

April 9, 2014 Meeting Summary | Form Based Code Advisory Working Group

Attendees

PC Members: Inta Malis (FBC AWG Chair). **FBC AWG Members:** Mark Cole, Randy Swart, Ed Miltenberger, Noreen Quill, Linda Dye, and Stef Pryor. **Staff:** Jennifer Smith and Matt Mattauszek.

Agenda Item 1 | Parking amendment updates: 1) affordable housing ratios; 2) hotel parking ratios; and 3) bicycle parking ratios for retail employees

- Staff provided updates on the status of work for each topic; and also provided updated parking quantities based on a scenario for hotel uses:
 - Affordable Housing: Staff is in the process of collecting additional parking data to further explain the proposed parking ratio of 0.825 space/affordable unit. Staff will work with the FBC AWG Chair once data has been reviewed to consider when and how to review this material with the AWG at a future meeting. Staff is still planning to evaluate the proposed parking ratio later this calendar year while concurrently evaluating a new minimum requirement for affordable housing units within the commercial centers FBC.
 - Hotel parking ratio: Staff provided more data to compare the existing and proposed hotel parking ratio using a redevelopment scenario with 150 hotel units (see presentation). Staff will obtain feedback on the proposed ratio from hotel operators; and will also research on the type of hotels expected along Columbia Pike. If conference room facilities are anticipated, analysis should be undertaken to confirm if the proposed ratio is appropriate or should be adjusted for those facilities. AWG members commented that the current ratio which specifies the minimum amount of parking as shared parking available to the public may not be well suited for hotel operators and hotel guests who would need to rely on parking spaces dedicated for hotel use. Constructing a supply of parking spaces that can be reserved would likely result in an oversupply and excessive amount of parking and the redevelopment may not occur as it would be economically infeasible. Staff also clarified that additional research would assume reserved spaces would be used by patrons and employees of the hotel as well as retail employees. Shared spaces would be used by hotel visitors, retail patrons and the general public.
 - Bicycle parking ratios for retail employees: Staff met with DES staff (John Durham and Richard Hartman) to discuss the AWG's feedback and concerns raised that the employee parking ratio (1 bike space/25,000 sf GFA) is too low. DES indicated that the ratio has been in place for a long time, it had not been reviewed or revised recently, and no other complaints have been raised. In order to evaluate the ratio and consider changes, DES staff indicated that further research would be needed. CPHD staff recommended to DES staff that a FBC amendment to correct the inverted ratios for employees and visitors should proceed now, and, if/when DES undertakes further study to adjust the ratios on a county-wide basis, other adjustments for the Columbia Pike FBC could be considered.

Agenda Item 2 | Ground Story Uses (Main, Avenue, Local BES)

- AWG members had mixed opinions on whether to maintain flexibility on where Primary or Secondary Retail could be located, but indicated that the "vision" for Columbia Pike should be considered including the goal to create "activating" street frontages and avoid uninviting,

“dead” spaces. Some noted that flexibility should be maintained, and suggested that one consolidated retail list be used in the future. Another suggestion was made to allow Secondary retail to occupy Columbia Pike frontage but only by use permit approval so that broader review by the community could occur. It was suggested that changes to the Primary/Secondary Retail lists, including any potential associated new regulations to specify locations, be tabled until further details of the updates to the Retail Action Plan occur. Other suggestions also included the addition of intent statements before each retail list that further clarify their purpose and provide clarity on how they should be used, however, staff noted the general intent statements for each category are currently included in the FBC.

- Some AWG members suggested that the list of retail uses should be reevaluated. It is not clear why some uses are included in Primary and others in the Secondary list or vice versa. Staff indicated that the list was narrowed from those uses allowed in C-2 and C-3 zoning (i.e. the prevalent underlying zoning within the commercial nodes). Some uses were included because the use may be existing, or had been when the FBC was adopted, and use of the FBC should not preclude the use from continuing so long as the space occupied by the use complied with the FBC regulations. Staff also confirmed that while the FBC includes two lists, it lacks specific regulations that stipulate where uses in either list should be allowed.
- AWG members questioned why some uses would be considered Civic rather than Retail or other service commercial, such as child care which is commonly operated by a private entity. Staff indicated that child care is treated as an educational use in the FBC, consistent with how it is regulated in the ACZO. AWG members indicated concerns about allowing civic uses in mixed use buildings if it would result in perpetual requests for design/form modifications as this could undermine the intent of the FBC and consistent application of the regulations. An AWG member suggested that if modifications are requested, proposals should proceed following the special exception site plan process rather than FBC review.
- Comments were made that all public uses – provided/funded by the County – would need use permit review in order to involve the community in the public review process. It was noted that some uses are already required to obtain use permit approval in order for the use to be more specifically evaluated, such as child care.
- FBC AWG members requested that staff categorize the proposed uses and the existing retail uses as public, private, or church to help assess whether the use should be allowed, under what conditions, and whether a use permit would be needed to allow the use.

Agenda Item 3 | Civic Uses & Civic Building Designations

- AWG members indicated a preference that all public civic uses be approved by use permit approval. Also, it was suggested that private civic uses would typically occur in Civic Buildings which would be designated through a public review process, and through it, any modifications could be considered. As such, private civic uses were flagged as the set of uses that may be most challenging to evaluate and determine how they should be regulated. AWG members also questioned when privately-owned uses would be considered a civic use.

- AWG members questioned whether mixed use projects that included a civic use on the ground floor could qualify as a civic building, specifically if the civic use in question was categorized as private. Staff responded by suggesting that civic buildings should be designated when the majority of the building will be occupied with civic uses; however, a question was raised as how that would be measured or determined?
- A suggestion was made to allow civic uses to occupy mixed use buildings so long as the FBC regulations were followed. Any request for modifications could be considered for Civic Buildings.
- AWG members asked for clarification on whether potential Civic Uses in new mixed use projects would entitle the developer to request the kind of design relief that Civic Buildings may apply for. If so, would requirements or conditions be established such that the building design would be retrofitted to comply with the FBC when the uses are discontinued?