

Social Equity and the Draft Glitch Ordinance – 9/12/21

At the August 16, 2021 community meeting for the draft glitch ordinance, staff was asked to prepare case studies for sites along South Monroe, South Adams, and Brevard Streets to further illustrate how the proposal will address social equity. As noted by the American Planning Association, "Planning for social equity means recognizing planning practices that have had a disparate impact on certain communities and actively working with affected residents to create better communities for all." The question asked by this paper is, "How does the draft Glitch Ordinance avoid creating disparate impacts but instead create a better community?" That question will be answered with both a big picture response and through case studies that look at specific details.

Big Picture

As staff developed the draft Glitch Ordinance, there were several guiding principles that we followed.

- Learn from the past – First and foremost, we believe that a Zoning Code should be a living document. That's not to say that it should change every month or year, but it should be responsive to two things. First, the community's priorities will naturally evolve over time, and the Zoning Code should reflect that. Second, time invariably teaches staff what parts of the code are working as intended and what portions are not working. Every Zoning Code in the country is periodically revised to incorporate the lessons learned over time. That's what the draft Glitch Ordinance is doing.
- Embrace flexibility – Hindsight is always twenty-twenty, but we believe one of the shortcomings in our existing Zoning Code is the tendency to apply a one size fits all approach to development standards. Let me give you an example. Everyone can agree that pedestrians should be able to walk along a safe, attractive space. The pedestrian space is made up of many things, including the width of the sidewalk, street trees, building windows, and architecture. Our existing Zoning Code assigns a rigid, set standard to each of these features. However, the pedestrian environment isn't defined by just the sidewalk width, or just the number of building windows. It is defined by all of those features working together and complimenting each other. In response, the draft Glitch Ordinance is introducing a new feature that we're calling "Compensating Enhancements". Within defined limits, we're proposing that a project be allowed to decrease one pedestrian feature if it increases another. For example, a project can decrease its windows by 10% if it provides publicly accessible space (equal to at least 500 square feet with a minimum depth of 6 feet) such as hardscaped outdoor seating, courtyards, or gardens accessible to the public. The idea is that the windows and the outdoor seating both serve to activate the sidewalk, creating a more interesting pedestrian experience. The draft Glitch Ordinance would allow for limited reductions to windows in return for a defined increase in outdoor space, but both achieve the same purpose.
- Create options – We believe that the Zoning Code should be more focused on ensuring outcomes, and less focused on the specific path to achieve an outcome. As discussed above, if there are multiple, common sense approaches to achieving an outcome, we worked to expand the Zoning Code to support multiple approaches. However, achieving the defined development standard was always an absolute.

From a social equity perspective, the draft Glitch Ordinance is shifting the Zoning Code towards more flexibility, more common sense, and more options. Broadly speaking, the draft text moves away from one size fits all mandates to multiple paths that achieve the same outcome. The desired outcome is a constant, but each project, each street, and each neighborhood is different. By upholding the outcome as an absolute, but by creating more paths to achieve that outcome, the draft Glitch Ordinance furthers the cause of social equity.

Case Study #1

The first case study uses 462 West Brevard Street as an example. The site is zoned CU-45 and is in the MMTD. As shown by Figure 1, it is currently developed with a 3,235 square foot building built in 1904.

The current zoning code went into effect more than 100 years after the structure was built. If this site were to be redeveloped today, it would encounter two challenges. First, the required front yard setback is a minimum 2 feet and a maximum of 15 feet. As shown by Figure 2, the minimum and maximum setbacks are shown by the highlighted yellow area. Meeting those setbacks would require the redeveloped structure to be built in the critical protection zone of the tree at the lot's southeast corner. To preserve the tree, the draft Glitch Ordinance would allow the front yard setback to shift to the north.

The second challenge that this site would encounter is the front yard's change in topography. From the back of the sidewalk to the front façade, the site's elevation changes from approximately 114 feet to 120 feet, for a net elevation gain of 6 feet. The horizontal distance from the sidewalk to the front façade is approximately 22 feet. The grade is 27%. The Zoning Code's current front setback standard would require the redeveloped structure to be built on a 27% grade, which is impractical. The draft Glitch Ordinance notes that "Sec. 5-87, TLDC, defines significant grade as a 10% to 20% slope. If the natural grade at any setback is greater than or equal to 10%, the setback may shift to a point on the property at which the natural grade is less than 10%, provided all other development standards are met."

Figure 1

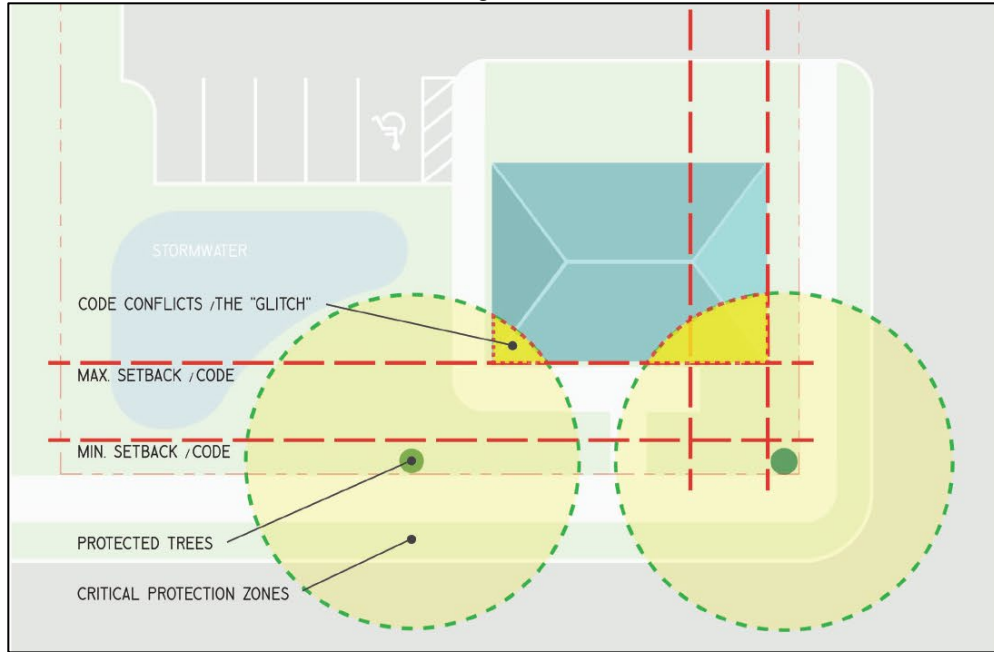


Figure 2



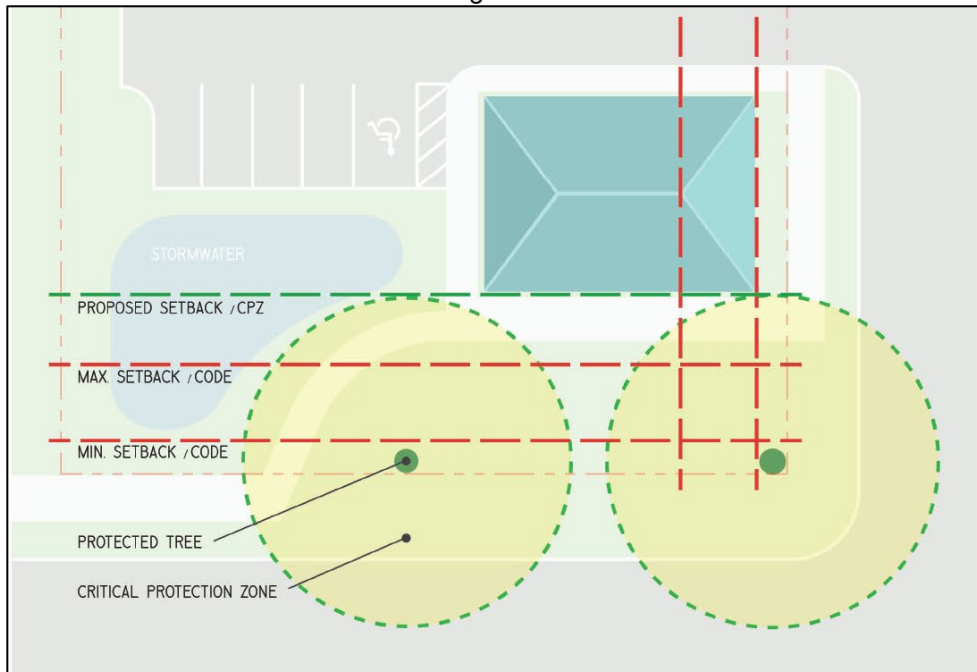
Figure 3 provides a more generalized example of how the existing zoning code approaches setbacks. Under the current code, there is an allowable minimum and maximum, and the new building must be sited within that range regardless of whether a tree's critical protection zone would be adversely impacted.

Figure 3



As shown by Figure 4, on the other hand, the draft Glitch Ordinance would allow the new building's setback to shift so that both the setback and the new development are outside of the tree's critical protection zone.

Figure 4



Case Study #2

The second case study is based on the commercial center at 2526 South Monroe Street, which is bordered by South Monroe Street on the east and South Adams Street on the west. An aerial of the existing site is shown in Figure 5. The site totals 6.8 acres, has 55,236 square feet of commercial space, and was built in 1969. It is zoned CU-45 and is in the MMTD. This case study is based on how the site might redevelop under both the existing Zoning Code and the proposed Glitch Ordinance.

The existing MMTD requires buildings to be sited close to the street. Figure 6 illustrates what the same square footage might look like if redeveloped consistent with the existing MMTD standards. As shown, the building would be required to be sited a minimum of 2 feet and a maximum of 15 feet from either South Monroe Street or South Adams Street.

On the right road, that's a good design principle. For example, this approach has been extremely successful on Gaines Street. However, walkability begins with roadway design and is completed with a diverse mix of land uses. In the case of Gaines Street, it was redesigned and traffic calming measures were introduced to reduce speeds. The result is a successful, pedestrian environment. However, this development pattern is more challenging on wider roadways with higher traffic volumes and faster speeds. The number of lanes, the volume of cars, and the speed limit on a typical arterial is an entirely different set of conditions. Both South Monroe Street and South Adams Streets are arterials.

If a large project sites all buildings on such a road, it is doubtful that the pedestrian environment will work successfully. An approach used in other cities is to allow such larger projects to focus inward with more narrow internal drives that support the type of walkable environment that has been created on Gaines Street. Figure 7 illustrates how the same site could redevelop using the draft Glitch Ordinance. It shows an option in which 6 buildings are oriented around a pedestrian corridor that bisects the project from the north to the south.

The City's current Zoning Code prohibits the pattern of development shown in Figure 7. It's important to note that the draft Glitch Ordinance would not mandate that projects develop with the pattern illustrated in Figure 7. Instead, it establishes that pattern as an option if it makes sense for the project. With this recommended approach, projects can be better designed to work with actual on the ground conditions, rather than imposing a one size fits all approach to all projects.

From a social equity perspective, this is another example of the draft Glitch Ordinance creating alternatives so that projects can be tailored to each site's conditions. The Glitch Ordinance reduces disparate impacts on underserved communities by creating more options to allow projects to better fit each neighborhood's context and by better preserving key neighborhood features like trees.

Figure 5 – Existing Conditions



Figure 6 – Hypothetical Redevelopment under Current Code



Figure 7 – Possible Redevelopment under Glitch Ordinance



If you have questions concerning the draft Glitch Ordinance or how it relates to social equity, please contact Bill Pable of the Growth Management Department at (850) 891-7044 (office), or (850) 445-8987 (cell), or bill.pable@talgov.com.