

Downtown Commission Meeting
Minutes of February 10, 2017
8:30 a.m.
1st Floor North Conference Room - City Hall

Present: Chairman Adrian Vassallo, Presiding; Vice-Chairman Michael McDonough; Mr. Dane Barrager, Mr. Brent Campbell, Ms. Franz Charen, Mr. Byron Greiner, Councilman Brian Haynes, Mr. Jimi Rentz and Ms. Ruth Summers

Absent: Mr. Jack Bebber and Ms. Pamela Winkler

Chairman Vassallo called the meeting to order at 8:30 a.m. and informed the audience of the public hearing process.

Administrative

- Mr. Greiner moved to approve the minutes of the January 13, 2017, meeting. This motion was seconded by Vice-Chair McDonough and carried unanimously.

Updates

Asheville Downtown Association

Mr. Greiner said that the Asheville Downtown Association reviewed and approved their operating budget.

Parking Rates and Proposed Increases

Parking Services Manager Harry Brown explained the parking rates and proposed increases of the parking meter fee rate from \$1.25 per hour to \$1.50 per hour and garage fees from \$1.00 to \$1.25 per hour, which will be before City Council for consideration on February 14, 2017. The most significant asset belonging to the Parking Enterprise Fund is the parking garages and it is crucial that they are maintained in such a manner to ensure a long and cost efficient service life. The Civic Center Parking Garage is now 40 years old and a recent structural analysis has confirmed that its service life can be extended by 30 years if we commit to spending \$9.0 million on it over the next 30 years (which is an average of \$300,000 per year). A structural analysis is now being done on the Rankin Avenue and the Wall Street parking garages and those costs will be included in future years. Due to these needs and the numerous parking-related needs that continue to come up, staff has now created a 10-year capital improvement projects plan to help address the needs. The current plan includes; but not limited to, projects to modernize the elevators in the three oldest parking garages, to replace the existing parking meters with smart (credit card) meters, and to extend the Civic Center parking garage service life. The 10-year capital improvements projects plan will be reviewed annually and appropriate adjustments will be made which might trigger the need for parking fee rate increases.

Staff is moving forward to replace the existing parking meters within the next two years (including the current fiscal year) so that we will have more options available including extending enforcement hours, having the ability for variable pricing by location and/or time of the day or season, and having the ability to make parking fee rate increases effective much more quickly compared to today (currently, it can take up to three months because of the age and condition of the existing parking meters).

Mr. Brown responded to several questions/comments from the Commission, some being, but are not limited to: are there any plans to install energy efficient lighting or some type of motion detector lights in the Civic Center Garage, which lights are on 24/7; suggestion to increase

monthly rates at the City garages to help with the deficit of parking in the Central Business District, since currently the monthly parking fees are: Civic Center Garage is \$80, Wall Street Garage is \$90 and Rankin Avenue Garage is \$100; is the City looking at installing parking meters in west Asheville and Biltmore Village; suggestion to do land-banking for additional parking garages downtown; what are the monthly rates for the 51 Biltmore Avenue Parking Garage; will the lot the County has been using next to the bus station be available for parking; how will the Parking Enterprise Fund be replenished if the Haywood Street parcel is not used for parking; how much does the Parking Enterprise Fund transfer to the Transit Fund annually; suggestion to stop transferring Parking Enterprise Funds to the Transit Fund in order to fund parking garage improvements; how many Parking Enforcement Officers are on the street and has been been discussion about increasing that number; has there been any discussion about increasing fines, i.e., the overtime parking fine and the loading zone parking fine, and if those fines are increased, the revenue could also be used to help fund the parking garage improvements; and increasing parking meter rates seems premature to do before the Comprehensive Plan is adopted.

Ms. Summers recommended the monthly parking at Civic Center Garage, Rankin Avenue Garage, Wall Street Garage and the 51 Biltmore Avenue Garage be \$120 for 24 hours. She felt the City is penalizing the people who park in the 51 Biltmore Avenue Garage differently than people who are parking in the other garages. By having them uniform, you may find out there may be more transient spaces in the decks. She didn't think the rates being charged are comparable to what other cities charge for monthly parking.

Chairman Vassallo recommended that City staff look at fine increases and more Parking Enforcement Officers on the street as part of this plan, and not just focus on the capital issues.

Ms. Summers moved to recommend the addition of Parking Enforcement Officers, increase of fines for loading zones and other locales in downtown, and uniform all the rates for the parking garages. This motion was seconded by Mr. Greiner and carried unanimously.

Public Space Management

Downtown Development Specialist Dana Frankel updated the Commission on downtown public space management and other downtown initiatives. Staff is continuing to work with City Council, the Council's Public Safety Committee and stakeholders to develop a multi-faceted approach intended to address the management of public space within downtown. Goals of the Public Space Management initiatives are primarily to support safety and place-making. The last update provided to the Downtown Commission was on November 11, 2016, and included information about "Walkable Wall Street", a pilot program incorporating temporary vehicular closures on Wall Street, as well as the launch of a pilot program for managing street performances.

Regarding Walkable Wall Street, the second Walkable Wall Street is scheduled for Saturday, February 11th, with the theme of "Love, Light and Community." The street will be closed to vehicles from 4 – 9 PM. Businesses and community members will have the opportunity to decorate and place battery powered luminaries in and along the street.

Regarding the Street Performer ("Busker") Pilot Program, she said the pilot program launched on November 11, 2016, and will continue for one year with opportunities for feedback from stakeholders and the general public and guidance from the Public Safety Committee through quarterly updates. The program incorporates two "high impact areas" marked with artistic symbols, where only one audible performance can take place within 120 feet of center points. A brochure was developed in collaboration between City staff and the Asheville Buskers Collective with more information about the pilot program, and other regulations relevant to street performances. The Downtown Commission is represented by Byron Greiner as part of a stakeholder group dedicated to tracking the program and considering next steps.

Regarding Reducing Congestion and Placemaking, placement of street furniture and vendor carts, and other place-making improvements are being considered throughout downtown, particularly in congested areas. Changes to seating, vendor location and added beautification is underway for the southwest corner of Biltmore and Patton Avenues at the direction of the Public Safety Committee. New benches and planters will be installed in the coming weeks, trash cans will be slightly relocated, and staff is working with the pushcart vendor to relocate for the 17/18 season.

Regarding tree maintenance, a permit has been issued to remove a dying maple tree on Walnut Street near the corner of Broadway Avenue; the branches are a safety concern. Asheville Downtown Association, Downtown Asheville Residential Neighbors and adjacent businesses have been notified. In coordination with the Public Works and Planning Departments, staff would like to work with Downtown Commission's Design Review Committee to advise on tree removal and tree pit procedures.

Regarding the Downtown Open Office Hours, on the third Thursday of every month, staff will be available at the Pack Square Park Pavilion to share information, answer questions and discuss ideas about downtown with citizens. Downtown Development Specialist Dana Frankel will be available, joined by representatives from various departments. On February 16, Harry Brown, Parking Services Manager will be joining.

New Business

Downtown Design Review - Asheville Art Museum

Urban Planner Sasha Vrtunski said that the Commission approved the demolition of the portion of the Asheville Art Museum at 2 South Pack Square at their meeting last month. This project was approved by the Downtown Commission in 2009 and then they took time to raise funds. The approval expired after two years. Overall, it will be a 4-story new building that fronts the square. The building height is almost 38 feet. They have met all the fenestration requirements, and the sidewalks will be 10 feet or greater. The project meets our design guidelines, the Unified Development Ordinance (UDO) requirements, as well as meeting some of the Secretary of Interior Standards.

Ms. Pam Myers, Executive Director of the Asheville Art Museum, introduced several individuals who have been very involved in the development of this project. They did an earlier design review in 2009-2010. They have had a very successful fund-raising and they are excited to bring this project to the community.

Mr. Brian Moffitt, project architect, briefly reviewed the design of the project. Using a materials board, he showed the exterior elements in the design. They are only affecting the Art Museum and not Pack Library or the Diana Wortham Theatre. He showed various elevations, sketches and views, including the shadow study, which will not shade the park. They do have one piece of mechanical equipment that is actually on the part they are renovating - an existing cooling tower and it will be screened. They have also been working with the City and the N.C. Dept. of Transportation to understand how we protect pedestrian access throughout the project. They are in compliance with the UDO and the design guidelines.

Ms. Myers and Mr. Moffitt responded to various questions/comments from the Commission, some being, but are not limited to: what is the increase in programmable art space; and how many people will the atrium hold.

In response to Ms. Summers, Mr. Moffitt said the cooling tower on the roof will be screened. Using a sketch, he said that there will be a multi-purpose café on the roof. Ms. Myers

said that they have been meeting with focus groups to seek input into the café. Since they do not intend to go into the restaurant business, they will partner with someone in town.

When Chairman Vassallo asked about the perforated panels that will be partially lit from behind, Ms. Myers said there will be a soft glow to frame the permanent collection and improve their ability to secure and protect the plaza area as well.

Ms. Myers also noted that they are working with a design team on the fence wrapping to create interactive public art on the construction fence. She said that they will work with the City on what is appropriate and what will fit into the City's guidelines on advertising.

Chairman Vassallo opened the public hearing at 9:29 p.m.

Ms. Ann Kimmel felt this is a huge asset to our community.

In response to Ms. Sage Turner, Mr. Moffitt explained what is shown on the plan is an emergency exit stair.

Chairman Vassallo closed the public hearing at 9:30 a.m.

Mr. Greiner moved to recommend approval of the Asheville Art Museum as presented based on site plans, elevations and materials submitted and discussion heard during this review. This motion was seconded by Ms. Summers and carried unanimously.

Old Business

Discussion of Proposed Development Review Amendments for Hotels

Assistant Director of Planning & Urban Design Alan Glines briefed the Commission on the development review amendments which will be considered by City Council on February 14, 2017. Staff has provided a set of related revisions to the development review process as directed by City Council after a large amount of community discussion and consideration. Site plans are currently reviewed based on size or height as Level I, II or III projects. The detail of the review of each increases with each level allowing larger, more complex projects to receive a higher level of attention and input.

In December 2015, staff from the Planning and Urban Design Department presented information to City Council to understand and address concerns about the recent development in the downtown area and the expansion of hotels since the adoption of the Downtown Master Plan and the Central Business District (CBD) zoning changes in 2009 and 2010, respectively. At that meeting City Council directed staff to conduct a series of public engagement activities around this topic that included a public forum, an on-line survey and presentations and updates to a variety of community stakeholder groups. Staff presented these results and recommendations from the Downtown Commission (developed at a Special meeting in September 2016) to City Council at their meeting on September 27, 2016. During this meeting, Council directed staff to coordinate the following efforts:

Actions from Downtown Planning and Development Policies

1. Consensus of Council to direct staff to prepare a wording amendment to the Unified Development Ordinance to amend the development review threshold of Level II projects to 20,000 square feet to 100,000 square feet or under 100 feet tall throughout the City.
2. Consensus of Council to direct staff to prepare a wording amendment to Unified Development Ordinance to amend the development review threshold of Level III projects throughout the City to anything over 100,000 square feet or 100 feet tall, which would require

a rezoning and which would follow that process; and to establish certain incentive criteria for developers wishing to build residential.

3. Consensus of Council to direct staff to explore using the rezoning process outside of the Central Business District, especially in areas where mutual agreement would like to be reached.
4. Consensus of Council to direct staff to prepare a wording amendment to the Unified Development Ordinance to make lodging facilities with 20-25 or more rooms throughout the City a use which would require a rezoning and which would follow that process.
5. Consensus of Council to direct staff to prepare a wording amendment to the Unified Development Ordinance to increase public notification for Level II and Level III projects in accordance with staff's recommendations.

In response to the Council directive, staff have prepared this wording amendment. The main change is that Level III developments will be defined and considered a *use* in the land use table. Level III developments are only to be permitted in the newly created *expansion districts* which a developer will apply to rezone the property into, through the conditional zoning process. The process is outlined as follows:

Proposed Changes to the development review process

- A. Proposed changes to the development review process inside the CBD (7-5-9.1):

| <p>Level I <i>Over 500- 19,999 s.f. and projects that do not qualify as a Level II development</i></p> | <p>Level II <i>20,000-99,999 s.f.; and/ or buildings less than 100' tall</i></p> | <p>Level III Development requires a rezoning <i>Aligns with standards 100,000 s.f. or more; buildings 100' or taller; lodging with 21 or more guest rooms</i></p> |
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| Pre-application (optional) | Pre-application required. Applicant for a Level II development for site plan review | Pre-application required. Applicant applies for a rezoning to the Central Business Expansion District as a conditional zoning |
| Applicant submits directly to staff | Developer meeting: Developer holds a meeting for neighbors, posts the site and includes property owners and tenants within the notification range. | Developer meeting: Developer holds a meeting for neighbors, posts the site and includes property owners and tenants within the notification range. |
| Initial review is complete within 10 days | Applicant submits to DSD for review by the Technical Review Committee (TRC). The development mapper is updated with plans. | Applicant submits to DSD for review by the Technical Review Committee (TRC). The development mapper is updated with plans. |
| | TRC performs a <i>ministerial</i> review and provides a recommendation considered by both the Downtown Commission and the | TRC performs a <i>ministerial</i> review and provides a recommendation considered by both the Downtown Commission and the Planning & Zoning Commission. |

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| | Planning & Zoning Commission. | |
| | Downtown Commission performs a design review for the development project and makes a recommendation to the Planning and Zoning Commission. Notice for the project includes letters to neighbors and posting at the site. Website to be updated with current meeting agenda. | Downtown Commission (DTC) performs a design review for the development project and makes a recommendation to the Planning and Zoning Commission. Notice for the project includes letters to neighbors and posting at the site. Website to be updated with current meeting agenda. |
| | Planning & Zoning Commission performs a final <i>ministerial</i> review Process follows prescribed notice and meeting schedule to include neighbors and published notice and site is posted. Website is updated. | Planning & Zoning Commission (PZC) performs a <i>legislative</i> review & makes a recommendation to City Council. Process follows prescribed notice and meeting schedule to include neighbors, published notice and site is posted. Website is updated. |
| | | City Council reviews the development plans and conditions, considers the recommendation of the DTC and PZC and considers compliance with adopted plans and the Comprehensive Plan. Council and applicant agree to a specific set of conditions. Since the process is a rezoning, Council and the applicant may discuss the application and conditions before the actual hearing. |
| | | Process follows prescribed notice and meeting schedule to include neighbors, published notice and site is posted. Website is updated. |

B. Proposed changes to the Level III development review process for areas outside of the CBD (7-5-9):

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| Level I | Level II | Level III development requires a rezoning |
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| Over 500 -34,999 s.f. or 3-19 units | 35,000-99,999 s.f.; or 20-49 residential units (Process as proposed by a related ordinance) | Aligns with standards 100,000 s.f. or more; 50 or more residential units; lodging with 21 or more guest rooms |
| Pre-application (optional) | Pre-application required. Applicant for a Level II development for site plan review. | Pre-application required. Applicant applies for a rezoning to an Expansion District that is most applicable to the proposed use(s) as a conditional zoning |
| Applicant submits directly to DSD. | Developer meeting is required: Developer holds a meeting for neighbors including property owners within the notification range | Developer meeting required: Developer holds a meeting for neighbors, posts the site and includes property owners within the notification range |
| Initial review is complete within 10 days | Applicant submits to DSD for review by the Technical Review Committee (TRC). The development mapper is updated with plans. | Applicant submits to DSD for review by the Technical Review Committee (TRC). The development mapper is updated with plans. |
| | TRC performs a <i>ministerial</i> review with approval or denial of the project. The site is posted as to the meeting date and website address for development plans. | TRC performs a <i>ministerial</i> review and makes provides a recommendation considered by the Planning & Zoning Commission |
| | After a decision is reached, a letter is sent to neighboring property owners regarding the technical decision. | Planning & Zoning Commission (PZC) performs a <i>legislative</i> review & makes a recommendation to City Council. Process follows prescribed notice and meeting schedule to include neighbors, published notice and site is posted. Website is updated |
| | | City Council reviews the development plans and conditions, considers the recommendation of the PZC and considers compliance with adopted plans and the Comprehensive Plan. Council and applicant agree to a specific set of conditions. Since the process is a |

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| | | rezoning, Council and the applicant may discuss the application and conditions before the actual hearing. |
| | | Process follows prescribed notice and meeting schedule to include neighbors, published notice and site is posted. Website is updated. |

Expansion Districts (7-8-1; 7-8-2) - This wording amendment provides for the addition of the seven proposed expansion districts that apply to the Central Business District and the following use types: residential, institutional, commercial, lodging, industrial, and mixed use. Each expansion district has a corresponding set of development standards that recognize the added impacts that larger projects can generate. With projects of larger scale, a higher level of site development and design are needed. Generally the standards focus on the placement of new structures, placement of parking areas, access and mobility to and around the site and buffering impacts to neighboring residential uses (if applicable). These standards comply with goals in the city's comprehensive plan to enhance connectivity, placemaking and usability for larger projects within the city.

There will also be the addition of 'Level III development' to the land use table to permit this larger scale of development only in the new expansion districts; and also various other revisions to articles in the UDO.

In the staff report to Council, staff feels this wording amendment supports the City's Comprehensive Plan by 1) promoting compatible infill and redevelopment in areas with sufficient infrastructure to support the development; 2) following a reasonable and effective public participation process through public notice and neighborhood meetings; and, 3) encouraging place making and a higher quality of design in the built environment.

At the Planning and Zoning Commission meeting held on February 1st, 2017, the Commission voted to recommend denial of the proposed amendments on a vote of 6 to 1. The Commissioners were concerned about the change in the thresholds for downtown, where growth is expected with some commenting that the amendment is an overreaction to growth in general and to hotels in particular. There was some concern that with the conditional zoning process, a developer may have no clear understanding of what is necessary for a project to move forward and that predictability will be lost. There was also concern that, should the amendment be passed, that development will be curtailed and new proposals will stay within the Level II threshold to avoid the public process.

Staff recommends approval of the wording amendments modifying the Level III development review process, adopting new expansion zoning districts, and other associated amendments because of community support to amend the review process and scale of development and consistency with the Comprehensive Plan and other adopted plans.

Vice-Chair McDonough felt that the Commission should be made aware of what is being presented to Council, noting that Council's direction to staff was after they heard the Downtown Commission's recommendations. Regarding hotels in and around the Central Business District, they did not take a position, but said that if City Council decides that hotels should have a different review process, the Commission would recommend that the standards for hotels be very clear, and that expectations are consistent so that developers know what is expected and that the process is not politicized. That was voted on with a 7-1 vote.

Ms. Summers and Mr. Greiner felt that it's important that all new development in the Central Business District (not only the lodging use) should provide parking. A discussion took place about introducing minimum parking requirements for new development, and specifically for hotel development.

Chairman Vassallo felt that politicalizing the process for hotel development might not actually result in better projects. He felt there is nothing in this proposal that really makes it clear for developers what they should do. It's not fair to a developer to invest that kind of money to get all the way to Council with no clear idea of what they want.

Mr. Barrager agreed with Chairman Vassallo and said if we are going to impose additional restrictions on developers, we need to make it clear up front what those restrictions are. He felt there will be unintended consequences and that people will develop in the County and we will have urban sprawl. Plus, visitors will have to drive into the City and make the parking situation worse. In addition, they will be getting City services, but they will be paying property taxes to the County.

Mr. Glines responded to Vice-Chairman McDonough when he asked how the proposed wording amendment encouraged place making and a higher quality of design in the built environment.

Mr. Campbell didn't see this as necessarily political, it's democratic. People are voting for City Council. The Council members are pretty transparent on how they will stand on these developments.

Vice-Chairman McDonough felt that some standards should be adopted to clarify deliveries and drop-offs and trash specifically for the Central Business District.

Director of Planning & Urban Design Todd Okolichany said that the Parking Study for the downtown area should be released shortly and that study will address parking overall in downtown and might identify other strategies.

Vice-Chairman McDonough recalled that the Commission was in favor of the conditional zoning, but not lowering the threshold for hotels unless there was clarity as to what we are asking the hotels to come with, or we are not in favor of lowering the threshold for Council review on the scale of Level II and Level III.

Vice-Chairman McDonough suggested that each member of the Commission contact City Council individually and remind them of the Commission's recommendations.

Downtown Commission Membership

1. Asheville Downtown Association Representation and Wording Amendment

Mr. Greiner moved to amend the ordinance establishing the membership of the Asheville Downtown Association to (1) delete the wording in Section 2-76 (b) "A member of the board of directors of the Asheville Downtown Association" and (2) delete the wording in Section 2-76 (c) "President of the Asheville Downtown Association"; and (3) insert the following language in both sections: "A member of the board of directors or executive director of the Asheville Downtown Association." This motion was seconded by Ms. Summers and carried unanimously (with Chairman Vassallo recusing himself from this discussion and vote).

On behalf of the entire Downtown Commission, Vice-Chairman McDonough and Mr. Greiner thanked Chairman Vassallo for his energy and passion for downtown issues as Chairman and member of the Asheville Downtown Association over the years.

Chairman Vassallo noted that the Downtown Association voted Ms. Sage Turner to fill the seat of the "member of the board of directors or executive director of the Asheville Downtown Association." Ms. Turner was pleased to accept the appointment and shared with the Commissioners her experience.

2. Recommendations for County Appointment

Ms. Summers said that the Asheville Downtown Association recommended Mr. Toby Weas who is on the Asheville Downtown Association Board and who is an attorney. He works for Wicked Weed and also has the background on public policy with the Chamber of Commerce.

It was the consensus of the Commission to recommend the County seat (due to Mr. Jack Bebbler's resignation) be filled by an attorney, landscape architect, or someone from the African American, Latino or other minority community. Downtown Development Specialist Dana Frankel said that she would forward this recommendation to the County.

Public Comment

Mr. Barrager requested dog waste receptacles be placed on a regular replacement schedule.

When Mr. Barrager noted that downtown has by far the highest crime, it was the consensus of the Commission to support Police Chief Tammy Hooper's request for additional funding and resources for 24/7 downtown patrol.

Due to Chairman Vassallo's resignation from the Asheville Downtown Commission due to the membership language requirement, Ms. Summers volunteered to lead the process in selecting the new Chairman, which will take place at the March, 2017, meeting. Vice-Chairman McDonough asked that if any member of the Commission was interested in serving as Chairman to contact Ms. Summers.

Chairman Vassallo said that it has been a pleasure serving on the Downtown Commission and will continue to be an advocate for our downtown.

Adjournment

At 10:24 a.m., Mr. Greiner moved to adjourn the meeting. This motion was seconded by Mr. Rentz and carried unanimously.

