not efficient for parking, anyway.

Retail and services also can play a key role in enlivening the street wall. And when retail uses don't make sense, a city can require other features, such as murals, display panels, bas-relief, patterned masonry, and lighting.

Street-level housing can also enhance downtown streets. Vancouver requires street-level row houses in certain areas. They must be set back several feet to allow for shallow planting areas, steps, and stoops, and they are raised several feet for privacy. One can be walking along the street in Vancouver and suddenly be aware of a family eating breakfast a few feet away.

This semiprivate "front yard" is a classic device seen in older cities such as Boston, Philadelphia, and Baltimore. Other cities should find ways to encourage them in downtown neighborhoods.

Mark Hinshaw is director of urban design at LMN Architects in Seattle. This article is excerpted from True Urbanism, to be published by APA's Planners Press in 2007. Hinshaw will be a featured speaker in a Planning-sponsored session at APA's 2007 National Planning Conference in Philadelphia.

#### Sidebar: They're in the Loop

**Images:** Top — Livable streets like this one in Bellingham, Washington, need lively retail frontage. Photo courtesy LMN Architects.

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