

The City Council of the City of Charlotte, North Carolina convened for a Special Meeting on Thursday, May 5, 2022, at 3:08 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Matt Newton, Gregg Phipps, and Braxton Winston, II.

**ABSENT UNTIL NOTED:** Councilmembers Renee Johnson and Victoria Watlington.

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**Mayor Vi Lyles** said good afternoon, everyone. Today the Charlotte City Council is hosting a Special Meeting inside the Government Center. We are conducting this meeting in compliance with all applicable laws. We do have virtual participation by several council members, and all of this is being done as I've said, consistent with the emergency orders to allow for this. Today's focus of the agenda is the Unified Development Ordinance that is a precursor to the staff bringing back a final draft recommendation to the Council. The purpose of today's meeting is to iron out any of the issues that any council member would have and appreciate that the City Council has shared that information with the planning director and staff as we are going through this so that there's an opportunity for the staff to take the feedback that they've heard from both the Council as well as community and make recommendations on the major issues that we find that require council's recommendation and comment.

So, at the end of today's meeting, we will discuss up to four items, maybe three. If we can't get to the fourth, which my understanding can be dealt with in a different way. I think that what we're doing is that the planning director and an entire cast of staff will be here in the room to assist. Our goal is again for the staff to bring forward those areas of issue that we would like to make sure that we have a resolution of. I'd like to say of majority of Council to direct that this is what should be included in the final recommendation from the staff. So, with that understanding, are there any questions about the agenda for today?

**Councilmember Watlington joined at 3:10 p.m.**

Okay, seeing no questions, I'm going to turn it over to Allyson Craig, our Planning Director to begin the discussion of those topics that have been identified for a decision going forward, Alyson.

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#### **ITEM NO. 1: UNIFIED DEVELOPMENT ORDINANCE**

**Alyson Craig, Interim Planning, Design and Development Director** said thank you Mayor and I appreciate the time that council members are taking for a special session to talk through UDO (Unified Development Ordinance) items. What we'd like to do today as the Mayor mentioned is bring several topics from the draft UDO where we've received a

significant number of comments from the community; both through our online comment portal as well as in community conversations. These are topics that have come before you all both in Council committee as well as in full Council where we briefed you on these topics and some of the comments that we received from the community. What we'd like to do today is provide some recommendations to you all for consideration for changes on these topics that will then shape the next draft of the UDO which we expect out in late May. So, we will start first with the topic of heritage trees. Actually, if you could go to the next slide.

So, we're going to start first with heritage trees and Tim Porter our Chief Urban Forester will talk through some of the recommendations that we're proposing that go into this next draft, so I will turn it over to Tim.

**Timothy Porter, Chief Urban Forester** said thank you, Alyson. Good afternoon, Mayor Lyles, Mayor Pro Tem, and Councilmembers. Heritage trees has been the most high-profile and focused tree regulations proposed in the UDO. That's why we're talking to you today. The reason the heritage trees regulation has been proposed really stems from recent canopy work over the last couple of years. The 2019 tree canopy analysis revealed that tree canopy is declining significantly in the city of Charlotte. From 2012 to 2018, it declined very rapidly in residential areas. Overall, it was approximately six percent. The biggest decline was in incremental single individual lots. Heritage trees are a very common type of regulatory tool that many cities statewide and nationally use to meet their tree canopy goals.

We do have a heritage trees regulation in our current tree ordinance. It's a very, very relaxed and low-level preservation tool. So, we're proposing an increased preservation approach in the first draft. That approach would be to protect all native trees in Charlotte, native to North Carolina that are 30 inches or greater in DBH (Diameter at Breast Height). Mitigation for the removal of those trees is required unless those trees are dead, diseased, or dying and hazardous. They can be removed without a permit if they fall into those categories. The requirements proposed would apply equally to both land development scenarios and non-land development scenarios, so properties that are not going through a development permitting processing. On those properties, regardless of the development status, heritage trees would be protected which is a big step forward.

So, in the first draft, the regulations would apply evenly to those two scenarios: land development, and non-land development. Heritage trees definition is 30-inch DBH which is a diameter of a tree trunk at about four and a half feet height off the ground and the tree has to be native to North Carolina. In the second draft, and before I go into the specific changes for this area right here, I wanted to mention that we have heard a lot of feedback from numerous stakeholders and interest areas during the UDO public engagement process. There's been hundreds of comments submitted regarding tree canopy initiatives. We've heard from the general public, the development industry, of course, the Council, and our consultants for the UDO Comprehensive Plan and the tree canopy action plan.

We've really conducted an internal detailed assessment of many factors that go into determining what to propose in these regulations.

So, in the second draft upon assessing all of that and hearing from all those interest areas and stakeholder groups, we're really trying to find the right balance of preservation, mitigation, and tracking. Those are the key intent areas. So, in the second draft on the right hand of that slide, we're proposing to pivot and separate the requirements and have them applied differently for land development scenarios and for non-land development scenarios. Again, those are general property owner-type situations. The definition of heritage trees, 30 inches in diameter, native North Carolina tree species would remain the same.

**Mayor Lyles** said can I just ask, what is breast level consistent in one spot or does it depend on the tree?

Mr. Porter said that's a great question. So, yeah, it's defined as four and a half feet above the lowest grade adjacent to that tree so it's always four and a half feet. It's a traditional forestry term that just carried forward into urban forestry. So, DBH means four and a half feet above the ground. You take a measurement around the trunk of the tree.

Mayor Lyles said [inaudible].

Mr. Porter said sure. What we would likely do is we roll out a heritage tree regulation if it's adopted, it's to really clearly maybe convert that to a circumference. Sometimes that's easier for laypeople to understand. So, a lot of text on this slide so I'll take a little bit of time to go through it. On the left for all these slides is the first draft of where we are. The primary intent is preservation, a very strong preservation intent is what was included in the first draft. The strategy attached to that preservation approach is that heritage trees must be required in the majority of cases, unless a very severe significant conflict is demonstrated. That would apply both to development scenarios and nondevelopment scenarios.

Secondary intent areas were mitigation to ensure that the tree canopy is sustainable and continues to thrive and be replenished. There is mitigation requirements for any authorized removal. We also want to track heritage trees to learn more about what component of the tree canopy they really makeup, population-wise, canopy cover-wise, and how significant are they. So, after assessing all the input we received and conducting some internal analysis, we looked a lot at property rights, the awareness of property owners for these new regulations, tree canopy preservation, how would this be applied administratively, and in looking to find this better balance between preservation, mitigation and tracking for heritage trees. We're moving towards this separated application of regulation so for land development, pivoting to find a better balance of those three intent areas. Elevating mitigation and tracking to a primary intent and really moving towards an incentivized preservation approach.

In talking to our consultants, we received feedback that the first draft, the way heritage tree preservation was proposed would really significantly limit development opportunities. In some cases, preventing it completely. So, we felt that carried a lot of weight. So, on the bottom right, as we separate and move into the non-land development area of heritage tree regulations, we're proposing to keep this dual approach, but the preservation mitigation requirements would apply differently. The intent is to emphasize mitigation and tracking. We feel we need to learn a little bit more about the makeup of heritage trees in neighborhoods in Charlotte. We know there's a significant decline incrementally in residential individual lots. We have a little bit of data. Doug Shoemaker with UNCC (University of North Carolina Charlotte) has provided a study of one neighborhood, Revolution Park, that found that 60 percent of the canopy in that neighborhood is made up of heritage trees, while heritage trees account for a much smaller overall population, which is very valuable and important but we're not certain how that applies on a citywide scale but also on a neighborhood scale.

So, increased awareness and understanding of how heritage trees really influence development but more importantly apply to and influence our overall tree canopy was one of the main factors in deciding to move in this direction and to recommend a more balanced intent approach. Elevating mitigation and tracking, it's a big step in the non-land development areas where we would not require the preservation of heritage trees. They could be removed, and we'll talk more about what the process is for property owners and focus on a preservation intent that's more geared towards awareness in those situations. So, I want to stop and see if there's any questions.

**Councilmember Eiselt** said so, I guess I'm confused by that Tim, and what the overall impact is. Land development means when there is a proposal for the construction of a new structure or the addition or expansion of a structure. Non-land development being people just want to take down the trees?

Mr. Porter said so, non-land development could be any type of property that's just not developing or it's not triggering the level of development that the city regulates. Development applicable triggers for tree regulations would be the construction of a new principal structure and additional built-upon area of building coverage and we're proposing to step into infield development as well and start regulating that. So, individual lots we don't regulate right now, residential infield demo rebuilds, we don't regulate that right now. That's the line we're trying to draw. It's between development that the city regulates or proposes to regulate and scenarios where it's just general property owner decision-making on their land.

Ms. Eiselt said so, you're saying that the resident decides, "I want to take down that tree because it's too shady or whatever," they should be able to do that is what you're saying?

Mr. Porter said yes. It's a big step in a new direction and hearing a lot of concerns about property rights and how this may be a step too far, the first proposed heritage tree preservation requirement in the first draft. We're recommending that we pivot for those

non-development scenarios, require mitigation and permitting but there'd be flexibility to remove those trees.

Ms. Eiselt said it just seems to me that if you're talking about non-land development because of concerns that property owners have rights, doesn't that apply to land development? Isn't that then going to be what everybody says is I have rights on my property and therefore I should be able to do whatever I want? I mean it just feels like a little bit of a slippery slope that we could end up with some state backlash saying, "You can't control any trees at all, they're not yours unless they're on the right of way city property."

Mr. Porter said that was a primary concern of ours in talking with our attorney's office and just really trying to get a good understanding of how a very strong step in this way could initiate a response.

Ms. Eiselt said so, even I mean to me that's what is the frustrating part of this because the majority of our trees that we've lost have been on private property, residential property and it's almost like why are we trying to do this if we're going to have a backlash that says you can't tell property owners what to do because if most of it is on non-land development, then why are we doing this?

Ms. Craig said right now we don't regulate that at all and so even with the proposed revisions, we would still require a permit and require mitigation. So, it's more than what we're doing today, and it also helps us get into a position where we actually have an understanding of what canopy loss is really occurring because we're requiring a permit now for that and being able to track it but allowing them to be able to remove them.

Ms. Eiselt said okay, so you would still be requiring a permit to remove it even on non-land development?

Ms. Craig said correct.

Ms. Eiselt said okay, all right. That's better at least.

Mr. Porter said we'll touch on the required mitigation as part of that as well in a slide or two here. I do want to add, we conducted a peer city analysis as part of the tree canopy action plan that included Raleigh and three other cities outside of North Carolina, Austin, Atlanta, Washington, D.C. That was conducted by our consultant. Recently we conducted an in-state analysis that looked at other municipalities and towns and cities that play by the same rules that we do statewide. What we found is that we're not aware of any town or municipality that has a blanket coverage like we proposed in the first draft, where at all times a defined heritage tree could not be removed, could not be trimmed without a permit. Like I said earlier, we're kind of at a one now on a scale of 1-10 with 10 being the strongest preservation approach with our current heritage tree regulation, we felt the first draft was a step to an eight or a nine and there was concern that we would get so far out

in front of the pack that we may trigger some response. So, it is a step to a more relaxed approach.

**Councilmember Phipps** said I had a question about land development. Are we saying if we have a rezoned parcel of five acres that's vacant, but it has a substantial tree canopy, are we saying that that lot would have to be surveyed to determine the existence of any heritage trees and that they would have to be preserved?

Mr. Porter said so, in the rezoning process we would not require that survey requirement, Councilmember Phipps.

Mr. Phipps said okay, so this doesn't apply to a land development where you have a rezoning where you want to build something?

Mr. Porter said yes not in the rezoning process but in the permitting process there would be survey requirements for heritage trees. We're proposing that those heritage trees may be removed and if it demonstrates a conflict, it's shown by the development customer.

Mr. Phipps said thank you.

**Councilmember Driggs** said so I'm listening to this and I'm trying to understand how the issuance of a permit would work. So, what are the conditions? This is not an outright prohibition. It says you have to get a permit, but what would be the conditions? You've mentioned, Tim a conflict, but what tests are actually applied when we decide whether or not to issue a permit?

Mr. Porter said can we jump ahead to the next slide, please? I think we might cover it in just a second. So, in land development scenarios Councilmember Driggs, the developer, and their design team would have to submit a site plan showing some type of reasonable conflict. It could be road infrastructure, utility service, or stormwater management pond. If it was a seven-acre property that a developer wanted to construct five multi-family buildings, that fifth building, if it's in a place where there's some heritage trees, we may ask is there any way to articulate this differently. If there's not, okay you may remove those heritage trees. The permitting for development scenarios would be handled during existing land development permitting through the Charlotte Development Center.

The non-land development scenarios, general property owners, we would develop a new permitting process with the urban forestry team in the Planning Department and property owners would submit a basic application. There'd be a basic application fee, we would assess the application and you'd tell them the mitigation requirements which is a small fee of \$500 and replanting of at least one tree. The mitigation fee could be eliminated if they plant additional trees.

Mr. Driggs said okay. In my mind, a lot depends on the detail of what goes into the permit issuance process, but I think you've answered this. This is not just in the context of the

rezoning. So, no tree can be touched by anybody at any time other than in accordance with these policies, right? So, if you have by right rezoning for example these rules would, notwithstanding any existing zoning classification, would restrict the elimination of trees.

Mr. Porter said just heritage trees.

Mr. Driggs said heritage trees, correct? Yes, the heritage trees. When you say the survey, would they look to see whether or not the tree is going to be damaged by what is proposed? If you're going to put a building up and excavate for a foundation for a building within the radius of the roots of the tree, and there's a danger that you would actually kill the tree, is that going to be part of the permit issuance or the process for deciding about allowing buildings to be built?

Mr. Porter said that's correct. During land development permitting, a site plan would come in with a survey showing any required heritage trees that have to be shown compared to where they're grading, where their roads, parking, and their future buildings would be. If they're heritage trees that are located outside of those disturbed areas, we would seek to acquire preservation of those trees, but if they're heritage trees located within the buildable area of a site, they could be removed by the development customer if they show there's going to be a conflict. For example, if there's a heritage tree located in a corner of a proposed 80-foot by 80-foot lawn space area, I think we would seek to preserve that tree, but if that same tree was located within 10 feet of a future building foundation, we would allow removal but require mitigation.

Mr. Driggs said the last question. I don't know if you're going to talk about this, but are we projecting based on the rules that are being proposed here, how many trees would be preserved that would otherwise be destroyed? In other words, are we analyzing how this will actually affect the path of development over a five-to-10-year horizon?

Mr. Porter said one of the motivating factors in our pivot from the proposed first draft regulations somewhat balanced relaxed preservation approach, is to track it better over the next few years to understand that type of trend better, Mr. Driggs. What we're thinking is that next calendar year when we take on an update to the tree canopy goal and the urban forest master plan, is to have a targeted analysis of this issue. Then come back after the completion of the new canopy goal project to possibly propose additional amendments to the heritage tree regulation once we have a better understanding of how impactful they are to development, but also how important are they to the canopy.

Mr. Driggs said okay, thank you. We just need to reconcile these requirements with our goal of bringing the cost of housing down because they work in cross purposes but that's my last question. Thanks, Tim.

Mr. Porter said thank you.

**Councilmember Ajmera** said could we go back to the slide where it's preservation and strategy slide? The one before this. The one where you have land development and non-land development. Yes, so I just wanted to follow up on Mayor Pro Tem's question here. So, let's say someone wants to build an ADU (Affordable Dwelling Units), would that be considered non-land development, or would that be considered land development? I see there is a thousand square feet to an existing structure, so if it's less than that would that be considered non-land development?

Mr. Porter said I think it would likely trigger land development requirements. The square footage would be a thousand square feet of cumulative building coverage or built-upon area or five percent of the existing site. So, I think in that scenario almost in every case, an accessory dwelling unit would definitely trigger land development requirements.

Ms. Ajmera said got it. So, I don't quite follow this, where we got the preservation requirement in land development but not in non-land development. How did you all arrive at that?

Mr. Porter said it was based on assessing all of the public comments. Some of the comments were very focused on property rights and that strong step from having no blanket general property protection on trees into this world of a very strong preservation blanket requirement. At present we don't have any tree preservation requirements that aren't triggered by development except for city trees just by sheer existence and the public right of way, they're protected. This is a really big step into that world, so the property rights concerns along with learning that to our knowledge no other city or town in North Carolina has a protection like this that strong. We felt it made sense to study the issue more over the next year and a half to two years and pivot to a more incentive-driven mitigation approach and track this better.

Ms. Ajmera said so Tim, we have the data from UNC Charlotte on the majority of the canopy loss that had occurred on residential lots. A lot of them was for the infield development. Do we know from the data that's being provided by UNC Charlotte and Doug Shoemaker, would that fall under land development, or we don't have any data to tell us that it would probably be all non-land development?

Mr. Porter said I don't think we have the data that says it's one or the other. I think based on my assessment and look at that data, I think it's largely infield development that we don't regulate now, but I can't say unequivocally which one it is.

Ms. Ajmera said yeah so, do we know with this strategy looking at the number of permits and development requests that come, what are we trying to get to in terms of our tree canopy goal? Especially with our land development preservation strategy and not having any preservation required under non-land development, what would our tree canopy look like?

Mr. Porter said this regulation, and there's a new regulation to require street tree planting for infield development. Both these regulations were targeted efforts to achieve councils



recently adopted and the comprehensive plan goal of reducing the decline of tree canopy in neighborhoods and infield development scenarios. So, we believe those two tools will achieve that, but we also think there may be an opportunity to be more intentional and strategic in tracking this over the next 18 months to two years that may provide us a better foundation to be more comfortable with a step in the property rights area to have a stronger preservation. I think we want to learn more about how these regulations will help slow the decline and possibly replenish the canopy in those areas. With these regulations, we're proposing a mitigation fee for development scenarios of \$1500 per tree and the planting of one mitigation tree.

Development customers would have to pay that fee and plant the mitigation tree. They could reduce that fee \$250 per additional mitigation tree planted, so if you plant additional mitigation trees, you could essentially wipe out that mitigation fee. Those mitigation fees would go to support the canopy care program which will help manage and support low-income residents who have to manage tree canopy on their properties but also go right back into the tree planting on those private properties, possibly in partnership with Tree Charlotte.

In the non-land development world, we're proposing to reduce that fee to \$500 with the planting of one mitigation tree. That mitigation fee could also be reduced to zero if additional mitigation trees were planted. Each mitigation tree gets a \$250 credit. In some cases, mitigation trees, there's not enough room on certain sites, so they might not be able to be planted. So, the fee may be required at some level and again those fees would be used towards the maintenance care and replanting of trees on private property in residential areas.

Ms. Ajmera said so what I hear you say is there will be some sort of fees required even in non-land development, even though we may not have the preservation requirement, there is still that mitigation fee requirement. Is that correct?

Mr. Porter said that is correct. We're still proposing to regulate those trees admittedly in a very relaxed preservation approach but require mitigation and require a permit to do that.

Ms. Ajmera said so in feedback, Tim that you received from homeowners, did any of them share an example of a non-land development why they were against the preservation? Especially if there was no conflict.

Mr. Porter said we did receive a fair amount of feedback from just general property rights advocates who just don't want to be told how to manage their land and they felt that this proposed regulation in the first draft was a step too far. We did take that into consideration when developing the recommended changes for the second draft.

Ms. Ajmera said thank you.

**Councilmember Newton** said thank you, Tim, for the presentation thus far. So, I would assume that generally speaking, developers would fall within the land development customer category.

Mr. Porter said yes.

Mr. Newton said we currently have a policy as I understand it.

Mr. Porter said yes, you're correct.

Mr. Newton said so, it's my understanding we currently have a policy for developers when they develop a parcel, they are required to preserve a certain percentage of tree canopy on that parcel. Is that right?

Mr. Porter said that's correct, yes.

Mr. Newton said so, these heritage trees, would that fall within that percentage or would the heritage trees, this provision allowing developers to cut down heritage trees, would this fall outside of that and in effect cut into that possible percentage of preservation on a given parcel?

Mr. Porter said I think either situation could play out. A developer could preserve heritage trees within their tree-safe area which is the preservation requirement. Right now, we offer extra credit for large trees in those areas that are preserved so they may get credit for those heritage trees within their tree-safe area, but also, they may be required to be preserved outside of those areas if there's no conflict. For example, my lawn space example from earlier. It may be an individual tree that's not threatened by any type of land-disturbing activity, we would require that tree to be preserved. If it was closer to a building foundation or a road or something like that, they'd be allowed to remove it. Development customers we're proposing would get double the credit for tree save when preserving a heritage tree.

One step into a new area is the infield development regulations, a single lot residential. We don't regulate that right now. We're proposing that heritage trees on those lots would have to be regulated now through the development process. We're also requiring perimeter trees or street trees to be planted on those properties. The last couple of years, Mecklenburg County does regulate that type of development. They've seen about 15,000 permits per year, the majority of which we don't regulate at all, so we think there's a significant new opportunity here to require the planting of thousands of additional trees and the preservation of some heritage trees on those sites as well.

Mr. Newton said so, essentially this could lead to a result whereby developers would be allowed to preserve fewer trees than today simply by asking for permits for heritage trees is what I think I'm hearing. Is that correct?

Mr. Porter said no I would argue that the preservation requirements are stricter. Heritage trees, while we are proposing to relax that preservation requirement from the first draft, it's still a new requirement. We're proposing an increase, in the tree-safe requirement to make it 15 percent for all development sites. I think the preservation requirements are increasing. On private property, not going through to development permitting, property owners today don't have to preserve their heritage trees. We're saying now you have to mitigate for the removal of those trees and pay a fee. I think developers would end up likely preserving more trees overall. In some areas, there will be more flexibility though.

Mr. Newton said that's so helpful. So, what you're saying is that the tree save requirement will be expanded under the UDO which in effect will lead to more preservation per parcel or per lot?

Mr. Porter said in many cases, yeah, absolutely. We're proposing to remove all exemptions. There are a significant amount of acreage and property in Charlotte that are exempt from tree save currently. We're proposing to remove all exemptions meaning all sites including uptown would have to meet their tree save requirements. Some sites will have the ability to do a green roof offsite tree save or payment in lieu. Payment in lieu is a very popular option and that supports our canopy preservation program. We've acquired hundreds of acres across the city. We've preserved more land than developers would have if they didn't pay out of that. The fee for that option, there's a cap that development customers use as a multiplier. That fee is based on early 2000 county revaluation appraised tax values. We're proposing to update that fee to the current appraised values. That fee would increase to \$192,000 per acre versus the \$80,000 per acre it is right now. So, that's a significant increase. Development customers would pay more if they chose that option and that would allow the city to theoretically acquire more land to offset that canopy loss that wasn't provided.

Mr. Newton said if a developer or anyone for that matter were to cut down a heritage tree and then be required to plant a new tree, would that new tree be required to be a heritage tree?

Mr. Porter said we would require that tree to be protected. It would now be a code-required tree that it'd be protected in perpetuity until that site develops again and triggers new requirements. So, this is what we're recommending anyway. We're recommending that any mitigation tree planted by a developer for a heritage tree removal would thus become protected in of itself and it'd have to be preserved on site and the removal of it would need a permit from the city. So, I think that the mitigation approach would require more tree planting overall. Yes, heritage trees may be removed, but more trees will get planted back to offset the loss than we currently require today.

Mr. Newton said so I don't think that would be a true one-to-one comparison though because we're talking about a heritage tree which is a mature tree with significant tree canopy in its own right and then the new trees being planted. How long would that take for a new tree to reach that mature tree state where it would actually be a true mitigator

where it would provide the same level of tree canopy that the original heritage tree provides?

Mr. Porter said so, that's a great question, a good point. Yeah, the value of the trade-off of a heritage tree and the benefits it provides certainly is not equal on day one of replanting. So, those trees would take likely a few decades to get back to an even level of benefits being produced to offset the loss of the heritage tree.

Mr. Newton said I think it bears noting here that when we overlay our comp plan upon this, and we look at where that missing middle development will likely occur. I guess this gets to Councilmember Driggs' question regarding the impact and where that impact is going to be felt, which it sounds like you'll be tracking, but I do wonder about areas that might be exempt due to deed restrictions and covenants within those neighborhoods and us seeing a significant loss of tree canopy in maybe more vulnerable areas that we won't see replenished for decades. That's my concern in this and I would like to see a more one-to-one comparison personally.

Mr. Porter said okay, thank you.

Mayor Lyles said thank you, Mr. Newton. Tim, from what I've heard so far let me just try to see if I'm correct. The council has established a goal to improve the tree canopy loss. We've done some work in specific neighborhoods but we're looking at something we would like to do that would actually work with the goal of staying closer to what's possible in our state considering what we have to do. I guess what I'm struggling with is that while we have the deck here, I can't tell what's current and what's new and I can't tell. There are not fee numbers there. Well talking in a philosophy of the big picture now and if this is going to be in the UDO, it has to have more level setting and definite comments around it or information about it. So, I guess what I'm going to ask for is that if you had the existing ordinance and you had what you are proposing categorized in a way that would be comparable, that would be helpful for us to see what would change and you'd have to include how we would do enforcement as opposed to what we're doing now. So, it's a wide-open discussion it seems to me right now that isn't getting us down to what we would actually recommending and doing.

The second thing I think is that you've said there's a short term and a long term that you need more information to do some of the things that you think in the long term would result in helping our neighborhoods, but at the same time in the short term, you've got to collect the data. I can't remember who asked the question do we have the data to project what any impact of an ordinance would be in a way that we'd be able to define that expectation of what we're doing? I don't feel like we've got enough detail to have this discussion in a big way that we want to. First, we have a policy to mitigate the loss of trees in our city, second, we want to be consistent with what other communities in our state are doing so that we have that possibility of stretching where Charlotte may be, but not necessarily stretching too far. Then there's a process question of how would this look.

How would it work? Who's going to go out and do this and what fees? I think that, for me, I'm having a difficult time framing this as an action step, and I need some help to do that.

I just need some help to see what it was, what it is, and if there is data across the southeast, I'm assuming trees and heritage trees are like those zones of planning and all of that that you see in Southern Living Magazine, but assuming that what would be the difference and what would be the impact as we take this? It would be helpful to do that. Now I know Mr. Bokhari also wants to have remarks or questions. I think that I'm feeling lost on this. We're just feeling lost. Okay.

Ms. Craig said so, maybe what we could do for this one is come back maybe to the committee to tap and talk through maybe this comparable and begin there and then come back to the full council.

Mayor Lyles said I think that's a good idea. I understand the general tree canopy, but why this method and what results would be expected and how does that help us achieve it, what does it specifically change? I know that you've heard from other council members as well saying things like, "What does this mean for development?" I read the bulletin and it said something like, "What development could be a thousand-square-foot house," but that doesn't come across as we're talking about this. We've got to get something that we can really feel and understand, and I would like to ask the Mayor Pro Tem if this could come back and have further discussion. So, with that, we have two other items that are just as difficult. I'm going to recognize Mr. Bokhari and then we'll move on to the next topic.

**Councilmember Bokhari** said thank you. On the premise of what we've heard of the direct impacts, fees, the cost of replanting and adding additional trees, as well as the indirect time that it takes to go through the new process that expands and extends things. Have you guys done a formal quantitative impact analysis that lets us know what the incremental change to housing affordability this creates?

Ms. Craig said do you want me to take that Tim? So, in terms of housing affordability and development, I think what Tim is proposing in this provides some flexibility so those projects can be developed but still have a strong preservation intent. So, I think it's actually helping affordability by having some level of flexibility because our consultants have found that the way the heritage tree regulation is written today creates some serious challenges for bringing those types of products to our market. So, what we're doing here I think helps relieve the pressure of that.

**Councilmember Johnson joined at 3:55 p.m.**

Mr. Bokhari said yes, I have no doubt that current ordinances and processes are not optimal, but I think if we care about affordable housing the way that we claim we do, we need to be serious about the data and the approach we take to how are we impacting it because I can tell you with absolute certainty when we say that this process is going to

have to be permitted in this way and then reviewed, that means time is added to a process which means it costs more. When we say that twelve, 15, \$2,000 fines or fees are levied, that costs more and all those costs are ultimately passed on into the end product and that's directly impacting affordable housing. If it's a little better than it was before, I applaud that, I think it's great. I think we need to quantify that, and we need to know can we make it even better because if we go back to what the 2040 plan and the UDO are all about, being able to anticipate or predict what things are going to cost and what processes are going to be, their timeframes is one of a critical part that directly correlates to affordable housing. So, I hope we can take that as a follow-up, so we understand what kind of overhead we're adding to this ultimate process.

Ms. Craig said if I could just add a response to that. As part of our economic impact analysis, there is an affordable housing-specific focus group and what we are looking at is a suite of different ways in which we can remove barriers to bringing affordable housing to our community that we're working on as part of that and we'll bring to you at a later date, but it'll cut across different parts of the UDO to be able to help on the cost front as well as the speed front.

Mr. Bokhari said yes, and I applaud that as you know. So, I think though that just a final piece of guidance is if you have the ability to take what is obviously very complicated and have qualitative and quantitative factors that go into and bring it back to us even though there's assumptions that we'll note in a simple measurement. That's going to be most easy and an example of that is based on what we've heard many times, but we can challenge that, there's a 30 percent overhead that's placed in our processes that adds 30 percent of additional costs to things that are being rezoned and going through these permitting processes. So, understanding a baseline and then if what we're doing is bringing that down to 28 percent or up to 32 percent, it will at least be directionally correct and simple enough for us to understand what our decisions are doing and how they're impacting.

Mayor Lyles said thank you. We are now going to move to the second topic.

**Councilmember Winston** said so, they're a couple of things. I completely agree with the Mayor's assessment. We need to present this a little differently. I want to remind us that our tree canopy is not something nice to have, it's a must to have and it is not easily just straight one to one simply quantifiable to tie the mitigation of canopy loss to affordability because development in this city would not occur immediately or over time if it were not for our tree canopy. It is one of the reasons why this city has developed and grown the way that it has, and it continues to invite people here to exist in a plan that differentiates us. So, the main part of this land use exercise is to employ growth strategies that continue for us to grow. So, if we don't figure out this heritage tree portion, we lose one of the aspects that will continue to make us grow. It's quite different than just one-to-one cost. I will also say that there is a strong level of environmental justice here which we need to overlay.

Affordable housing is not affordable in the fact that it's quite expensive if it is not built amongst heritage trees. If you have an environment that does not provide the benefits of our city in every zip code of this city because you are just looking at balance sheets, then we are not meeting our goals. So, I would push back on Mr. Bokhari's point. I hope we don't just adopt that strategy of having a simplistic fiscal analysis to determine whether or not we move forward because we have to layer that environmental justice quotient over top of this. So, with that said I would like to address this a bit from a land use perspective, specifically a zoning perspective. One, I would also say before we make a decision, I think it's important that we get the county's feedback on here because heritage trees are not just about the tree canopy, they are about stormwater mitigation. To Matt Newton's point earlier, one of those things that you can't account for when you're replanting is that stormwater, that loss of permeable land. Heritage trees drink a lot of that water that would runoff into our streams and our system, so I would like to get the county's perspective and feedback, and position on this because it affects this.

So, from a land use perspective, forgive me if I'm mistaken but haven't, we been presented time and time again that says the largest canopy loss doesn't come from large developments but comes from existing single-family zone properties?

Mr. Porter said that's correct as an aggregate, yes.

Mr. Winston said okay, so if we're trying to mitigate the loss, shouldn't we aim for the highest marginal place to slow that loss down if we actually want to get to those goals?

Mr. Porter said yes, I would agree. Yes, we should target those areas to preserve and replenish the canopy as best we can.

Mayor Lyles said I think that what we have to do as a council makes that a policy decision and that's a good point again to say do we have data around it? Do we know what would happen? So, Mr. Winston, we'll ask the staff to give us as much information on that.

Mr. Winston said well hold on. I have a couple other questions.

Mayor Lyles said no I wasn't cutting you off. I was just commenting that we'd like the staff to give as much as data in your last question. So, thank you.

Mr. Winston said but that's kind of my question. Since we already know where the canopy loss is what the source of it is, what data are we looking for and what direction would we be going down in two years that we wouldn't be going down today?

Ms. Craig said Tim if I could jump into that. So, I think we understand where the canopy loss has occurred and single-family areas are in that type of place in our community, but it's hard to understand whether or not that's occurring because of a homeowner's decision to remove a tree or if it's due to a development type of activity. So, we don't fully understand that, and I think we've heard some concerns from residents that are

concerned about the cost of not being able to remove a tree from their property for whatever reason there is that they would like to do that. So, therefore the approach proposed is that in these areas we allow the tree removal to occur but require a permit so that we can understand exactly why the tree is being removed if it's a function of a decision that's made or if it's because of a development activity and then still require mitigation in those areas so that we are adding back tree canopy even if a tree is removed.

Mr. Winston said okay, so on existing single-family zoned properties and future single-family zones properties, this current revision to the proposal is stating that the landowner can cut down that tree no matter what. However, they have to get a permit and if they haven't presented some type of mitigation, they can still cut it down, but they would have to pay a fee. Is that what we're saying?

Ms. Craig said that's correct and this is an area where we have no regulations in this space today. Correct, Tim?

Mr. Porter said yes, that's correct.

Mr. Winston said all right, so I believe we're going to get sued no matter what, anyway we go. So, I believe that we should try to go as robust as possible, especially on the non-land development piece. I'm kind of comfortable on where the land development piece is going. I think it seems like the council is clearer on the other piece, but I would still like to get the county's perspective on that because we had a meeting with a couple of the county commissioners and planning director, and they definitely wanted to dive a little deeper into this. I would like to point out a lot of the data that has been coming forward over the past couple of days and weeks about corporate landlords we know that they are buying up single-family zoned properties and they will continue to do that. We in fact learned today, a couple of council members, that the professional organization is actually setting up their first office in the country here in Charlotte because of how much business they want to do in this market.

I would imagine they have a lot to say about this from their business model perspective. So, I am not comfortable with giving them a couple of years to take away from our canopy because it fits into their shareholder's interests. That doesn't fit our interests. That's a real concern. I think it's material. I think it's been backed up with facts and so I am really not comfortable. I think this is a big blow while we are doing more. I think it largely leaves the biggest facilitator of the loss of our tree canopy intact and in fact, it gives a runway to landlords that are well-positioned to take full advantage of this window of time. So, I hope we come back stronger because this is not making me feel comfortable. Thank you.

Mayor Lyles said all right, thank you. We'll now go to the next item which is the proposed UDO Zoning Districts.

Ms. Craig said so if you could advance the slides to the header that says parking.



**Councilmember Watlington** said so, just a couple of things. In your all's inbox, you should each have a copy of the Stone Creek resident's association's letter pertaining to some of the most impactful articles in the UDO. I would encourage you to please look over it and read it, and ask questions. One of the items that they did mention was the tree canopy and the impact of fees and permitting on those of us who are not corporate landlords or out-of-state owners, but those of us who are residents of the city and who are property owners and want to stay here and be able to do that in such a way that is affordable. I appreciate some of the comments before regarding how we're doing this review. It would certainly be helpful to have some of the things that the Mayor mentioned as well as a specific article section reference to be able to go to because as you're jumping through the UDO, having to flip back and forth to Article 40 to figure out which fees apply to which articles, it could be a little more clear.

That being said, I would like to lift up that for those folks who may be impacted by this, that may live in vulnerable areas like we mentioned Revolution Park that has a large percentage of heritage trees. You also have residents there who've been there a long time who may have dead trees that need to be cut down, things of that nature who would be severely impacted by these increased fees and need for permits. So, if we can make sure that we're considering the individual homeowners that live in this city as we put this together, that would be fantastic.

The other piece that I want to lift up is I can appreciate certainly the need for environmental justice, the need for sustainability, and preserving our tree canopy, all of those things have real tangible value and I think it's okay to quantify that and lay that up against the financial component of how that impacts the rest of our goals. It is not an either or it has to be both because that's the decision. It's how do we balance and prioritize the qualitative impacts. That said I think that it's very important that as we are making these decisions and even as we think about a timeline for this UDO decision, seems like there's a whole lot of questions and not enough data analysis to be able to actually analyze a decision. So, I would just caution us again that we do not lean forward into something where we know we don't have the information to make an educated and informed decision. It's okay to go do due diligence and understand the impacts because that's really what we should be deciding about, not a general or broad philosophy. That's all.

Mr. Bokhari said I mean that was exactly perfectly said and just to add on to that, it's one thing to cherish our tree canopy and recognize how important it is. How important it is for us to protect it and how important it is for us to recognize that it's a lot. It contributes a lot to our success, to the wins we have, to the growth we've experienced. It is quite another thing to say we love it so much we're just going to blindly jump in and say, "We don't need to look at that, we have to do this." Everything has a cost, and we can all agree on the fact the tree canopy is important while also saying quantify everything and show us the data because ultimately, we're going to have to make some decisions. We may very well make the decision that the canopy is worth this, but we have to understand how that impacts ultimately the affordability of the housing down the chain because this is how we

get into a spot where we can't be eyes closed on this side saying trees are important and eyes closed over here saying affordability is important. This is exactly why our ordinance Frankenstein spaghetti bowl of a mess has existed the way it has so far.

People didn't have the political will to say sidewalks in this scenario trump trees or vice versa and that's what we're supposed to be doing right now. So, I understand what Councilmember Winston is saying and I agree on the side that we need to cherish the trees, but not blindly. We really need to make sure we do the analysis so that when we make the decision, we know what that did to affordability, and we accept that. We don't try to pretend it didn't happen. Then the final point is I think we need to be real careful where we're headed right now because there's a fine line between incentivizing the outcomes we want and being creative and innovative and putting the work in and figuring out how to achieve a great tree canopy outcome. It's another thing to use regulation and in doing so penalize things and take away rights, particularly in a country that's largely founded around property rights. This is an incredibly slippery slope where we may end up going down a path where we cause more harm than good based on an approach we take. So, I'd really encourage us to look at how can we incentivize activity versus how can we just completely take what is ultimately in a lot of cases a lazier approach of completely shutting things out and saying they can't happen.

**Councilmember Eiselt** said Mr. Egleston did I just see you raise your hand? Okay, go ahead and then Mr. Newton. I know you all don't like it when I do this but, we do have four topics in total. We're getting into our second hour so just to keep in mind because I think everybody should express their views, but then when we go around again, I think it's really important to do that with staff, so they understand where you're coming from and then we're going to all really have to talk to each other to say what's a make or break, what's a deal breaker. We'll reach out to all of you guys to collect that information to see where we are, but I just want to keep that in mind because the other three topics that we have also bubbled up as the most critical topics. So, Mr. Egleston go ahead.

**Councilmember Egleston** said I just wanted to reiterate because I think that if folks are watching there could be confusion. If Mr. Porter could restate the details of this better than I can I'm sure, so I'll ask him to do that, but for our homeowners in areas that have a lot of heritage trees who might be dealing with a dead or diseased trees that need to come down, we have created a provision in any scenario we move forward where there's not a fee or a fine or a permit or whatever right Mr. Porter?

Mr. Porter said that's correct. Yes.

Mr. Egleston said right. So, I just don't think that was the intent of what was said but I think it could have been misunderstood by some who might have thought that we have not allowed for that. We certainly have and we want to make sure that there are trees that do have to come down for a variety of very legitimate reasons and we don't want to add extra burden to a homeowner who's already incurring some cost for those situations. So, I just wanted to make sure that's clear. Thank you.

Ms. Watlington said thank you, Councilmember Egleston, I appreciate that.

Mr. Newton said I have a quick question and it's really building upon Councilmember Egleston's question or point he just made. I missed that slide about the exceptions for non-land development customers that we're providing to be exempt from the permitting requirement or some of the harsher realities of that requirement. Is one of those exceptions safety as well? So, certainly disease and dead trees, but what if a tree that this is otherwise healthy, if it's presenting itself as a safety concern or hazard, say growing up against someone's home in an unsafe manner, root structures may be presenting safety concerns or issues. Would that constitute one of those exceptions to that permitting requirement for non-land development customers?

Mr. Porter said I think it could. It may be a little bit case by case in that scenario, but we are recommending the allowance of trees that are not dead, diseased, dying or obviously hazardous but per an assessment a certified arborist could be expected to fail or cause significant damage to a structure in one to three years from time of assessment. So, a tree may fall in that category and also qualify as not needing a permit for removal.

Mr. Newton said okay. I think it's worth fleshing out that criterion as well to maybe make an additional exception for safety concerns. That's all I've got. Thank you, Madam Mayor, Pro Tem.

Mayor Pro Tem said thank you, Mr. Newton. Okay, we'll go ahead. Alyson if you want to go on to the proposed UDO Zoning Districts.

**Laura Harmon, Planning Division Manager** said thank you, Alyson. Parking is another topic that we heard quite a bit about. We received a lot of comments, and we actually had a virtual session on parking and wanted to tell you all based on the feedback that we heard, what we are bringing to you as an alternative to what is currently in the draft UDO First, before getting into the details, what we typically heard and we even heard some of this from the council, is that our minimum parking requirements are too high. That we should look at reducing those, eliminating those. There was a reference to what Raleigh has recently done as far as eliminating their minimums and we have an alternative proposal as a starting point for discussion with you all on what we might do with parking.

Before I get into the specifics of what we're recommending, want to reference the zoning districts that we have because the parking requirements are based on three tiers, and we are proposing to maintain those tiers at least until we have further discussion, and they are based on the zoning districts. So, our neighborhood zoning districts as a reminder, have our neighborhoods 1-A through F. Those relate to the Neighborhood 1 Place Type. We have our Neighborhoods 2-A through C. We have two commercial districts. General commercial and regional commercial. Right now, we have three campus districts. We're looking at adding a fourth and two manufacturing and logistics districts and then an Innovation Mixed Use district, IMU. We then have center zoning districts that center zoning districts at the neighborhood center, NC, two community activity center districts, a

regional activity center district, an urban center, an urban edge, and four transit-oriented development districts or TOD (Transit Oriented Development) districts and then we also have a manufactured home park. Just going through those to remind you of the districts and you're also going to see them on the next slides.

Ms. Watlington said excuse me, I'm sorry. I'm trying to follow along. Are we in a particular article or is this sprinkled in throughout all of these zoning district articles as it relates to parking?

Ms. Harmon said we're moving into now the parking standards. These are just the zoning districts in the UDO that are referenced in multiple articles.

Ms. Watlington said right. Where are the parking standards that you're about to discuss? Is that just Article 19 or is it sprinkled throughout?

Ms. Harmon said I believe it is in Article 19. I don't have the exact article number, I apologize, but it is in a single article, the parking standards are. So, this is the three-tiered approach where we have Tier 1 where we have minimum off-street parking requirements with no maximum. These are the most auto or vehicularly intensive districts, the most dependent we think on having parking. We have Tier 2 where we have both minimum and maximum off-street parking requirements and it's really the middle ground. They're starting to urbanize, they're a little bit more urban than Tier 1 but not as urban as what we have in Tier 3.

So, in Tier 3 is where we have no parking minimums except for a limited number of uses in certain locations particularly when they're close to neighborhood one and then we have maximum parking in these areas. These include our TOD districts, and this is the approach in the TOD districts that you all approved a couple of years ago. We have our most urban districts, the urban center, which would be our new UMUD Regional Activity Center urban edge and the more intense community activity center district.

So, this is the approach that we have now. Our first recommendation in the interest of beginning to minimize off-street parking requirements is to move the neighborhood 2-B which is the middle district of our Neighborhood 2 Zoning Districts from Tier 1 to Tier 2. So, it would move to a tier that had a lower minimum and also a maximum off-street parking requirement. So, starting to move towards lesser parking requirements by moving that district, and then we'd like to go to the next slide and start to show you some of the changes that we are recommending as far as what the standards could be adjusted to. So, again Tier 1 which is used for manufacturing and logistics more suburban canvas districts, and manufactured home parks are Neighborhood 1 district, and our least intense Neighborhood 2 districts in 2-A would fall under Tier 1. They'd have minimum parking requirements, no maximum, but we are suggesting as an alternative for you all to consider reducing the single-family requirement from two spaces per unit to one space per unit and reducing for other residents in these districts to go from one and a half spaces per unit to one space per unit.

For non-residential, our recommendation is to go from one space per 500 square feet to one space per 750, so again that would reduce the minimum parking requirement. We do want to note that some uses do have different parking standards based on their unique characteristics like car wash and correctional facilities, but we would look at reducing the minimum parking requirement under this proposal for those as well.

If we go to the next slide, this is Tier 2, our middle tier and this applies to innovation mixed-use, the more intense campus district, and the Neighborhood Center District. We're recommending again moving that B District into this tier, also N2-C, which is the most intense Neighborhood 2 District, our commercial districts, and the least intense community Activity Center District. This includes the proposal we have minimums and maximums. We think that typically people will not over-park, but we do think that maximums are important in some cases just to manage the amount of parking and make sure that we're getting something that is consistent with the context in which they are located. So, here we're recommending reducing the minimum from one space per dwelling unit to .8 spaces per dwelling unit, reducing for nonresidential from one space per 750 square feet to one space per thousand square feet, maintaining the maximums that we have now. Again, we have some uses with unique standards based on their characteristics.

The Tier 3 we're not recommending changes at this point in time. Again, this is based on the adopted TOD districts. We think it's been working well. We haven't heard feedback that it isn't. It is focused on maximum off-street parking requirements, and I won't read to you the minimums and the maximums. We are a bit short on time, but to let you know that other than the minor changes that we have already proposed in the draft UDO, we're not recommending additional changes for you all to consider. Our next slide I believe is for discussion.

Mayor Pro Tem said okay, Denada's getting to it. So, while she puts that up, if you don't mind, I'll go ahead before I get that from Denada. Laura, in Tier 3 residential uses may be eliminated with a local city parking permit program. I'd like to know how serious we are about that because my concern for that is where TOD butts up to single-family neighborhoods. That again for me, this is all about transition and we are already seeing the impact of this. We had this discussion when we looked at rezoning the hotel site on Cleveland because there are three restaurants there that don't offer any parking and we're about to get two buildings there. One of which doesn't want to offer any parking and they don't have to buy right. That's all going to flow into the neighborhoods. It has to. So, I just need to know a little bit more about the parking permit program. Elizabeth's asked about that, the Elizabeth neighborhood, Fourth Ward has it. I believe they're the only ones that have it, but we have to be serious about allowing neighborhoods to have a parking permit program.

Ms. Craig said if I could jump in Laura. I mean I think what we're saying is that when you have those uses like restaurants and things like that next to those neighborhood areas, they would have to provide parking. Parking is required in these situations. If they want

to apply to not have parking, they would have to demonstrate a strategy or have a parking permit program. I know we have a limited number of parking permit areas in the city and it's something that we're talking to C-DOT (Charlotte Department of Transportation) about, could that be expanded, in the absence of that, then the parking would be required.

Mayor Pro Tem said but TOD doesn't require it and you're saying TOD is in Tier 3.

Ms. Craig said so TOD does when you have a restaurant or certain bars, or nightclubs when they're close to N1, they do have requirements.

Mayor Pro Tem said okay, I'll talk with you offline because I can tell you exactly which ones don't right now and they're parking in the neighborhoods.

Ms. Harmon said in the draft UDO that they would.

Mayor Pro Tem said they would.

Ms. Harmon said so current regulations they don't.

Mayor Pro Tem said so retroactively.

Ms. Harmon said it wouldn't be retroactive but going forward with the new regulations, we have made adjustments [Inaudible].

Mayor Pro Tem said they would be grandfathered in to not have to have parking.

Ms. Craig said we couldn't require them to have parking if it's already been built and permitted but all future projects would have that requirement.

Mayor Pro Tem said okay, that's good to know and that's for TOD?

Ms. Ajmera said thank you Madam Mayor Pro Tem. Can you go back to the last slide? So, we are not moving away from no parking minimums. Is that correct?

Ms. Harmon said we are looking at where we have parking minimums. Retaining them but having them be lower. On the last slide, the Tier 3, in most cases we would have no minimum. There are a few exceptions as Mayor Pro Tem was mentioning, but in most cases, we would have no minimum.

Ms. Ajmera said yes, so I need to better understand when we have no minimum and in cases where we will have a minimum. I know Raleigh passed no parking minimum so I'm trying to understand. That applied to everything. How is it different from what Raleigh just did?

Ms. Harmon said Raleigh eliminated minimums for all development.

Ms. Ajmera said so that includes even residential?

Ms. Harmon said everything. As we understand it, all development. Yes. We're bringing you a proposal that moves in the direction of Raleigh. Certainly, interested in hearing your feedback if you're interested in as a council removing all minimums.

Ms. Ajmera said yes, so I mean even if we don't have a parking minimum, we are just letting the market decide what the parking should be rather than the regulations decide and that's what Raleigh did. So, I think we've got to at least explore that because I know many folks are concerned about the cost of housing.

So, I think we got to explore no parking minimum, similar to what the city of Raleigh did, and letting the market decide what it should be. That might lead to some of the cost savings that developers have raised some concerns around how this could contribute to higher costs. That's all I have.

Mr. Winston said thank you. To Ms. Ajmera's line of questioning, what is the methodology that we got to the number for the minimums, and basically how did we get to one or .8? Why wasn't it zero?

Ms. Harmon said again, this is a little bit more art than science. We've looked at what a lot of the standards are across the country working with our consultant [inaudible] and I believe we have at least a [inaudible] online. We were looking at reducing from our original proposal. We are open to however the council would like to guide us if you'd like us to reduce it more. We're hearing a range of perspectives as we talk to different folks, so we can certainly reduce it more. There's no right way to do this. Every community does it differently and we can provide you with additional data if that would be helpful. We just need to know what would be helpful for you all as a council to make a decision.

Mr. Winston said I'll definitely be clear. I thought I asked for this before, and I thought other people had asked for this before. I would like to see an option with no parking minimums. I also don't mind seeing one without parking maximums. As Ms. Ajmera said, I think the market should decide where personal vehicle parking is needed. When we talk about affordable housing, as we spent a lot of time around that around heritage trees a few minutes ago, parking is the number one cost that you can look at. Parking deck structures, you're looking at least \$25,000 per parking space. That's a material quantitative analysis right there. So, if we want to reduce the ability and increase the types of housing, then we need to have the ability for buyer rights for housing and development to occur without mandated expensive parking to it. So, please provide one of those options moving forward. That would be really helpful.

Mr. Driggs said thank you. I have a slightly different perspective on this, which is developers will seek to avoid the cost of parking. It's only rational and their calculation will be, at what point if they cut back on the number of parking spaces, will the inconvenience that they create by not having enough parking spaces affect their own tenants? They're

not going to be sensitive to the external implications of cars parking on the street or on somebody else's parking lot nearby. So, I think that we need to look at the number of cars that need to find a place to park or are expected to park at a given location and make sure that they do incur the cost of accommodating those cars because otherwise, the impact on their surroundings of having people show up in cars and not being able to park is negative.

I think it's more a question of being quantitative and analytical about what those requirements should be. For how many people in practice at a given location are going to need to arrive in their cars and they need to be absorbed onsite because the presumption that there is on-street parking or that they could use other parking lots or whatever is a little antisocial. So, I would just like to see a better justification for what those minimums are. Thank you.

Mr. Egleston said thank you. I am glad that the changes we've shown here are moving us away from a more car-centric approach to a less car-centric approach. So, I think we are heading in the right direction. I agree with Mr. Winston, that I would also like to consider an option that takes that even further and I think that Ms. Eiselt's point about residential parking permits is related because I represent several of the neighborhoods that are most impacted by being as close as they are to commercial corridors, particularly eating and drinking establishments and things of the like that even when there's not parking, customers have realized that they can park a block or two away into the core of the residential area of the neighborhood. I do think that parking is an if you build it, they will come sort of proposition and I think that in areas where folks have time and again driven and found it to be very difficult to park, that is likely when they've gone back to patronize those businesses, more strongly considered using things like ridesharing apps. I think that's good from reducing drinking and driving, I think it's good for a lot of reasons.

I do believe that if we expand, and I know historically the city has not been real eager to expand our residential parking permit program, but I think where there is a concentrated desire from residents to participate in that program, and I think we could quantify the eligibility of certain neighborhoods in relation to how proximate the residential section of a neighborhood is to the commercial section. I do think by expanding the eligibility of neighborhoods that are in those kinds of situations, allowing them to have a resident parking permit, there will be a learning curve for citizens, but I think that we can move people more towards where we ultimately want them to be which is using alternative modes of transportation.

So, I think those go hand in hand. I think if we go the next step further as Mr. Winston has proposed and as I think several of us would like to see, I think that has to be hand in hand with what the Mayor Pro Tem has said which is expanding residential parking permits. So, I would like to see both of those things fleshed out a little further because we have done better her, but I think we could do better still. Thank you.



Mr. Newton said thank you. So, I have concerns regarding reducing the parking minimums across the board more particularly in Tier 1 and Tier 2. I understand that we want to be less auto-centric, at the same time, I just don't feel like it's practical to reduce these minimums across the board. I know that we are modeling ourselves upon Raleigh's initiative. I just want us to recognize the fact that we are twice the square mileage of Raleigh. We're certainly twice the population density, but I think the more compelling point to me is that we have twice the land area. That means that we have plenty of places within our city where there are not alternative modes of transportation available to the residents. It's harder for us to supply and maintain transit corridors and transit options for those reasons.

So, I'm not against us eliminating parking minimums in certain areas. I think we need to look at the location. I'm not against us doing it in areas that have plenty of transit options and other amenities, but I think it's really important that we recognize that there are other areas that don't and that it really creates a public safety hazard. So, it's safety for people's own person for us to ask that maybe they traverse areas or roads rather than be in a car and subject themselves to no sidewalks, what have you. Also, I think we should be mindful of those areas where there simply is no ability to access transit. As much as we want to move away from being an auto-centric city, I feel like there's areas where there is no choice for residents.

To Councilmember Driggs' point, I think in many of the equations, the developers balance when they're building developments, they're looking at unit count for profitability and us eliminating or reducing those parking minimums just means higher unit counts meaning a greater burden upon those areas and upon those eventual residents. Not everybody has the ability to choose where they want to live, and my fear is that we will be placing many people in a very precarious position where they do need to use their cars but they're not going to have those options. So, anyhow for me, I look at Tier 1 and Tier 2 in particular and I feel like it's a mistake for us to reduce those parking minimums and that's something I would definitely not be in favor of. So, that's my perspective. Thank you.

Ms. Watlington said thank you. A few things. I think we got to be careful just like we were talking about with the trees, we've got to ascertain what our priorities are based on the values that we're able to assign. So, back to that data piece because better is relative to much of what Councilmember Newton said. Certainly, there are places in our community where it makes sense for people who choose to live in certain areas where there is transit available to be able to have parking minimums or eliminate parking minimums. I'm also concerned like Mayor Pro Tem, living in a neighborhood where we're going to be even more so transitional versus higher density nearby. We understand it right now, we see it today that people will just park their cars along other residential streets that aren't necessarily even built to support that amount of traffic.

So, we've got to be practical about that and I think if we're going to have this conversation about eliminating parking minimums across the board, I don't think that that should apply to every area and I think it has to go hand in hand with what we're going to do to get

serious about investing in our transit because if we say people need to be able to get there, there and it's something that's accessible, it's got to be something that our public transit supports because everybody cannot afford to jump in a rideshare. I think they were talking about people who are traveling for leisure that want to go to certain neighborhoods over the weekend or to have lunch or dinner or whatever, but considering that our housing cost is rising, people that are working at these establishments that aren't getting paid high wages oftentimes have to live even further out and for them to drive in and not even be able to park to go into their workplace, I think that creates additional inequity.

In addition, if we think about leaving it to the market to determine parking minimums, I think about areas like the same neighborhoods we talk about that are vulnerable to displacement. The same neighborhoods we talk about where there's cheaper land, the same neighborhoods where we talk about seeing an increase in nonowner occupant homes, these are the places where they would be most susceptible to I'll say value engineered development and you'll end up with just another I'll say issue in these neighborhoods where we don't have sufficient parking because people are just throwing up lost cost development which we know is not going to translate into affordable housing because it doesn't have to because there are people in our city moving here every day that can afford to pay more and will pay more.

So, I think we've got to approach this with more of a targeted lens. I like the tier system. I'm not a fan of moving N2-B to Tier 2 just because I don't think that going down to the number, I think it was one. I can't remember. Can you go to the previous slide? Yeah, I already think that the existing Tier 1 areas need more than just one space per dwelling unit particularly here where you see the single-family and the other residential because again, we're already seeing it on our streets. I think about too, everybody that lives at your house. When you think about a residential parking program and you think about neighborhoods who may not necessarily be even organized, how does that impact someone that's coming in, your everyday resident that is not plugged in, where are you going to get these permits? How is that going to be enforced? What strain does that put on our police officers? Is that something that we're going to try to enforce through nonsworn law enforcement? What does that look like because essentially that just becomes people policing each other. So, I think we got to be a little bit more thoughtful about what the impact actually is on these neighborhoods that are in transition, and they are not right near transit.

I do have a question, and Councilmember Graham or staff, whoever is able to speak to it. Some time ago we approved a development for build in district two without any parking requirements and I was just curious how that's going.

**Councilmember Graham** said I think it's still under construction.

Ms. Watlington said okay.

Mr. Graham said so, we haven't seen the impact yet, but I'm very concerned. As you know I voted in the minority in that, and I'm very concerned for the same reasons many articulated.

Ms. Watlington said thank you. That's all for me.

Ms. Harmon said thank you, and Ms. Watlington, just to speak to that. That one has restrictions in their leases about having cars. There's two being built to NoDa right now I believe on the same street and a business owner on that street reached out to me and said already one of those buildings, 80 residents have moved in. They all have cars and they're parking.

Ms. Watlington said yeah, that's what I [inaudible].

Mayor Pro Tem said so, their businesses have been impacted because nobody can park there now. On the little street, all of those parking spots are gone where they were counting on that for their business. On Brevard, people are driving into the park there so they can take the light rail, so they're not paying for parking. So, I'm concerned that we aren't considering sort of a saturation point when you say you've got this little area and it's a great idea to let's get people to use public transportation, but if everything there is multi-family eight stories up that doesn't require parking, it's just not tenable.

Ms. Watlington said exactly. Exactly.

Mayor Pro Tem said so that example is already live and it's up and going. Mr. Bokhari?

Mr. Bokhari said yes, thanks. I really believe this topic right here has the potential if we get it right, to have the greatest impact on anything that we're going to do through this period. I say that because just think about the amount of time every month we spend in conversations that touch on one of two topics. Parking or traffic. The reason why is we've got a rule set as we know that is convoluted. It doesn't really hit the mark, it's a broad brush for unique situations and then we end up debating transactionally on a case-by-case basis, "Does this project deserve this?" That's why I think the answer here is actually not in the route that you're taking it. Right now, you're coming up with a simplified set of rules and there's this tier and this level and I think the problem is you can't approach this with rules that are hard coated because it will ultimately be too broad-brushed, and we'll still end up debating everything transactionally.

So, when I personally have to get involved in controversial and contentious rezonings in my district, what I use instead of rules is a real simple process. It's three principles. Principals are much higher, they're more aspirational in what they are attempting to achieve, and to me, they are one, you're not responsible for solving the problems of everything that existed there before you. Two, you are responsible for mitigating the impact of new things that you're building there in within the reason of by right, and then three, if it's over and above. If you're asking for over and above what you should be able

to do there by our rules, how does that equalize out based on the benefits to the community and other concessions you're doing?

So, I think we could take a principal approach to this to say, "All right, here's how we're going to do it," and the example that was just said a minute ago I think is good, instead of saying how many exact cars per spot that we have, we say, "You're going to mitigate whatever you do, and whatever you do at that point you're going to also have to enforce it." So, if you come in and want one space per unit then you have to show us that you're going to build that out and that you're going to enforce it every single day for the people that are residents there and all those things and that we're not going to have to worry about it. If you want five spaces, great, you're there and you do the same thing so that way we're not in the business of trying to make transactional decisions. We say you've mitigated what net new impacts you've created in this environment and a number of cars and if you want below a certain amount that's minimum or above a certain amount that's maximums, it's fine. You're the one that's got to make sure you handle that. That will get us out of that business entirely.

Mr. Phipps said yeah, I can hear what Mr. Bokhari is saying and to a certain extent also what Ms. Watlington was saying too. I'm curious as to those areas where you want to consider expanded residential parking permits, I mean the practicality of that is who would we be depending on to enforce that and how would we seek enforcement of that? Does anybody know?

Ms. Craig said the same way every other city does.

Mr. Phipps said so, I don't know. I mean do we know how other cities have been doing, their success rate in enforcing those parking permits? I mean I'm trying to figure it out.

Ms. Craig said I mean I think that's probably a discussion we could have offline, but I think there are different ways in which cities manage their parking permits and that's generally done through our Department of Transportation, and we can have a discussion with CDOT and Planning on that topic.

Mr. Phipps said talking about like parking or something. They're rolling around in little golf carts or something handing out tickets or something to that effect.

Ms. Harmon said I think that's part of the challenge of a parking permit program is the enforcement aspect of it.

Mr. Phipps said right. I think it might be easier said than done and I don't know how. I also have concerns about limiting parking minimums because I think we're going to be asking for more problems and more complaints by residents complaining about the lack of parking even for their own residences. I mean it's a good debate, a good discussion.

Mayor Pro Tem Eiselt said thank you. It looks like that's the last question. Do you want to go to the next topic?

Ms. Craig said yeah. Let's go ahead to the next topic. Laura, can I tee this up really quickly?

Ms. Harmon said sure.

Ms. Craig said so when we were working on the policy map there were a lot of questions about adjacencies and particularly as it relates to centers and other place types adjacent to our Neighborhood 1 area. So, in the first draft of the UDO, we recognized that that was probably something that was outside of the policy map process and something that needed to be in the regulations. So, we had a draft in the first draft of what that transition from our neighborhood areas could look like and we want to remind you of that and then talk through some other alternatives that we've been considering. So, Laura will walk through those.

Ms. Harmon said thank you. This is what is in the current draft of the UDO and we're really looking again at properties that are abutting the Neighborhood 1 Place Types. So, that's where you're next to your less intense residential, having a standard that would limit your height to 65 feet for the first 200 feet from the lot line of a property that is in a Neighborhood 1 Place Type. Then after that, going to the maximum Zoning District height for that property. This is what is in the TOD by in large and so we borrowed from that. So, we've heard again as Alyson said some feedback on that and have a couple of alternatives to share for you all to see how you feel about those alternatives and whether you think they're improvements over what is in the draft.

So, this is the first alternative and that would be to limit to 50 feet in height for the first 100 feet and then the next hundred feet would be 65 feet in height, the same as what's in the draft UDO for that area, and then you would go to your maximum zoning district height. We're going to show you in a minute something that compares all three of these. So, that is the first alternative we have. The second alternative is a little bit different and that is to limit your height to 40 feet for the first 75 feet and then after that include a height plane where you would increase your height one foot for every two feet that you horizontally moved away from the Neighborhood 1 Place Type and that would occur until you got to 200 feet from that Neighborhood 1 place type. Then, you would go to your maximum zoning district height.

What you can see are the three alternatives. One is what is currently in the draft, the second one is alternative A and the third one is alternative B. Just to compare alternative B, you have lesser height when you're closer to the Neighborhood 1 Place Type but as you move further away, you can see that area in pink where you would have a greater height than you did with alternative A, and what we currently have in the draft. Alternative A you can see compared to the draft, just reduces your height for that first hundred feet and then you are what is in the draft. So, this is the comparison we have, and I think if we

keep it on this slide, it would probably be easiest for discussion. We'd be glad to go back and answer any questions you have on that [inaudible].

Mayor Pro Tem said yes definitely this is the right slide, but Laura where does it start? So, the current ordinance says 20 feet off the lot line you can go to 40 feet. So, is 20 feet still in there?

Ms. Harmon said yeah technically the measurement starts at the lot line, but you are required to have a landscaped yard and you would really not be able to put your building any closer than the landscaped yard.

Mayor Pro Tem said which is how many fees?

Ms. Harmon said it depends. It's either 10 or 25 or there's an even greater one for districts like the manufacturing and logistics districts.

Mayor Pro Tem said so, draft one alternative A and B takes out the 20-foot requirement that's in the current ordinance.

Ms. Harmon said it does, but if we put the current ordinance on top of this, the heights are actually greater than what is allowed by the alternatives we have here. So, this is a moderation and we'd be glad to share that. We didn't want to put more lines on here because it gets really confusing, but it would be greater heights than the proposals we have here.

Mayor Pro Tem said I appreciate that. I would like to see a minimum off the lot line because those trees could die and who knows? It seems to me you still have to have a minimum off of the lot line because the picture of that house there looks like it's a lot further away than 20 feet off their lot line, but if it were actually whatever the setback is, allowance to their lot line, you still could get pretty darn close to a tall building. I think that's the key. I do appreciate the transition. Mr. Winston.

Mr. Winston said yes, thank you. So, looking at the draft and the alternatives. Is there a difference in the developable amount of height or do these all equal out to each other?

Ms. Harmon said so, there would be some difference in that. Alternative A is certainly less than you could build under the current draft because you see that light blue area, that area you could not build in compared to the current draft. We can go back and do the actual calculations on this. We'd have to make some assumptions that you're going to have a building that's big enough to go to 200 feet, but we could go back in and give you the specifics on what that would be. You could see alternative B would be less than the draft in the area where you have the light green and the light blue, that would be what would be less and then you would get more than what's in the draft in that pink area. So, alternative B would be probably somewhat less but that's also assuming that you're building your building that close to the Neighborhood 1 Place Type lot line. In a lot of

cases, you're going to have parking and structure parking and things like that, that are going to be under that height and the height really does occur further away.

So, we could show you if you used all of your site what would the difference be but certainly if you had buildings that were further away from the lot line what you might lose, or gain would vary depending on the alternatives.

Mr. Winston said also is there any type of consideration? I know we're comparing for instance on the backside how it abuts residential neighborhood Place Types, but how about how they interact with transportation corridors? So, I think we want our most intense development on our busier streets and less on our neighborhood streets for instance, but we have neighborhoods throughout the city, whether you think about the Central Avenue corridor, Graham Street, South Boulevard where we have either made transit investments and transportation investments. For instance, Central Ave I think has the highest frequency and ridden bus route, so we want the development intensity to be on those streets. So, if we limit that intensity because of the height, don't we potentially over time threaten to encroach into the neighborhoods with more intense development because they wouldn't be able to go up, they would have to continue to go wide? Have we considered anything like that or those types of effects on neighborhoods?

Ms. Harmon said so what we have done here and where we really do take that into account is your maximum height in that district and we're continuing to look at those to see if we should make some adjustments. Your maximum height if you're near a transit like a light rail line, is very high compared to what you could do in the area closest to neighborhood one. So, what we're really trying to do is say let's protect the area that is close to neighborhood one, and let's let the heights go high when you're a little bit further away to minimize the impact on those neighborhoods. I think we have enough land in our community and what we will be zoning through the UDO that it would not push into the neighborhood one neighborhoods, and if it did it would require rezoning and a lot of consideration by the residents and the council in making those decisions.

Mr. Winston said yeah, I think this is on a good path. Again, my concern, the ascent rezoning is a perfect example of this. How do we balance our values in terms of neighborhood Place Types versus the types of development that we want to see on transit or transportation-intensive corridors? I don't know how we define that or quantify that, but I think it's important in dealing with this piece.

Ms. Ajmera said thank you Madam Mayor Pro Tem. Can we get an example of what the current requirement is and what is proposed? I'd like to see it in pictures just to really get an understanding. We often hear from residents where higher structures tower over their single-family residences. So, I just want to get a better idea of how this would look under a proposal compared to what is currently.

Ms. Harmon said we can provide that, yes.

Ms. Ajmera said okay.

Mayor Pro Tem said I sent you all a picture of an existing one that is 20 feet from the lot line. They can go up starting at 40 feet.

Ms. Ajmera said Julie it would be great to have side by side, current versus proposed so that the council gets to see if this proposed change was to be adopted this is what it would look like, or it might look like. Thank you. No that was for staff not for you Julie.

Ms. Craig said I think we can skip the next one [inaudible].

Mayor Pro Tem said you sure?

Ms. Craig said yeah, yeah.

Mayor Pro Tem said okay. That's it. If we are done with the height transition, Alyson thinks that we're okay to close out with that. We do have the opportunities to bring these things up still in transportation planning. We have two meetings this month, so we really do want to get through this, and I'm going to reach out to everybody too. I've been trying to take notes on what everybody's highest priorities are so that we can really try to get through it and see where we can come to an agreement on to get this done with this council. Okay if nobody else has any other questions then we'll go ahead and wrap up.

Ms. Watlington said I do have a question. I'm sorry. It's not specific [inaudible]. Forgive me if I missed it, it's a process question. This is the first of several workshops. Is that the case?

Mayor Pro Tem said if this is the first of several workshops?

Ms. Craig said we appreciate the time that you all are providing to comment on these topics as we work through what the draft and ultimately the document will look like. So, certainly appreciate having these workshops. If you find it valuable, we do as well.

Ms. Watlington said gotcha!

Mayor Pro Tem said yes, I agree. That's a great question. I think they're valuable because it also helps. I think we all have different things that are really on our minds especially depending on the district you're in. So, it's really important to bring these things to light and hear from each other what's most important. So, I'd be in favor of that. Okay, with that, do I need a motion to adjourn?

Mr. Driggs said Mayor Pro Tem it's Ed. Are we not talking about zoning translation and alignment at this meeting?



Special Meeting  
May 5, 2022  
Minute Book 156, Page 58

Ms. Craig said just in the interest of time, we thought we'd bring that to TAP (Transportation Action Plan) on the next TAP meeting just since we've held you past your time.

Mr. Driggs said I appreciate that.

Mayor Pro Tem said thanks everybody.

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### **ADJOURNMENT**

The meeting was adjourned at 5:08 p.m.

  
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Billie Tynes, Deputy City Clerk

Length of Meeting: 2 Hours  
Minutes Completed: June 26, 2023