

Key Adjustments to the South Central Waterfront Combining District and Density Bonus Program

September 10, 2024

From late February to March 2024, the South Central Waterfront Combining District and Density Bonus program underwent a one-month active public input process. Planning Commission then approved, with recommendations, for staff to submit the draft code to Council. The Council item was delayed from May 30 to July 18 then to September 12 wherein staff further refined the code.

Throughout the process, feedback was provided by community members, Boards and Commissions, staff, and other stakeholders. Staff consolidated and assessed the feedback to determine recommended adjustments to the draft code for the South Central Waterfront.

The following is a list of some of the key adjustments of the draft code from this input. The following key is the source of the adjustment: Boards and Commissions, Public Input, and/or Staff.

Key: Source of Input



Boards and
Commissions



Public



Staff

Items not highlighted are changes made as a result of the public input window in February and March. Items highlighted in **yellow** are key changes from Planning Commission recommendations incorporated in the May 30 staff draft of the code (Version 1). Items highlighted in **blue** are additional modifications in staff's Version 2 of the draft code based on internal staff coordination and collaboration since May 30.

District Boundary and Subdistricts

Source	Adjustment
	District boundaries were further expanded to include three properties on the western side of the South Central Waterfront. See the updated map for detail. Section 1.2
 	To underscore the commitment to transit-oriented development in the area, the FAR was adjusted to properties near to the proposed Project Connect station on the north side of East Riverside Drive. See the updated map for detail. Section 3.3.2
	Added Public Access Easements over all Internal Circulation Route options. This was an approved recommendation from Urban Transportation Commission. Section Density Bonus 6.3(C)

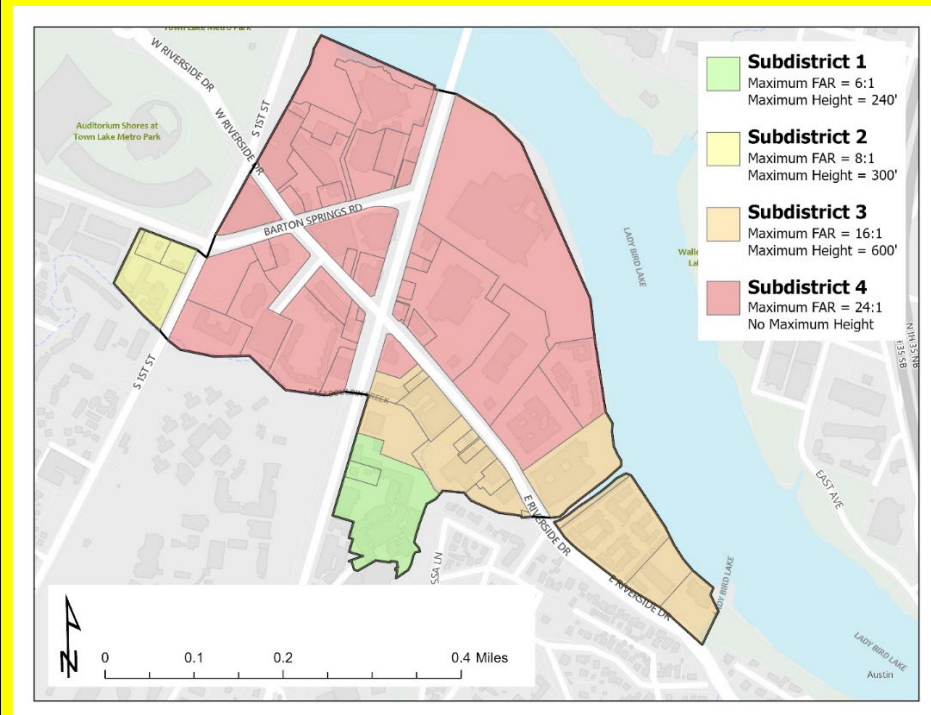


Height limits have been added to Subdistricts 1 through 3. They are: 1 - 240', 2 - 300', 3 - 600'. Subdistrict 4 remains with unlimited height. This adjustment reinforces and improves the density gradient from the closest areas to downtown being the most dense, and for the density to transition down as one moves further away from downtown.

Section 3.3.2



Removed Subdistrict 1 (3:1 FAR and 120' max height). Subdistrict map changed per the request of the Planning Commission to match the map below:



Section 3.3.2

Land Use

Source	Adjustment
	Cocktail Lounges above 3,500sf in size will trigger the need for a conditional use permit. The conditional use permit process will better assist in the review and regulation of entertainment / nightlife noise disturbances. Section 2.3.1(C)(4)
 	The Custom Manufacturing land use has been limited to 2,500sf. The limitation will deter larger single-purpose land uses and encourage more flexible development that supports smaller creative businesses. Section 2.3.1(D)(1)

Design

Source	Adjustment
	Shade provisions increased for cantilevered, affixed, and freestanding options. Trees will still be the dominant shade mechanism, but this change allows for strong urban design and diversity in design of the urban space. This is also consistent with activities in other urban areas in the city. Section 2.7(C)
 	The Internal Circulation Route clear zones were expanded for Option 1 to one 15' clear zone and Option 2, 3, and 4 to two 8' clear zones. Expanded the planting zones for Internal Circulation Route Options 2 and 4 to 8' to accommodate for the critical root zone of shade trees. Shade trees are now required of Internal Circulation Route Options 2 and 4, while raingardens are required of Option 3. Section 4.4
 	An additional internal circulation route type with a bicycle lane was added. This addition increases bicycle connectivity within the South Central Waterfront area and facilitates safe separation of cyclists/scooters from pedestrians. Section 4.4.3
  	Projects shall comply with one of three criteria for light pollution mitigation and one of three criteria for bird/bat friendly design. This change addresses the cost-prohibited nature of the previously included design considerations while maintaining protections for birds and bats. Section [Density Bonus] 6.2(D)(2)

	Parking shall be decoupled from the building's uses and shall be rented or sold separately from the use. Section [Density Bonus] 6.3(D)
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Community Benefits

Source	Adjustment
	To align with the values of transit-oriented development and promote access to opportunity, the affordable housing fee area has been expanded to have a southern boundary of Ben White Boulevard. Additionally, properties must be located within 1/2 mile of a rail station or 1/4 mile of a bus stop. Section 6.4 [Density Bonus] DB (D)(1)(b)
	The Infrastructure Fee-in-Lieu has been changed to the “Infrastructure and Community Impact Benefits” Fee-in-Lieu and language has been added to further support priorities such as incentive agreements for community benefits not fully provided by the Density Bonus Program requirements. Section [Density Bonus] DB 6.4(D)(3)
	Due to challenges with enforcing compliance of community benefits involving the attainment and retention of a commercial tenant for several years, several onsite community benefit options were removed including Childcare and Adult Care Services, Affordable Childcare, Affordable Creative Space, Live Music Venues, and Grocery Uses. As these uses are still desired community benefits by community and Council, the Infrastructure and Community Benefits Impact Fee will, in part, go towards existing programs that support non-residential community benefits that were removed due to compliance challenges. Section [Density Bonus] DB 6.5
	Due to the removal of several community benefits, the required percentage of on-site community benefits were reduced. The requirement for on-site community benefits has been reduced to 15% (from 30%). The fees-in-lieu was increased to 85% (from 70%). To achieve more flexibility in on-site community benefits in exchange for density, the range of onsite community benefits is now 15-35%, where the remaining density (65-85%) may be earned through fees-in-lieu. Section [Density Bonus] DB 6.4(C)(1) and 6.5(A)(1)

	To align with the values of transit-oriented development and promote access to opportunity, the affordable housing fee area has been expanded to have a southern boundary of Ben White Boulevard. Additionally, properties must be located within 1/2 mile of a rail station or 1/4 mile of a bus stop. Section 6.4.D.1.b.
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Process

Source	Adjustment
 	To protect site improvements from being altered without re-review from the Planning Department and ensure on-site community benefits are upheld, Subsection 25-2-586 (D) has been added. This section states, "if the design of a building changes a permit application must be submitted with a new site plan for the Director to review that must comply to UD [Urban Design] Guidelines and Gatekeeper requirements. If this is a change to a community benefit the restrictive covenant must be revised." Section DB 6.3(B)

Near-term Future Considerations

Beyond changes made to the Combining District and Density Bonus Program during this phase of the code development process, a number of items have been identified as more immediate next steps for the South Central Waterfront. Highlights of those next steps anticipated by staff are provided below.

Source	Adjustment
	Staff is still considering the potential for future compliance structures for certain non-residential density bonuses. If successful, will bring changes back to Council for consideration. Future Potential Section: South Central Waterfront Bonus Schedule
  	As the City is examining other funding mechanisms to realize this district, it may inform the distribution of fees for the South Central Waterfront. Staff will explore all financing tools to achieve the vision and may re-examine distribution of fees if needed. Future Potential Section: South Central Waterfront Fee Schedule (in CoA Annual Budget)
	Re-evaluate fees once citywide density bonus study is complete. If the citywide density bonus study impacts SCW, those changes will be reflected early in the life of the Bonus Program.

	Future Potential Section: South Central Waterfront Fee Schedule (in CoA Annual Budget)
	As Project Connect's design is further refined in this area, more examples of Transit Supportive Infrastructure will be added. Future Potential Section: DB 6.5 (On-Site Community Benefits)
 	Explore citywide Transfer of Development Rights. This would allow properties to exchange amount of bonus gained through community benefits. Future Potential Section: To Be Determined
	Adjust construction code amendment for the South Central Waterfront be similar to those applicable to the Central Business District. Future Potential Section: Land Development Code § 9-2-21
 	Explore flat deck parking as an on-site community benefit or as an amendment to the Building Criteria Manual. Future Potential Section: To Be Determined