

The City Council of the City of Charlotte, North Carolina convened for a Special Meeting on Monday, May 23, 2022, at 9:04 a.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council Members present were Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Gregg Phipps, and Braxton Winston, II.

ABSENT: Councilmembers Dimple Ajmera, Renee Johnson

ABSENT UNTIL NOTED: Councilmembers Tariq Bokhari, Matt Newton, Victoria Watlington

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SPECIAL MEETING

ITEM NO. 1: UNIFIED DEVELOPMENT ORDINANCE

Mayor Lyles said so, good morning, everyone. So, the planning staff has reviewed several topics of the draft UDO (Unified Development Ordinance) that the Council has raised for discussion. The staff is going to come back with recommendations for changes on these topics to get feedback for the proposed advance of the next draft which is expected in early June and will assist in continued conversation towards the Summer 2022 UDO adoption. This is a continuation of our prior workshop. The topics discussed today will include our tree canopy, height transitions, parking as well as the schedule. Again, this is the idea that we provide feedback to the staff in a way that addresses the issues that the Council raises or questions or comments as we go forward with this process.

I'm going to turn it over to Alyson Craig. I think you want to introduce your staff as well. Can Council Members see who's in the room? Okay, we have a large number of people here. I think it would be good to know who so that Alyson will continue to manage all the conversations that we have.

Councilmember Watlington joined at 9:09 a.m.

Alyson Craig, Deputy Director Planning, Zoning & Development Department said thank you, Mayor. I appreciate that. We have our UDO Team here. Laura, would you like to introduce the team that you have here with us today?

Laura Harmon, Planning Division Manager said certainly. We have Sandra Montgomery, Mariah Wozniak, Yolanda Jones, Candice Rorie, Kevin May, and Andrew Ausel. We also have Alan Goodwin online, Arista Strungys, and Chris Jennette from our consulting team with Camiros.

Mayor Lyles said okay, with that, we'll go ahead and begin our meeting.

Ms. Craig said As the Mayor mentioned, the focus of this meeting is to bring forward topics that we've addressed with Council before, and the idea is that we would like to get feedback from you all in advance of the next draft coming out. As the Mayor mentioned, we are going to begin with heritage trees as was a topic of a previous workshop and we were asked to provide some information about trees and how it compares to the regulations today versus those that are proposed to the ordinance as it's written and what recommendations that we're proposing for the next drafted UDO. So, we'll begin with heritage trees. Tim Porter will cover a couple of slides then we'll pause for Council discussion before we move on to the next topic. So, with that, I'll turn it over to Tim Porter, our Chief Urban Forester.

Timothy Porter, Chief Urban Forester said thank you, Alyson. Good morning, Council Members. Thank you for the opportunity to be back in front of you to talk about heritage trees and our recommendations for your consideration for the second draft of the UDO. It's important to know that this proposed regulation is really dual-focused. There are two

primary areas. There's a non-land development application and there's a development application. What we're recommending in the second draft is to primarily focus in the non-land development scenarios, mitigation for removal of heritage trees, and tracking to get a better understanding, a granular level of understanding of how these trees impact property owner decisions and what level of value these trees would have to our canopy and ecosystem in Charlotte.

In the middle of there, we're also emphasizing a greater balance of the four key areas of this granulation preservation canopy, mitigation, tracking, and flexibility. We're really recommending to focus a greater emphasis on mitigation and tracking that will provide in the short term more planting opportunities, provide some preservation, and help provide some assistance to the community members to manage trees on private property. In the development application of this proposed regulation, bottom bullet, we are recommending increased flexibility for development customers. One of the main outcomes and findings of the Economic Impact Analysis reveals that the first draft of the proposed regulation for heritage trees would significantly restrict development in some cases, prevented completely on certain sites so we felt there needed to be greater flexibility for customers in that area.

In the non-land development applicability of this regulation, we're going to move left to right in this table. Where are we know in the first column, the middle column is what we proposed in the first draft and today on the far right is what we're recommending. So, for non-land developed scenarios, there's currently no regulations which is important to know, this is all our current private property regulations, whether it's planting, or preservation or development triggered this would be the first kind of blanket of protection across the city. In the first draft in the middle column there, those are very strong preservation strategy with mitigation and replanting requirements when a tree was authorized for removal. Property owners would have to obtain a permit before they removed the tree unless the tree was dead, diseased, dying, or hazardous. In those situations, no permit is needed, and no mitigation is required.

What we're recommending today for the non-land development component of this heritage tree regulation is to provide much greater flexibility to property owners to remove heritage trees when desired and focus more on tracking that removal and requiring mitigation. So, we proposed a lower fee and the ability to reduce that mitigation fee if additional mitigation traits apply. Our goal is to really track this very well to understand on a great level in the future how will these trees impact property owner decisions and to also understand how they really provide value to our canopy. There was some research of one neighborhood recently conducted by Dough Shoemaker at UNCC that found heritage trees make up only 30 percent of the population trees in Revolution Park but account for 60 percent of the overall canopy and 60 percent of all benefits. So, that's really important and understand on a much greater scale. We think this approach will provide better insight into that world. A permit is still required, but again if a tree is dead, diseased dying, or hazardous, no permit is required and there's no mitigation. At the bottom of the slide, there were two bullets that described a non-land development scenario. These are just general property owner decisions that were minor additions to sites that don't rise to the level of attributing a full development permitting scenario.

So, in the land development scenarios, we do have one version of heritage tree preservation requirements in our tree ordinance, but it does not really do much. As you can see in the top left column, you see less than one heritage tree preserved per year. That's because the current definition of a heritage tree is a state-level champion of massive trees. We have something like maybe a dozen or more, no more than three dozen of these trees in the entire county. The recommended definition for the future heritage tree regulation is a native tree to North Carolina, 30 inches in diameter or greater. There's no mitigation to remove a heritage tree now. Left column third cell down, it does count one and a half times towards the developer tree saver requirements.

So, there's some incentive there. In the first draft as you see in the middle column there, it was a very strong preservation approach and what we found in the findings from an impact analysis is that it really restricted development in some cases tremendously. So, we're recommending a relaxation there to more of a moderate preservation approach where removal is allowed but a conflict has to be demonstrated. Development customers would be allowed to build to their development site's full potential. Would have to in effect show that there is a requirement that necessitates the removal of a heritage tree. If there is no conflict, then the tree must be preserved. This is a much greater level of flexibility than proposed in the first draft. On the far-right column, we've adjusted our recommendation for mitigation. We've increased flexibility. We've proposed an increase in mitigation fee level to better support planting and large tree assistance programs that will make up the Canopy Care Program. That mitigation fee revenue would support new programs that are included in your adopted Comprehensive Plan that would help provide tree planting on private property and care for large trees on private property, especially the low-income areas.

In the far-right column in that middle cell, the bottom of the cell, we also recommend incentives to preserve specimen trees. Specimen trees are the first step down from heritage trees. They're still very big trees, 20 inches and greater, but not yet 30 inches. Not quite heritage trees. These trees are still very big and they're currently an incentive in the present tree ordinance and we felt it made sense to offer this to ensure there's a sustainable approach in our new incentive model for development customers so that they preserve specimen trees. The mitigation payment would not be applicable. So, they can waive that fee if they preserve specimen trees.

Further down on the far-right column, we're recommending that the preservation of heritage trees will provide double credit for tree save area. So, the drip line canopy area of a heritage tree per the [inaudible] 1200 square feet and permitting a development customer to count that as 2400 square feet toward the overall tree safe area requirement.

Again, any diseased, dead, dying, or hazardous trees can be removed without obtaining a permit and without mitigation being applicable. Again, this is for land development scenarios. The traditional development permitting you to see in the Charlotte Development Center, construction of a new personal structure, addition, expansion of an existing structure, addition of BUA, which is Built Upon Area, or approval of a new subdivision.

That's a lot of information, so that concludes our slides and where are we now, what was in the first draft and then the second draft. I'm happy to take any questions and feedback.

Councilmember Watlington said I'm sorry [inaudible].

Councilmember Phipps said yes, good morning. I have two questions. One about the non-land development trees and the other about land development trees. For non-development, are we depending on the honesty of the homeowner to assess whether or not a tree is dead or not? What happens if an owner takes down a tree without getting a permit? How would that be monitored or if it would be monitored?

Mr. Porter said that's a great question, Council Member. We plan to provide a significant outreach campaign to inform the community as best we can if adopted, this regulation that applies and we want to extend clarity and understanding that for public safety property owners can take action, but there will be some level of vetting required in our guidelines. So, there would need to be some type of evidence such as a photograph, video, and statements from the property owner or neighbors to that effect that suggest this tree did have problems, was hazardous and unsafe, etc., to confirm. To some degree, there is an honor system approach here. It's similar to how our city tree-permitting approach works. If it's a hazardous tree sometimes property owners will take action and if we vet and research that and we find that there's a high likelihood that the action was warranted, then there's no penalties and we determine that the property

owner acted in good faith. So, we would take a similar approach here. The biggest part of that equation would be to make sure we do an adequate job of providing awareness to the community to ensure that this [inaudible] applies to the property.

Mr. Phipps said okay thank you. As for land development, in those cases where you have a vacant tract of land with trees on it, in our staff analysis or rezonings, will there be room in there for comments on any kind of tree audit or anything? I mean, how would we know what the composition of those vacant tracts are, or is that something that would be done in the [inaudible] process or how would we know that?

Mr. Porter said that's a great question. Development initially had similar questions the last couple of weeks as we discussed with them. In the rezoning process, there is a base level of tree surveyor requirements, but we only target public trees in that process. So, any trees in the public street right-of-way that are protected and city-maintained assets, that's the only survey requirement that we required at that time if any exist. If there's no trees there then of course there's no survey required, but for heritage trees that would not be applicable in the rezoning. There would be some level of survey requirements currently proposed in the permitting process Mr. Phipps. We are also recommending to allow flexibility in that requirement as compared to the first draft. In the first draft, we recommended all heritage trees on a property must be surveyed and documented and so they did a tree survey. We're now recommending that any heritage trees within 50 feet of proposed land disturbance limits by the development customer, those must be identified. So, not all trees, just trees that may be impacted by development and any trees a developer elects to preserve as an incentive benefit.

Mr. Phipps said thank you.

Councilmember Driggs said thank you, Madam Mayor. There is obviously an inherent conflict between our goal to preserve trees and our goal to make housing more abundant and therefore more affordable and that's why this has been a focus of the developer community and mine frankly. So, I appreciate the progress that you've made on the first half of the second draft in terms of striking the balance, but I am curious to know whether the latest version, the second draft has been assessed from an economic impact standpoint. First question. So, are we being thoughtful about the impact this has on the affordability and availability of housing?

The second question is the tree canopy. We talked in the past about 50x50 but are we now taking these proposed rules and interpreting them in terms of the outlook for the tree canopy at some date in the future because that is the tradeoff that we're grappling with here is trying to create that housing and trying to preserve those trees. So, I think we need to be very clear-eyed about the choices that we're making in resolving that.

Ms. Craig said so first Councilmember Driggs, as it relates to the Economic Impact Analysis, heritage trees is always a challenge in that particular analysis because you don't have certainty that there's a tree on every single site or how many trees you have on each site, and so created some challenges with predictability. The way that the second draft is proposed, it allows the flexibility to be able to pay a mitigation fee to opt out of preserving that tree which creates that certainty the development community is looking for while also working towards enhancing our tree canopy by putting dollars into a fund and then put those trees back in our community. So, I think we've achieved the balance that the development community was looking for there while still working towards our canopy.

As it relates to the 50x50, once we are finished with the Unified Development Ordinance and that is adopted, we will then work on updating our Urban Forest Master Plan. The last time that was updated Tim was in 2012. Is that right?

Mr. Porter said '17.

Ms. Craig said 2017. Thank you. So, that would be one of the next steps and we'll be looking more closely across our entire community in terms of plantings, enhancing the

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canopy across the community, incorporating some of the recommendations from the comprehensive plan. So, we'll evaluate what those aspirational goals will be in that particular document later on.

Mr. Driggs said so, again I do appreciate that we've come quite a ways in this conversation but I think we just need to be clear about this map or picture here so that the whole process of the 2040 plan was meant to liberalize development for the purposes of making housing more affordable. Some of the input we're still getting from the developer community is that a lot of the provisions have the opposite effect and I think it's just about tough choices that we have to make. I don't think there is an easy answer, but to kind of wait and find out later what this means for our tree canopy strikes me as being kind of a long way around. It's like a [inaudible] have some idea of how we expect the tree canopy to evolve as a result of the UDO before we adopt the UDO because it's a very important question and the tree canopy is important, the impact on growth is important, so this has got to be a focus area for us. I can't tell from looking at these slides what to expect in terms of the tree canopy. So, I appreciate what you're doing but I would certainly like to be clearer about the choices we are making and the implications in terms of the future canopy and future affordability.

Ms. Craig said addressing the affordability really quick. Planning staff has been working with Housing and Neighborhood Services on an affordable housing toolkit, certain toolkit incentives, and areas of flexibility that we might be able to provide for projects that need certain affordability targets. We don't have that fully fleshed out just yet, so we're not quite ready to present it yet but one of the things we are considering is some greater flexibility for affordable housing projects as it relates to some of the tree requirements, which is what we've heard from the affordable housing developers would be really beneficial to bring in this. In terms of enhancing the tree canopy, there's a number of programs that are outlined in the UDO that work to enhance the canopy and provide large tree assistance that has been done before, it's been very successful. So, there are targeted programs that are proposed that use some of those fees that bring those trees back into our community.

Mr. Driggs said thank you, Alyson. The last time we did talk in a lot more detail about the tree canopy we got into questions about the quality and nature of the cover, and the tax vegetation we were talking about. So, that is an extended conversation. I just want to make sure we don't put in place on the UDO that points in the direction we didn't really anticipate. So, I think that will continue to be a big concern. As far as [inaudible] goes, I mentioned it before Alyson, we have a whole set of different criteria for affordable housing development. We have like a bonus idea or we have a height thing, but we could look at most of our requirements and ask ourselves whether, for the purposes of affordable housing development, they could be different. I don't think the future of the city would be affected too much if the affordable housing criteria weren't the same as the [inaudible] development requirements. That would get us around the cost component. It's a non-cost sort of way to try and facilitate it.

Last quick comment. I think we need to make a distinction between the dream team and the housing partnership type of things which are entirely affordable development versus the incentives you're including 10, 15 percent. We're seeing in our rezoning process right now that people come in with very high-density proposals and they include voluntarily a component of affordable housing at no cost to the city in terms of being allowed higher density than they might otherwise be permitted. So, we could formalize that process and say, "Look, this is what you can do if you have none and this is what you can do if you do have affordable housing," and make that in such a way that unlike our current instant bonus it actually makes the idea of incorporating that affordable piece more attractive and therefore likely to be incorporated in most rezoning proposals as opposed to just on an exception basis.

So, I think there's more we need to talk about there, specifically on the trees. I do like to know what the outlook is for the canopy and what the impact is on housing affordability. Thank you.

Mayor Lyles said Mr. Driggs, I want to follow up with a comment that you made about the issues of affordable housing and how we do that. You framed it really well in that we have to do something differently. I was actually hoping that we could look at these areas of the community where we see mature neighborhoods that would fall in the west side or in our corridors and we do want to increase the opportunity for people to have more housing and at the same time. So, I was hoping that the equity framework that we would have would include that toolbox for affordable housing that would actually be fine because the bonus has not been very much of an incentive for us. So, when we start thinking about the communities on the west side all the way out to Sunset and all the way down to I-77 South close to the line. If we could have that toolbox, Alyson, put together, not just for trees but the idea of how we actually encourage safe and decent housing. So, I would really like for us to think about that in that framework that you've described which is what is our affordable housing area and are there incentives through these tough choices that would make this work.

I've read a number of places where they tried to maintain housing for people, where they've tried to maintain trees. It's a different framework, so I appreciate it. Thank you. I know that the staff is working towards that, so I hope the Council will consider that and do it pretty quickly as we see things evolving. I'm just really worried about the affordability of housing. I'm not quite sure we qualify for that anymore unless the city supports for it. So, we've got to figure out something with the 2040 plan and the UDO that allows for us to participate and keep it safe. So, thank you for comments. I hope that it may not be next week, but hopefully, we will have, I think, a different framework at looking at how we build affordability into the process. Not across the board, but where it's required and necessary.

Councilmember Winston said thank you. What is the back stop against developers of property owners to just checking a box to get those canopy bonuses for the preservation of heritage and what's the other definition of trees? I've forgotten it already, I'm sorry.

Mr. Porter said specimen tree, I believe.

Mr. Winston said specimen tree, yes.

Mr. Porter said so, a developer would have to identify a heritage tree on the development site and then show the tree's critical root zone and protect, preserve, essentially, not impact a certain percentage of the tree's root zone to ensure that it has a high degree of survivability long term. Same thing with the canopy. So, those areas would have to be identified prior to any grading or land-clearing activity. That can happen in a number of ways. If there's a larger tree save area that has multiple heritage trees kind of growing in a wooded area, they can identify those trees. They also can hand select individual trees throughout the site and you'll kind of design or articulate certain parts of the development, construction, and overall long-term design around those trees. That goes both for the heritage tree, to the larger ones, and the specimen trees which are still large but not quite as big.

Mr. Winston said I think I understand it. To get through permitting, to get through [inaudible] occupancy and stuff like that, you have to make sure everything is checked on the plan, but once all of that is done, how is that assessed over time? How long do they have to show that they are keeping those preservations of those trees as it's agreed to get to that canopy bonus? Is there a time limit? Is there a life cycle or something like that?

Mr. Porter said once a development customer has moved through permitting, the city has an approval plan that shows a number of things of course, but any protected or required trees per the UDO would be reflected on that plan. Some requirements are required to be platted and corded and so those regulations would be in effect and would apply long term. So that the trees, whether it's a parking lot tree or a street tree out front or a heritage tree, they would be protected long term so long as those regulations apply and there is some level difference between how thorough and strict the preservation

level is across that spectrum. So, parking lot trees, have much more flexibility to remove and replace but a heritage tree or a city tree for example would be something that requires a permit and review from the city's Urban Forestry Team. For example, if there's roots in a pipe impacting an apartment building or a home, something we have to justify the removal of that tree long-term. After the tree's been protected per the city-approved plan, it's protected long-term. There's flexibility to remove it or prune it or to build around it, but that may require additional land development permitting or a lower level of basic permitting. A tree work permit which would be one application form. An inspector would go out, assess, and work with the property owner or land developer, permitting of much broader civil-engineered site plans. Hopefully, that answers your question Councilmember.

Mr. Winston said that did. Thank you very much. That's my only question.

Mayor Lyles said okay, going once, going twice, going three times on this item. Everybody got their questions out? Alyson, do you want to say this is where you think you're going the next time? What did you hear?

Ms. Craig said I mean it sounds like generally there's support for what we're proposing this second draft. I'm seeing some nods there. I understand that we want to incorporate the affordability component in a more deliberate way which we are working on and understand the cost impacts of those trees on development which we'll circle back with our consultants on. So, I appreciate the comments that everyone has made and look forward to incorporating these changes into the next draft.

Mayor Lyles said okay, thank you.

Ms. Craig said alright we will move to the slides on height transitions, and I will turn this over to Laura Harmon, the UDO Project Manager.

Ms. Harmon said thank you, Alyson. This is a topic that we brought to you all with a couple of alternatives earlier in the month and we want to show you what our recommendation is. This is really as we transition from a residential use in the Neighborhood-1 place type, to more intense development where properties are abutting that Neighborhood-1 place type. So, what you have on the screen now is what is in the first draft which is a limitation of 65 feet in height for a property for the first 200 feet from the lot line of a property for a residential use in a Neighborhood-1 place type, and then allowing after that 200 feet to increase in height to whatever the maximum of that zoning district for the property is.

We have a revised recommendation based on feedback that we have heard both from Council and the community and that would be instead of going straight to 65 feet, that you would start with a limitation of 50 feet for the first 100 feet and then you would go to 65 feet. So, it would be a more gradual transition than what is in the UDO. After the 50 feet and the 65 feet, then you would go to your maximum district height, whatever that may be. We are recommending along with this a couple of other items. One, accompanying the recommendation is an increase in maximum height for a number of our districts when you're out of that 200-foot zone. It would be able to go a little bit higher than what we currently have recommended in the first draft. So, we would show increased heights in the second draft in those districts and that would be raised anywhere from about 10 feet to in some cases up to 50 feet, typically somewhere in between.

Also, we have a process that is called EX-Zoning exceptions where you can vary standards and we are recommending adding the height transition adjustment to the EX-Zoning. So, if there's a unique condition that suggests that any of this height transition as drawn doesn't work, there would be the option to go through an EX-Rezoning and propose an alternative standard that would still meet the intent.

Ms. Craig said real quick, Laura. Just to clarify, that would be through City Council approval?

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Ms. Harmon said yes. This is a comparison of what we have in the current draft and our recommended alternative change. What we maybe should say, for many of the districts on the right-hand side, is that zoning district maximum height might actually be a little bit higher than what's shown on this screen. At this point, I'd like to turn this over to Arista Strungys, our consultant from Camiros to talk a little bit about the thinking of this new approach and why the revisions that have been made. What we think it will accomplish.

Arista Strungys, Principal Consultant, Camiros, Limited said alright, thank you, Laura. I'll just really briefly just add on to what Laura's already talked about. This height transition really got started within the TOD (Transit Oriented Development) District where we were looking at the increased rates in the TOD and sensitivities to residential that may be next to it. As we obviously broadened this out to the UDO throughout the city, we had initially brought in that TOD approach, the 65 feet, but hearing concerns from the neighborhoods, understanding where the N-1 place type is located and the type of districts that we'd be nearby, the idea of doing this more tiered approach of going to 50 feet and then to 65 feet, we thought provided a little bit more of a gradual increase in height when located next to these N-1 place type areas. Really providing a little bit more protection for the neighborhoods, but while still providing options to build higher to that next district height after that 200 feet.

Mr. Driggs said so here again, we have one of those places where a couple of our priorities need to be reconciled, and I'm wondering what area is affected by this particular process? How much land area is actually impacted by adjacency to residential where these caps on height would lie? Have you quantified this at all, the impact of these requirements?

Councilmember Newton joined at 9:44 a.m.

Ms. Harmon said we've done some additional mapping. We'll come back to you with the actual area that is not planned for N-1 and let you know what percentage of the community that is. We have a lot of N-1 neighborhoods, so this is a buffer around those neighborhoods. So, we will come back to you with the actual acreage.

Mr. Driggs said I appreciate that. I just want to emphasize again is something like 70 percent of the land area in Charlotte if I remember correctly was single-family before the 2040 plan and the new policy map was drawn. So, this could be potentially important, and again the input we're getting in the industry is another thing that limits our capacity to create the amount of policy that would be needed in order to bring the cost of housing down and recognizing that our ability to trust fund for other means to achieve housing affordability is actually very limited. The most critical thing that we do about affordable housing is going to be in the area of how we impact the market. So, I think we should not underestimate the possible ramifications of this, and we should look very closely at the difference between not having these requirements and imposing these particular requirements. So, I'm hoping to hear more about that. Thank you.

Councilmember Eiselt said thank you. I just wanted to also say that I appreciate that you took a look at this and took the resident's concerns into account to have that transition. I guess what we're saying is now in draft two, the very closest border to single-family residential goes from 40 feet to 50 feet. Is that right? That's kind of a compromise versus 65 feet in the first draft. I guess I can live with that, but to Mr. Driggs's point, I really think that this comes back again to having some sort of a formalized process for affordable housing, but we can't sacrifice what we're doing to some of these single-family neighborhoods by putting a 65-foot building wall essentially right next to their house. So, there have to be some difficult choices made and I would say that if we were more generous on the right-hand side of development than we are on the left-hand side. So, I do appreciate this height transition and I would support this. Thank you.

Mr. Winston said thank you. I agree with Mr. Driggs that we need to do some type of quantitative measuring of where this will affect, and I don't think that should be too

difficult. I think this is a good compromise for right now, but my concern is that we would put a cap on the land that is most appropriate to develop for residential use moving forward, and by doing that would we be creating in essence a new type of exclusionary zoning with these height transitions. I understand the impact on the change in certain neighborhoods right now, but really our job, and with this tool is to really look to where the buck is going and I think that with that quantitative analysis, I don't think it should hold up moving forward the UDO. We need to know not only how much percentage of the land is, but what is it in relation to transportation corridors, in relation to these neighborhoods that are closer to jobs or things like being in walking distance to schools and parks. I think there are certainly areas of neighborhoods where we would not want to cap the amount of residential development because that would be counterintuitive to what we want to do.

So, again I think this is probably good to move forward but I think it needs further analysis. That may take a year or two, but we should really be cognizant that this might turn into an exclusionary zoning issue that we are pledging to fix. So, thank you.

Mayor Lyles said Mr. Winston, you've done something I think was a great comment especially when we have people in the community watching on this. The idea that this is perfect should be put to the side and that when we did this the last time, it was over 40 years of adjustment. We've got to be much more nimble. A year out, the staff has already indicated that as these things are put in place, there will be opportunities to come back to the Council and say, "This is what's working and this is what we have to change," and so we have to be more nimble in looking at things, trying it and then seeing if it really works to meet the goals that we have for our planning and mapping. So, I just want to say that I really appreciate the statement that in a year or two years, we have to come back and be sure that we're doing the things that we are intentional about.

Councilmember Egleston said thank you, Madam Mayor. A bit of a broader point I guess that ties back into this which is simply being mindful that as we adopt a policy, be it TOD or anything else, I do think they need to be living breathing documents that adjust. As we know better, we should do better. I do want us also to be mindful that as we adopt policies or as we signal certain changes that we intend to make in our [inaudible] policies, that both individual homeowners and companies in our community will start to make decisions on their investments and their homes and things like that based on those and then in some instances if we are making significant shifts to a different policy than the one that we've signaled or the one that we've adopted, they might have based the decisions they made on information that is no longer being accurate. So, if the staff has a thought on how we handle some of those types of situations, I am happy to hear it, if not, that's fine I just think that's something we need to keep in mind as we keep pushing and pulling with some of these policies.

Mayor Lyles said great question, Mr. Egleston. Great comment.

Ms. Craig said thank you, Councilmember Egleston, great comment. Just wanted to say that we do view the UDO as a living breathing document and will be coming back before Council with regular text amendments, many of them technical in nature, that as we learn along the way, what needs to change. We also have committed to regular updates of our larger policies in the comprehensive plan and certainly plan to bring updates on that with small and large updates to Council so that when we do identify those broader issues as bigger issues that may need to come back into the comprehensive plan for an open update later. So, we do have regular updates planned for our comprehensive plan so that we can address this. So, I think that both of those paths can respond to what your questions are.

Mayor Lyles said I don't see any further comments or questions on this topic. So, Alyson just summarize what you heard and the next step.

Ms. Craig said sure. Thank you. So, I think what I'm hearing is that generally we're in agreement that this is the best approach, but we do want to do an analysis which we

can do very quickly both in just as a map in terms of the land area that this would effect. We can also look at this more quantitatively as well down the road to see if there are changes that need to be made in later versions of the UDO. So, I appreciate the feedback and we will move on now to parking.

Ms. Harmon said we presented this to you all before, so I'll go through it very briefly. We have recommended some changes, and this is what we proposed to include in the second draft of the UDO. So, again we have our three-tiered approach. With the first tier with minimum off-street parking requirements but no maximum. Relatively limited amount of our community. The middle tier had both minimums and maximums and then the third tier where we have the no parking minimums but known maximums for most conditions. As I said that about Tier-1, just want to point out I said it doesn't apply to much of our community. I would say with the exception of our Neighborhood-1 districts and so there is a lot of application there, but for our non-residential, not very widely applied. We are proposing to move into B, which is what you might call a multifamily district into the second tier.

Real briefly I'm not going to read these changes to you, but we can dwell here for a minute. In red are the proposed changes from our current proposal in the draft UDO where we would be reducing the amount of parking required in Tier-1, but not going to no minimum parking at all. So, we're really trying to find the middle ground on how much minimum parking do we require in making sure we don't overpark but making sure there is adequacy in parts of our community that are still [inaudible].

If you go to our Tier-2, you'll also see some changes there that we're proposing and again still having some minimums but bringing those down as those areas are transitioning to be more multilevel in nature and to be less audit dependent. Then when we move to Tier 3, which is where TOD is and the basis for developing this approach. We are not recommending changes here. I'd like to ask Chris Jennette from Camiros to talk a little bit about the approach [inaudible] and what they've seen in other communities to give you all a little bit more context for recommended changes.

Chris Jennette, Principal Consultant, Camiros, Limited said perfect. Thanks, Laura. So, the approach that we're taking here with parking from the get-go has been an attempt to balance what are often sort of opposing viewpoints within the community, and while I will say that it's definitely a step forward requiring lower parking overall, it's fundamentally I think a transitional kind of approach that we have proposed here. The opposing viewpoints both that we've heard from the community as well as even on Council, we've tried to tow a middle line in developing this approach. So, while we had stayed with a strict minimum approach that's within the [inaudible], we also have moved to an approach that eliminates all minimums throughout the community. That's really a reflection of where the city is right now. We all know that Charlotte developed really as an auto-oriented city, but it's making great strides toward providing more multimodal and transit-oriented options. So, this parking approach tries to acknowledge that there are different areas of the city with different development character, with different needs. Some areas might be ready for lower parking or elimination of minimums and in some areas, they're simply not there yet.

So, the nice thing about the tiered approach is that it acknowledges those varying characters and it's also inherently flexible.

Councilmember Bokhari arrived at 9:59 a.m.

Laura just mentioned we're proposing moving into B up into Tier-2. As things change in the city, as infrastructure gets more built out, as transit improves and increases accessibility into growing neighborhoods, things can change, and things can shift from tier to tier. For instance, CAC1 (Community Activity Center), is currently proposed in Tier-2 as those areas continue to develop. Years down the line, CAC1 might move up into Tier 3 and then the other ones could be removed. Fundamentally I think the way to understand the approach is that while we're moving in the direction of requiring less parking in certain areas of the city, we're not recommending doing a cannon ball into

that pool just based on the viewpoints that we've heard. This is really kind of a walking into the pool one step at a time approach and really trying to balance the concerns of the community regarding parking.

Mayor Lyles said we're going to open it up to the Council for discussion on the parking recommendations and changes.

Ms. Eiselt said thank you. I just want to make sure I understand this and then I do have a comment. This is reversing what we originally agreed to in the TOD, is that correct? In other words, we had sent the TOD you can build with no parking and now we're saying actually you're going to have to have a minimum of some parking in the TOD?

Ms. Harmon said this would maintain the current TOD approach that we are adding minimums for certain uses when they're close to Neighborhood-1 districts. So, in general, there will be no minimum in TOD. That would be left to the market to decide where parking is required. There would be a maximum, but when there are those uses that may have the greatest impact on adjacent Neighborhood-1 areas, there will be a minimum in this [inaudible].

Ms. Eiselt said okay, so if that's the case then, I just don't think 200 feet is reasonable. That's a half a city block, right? That should be really at least a block because what you're saying is if you are 250 feet away if you're a bar and you're 250 feet away from N-1 zoning, you don't have to provide any of that. Is that correct?

Ms. Harmon said that's correct.

Ms. Eiselt said 200 feet is a half block. That's just not consequential. If we're going to do this let's actually have a full block or something that differentiates it. I just feel a lot [inaudible] about that, but where did 200 feet come from? How was that determined?

Ms. Harmon said that was something I believe we have in the TOD currently, so we carried that forward.

Ms. Eiselt said we recognize now that it's a problem because if you've got one area that has two or three restaurants that don't have any parking, people are parking a lot further and then they have to walk a ways. So, as it is it's going to impact residential N-1 neighborhoods, but if you're going to go with 200, then there's got to be a commitment that residents can ask for metered or permanent parking around that area. I will struggle with this unless there is some sort of plan in place that commits to that.

Mayor Lyles said so, Mayor Pro Tem, I wanted to ask are you suggesting that the 250 be changed to a full block and that if it is left to the 250 there must be a requirement for approval of neighborhood parking access? I just want to make sure that we're capturing it correctly.

Ms. Eiselt said it's 200 right now, and my example was 250. If it was 250 then that doesn't apply, and it's going to be more, 200 just doesn't cut it, I don't think, but regardless I just am going to struggle with this whole plan unless we have a commitment to putting in play and I realize we can't do that before the UDO, but I would A, like to see this go to 400 feet of N-1 zoning which is a block. I don't think that is that unrealistic, but secondly, a commitment that we will address the issue of transition between TOD and the parking allowances that go with it in residential neighborhoods. So, I really appreciate it and I was thinking about it in the height discussion. We're addressing the fact that there's got to be a transition, but we're really not addressing the fact that parking has to have criteria that address this transition as well and 200 feet just doesn't cut it.

Mayor Lyles said thank you. I just wanted to make sure that the staff heard.

Mr. Driggs said yes Mayor. Thank you. I'm looking over this and I see it in the context of our general desire to move away from cars and I think we agree that that is probably the

best solution that's available for congestion on our roads, but we still have to do this in the context of the reality. Chris said we're making great strides. Well, we aren't really yet. We've got all kinds of plans and we've got a Mobility Network Plan and so on, but the real driver of demand for parking is going to be the availability of alternatives to a car and not this artificial mechanism of trying to restrict the parking spaces. This is like pouring cold water on a fever. So, whatever policy we adopt on our parking has got to be realistic in the context of whether or not when you create a disincentive to drive through making parking lots available, you are also offering an alternative. I can certainly say for my district there really aren't a lot of choices. We were talking about the connection between Matthews and Pineville, the bus route, and that bus route is not used because you can't live down here without a car. You just can't go to places you need to go if you're down in south Charlotte or this far down south without a car. There isn't enough in the way of alternative transportation, there are no bike routes. I know, I got hit myself by a car on a bike, so I just hope that as we do this, once again, we are being mindful of the actual demand. I did give references to this so I acknowledge that and talk about where the need for cars is still an issue, but if we try to improve on our goal of getting people out of their cars by squeezing the availability of parking more, what we're going to end up with is for one, very high cost for parking and two, cars parked in inappropriate places.

So, one thing I don't completely understand is the concept of a maximum. Most people when they're developing, they're going to try to keep the parking at a minimum or in fact, avoid parking if they can. So, I can see how a minimum would avoid the situation where cars would park in residential neighborhoods because there is sufficient parking onsite. What exactly is the purpose for a maximum? What are trying to avoid with a maximum?

Ms. Harmon said I can speak to that briefly. We instituted the maximum initially in the first TOD Zoning Districts and then with the latest update a few years ago. In the areas where we have the maximums, those are intended to be very urban in nature. Occasionally, we have folks coming in and really wanting to do a lot of parking associated with those uses in areas that are intended for an example to be very transit-oriented. That removes land available for building and for more people being in that area and so it really is just a governor formula to make sure that areas don't get overparked when they are close to transit is something that we really worked on in the community. I don't know, Arista or Chris do you have anything that you want to add or you've seen in other communities with maximums?

Mr. Jennette said I think that you created it well Laura. The thing to remember is that they kind of work together because even though in the more transit-oriented areas of the community or urban areas in the community, we're not requiring any parking. That doesn't mean people can't go park if they want to, so the maximums work with that understanding that if the user wanted to come into one of those areas in the city that's intended to be quite urban and wanted to build a whole lot of parking and really change the character of an area from an urban walkable area to some place with a lot of parking, then the maximum would step in and say, "This is the intent for this area to remain transit-oriented and focused on transit and not parking," so, that's really the intent behind the maximums.

Mr. Driggs said okay, I lived in New York, I know Braxton did. I didn't own a car in New York. I didn't need one. In fact, I wouldn't have been able. It would've been very expensive to find a place to park it, and I wouldn't be able to use it much. But on the other hand, every single block has got buses and there's subways. So, again I get the idea here, but I think this needs to be done not only in a holistic way like we're going to try to crowd people out of their cars, but in a realistic way in terms of what alternative. Like let's analyze all the trips that people might want to make and what their options are and if we don't have a good reliable frequent public transportation alternative to a car, it's just not realistic to try to starve out the parking at the other end of that trip and think people aren't going to use their cars. All you're going to do is create all kinds of problems. We see this for example, the schools in some cases don't have enough parking and I get complaints about high school parking overflow into adjacent residential

neighborhoods. So, I'd just be curious to see how much actual thought is going into analyzing how much we can reasonably expect to crowd people out of their cars with this biking initiative. It needs to be aligned with the expansion of our public transportation, bike paths, and other alternatives. Thank you.

Mayor Lyles said thank you, Mr. Driggs. I didn't hear a specific request for a change, but I want to check in with you Mr. Driggs. Is there something that you would need specifically that you'd like the staff to consider based on your comments?

Mr. Driggs said I'd just like to see what thought went into aligning these requirements with the actual use of cars to be expected.

Mayor Lyles said okay.

Mr. Driggs said just some analysis in terms of what we think the demand for parking is going to be and how these rules that they're creating aligns with that.
Mayor Lyles said alright, is that okay? Alright, thank you.

Mr. Winston said thank you. Mr. Driggs, you know I lived in Brooklyn, and I will tell you that there is no access to public transportation on every block in many parts of New York City, but that is again kind of what I've been banging on the drum is that there are a different kind of cultures that have created for accessibility to transportation in different parts of town. So, not just specifically, I didn't mean to direct that directly at Mr. Driggs but as we think about different parts of town, we do have to commit to certain things that create different types of urbanism in different areas of town that have different topographies, that have different layouts and have different kind of cultures of living. So, I think it is possible as we move forward. It's funny, I've heard Ms. Eiselt, Mr. Driggs, and myself will probably have certain frustrations with this policy, but from different perspectives and that's probably a sign to the staff that they're doing the right thing, I guess. So, this is definitely the gradual change, and the potential again as this being a living document that we could continue to gradually change things. I would like to see more urgency in this policy because I think it's needed to undo and repair some of the types of developments that we're trying to move away from but have been descriptive of our development policies over the past 50 years.

One of my concerns, one I will also remind that parking requirements are very different than from what is allowed. What we're saying is this policy deals with what we mandate by law is necessary at the minimum. That doesn't mean that if people want more parking even if we didn't have a park minimum, that they couldn't have that as an allowable use. So, I want us all to be clear about that. Not having parking requirements does not in itself eliminate the ability to build parking nor does it create a barrier for landowners to build parking if they want to, whether it be in the most dense TOD Zone or from a Neighborhood-1 perspective. So, that should be very clear.

My concern and it is with our TOD Districts that don't have parking requirements, minimum or maximum, but the City Council has shown signs that they're willing to do things like change the TOD Zones to create very auto-centric uses like drive-throughs. I see the potential to create a very big loophole in places if that is considered precedented moving forward where developers are able to literally kind of go against the intent of the TOD zones. So, if you have dense TOD zonings, then you put the condition that allows those motor-centric uses but doesn't have requirements or regulations around parking. You have the potential to create very auto-centric intensive uses in different parts of the TOD, which basically in some situations can eliminate usefulness in the TOD Zone. So, is this something that is a concern? Something that has been thought of and is there a way to mitigate that possibility of really destroying the continuousness of the TOD and the intention of the continuousness of the TOD Zones? That makes sense?

Ms. Harmon said Councilmember Winston, I think the scenario you have just provided is exactly why we think a maximum in an area like a TOD is appropriate. We want to provide flexibility and uses so that we don't have those uses that come in and are built

in a manner that is not consistent with the intent of the transit-oriented development. I don't know if Arista or Chris, do you have anything you want to add?

Mr. Jennette said yeah, I think it was articulated well and that's just reinforcing what we're trying to communicate about the intent of the maximums is to really preserve the intent of those districts and to not dilute the transit-oriented character of those areas by allowing too much parking. I will say too just in speaking again to the maximums that personally and based on our experience, they are not particularly low maximums. So, again it's sort of trying to tow the line instituting something like a maximum but understanding that there might be certain areas even within the lower tier TOD throughout the community where people might want to go park. We're trying to really balance all of these approaches so that they work based on best practices but that they also work in the context of the city of Charlotte.

Mr. Winston said so, I'll use the example of the bank on Woodlawn. I don't understand how a parking maximum would help there because that's actually what they might want. They would want the low parking maximum because their business model won't be oriented to pedestrian-centered traffic. They're going to be oriented as they said to vehicular traffic, so while having a parking maximum there would actually be a catalyst for a more auto-centric use in the TOD Zone. So, how would we mitigate that?

Ms. Harmon said the way we would propose to mitigate that, well let me first say, I think you might remember the staff has not always been supportive of some of these more auto [inaudible] uses.

Mr. Winston said I agree but, City Council, once we've made decisions in certain situations like that, aren't we creating a precedent for different types of policy interpretations moving forward?

Mayor Lyles said I think maybe Mr. Winston this might be a conversation that you could have with Chris or Arista a little bit more in detail. I keep trying to visualize the examples that you used, and I think that we want to make sure that we have the right examples that you're talking about and the effort of where we might have that. Could you guys have a separate call, or do you have a specific ask that you want to make otherwise?

Mr. Winston said I think this is an important part. We have a hard example that the City Council created, that from what I'm seeing.

Mayor Lyles said help me with the example. Describe it to me again, please.

Mr. Winston said the Truist Bank on Woodlawn where we allowed a drive-through bank that wasn't allowed using TOD. Now if we don't have parking minimums and we put parking maximums on there and what we are doing is creating a loophole that shows development how to create very auto-intense uses and break up the usefulness of the TOD Zone. So, I think we have done this already, we created this and it's going to be used again.

Mayor Lyles said okay.

Ms. Strungys said can I provide a little bit of clarity on this if that's okay?

Mayor Lyles said sure. Please.

Ms. Strungys said okay, so I think one of the things that's getting a little bit mixed together here, and I understand the concern, is the issue of the drive through which is not necessarily separate but it's a different issue than that of the minimum/maximum parking requirements. Drive-through, whether it's a drive-through establishment or the only thing that's happening is it's all conducted in a car, you don't walk in or where a drive-through is an accessory, say to a bank or to a Wendy's, those are treated as uses. So, when you look at where those are allowed, you go within part of the use section in linked Article 15 of the UDO. In those cases, for a drive-through establishment, which

we have defined as something where nobody's walking in, you're in the car, that's the only way to really access it, we've limited that to those place types or the districts that come from the place types of commercial which is acknowledging those areas that are transitioning into something more urban but in the meantime are kind of oriented that way.

So, that's where those would live. When you take a look at and as we've structured it, a drive-through facility which is something that would be part of a McDonald's or part of a Wendy's or part of a bank where you could actually go to the teller, I do want to say that from the original draft as well, in draft one we do have the standard for those for all zoning districts except for commercial and manufacturing and logistics. Drivers are only allowed, as of the effective date when the UDO goes into place, where there currently is a drive-through. So, the concern about new drive-throughs coming into spaces where they aren't there is really something that's not going to happen per the way the deed ordinance has been structured from that first draft.

So, it's not so much the minimum/maximums in parking for drive-throughs, it's where you can put a drive-through which is more a use-related question and even you can see from the first draft, we really tried to restrict those to those areas say commercial, manufacturing, logistics where there is more of an auto orientation. In other areas like the regional activity centers, and the community activity centers, what we're doing is acknowledging where they are now because it's a reality. They're in that place and they can continue to be where they are and they can be replaced where they are, but new ones per the way the ordinance has been structured, are not allowed. So, it mitigates that impact of changing the pedestrian environment along the street. Hopefully, that makes sense.

Mr. Winston said yeah, I get that. If Council has shown a willingness to carve up the TOD and if we put drive-throughs and don't have maximums or certain situations, it just seems like if you do very careful arithmetic, you can create loopholes and again, as a living document, we really need to pay attention to this. Thank you.

Mayor Lyles said thank you Mr. Winston and thanks for the clarification as well.

Councilmember Graham said thank you Madam Mayor and for the sake of time, I thank the Mayor Pro Tem, that they had kind of summed up where I'm at with the parking. There has to be some transition from the neighborhoods for sure and would love to see the balance between the reduction of parking spaces or just an improvement in transportation options. So, that's a tough equation but that is probably where I'm at, this staff approach seems reasonable, but I would love to have a further conversation. Thanks, everyone.

Mayor Lyles said okay thank you, and that would be the further conversation on the N-1s and parking. Okay.

Ms. Eiselt said, Mayor?

Mayor Lyles said I'm sorry. Ms. Eiselt, yes.

Ms. Eiselt said if everyone's had their questions, I just want to emphasize one more point.

Mayor Lyles said okay, I'll come back to you at that.

Ms. Eiselt said okay.

Councilmember Bokhari said thanks. I'm still not sure why we haven't explored the last thing that I brought up on this topic, which to me just seems more nimble and within the spirit of what we're trying to achieve which is we should have a process that's predictable by a developing community where there is, this is the number. One space per building unit or whatever it is but there's no minimum or maximum based upon

exceptions that are predefined by [inaudible]. So, if you want to have no parking at all because that's cheaper but you're taking the risk that people are actually going to want to be there, you have to assure us that your processes are in place that will not run over parking into the street and into surrounding neighborhoods and convince us that you have the enforcement mechanism to do so like we've already done in the last couple of years. Like that was done [inaudible] into the lease. You can't have a car and then they monitor it. Then what we do is as we start seeing these uses, we populate them and say, "These are the accepted uses so far, to have no parking or to have over parking," and then by-right. So, now we're not sitting around the dais once a month debating parking like we always do.

The developers and the petitioners have predictability of exactly what they can do ahead of time and as long as it's within that list, for me now the big thing is they get to be innovative and figure out new ways to propose, and if we accept, that becomes the precedent that's added to the list. That way we're out of this space where we say to use one of these that have been approved or come up with a better idea that may be the outcome we actually want to occur and you can do it. To me that just feels like a lot less paperwork, a lot more nimble of a process and it gets us out of talking about things that we've figured out each month and makes those by-right. So, I guess I'll just keep bringing it up and this is the second or third time I've brought it up and we still come back to talking about the same old thing.

Mayor Lyles said I think you just need five more people.

Mr. Bokhari said [inaudible].

Mayor Lyles said well, I'm sure anyone with reaction to that?

Councilmember Newton said thank you, Madam Mayor. So, I agree with Mayor Pro Tem, Mr. Driggs and Mr. Graham. I'm really struggling with this myself. I, much like Mr. Driggs, would like to see an analysis done so we have a better understanding of the need for transit options for many residents, particularly in those areas where transit options don't exist. I get it. Us having parking minimums or decreasing our parking minimums doesn't prevent more spaces from being built. My concern is that developers just won't do it. That's been my experience when it comes to residential development. Developers prefer fewer spaces because it helps their bottom line, and I just don't think that it helps the community in many areas, particularly those areas where the infrastructure and transit options don't exist. I feel like whether we like it or not, many folks have no choice but to drive and this is more for those areas that lack the infrastructure in transit. This is very abrupt, and I think it would become a mess.

For me, I [inaudible] on Tier-1 and I see how we're talking about reducing the parking minimums from two to one space per unit, so essentially slashing them in half. I know that in many areas it is required, particularly the further you go east. We are seeing more and more development, particularly multifamily development, and there's a lot of consternation for getting two spaces in and of themselves today and whether or not the two spaces are enough, to cut it back to one, when we're talking about things like single-family as well as multifamily including three bedrooms, I think is a big mistake. That's where I have a lot of [inaudible] when it comes to this part of the UDO. I struggle with this, and I feel like it's going to be very hard for me to support provisions that continue to slash parking in those more out-of-the-way areas [inaudible].

My question to the staff is do we really think people living in single-family, in two-to-three-bedroom apartments in areas where there is literally no public transit option, will be able to get by with just one space? Maybe 20-30 years from now, that's more realistic, but for me, it's really hard to think that today and moving forward given the challenges we face that this is a prudent approach. So those are my comments. Thank you. Thank you, Madam Mayor.

Mayor Lyles said thank you, Mr. Newton.

Mr. Phipps said yeah, I had my hand up but I took it down. My comments were similar to what's already been said. So, I have no additional comments right now.

Mayor Lyles said alright, thank you, Mr. Phipps.

Ms. Eiselt said yeah, I want to just emphasize that the intention isn't necessarily going to match the reality that by giving developers the option to not have that parking, they're going to pass that on in the form of affordability for residents, and I'm not sure that's actually the case. When we end up building, as we're seeing in Optimist Park and then they tell people, "Well there's plenty of street parking." My point is that's not a free asset for them, but they're kind of making it look like that. There is no free parking. We're paying for it, and people should have to pay for some form of parking if they're not going to have a parking garage. So, I think we need to really look at that really seriously, in what we consider to be free parking or available parking, especially in that transition from TOD to residential. So, I'm going to be very firm on my feelings about this one, similar to what my other colleagues have said. It's always easier to loosen it up later on than it is to give it away in the UDO and then try to tighten it up as we find out what the unintended consequences are.

Mayor Lyles said okay. So, I think the staff has heard a great deal of comments on parking.

Mr. Winston said I hear what Mayor Pro Tem is saying and we sometimes talk about this. While I don't disagree with her, especially in terms of the cost of on-street parking, I think that's a different conversation than parking requirements. I think we should definitely look at doing some combination of looking at paying for on-street parking and not just in necessarily certain neighborhoods, but citywide. How do you combine different types of programs like residential permits plus on-street parking, alternate side of the street parking, these types of things, to generate the types of controls and the types of revenue that need to be generated to support on-street parking? As she said, it's not free, but I think that it's something that is separate from the UDO question, and I think it's something that we should tackle from a programmatic point of view as we move forward in the area planning processes.

Mayor Lyles said I know that everything's immediate, but I think that C-DOT (Charlotte Department of Transportation) has begun a review of parking citywide and these tiers of areas where we're seeing the development being responsive to the UDO. All of us that have lived someplace else has experienced issues around parking, on-street parking, permitted parking, and how we have to change our behavior.

Usually, I think people in the community change their behavior to meet the needs of the offer presented to them. So, I know that this is a difficult change because of all of the things that Mr. Driggs and Mr. Newton have said, but at the same time the one thing that I can say is human beings are certainly adaptable, so we'll figure this out. So, I'm going to ask Alyson once again to summarize what she heard as your reaction to the discussion on parking as we move forward. So, Alyson?

Ms. Craig said thank you, Mayor. So, this one is a little harder to summarize than the previous two. I understand there's different perspectives out there. I just want to reiterate that I think the tiered approach that we proposed provides some of those auto-centric areas to be respectful that people need cars and will require cars to move around while also protecting the investments that the city has made in light rail and wanting to have less parking in those areas and focus on moving people rather than moving cars. I certainly have heard that the 200 feet from TOD may not be enough. We will certainly revisit that, and I also wanted to mention as the Mayor said that C-DOT currently has a study underway where they're looking at on-street parking, curbing management, and residential parking programs. At the completion of that study, we can go back and see what changes that we should make in future drafts of the UDO.

I think the tiered system provides the predictability for the development community because they can come in and whatever zoning district, they're in they can see what

parking is required in those particular areas. So, I feel as though it provides that predictability that's already mentioned. One question that I would have for this group is that there's three slides with recommended changes on there. What I am not clear on is are we at least mostly in agreement that these changes should be made, or should we go back to the original proposed language in the first draft of the UDO?

Mayor Lyles said okay.

Mr. Phipps said could you go back to that slide and talk to that?

Mayor Lyles said do we need to go to the summary slide, the three-tier or the Tier-1? Alright, let's go to the Tier-1 slide, approach to parking minimum off-street, no maximum parking.

Ms. Craig said I'm going to maybe ask one of our consultants to jump in too here, but we've recommended going down. There's a struggle between parking costs, to put that in place, and we're trying to balance having enough parking but also understanding that parking does increase the challenges with affordability. So, we think that this is the right approach to the changes that were proposed here for Tier-1, Tier-2, and Tier-3, but happy to have Arista or Chris jump in.

Ms. Strungys said we did take a look at this and again also looking at comments from Council as well as comments from the public regarding the parking minimums. I did, in discussion with the staff, think it was appropriate in Tier-1 to reduce the number of spaces per [inaudible] units as well as in the nonresidential. We are seeing in other communities we're working with, even those that maintain parking minimums, that they are significantly lowering their parking minimums, understanding it's not a provision, with the exception of maximums when those come into play. You save one space per dwelling unit in Tier-1 here you can build two to three if that's where you see that the market is going in regard to that.

Mr. Jennette said just to back up what Arista was going to say too. I think the conversation around parking minimums and a general reduction around the country and both specific to the city of Charlotte is that we're focused on this issue of affordability. We don't want to be stepping on our own feet or tripping ourselves up as we're moving in that direction by not prohibiting but by requiring a large amount of parking. So, a reduction in the amount that we're requiring sort of goes hand in hand with a push toward increasing the [inaudible] more affordable housing in the city.

Mayor Lyles said okay. I'm looking at the number of people on this call and I think we do have more than a quorum. I want to recognize Mr. Newton and I think at some point if you could just indicate in your discussions whether or not this is something that you can live with or is it something that is a deal breaker for you. I think that would be helpful for the staff to know. So, I'm going to go back and ask Mr. Newton for his comments and then at the end, if you can live with it or if it's a deal breaker for you. Mr. Newton?

Mr. Newton said thank you, Madam Mayor. So, I do have a problem with this. My problem lies within the reduction of the residential parking minimums here. There was a large development approved at Harrisburg and 45 and that development is going to include two- and three-bedroom apartments, undoubtedly is going to require more than the allotted parking spaces that were approved today let alone a reduction. I think the expectation is that parking is going to overflow into a small residential street that then might in and of itself not be enough. I just feel like with these reductions we are going to be creating a larger problem in those areas where the transit options literally do not exist, and I can drive you down Plaza Road Extension and out towards Reedy Creek and show you lot after lot that's being cleared for large developments and there is no public transit option whatsoever. No bike lanes, little to no sidewalks and to think of that continuing to happen and only requiring one space for three-bedroom apartments, I just feel like it's really disadvantageous and I think it undermines the goals that we talk about, the equity goals we talk about accomplishing as a Council. Not to say that this

isn't perceived more with the best of intentions, certainly in many other areas, but I think this makes sense.

We can actually move our residents towards trains and options that are non-auto-centric but in many other areas, that's simply not an option for the residents. We talk a lot about how we're trying to decrease housing stock because of the need for housing stock and to think that more people are just going to be able to pick and choose based upon their ability for alternate transit options, I just don't think it's fair to the community. So, anyhow I do feel like this is something that unless we can figure out some compromise here, I feel like this is something that I really struggle with, and I think most likely is a deal breaker for me. So, those are my comments there and I would prefer to see us maintaining the minimums we have in place today.

Once again, as I mentioned before, I completely understand the fact that developers reduce parking minimums, it doesn't mean that they can't build more parking spaces, it just has not been my experience that they're going to do that. If anything, time and time again I've seen developers pushing for less spaces because it's more profitable for them. So, those are my comments and that's what I would like to see, and yes, I do struggle with this. I think this could be something that makes it very difficult for me to be supportive.

Mayor Lyles said thank you, Mr. Newton.

Mr. Phipps said I think I could do with this proposal with the caveat that I do think that developers of apartments and two and three-bedroom units or whatever, whereas you might have that minimum that we would require that I do think that they would have the flexibility and gumption enough to instill more parking to suit that particular project. I think they're looking at other things too. They might be looking at institutional investors or possible sales down the road that they would have to have adequate parking to be able to support the project. So, I don't think this in and of itself reducing like that that would be a deal breaker for me at this point.

Mayor Lyles said alright, thank you.

Mr. Graham said I tend to fall where Councilmember Newton is. Obviously, I'm right on the line. I understand the staff also, but I'm really concerned about how all the issues that Councilmember Newton articulated. So, I won't say it again, so that's where I'm at. Mayor Lyles said okay.

Mr. Eggleston said yes ma'am, I'm comfortable with the changes that they provided us here.

Mayor Lyles said alright.

Mr. Driggs said I think in line with what I said before and what Mr. Newton said, I can support this if I see some sort of analysis that suggests that in the real world, the new development will be able to self-park. The danger here is that there is under-investment parking and that that has external effects because cars are now spreading or if somebody who lives down here, they end up parked on the lawn or where people have ad hoc arrangements for parked cars. So, I do think that we have a level of comfort if we're not going to just create a problem for ourselves with wishful thinking that people would just not have cars because we don't have a lot of parking spaces, or we allow too few parking spaces in that way. So, to me, it's just a question of being convinced that the parking that is required is sufficient to avoid this situation where you have quite a bit in the streets and overflow into adjacent areas. There are a lot of restaurants and shopping centers that don't have sufficient parking and the cars end up in other parking lots or elsewhere and that's the thing that I can't assess based on this information. So, again I could go along with this if I could reach a level of comfort that we have the required capacity provided for avoidance of the problems for insufficient parking. Thank you.

Mayor Lyles said thank you, Mr. Driggs.

Mr. Bokhari said I think there's a better but it's just not a deal breaker for me.

Mayor Lyles said alright.

Mr. Winston said thank you. I'm good with moving forward. It's not perfect but it's a living document and we'll keep working on it. I will say I do think Mr. Bokhari's comments honestly summarized and synthesized a lot of the concerns of several different Council Members and could provide a pathway forward. Thank you.

Mayor Lyles said alright.

Ms. Eiselt said I want to say that I could accept this but I still have concerns about the 200 feet that should be at least 400 feet I believe and I think what Mr. Newton and Mr. Driggs are saying resonates with me because until we have a transit plan that we're building out, we don't know that we're going to have a revenue source to be able to do that. I feel like in some ways looking at parking has to take into account marrying our schedule for public transportation. So, if Mr. Newton's area that he's talking about falls into the C or D category, meaning it'll be 20 years before serious bus routes are out there, then they shouldn't be subjected to bus parking. So, again if we have some kind of a commitment to really do a thorough parking strategic analysis, if we had that commitment, I could get there with this as long as we have a couple of tweaks around that 200 feet. Again, a commitment to say we've got to acknowledge that developers frankly are going to say, "Well no problem, we don't have to pay for that because people can park over there." That's not a benevolent action on their part, that's cost-cutting.

Mayor Lyles said alright, I think you know we have several Council Members traveling or not joining the meeting today, so I'll ask the team to check in with them and ask if they have questions on any one of the three major priorities. We have one more thing to do before this meeting goes forward and it is the revised schedule. So, let's try to get through this revised schedule.

Ms. Craig said thank you.

Mr. Driggs said, Mayor?

Mayor Lyles said I'm sorry.

Mr. Driggs said could I just make a comment before we move to the scheduling?

Mayor Lyles said sure. Yes.

Mr. Driggs said I just want to point out a couple of other issues that are still pending as far as I can tell are questions about grandfathering investing rights and architectural design consideration which haven't even been included in this discussion. So, I'm wondering what the status is on that. The industry has pointed out that vesting rights for example would be insufficient in some cases for large projects and I think a lot of issues are still around the architectural design considerations. So, is work on those topics continuing?

Ms. Craig said yes Councilmember Driggs, we are continuing to work through some of those comments as well as a number of others that have been received by the community and in our comment portal and in meetings with stakeholders. So, we're continuing to work on those and to make changes for the next draft.

Mr. Driggs said so, I'd be interested before the next draft comes out, hearing where we come out on those. So, maybe we can talk offline but I don't want to find out when the next draft comes out how this resulted. Thank you.

Ms. Craig said [inaudible].

Mayor Lyles said any other comments before we go to the schedule?

Ms. Craig said thank you, Madam Mayor. I just wanted to say to Council Members taking the time to have the workshop that we had on May 5th as well as the one today, I feel like it makes it much easier for us to understand where your priorities are and what changes or where you do not want us to make changes so that when the draft comes out there are no surprises. So, we're having all the important conversations earlier in the process rather than at the end and so I think that that makes for a much more transparent and effective process of getting a UDO adopted.

So, we are proposing now that the next draft is released on June 3rd. We originally planned for that to be late May but also having this time with you all was extremely important in shaping what was in that next draft. We'll have a comment open for about a month where people can comment. It will be redlined so it'll be very clear what has changed and what has not changed in the draft. Proposing a public hearing on July 11th and we'll hear from the community, hear from you all, and then prepare an adoption draft to be released on August 15th and then go before Council for requested adoption on August 22nd.

We believe that it's really important for this Council to adopt the UDO. You've been working alongside the staff for a great deal of time both with the comprehensive plan and the UDO is a critical component of implementing the comprehensive plan. So, request that your adoption occur on August 22nd. That will allow us then after that adoption occurs to continue working with our implementation team on an effective date which we're proposing to be nine months after the adoption date and while our implementation team has been working through some of the details of getting the ordinance on the ground, we can then begin the process of starting the community area process. So, again I appreciate your time today, the workshop in May as well as the TAP (Transportation Action Plan) Committee, and the time that we spent in committee talking about the UDO, and appreciate your feedback.

Mr. Bokhari said thank you. So, Alyson, I fully agree with your sentiment that it makes sense for this Council to vote on it and I fully agree with your sentiment where we set the premise here which is there's a lot of steps and you as the staff need time. So, with all that being said though, this is a non-starter for me because it's one or the other. You have to either say it's going to be this Council which is before the election, or it has to be the next Council which is after they're brought in. If a scenario whereby this Council, which we're going to be voting on highly controversial items within the year that this community has reached out, spoke very loudly and some of them may not want to do that after the election. You're kind of a lame duck sitting. To me, that is our greatest control, the election itself. So, whether it's before in this Council or after with the next Council, which I agree it brings challenges into play. I think those are the only two options. I can't see any possible way that we could look at this community and say we'll wait until that middle period. So, I would hope all my colleagues would mimic that feeling because it's not the [inaudible] games and the community listening sessions. It's the elections that ultimately allow us to know if we're hearing the voices correctly and to bypass that in this very narrow gap, just feels very wrong to me.

Mayor Lyles said okay, thank you.

Mr. Winston said I agree with this timeline, but I disagree with Mr. Bokhari's statements.

Mayor Lyles said alright.

Mr. Phipps said I agree with the timeline, but on August 22nd I will be on vacation.

Mr. Newton said I don't have any Madam Mayor. I appreciate Councilmember Bokhari's focal points, and this works for me but I could go either way.

Mayor Lyles said okay.

Mr. Graham said the timeline works for me.

Mayor Lyles said okay.

Mr. Egleston said I'm fine with the timeline.

Mayor Lyles said okay.

Mr. Driggs said I will say to Mr. Bokhari's point, I think he has a legitimate issue. What I'm not sure I see is a huge difference between the likely the attitude of the people we now know that we can expect and against that is the question. The question is whether the new members can catch up with all the work that we've done to get to this point and therefore be as informed as this group is. So, in that sense again I absolutely agree with Mr. Bokhari. If this changes the majority [inaudible] for example pending or we have Supreme Court appointments, or issues like that, but I won't believe that's where we are. So, in that sense, I think I would go along with that timeline. The only revision I will add is I'm still interested to see how some of these things we're talking about get worked out. So, the timeline is okay but I'm not necessarily going to support it unless we have answers to some questions that have been raised today and some others we haven't talked about.

Mayor Lyles said yes Mr. Driggs, I think that the workshops and then the public hearing, we can't do this without that. That is an opportunity for people to comment and again get to the draft and even on adoption, anyone can come down and speak to an item on this issue. So, I see this as a continuous process. Staff continues to provide information drafts and discussions until we get to this point. So, I agree with you on the idea of everyone having a chance to participate in the process.

Ms. Eiselt said I wonder if Mr. Bokhari can give an example of why it would be worse to have people voting on this instead of before the election. I'm not sure I see it differently. Can you give me an example, Mr. Bokhari?

Mr. Bokhari said sure. Before I give you that example, just a question to make sure, Alyson, while it would be extremely hard, you guys could theoretically have a timeline like we had before that has a public hearing that has our deliberations and our vote before the election, right?

Ms. Craig said we could. I think it would create a lot of challenges in getting the draft turned around and allowing sufficient time for people to react to that. So, I feel like this is a better approach to allow the community to see what the changes are and the different drafts before you vote on it.

Mr. Bokhari said there's no doubt in my mind it'll be more challenging, but it is possible and that's my point. It's not that it's either a new Council or this Council in between. There's an option for us to address it if we get the word out and make it happen before the election. Now to Mayor Pro Tem's point, I think the most likely example is that much like the last time towards the very end of this, communities will activate around the codification of abolishing single-family zoning in the UDO and they will come out extremely upset. They will feel that even though they could've had options perhaps to engage before that they didn't understand they could and they're going to want to hold people accountable and there's probably another half dozen items inside this document that that will occur. So, if they then find out at that time, "Wait a minute, I'm saying this. No one's listening to me, and you guys a month or two before put it where your election will be done, and then you're going to vote on it." It just doesn't feel right to me. I can absolutely guarantee you that all of the groups that activated on things like the abolishment of single-family zoning will activate again when they realize this is what's happening and we have yet to see the analysis that we asked for, the economic impact on affordability, those things.

So, I see no reason with that specific item that people won't activate and when they find out that the majority of this Council decided to have their elections first and then do this when they have the ability not to, it's not going to look pretty.

Ms. Eiselt said okay, yeah I'm not sure I agree with that and perhaps that's because I'm agnostic as to whether it's before or after the election in terms of what I'm looking at and what my concerns are. So, I'm probably okay with August. I think we just got to get those concerns out on the table and vet them properly.

Mayor Lyles said okay. Alright, so I think Alyson, I heard some not comfortable but most saying yes to continue with this adoption schedule. Okay, we still have three other people that you might want to check in with and us review with them. So, with that, is there any further discussion from the staff?

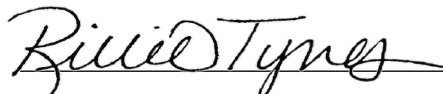
Ms. Craig said no, just thank you all for your time today. It really is very helpful for us to understand and to be able to put forward a draft and meet your priorities and expectations. So, thank you very much for spending this time with us.

Mayor Lyles said alright, so the next meeting all the Council is invited to is the optional rezoning drop-in meeting that's on the 8th floor in the conference room at noon. So, this meeting is adjourned. Thank you very much.

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ADJOURNMENT

The meeting was adjourned at 11:02 a.m.

A handwritten signature in cursive script, reading "Billie Tynes", written over a horizontal line.

-Billie Tynes, Deputy City Clerk

Length of Meeting: 1 Hours, 58 Minutes
Minutes Completed: August 07, 2023