



Item #8.

Staff Report 161-19

TO: Mayor and City Council
FROM: Eric Holmes, City Manager
DATE: 11/18/2019

SUBJECT Proposed changes to VMC 20.630 Downtown District standards governing building extensions into the right-of-way

Key Points

- Downtown development standards under VMC 20.630 have not been substantially updated since adoption of the most recent Vancouver Central City Vision plan in 2007. Existing standards allow for horizontal extensions of up to 15 feet into the right-of-way, but only up to 35 vertical feet of building height.
- As part of fall 2019 negotiations for a Development Agreement for Block 10, the Holland Partner Group indicated construction plans to extend 5 feet into the right-of-way, but for the full height of a multi-story building.

Strategic Plan Alignment

Goal 6: Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services - "20-minute neighborhoods."

Goal 8: Strengthen commercial, retail and community districts throughout the city.

Goal 9: Build the strongest, most resilient economy in the region.

Present Situation

At the October 8 Planning Commission public hearing, staff recommended adding an allowance for horizontal extensions of up to 5 feet into the right-of-way for up to 85 feet of building height, and other changes also consistent with the Block 10 proposal. Commissioners acknowledged the importance of efforts to develop Block 10 but expressed varying degrees of concern about the policy implications the proposal could have for building size, street front function and public safety if the proposed extensions and potential use of supportive columns are allowed throughout downtown. Motions to forward the staff recommendation with added requirements for safety monitoring, to forward it with added limits on the extensions to 75% of any one block face and 50%

of all four faces of any one building, and to oppose the staff recommendation as currently formulated without amendments all failed by votes of 2-4, 3-3, and 3-3, respectively. Planning Commission staff report on page 4 and draft minutes on page 9.

The proposed code change is before City Council without a majority position from the Planning Commission. Following discussion at the October 14 City Council worksession, staff recommends adding the allowance for horizontal extensions of 5 feet into the right-of-way up to 85 feet of building height, but only for projects subject to a Development Agreement; eliminating the existing allowance for extensions up to 15 feet into the right-of-way for up to 35 feet of building height; prohibiting supporting columns in the right-of-way; eliminating the existing 10-foot maximum sidewalk-to-extension height requirement, and raising the minimum height to 12 feet; and revisiting all downtown standards in the VCCV update beginning in 2020.

Advantage(s)

Approval of the text changes to the Downtown District standards for cases involving a Development Agreement would allow for short building extensions into the right-of-way on a limited basis until codes are revisited as part of the VCCV update beginning in 2020.

Disadvantage(s)

Approval of the changes to the Downtown District standards could allow development which may become inconsistent with new standards adopted following the VCCV update. However, by requiring a Development Agreement (DA) for such interim projects, City Council will be able to review and consider the benefits and drawbacks of each specific proposal during this interim period by way of the DA review process set forth in Title 20.250 VMC.

Budget Impact

No direct impacts.

Prior Council Review

A City Council workshop on all items was held on October 14, 2019.

First reading of ordinance on November 4, 2019.

Action Requested

On Monday, November 18, 2019, subject to second reading and public hearing, approve ordinance.

Bryan Snodgrass, Principal Planner, 487-7946

ATTACHMENTS:

- Ordinance

11/04/19
11/18/19

ORDINANCE NO. M -4278

AN ORDINANCE relating to downtown standards for horizontal building extensions into the right-of-way, amending Vancouver Municipal Code (VMC) 20.630, Downtown District, providing for severability, and providing for an effective date.

WHEREAS, pursuant to the Growth Management Act the City Council has adopted VMC Title 20 zoning standards (last amended through Ordinance M-4034); and

WHEREAS, City staff annually compile a list of proposed zoning updates; and

WHEREAS, the Vancouver Planning Commission reviewed proposed Downtown District changes related to building extensions into the right-of-way at duly advertised work shop son August 13 and October 8, and a public hearing on October 8, 2019; and

WHEREAS, at the October 8 public hearing City staff recommended amending VMC 20.630 to add an allowance for horizontal extensions of up to 5-feet into the right-of-way for up to 85 feet of building height, eliminating the existing allowance for extensions up to 15 feet into the right-of-way for up to 35 feet of building height; prohibiting supporting columns in the right-of-way; eliminating the existing 10-foot maximum sidewalk-to-extension height requirement, and raising the minimum height to 12 feet; and revisiting all downtown standards in the VCCV update beginning in 2020; and

WHEREAS, at the October 8 public hearing the Planning Commission was unable to arrive at recommendation, and the matter moved to the Vancouver City Council; and

WHEREAS, the City Council conducted a duly advertised public work session on October 14 2019, first reading on November 4, and public hearing on November 18 at which the Council voted to adopt recommendations noted herein; and

WHEREAS, the cumulative environmental impacts of the proposed Comprehensive Plan and zoning changes have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. A Notice of Determination of Non-significance (DNS) was issued on

ORDINANCE - 1

September 17, 2019 for the proposed zoning text change, and no SEPA comments or appeals were received; and

WHEREAS, the City Council finds and concludes that the proposed changes are consistent with all relevant criteria for Comprehensive Plan and Zoning Plan Map and Text Amendments (VMC 20.285); and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The findings and conclusions as set forth in the staff report for the October 8, 2019 public hearing, are hereby adopted as the City Council's findings of fact; and

Section 2. Zoning Code Map Amendments. Vancouver Municipal Code section 20.630 is hereby amended as follows:

VMC 20.630.020:

G. Encroachment into public rights-of-way adjustment. Any building that is subject to a Development Agreement with the City of Vancouver and is located along a street frontage containing a building line may extend into the public right-of-way as follows:

- 1. Minimum clear height over the sidewalk shall be 12' ~~10'~~.*
- 2. ~~Maximum clear height over the sidewalk shall be 13'.~~*
- 3. Maximum overall height of the projection shall be 85' ~~35'~~ above the sidewalk, except for balconies, bay windows and structured parking. Projections may be permitted only for extensions of 5' or less into the right-of-way where any supporting ground level columns are located entirely outside the right-of-way.*
- 4. If along such frontage rain protection is also required, the projection shall be that required in the depth-of-cover and clear height standards of Section 20.630.030(E) VMC.*
- 5. Maximum projection from the property line into the right-of-way shall be 5' ~~15'~~ where no curb exist, or to a point no closer than 2' to the face of an existing curb.*

ORDINANCE - 2

~~6. Supporting structures may be placed within the right of way provided that they meet the standards specified in this Section and as follows:~~

~~a. Vertical supports shall have a maximum horizontal finished dimension of 2'.~~

~~b. Supports shall be 8' or more apart along the street frontage.~~

~~c. Adequate sidewalk clearance as approved by the City Transportation Manager shall be maintained.~~

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 4. Effective Date. This ordinance shall go into effect 30 days after adoption

Section 5. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

Read First Time: November 4, 2019

Ayes: Councilmembers Paulsen, Lebowsky, Glover, Stober, Turlay, Hansen, Mayor McEnery-Ogle

Nays: Councilmembers None

Absent: Councilmembers None

Read Second Time: November 18, 2019


PASSED BY THE FOLLOWING VOTE: 6-0


Ayes: Councilmembers Lebowsky, Glover, Stober, Turlay, Hansen, Mayor McEnery-Ogle


Nays: Councilmembers None

Absent: Councilmembers Paulsen

SIGNED this 18th day of November, 2019

DocuSigned by:

58CB15C0632F403...
Anne McEnery Ogle, Mayor

Attest:
DocuSigned by:

BCF6734E40E94AE...
Natasha Ramras, City Clerk

Approved as to form:
DocuSigned by:

9A7DC2E31F694A2...
Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M -4278

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20 relating to downtown standards for horizontal building extensions into the right-of-way, amending Vancouver Municipal Code (VMC) 20.630, Downtown District, providing for severability, and providing for an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

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City Attorney

City of Vancouver

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Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	11/19/2019 11:28:59 AM
Certified Delivered	Security Checked	11/19/2019 12:10:45 PM
Signing Complete	Security Checked	11/19/2019 12:10:53 PM
Completed	Security Checked	11/19/2019 12:10:53 PM
Payment Events	Status	Timestamps