Planning for Affordability and Resilience in the changing west

DURANGO SMART GROWTH ROUNDTABLE

DON ELLIOTT, FAICP CLARION ASSOCIATES DENVER COLORADO
Planning for Affordability and Resilience
Outline

1. Major Trends Affecting Zoning
2. Zoning for Affordability
3. Zoning for Resilience
4. Rising Concerns about Equity
5. How Zoning will Need to Evolve
Major Trends Affecting Zoning

Continuing Migration to the Western and Southern U.S.

- Yes, despite water shortages
- Increased pressure to occupy environmentally sensitive lands
- Aging populations need more services and support
- Increasing racial and ethnic diversity
- The closer people live together, the more restraints on their neighbor’s behavior they will support politically
Major Trends Affecting Zoning

The World is Flat

- Money moves pretty freely
- Work/skills move pretty freely
- Information moves pretty freely – and at very low cost
- Many efficient global producers
- Reduced U.S. economic dominance
- Increased pressure to operate government efficiently and predictably
- Rising informal job sector – which can threaten local government revenues
Major Trends Affecting Zoning

Huge and Growing Informal Sector
Many of the self-employed work from home.
Affordability and Resilience

Three Key Topics in Zoning Today

1. Affordability
2. Sustainability and Resilience
3. Equity
Housing Affordability Challenges are Structural

- Much more serious than if they were just cyclical
Affordability

All workable solutions include allowing the private market to build more housing – and more kinds of housing.
Affordability

**Key Zoning Tools under Discussion**

- Smaller residential lots (6,000 to 5,000 or 4,000 sf)
- Duplex, Triplex, and Fourplex units on formerly single-family lots
- Accessory dwelling units
- “Missing Middle” housing – i.e. cottage housing, cohousing, courtyard apartments
- More land zoned for multi-family dwellings
- Allowing residential development “by right” in formerly commercial and office zoning districts
- Overlays to protect areas of “naturally occurring affordable housing”
- “Inclusionary Zoning”
- Less Parking
Affordability

Key Zoning Tools under Discussion
Affordability

Concerns about new housing types

- Units are still not affordable
  - But supply increased, which trickles down

- Lower property values
  - Usually not true

- Monotony/Sameness
  - Require model and size variation

- No place to play on the lot
  - Require shared open space

- Maintenance
  - Beware of over-reliance on HOAs
### Affordability

#### Anti-Monotony / Variety Standards

<table>
<thead>
<tr>
<th>Table 4.2-7</th>
<th>Required Product Mix in Developments with Small Residential Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Developments in R-1 District and Developments in R-2 and MU-A Districts with 35 Percent or Fewer Small Residential Lots</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Number of Dwelling Units</strong></td>
<td><strong>Minimum Number of Lot/Housing Types</strong></td>
</tr>
<tr>
<td>Less than 200 dwelling units</td>
<td>No minimum requirement</td>
</tr>
<tr>
<td>200-399 dwelling units</td>
<td>2 Lot/Housing Types</td>
</tr>
<tr>
<td>400-799 dwelling units</td>
<td>3 Lot/Housing Types</td>
</tr>
<tr>
<td>800 or more dwelling units</td>
<td>4 Lot/Housing Types</td>
</tr>
</tbody>
</table>

| **Developments in R-2 and MU-A Districts with More than 35 Percent Small Residential Lots** | |
| **Number of Dwelling Units** | **Minimum Number of Lot/Housing Types** |
| Less than 100 dwelling units | No minimum requirement |
| 100-199 dwelling units | 3 Lot/Housing Types |
| 200 or more dwelling units | 4 Lot/Housing Types |
Affordability

Q: What About Tiny Houses

A: Not a Significant Part of the Answer

- RVIA standards address road safety -- not long-term habitability or living safety
Affordability

What About Tiny Houses?

Building Codes
(Is the structure itself safe to live in?)

A REALLY Big Deal

Zoning Regulations
(What can be built and what activities can take place in that structure?)

A Pretty Big Deal – But Lots of Solutions

Subdivision Regulations
(Is this parcel of land approved for development?)

A Pretty Big Deal if You Want to Sell the House AND the Land

Private Covenants
(Did the original developer of this area prohibit this kind of structure or use?)

A REALLY Big Deal -- But Not a Local Government Problem – So We’ll Ignore It
Zoning for Tiny Houses

The Issue

ASSUMING you are dealing with a Tiny Home that meets a recognized building code for long-term occupancy, most zoning codes do not address Tiny Homes.

- In most zoning codes, the problem is not the small size of the units, it’s the fact that they are built on wheels
- Which means they are generally only permitted
  - If they stay on wheels – in a Recreational Vehicle Park or Manufactured Home Park
  - If they remove wheels, are installed on a foundation, and hook up to community water, sewer, and electric – then (presumably) in any zone district where a house is permitted
ASSUMING you want to allow Tiny Houses that remove wheels and are properly installed and connected as long-term housing

1. In which zone districts should you permit (or NOT permit) them?

2. Will they be allowed as “primary” or “accessory” dwelling units?

3. Do you want them to be allowed in neighborhoods mingled in with non-Tiny Houses – or in their own neighborhoods

4. Do you want to allow several on one lot – or require them to subdivide those lots
Even when limited to planning and zoning, the discussion can range pretty broadly. What are the Top 5 that can be addressed by zoning?

- Energy Conservation
- Air Pollution
- Bike Trails
- Obesity/Health
- Attainable Housing
- Water Quality
- Jobs
- Local Food Production
- Water Conservation
- Less Driving
- Environmental Justice
- Recycling

Sustainability and Resilience
Sustainability and Resilience

What Can Zoning do for Sustainability?

1. Global Warming – Emissions
2. Renewable Energy
3. Circulation / Connectivity
4. Public Health – Exercise
5. Local/Healthy Food
6. Waste/Recycling
Sustainability and Resilience

Key Zoning Tools

- Broader opportunities for mixed use
- Minimum densities
- Parking maximums for big retail/office users
- Electric car charging requirements credits
- Tree protection / canopy standards
- Allowing more renewable energy facilities
- Limiting irrigated turf
- Requiring bio-swales in parking lots instead of raised islands
- Requiring “Low Impact Development” for on-site treatment of stormwater
- Adopting a point system
## Sustainability and Resilience

### Bloomington’s Sustainability Menu -- 1.0

<table>
<thead>
<tr>
<th>LEED v4 Categories</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location and Transportation</td>
<td>5 points</td>
<td>10 points</td>
<td>LEED v4 required credits, plus 5 points</td>
</tr>
<tr>
<td>Sustainable Sites(^{668})</td>
<td>LEED v4 required credits</td>
<td>LEED v4 required credits, plus 5 points</td>
<td>LEED Certification (gold or platinum)</td>
</tr>
<tr>
<td>Water Efficiency</td>
<td>LEED v4 required credits</td>
<td>LEED v4 required credits, plus 5 points</td>
<td></td>
</tr>
<tr>
<td>Energy and Atmosphere(^{669})</td>
<td>LEED v4 required credits</td>
<td>LEED v4 required credits, plus 5 points</td>
<td></td>
</tr>
<tr>
<td>Material Resources</td>
<td>LEED v4 required credits</td>
<td>LEED v4 required credits, plus 5 points</td>
<td></td>
</tr>
<tr>
<td>Indoor Environmental Quality</td>
<td></td>
<td>LEED v4 required credits, plus 5 points</td>
<td></td>
</tr>
<tr>
<td>Innovation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Priority</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:**
## Sustainability and Resilience

### Bloomington’s Sustainability Menu -- 2.0

<table>
<thead>
<tr>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 out of these 7 key actions</td>
<td>1 of these</td>
</tr>
<tr>
<td>• Site already served by utilities</td>
<td>• LEED Silver Certification</td>
</tr>
<tr>
<td>• LID design for stormwater</td>
<td>• NGBS Silver Certification</td>
</tr>
<tr>
<td>• Light-colored hardscaping</td>
<td>• GBI Three Green Globes Certification</td>
</tr>
<tr>
<td>• Covered parking with reflective surface</td>
<td>• Another third-party certification requiring equal or greater effort</td>
</tr>
<tr>
<td>• Cool or vegetated roof</td>
<td></td>
</tr>
<tr>
<td>• Solar panels on much of the site</td>
<td></td>
</tr>
<tr>
<td>• Building efficiency based on LEED metrics</td>
<td></td>
</tr>
</tbody>
</table>
Norfolk, VA Resilience Point System
Focuses on sea level rise – but adaptable to Western fire and flooding risks

- **Non-residential Development** (non-residential and non-residential part of mixed-use)

  - **Option 1:**
    - Site plan review (comply)
    - Ensure lowest habitable floor and significant electric/mechanical equipment elevated 8 inches above highest adjacent grade, unless FPCH-O requires greater elevation
    - 100% on-site drainage from impervious surfaces captured/retained on site (with sufficient storage for first 1.25 inches of rainwater from individual event on site, unless regional storm water system available to accept discharge)

  - **Option 2:** comply with resilience point system (and comply with site plan). Total points and points in each component based on development size:
    - Less than 10,000 sf: 3 points, and min. 1 point from each component
    - 10,000-25,000 sf: 4 points, and min. of 1.5 points from each component
    - 25,000-50,000 sf: 6 points, and min. of 1.5 points per component
    - Above 50,000 sf: 10 points, and min. of 2 points per component
### TABLE 5.12.7: RESILIENT POINT SYSTEM FOR NON-RESIDENTIAL DEVELOPMENT

<table>
<thead>
<tr>
<th>Resilient Development Activity</th>
<th>Points Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Component 1: Risk Reduction</strong></td>
<td></td>
</tr>
<tr>
<td>Construct building to meet 110-mile wind load design requirements of the VUSBC</td>
<td>2.00</td>
</tr>
<tr>
<td>Equip the project with at least one alternative, independent source of electricity supply so that the project is fully capable of operating if a primary source of power experiences an interruption</td>
<td>1.50</td>
</tr>
<tr>
<td>If the project involves a critical facility that is intended to remain operational in the event of a flood, or whose function is critical for post-flood recovery, design the facility to be protected and operable at the water levels represented by a 0.2% annual chance (500-year) flood</td>
<td>1.00</td>
</tr>
<tr>
<td>Elevate the ground story finished floor and all significant electrical and mechanical equipment no less than 3 feet above highest adjacent grade or to an elevation of 11 (NAVD ’88)</td>
<td>1.00 + 0.50 per ft. above 3 ft.</td>
</tr>
<tr>
<td>Install a generator for power generation in the event of power failure sufficient to keep critical operations functional</td>
<td>0.50</td>
</tr>
<tr>
<td>Establish operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power, and transition back to normal operation</td>
<td>0.50</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Resilient Development Activity</th>
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<tbody>
<tr>
<td><strong>Component 2: Stormwater Management</strong></td>
<td></td>
</tr>
<tr>
<td>Install a “green roof” on at least 50 percent of the total roof area (25 percent for renovated buildings) and only plant materials permitted in Section 5.2, Landscaping Standards</td>
<td>2.00</td>
</tr>
<tr>
<td>Install a “green roof” on at least 25 percent of the total roof area and only plant materials permitted in Section 5.2, Landscaping Standards</td>
<td>1.00</td>
</tr>
<tr>
<td>Provide rain gardens, street-side swales, turf and soil management or other appropriate storm water infiltration system(s) to capture and infiltrate a minimum of 25 percent of site generated stormwater</td>
<td>1.00</td>
</tr>
<tr>
<td>Use pervious pavement on at least 50% of parking lot and driveway area in development</td>
<td>1.00</td>
</tr>
<tr>
<td>Retain at least 20 percent of existing pre-development natural, non-exotic vegetation</td>
<td>0.75</td>
</tr>
<tr>
<td>Provide a percentage of open space greater than that required in Table 5.5.4.A: Required Open Space Set-Asides</td>
<td>0.50 per additional 5% preserved</td>
</tr>
<tr>
<td>For new tree plantings, enhance tree pits with specially engineered soils and native plants to absorb and filter runoff</td>
<td>0.25</td>
</tr>
<tr>
<td>Preserve large, non-exotic trees on site (large tree defined as 20 feet or greater in height and 24 inches or greater DBH)</td>
<td>0.10 per tree preserved</td>
</tr>
</tbody>
</table>
Zoning for Resilience

Wildfire Risk

- Know your wildfire hazard area
- Control land uses
- Build with ignition-resistant materials
- Ensure water supply and access
- Manage vegetation
Zoning for Resilience

Wildfire Risk Point System

- Conduct site assessments
- Non-combustible “Defensible Space” around the house
- Apply to sheds, retrofits, additions, etc.
- Implement development agreements
- Safe firewood storage
Facially Neutral Rules Do Not Prevent Unfair Results

- Facially neutral rules and incentives can perpetuate and compound economic, racial, and ethnic segregation and thwart social mobility.

- Facially neutral zoning rules that increase the costs of development have a disproportionate impacts on:
  - Historically marginalized groups
  - Women headed households
  - Persons experiencing disabilities
A Word About Equity

Development / Living Costs Have Equity Impacts

- Too much Single-family-only zoning
- Low residential occupancy limits
- Large minimum lot sizes
- Low residential densities
- Low lot coverages
- High open space per dwelling unit requirements
- Prohibition/Limits on ADUs
- Too few home occupations allowed
- High infrastructure requirements
- High landscaping requirements
- High parking requirements
- Too many public hearings
How Will Zoning Have to Evolve?

1. We’ll allow mixed uses in more places – and get smarter about it.
   • Because it allows shorter commutes and reduces emissions
   • Because more people will need to work from home in activities with more impacts than a home occupation
   • Because it evens out peak traffic
   • Specific controls will probably become more performance based (i.e. noise, deliveries, hours of operation) – sort of like current industrial zoning
2. We’ll allow a wide variety of services and facilities for the elderly – close to where they live

- Food delivery services
- Physical therapy / nursing services
- Drug delivery services
- Home repair services
- Many of which could be delivered by autonomous cars or drones, but they will still need fulfillment / staging areas
How Will Zoning Have to Evolve?

3. We’ll create or accommodate many new types of “third places”

- Housing affordability pressure means smaller units
- Which means less time at home, (and some of that time will be work time)
- Which means we’ll need more types of places to get out of the home for other social / physical activities.
- It also means more self-storage units – so you better make them good
And Now –
A Word From
Durango Planning