

Public Comment Emails

Daniel Symer

From: Duffie Westheimer <dwestheimer@gmail.com>
Sent: Friday, October 9, 2020 3:27 PM
To: Jim McCarthy; Daniel Symer
Subject: Re: Response to the email titled, "Needs very serious and deep consideration before approval"

Follow Up Flag: Follow up
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Hi Jim and D,
Thanks for your responses and interpretations of these proposed new rules.

From where I sit in a beloved, irreplaceable historic neighborhood with small houses (and small bedrooms) the proposed changes concern me.

Language is important. The people who read the code (other than nerds like us since we know the power it has), are those in development. Calling something "high occupancy" is like a nectar laden flower to a hungry bee (aka investor). I believe the US family size is now below 3, though Pew Research says it is increasing for the first time in 160 years. Nonetheless, even a family of 4 can be housed in a small house with two, three, or maybe four bedrooms. But, in Flagstaff we are not dealing with only "families." We are dealing with college students and vacation rentals. Which should our zoning code protect, or entitle?

I think the use of the term high-occupancy is going too far when it comes to neighborhoods. By all means regulate the number of bedrooms. In fact, I think it *completely appropriate to calibrate regulations to the existing neighborhood character*. For example, in the historic areas with small homes fewer bedrooms should be allowed. As you said Dan, "These unregulated allowances have permitted some developments to have an atypical amount of bedrooms in dwelling unit." So, you too know this needs calibration. To do otherwise is to tilt the balance from the more sustainable continued use of existing homes to redevelopment with larger buildings; which again, pushes out resident homeowners and long-term tenants.

Dan, you pointed out, "Also, the HOHD style of development is currently allowed in all zones of the City that permit residential or mixed-use developments." Maybe HOHD style of development is only appropriate in larger mixed-use developments.

I believe that if the language of "high occupancy" is used throughout our neighborhoods we will lose the character of the different areas and all will eventually become muddled in style and have few owner-occupied homes--the only way to stabilize a neighborhood.

I sincerely believe that each neighborhood needs to have a stable and secure character. Homes are usually people's largest investment. I don't think it appropriate to encourage people to add a housing unit on their parcel, either. This turns homes into investments, and that changes how people think of where they live. Long-term owner residency has proven to work well in that eventually, when people leave, they do sell at a price higher than when they initially purchased if the neighborhood is stable and kept up. I have personally witnessed that when people put a second unit on their parcel it quickly becomes two rentals which may work for that owner's income, but not for the neighborhood.

A 750 sq ft house on W. Birch just went on the market. The owner purchased in 1997 for \$123,000. It was on the market for \$385,000 and there were more than 20 offers in 2 days. We will have to wait to see the final selling price but safe to say it was even higher. I don't know that any work beyond basic maintenance had been done over the years, so there is no value from that. Much of that value is from the location and neighborhood character that still exists only because of the historic overlay. The property has a nice open back yard. Want to wager a bet what will happen with the property? I'll take a stab: short-term rentals with lots of neighbor annoying outdoor lights and party spaces. A real income generator--not a long-term stable home. ...the power and influence of the zoning code and a market-based economy...

Jim, thanks for the additional oversight on CUPs.
Regards,
Duffie Westheimer

On Tue, Oct 6, 2020 at 12:11 PM Jim McCarthy <JMcCarthy@flagstaffaz.gov> wrote:

Duffie, Dan:

The way I read the new rules, is that they put more restrictions on high occupancy housing. Thus, they provide more protections for neighborhoods. The only possible exception is reduced parking for large projects near transit.

Requiring a Conditional Use Permit (CUP) makes it more difficult to create a residential arrangement with a high number of occupants. If I missed something, please let me know.

When I first got on council, if a CUP was approved by the P&Z Commission, that was final, unless someone went to court, which would be onerous. I suggested a rule change saying that a CUP is not final until Council has an opportunity to review it. Under the new rule that is now in effect, Council is notified of all CUP's approved by P&Z, and then Council can let it stand or call for a Council vote on it to affirm the approval or to reverse it. This provides another layer of oversight regarding CUP's.

Jim McCarthy

From: Daniel Symer <Daniel.Symer@flagstaffaz.gov>

Sent: Tuesday, October 6, 2020 11:36 AM

To: Duffie Westheimer <dwestheimer@gmail.com>

Cc: Mayor and Council <council@flagstaffaz.gov>

Subject: Response to the email titled, "Needs very serious and deep consideration before approval"

Ms. Westheimer,

Thank you for your comments, and I understand your concerns.

The proposed High Occupancy Housing Text Amendment (HOHTA) is intended to implement the High Occupancy Housing Specific Plan (HOH Plan) that was adopted by the City Council in February 2018.

The Zoning Code provides for several types of housing options. The proposed HOHTA incorporates Conditional Use Permit regulations for the High Occupancy Housing Development (HOHD) types that are not currently regulated. For example, the number of bedrooms in a dwelling unit are not currently regulated by the Building and Zoning Code. Therefore, the allowed number of bedrooms in a dwelling unit (single-family, duplex, and multi-family) is unlimited. These unregulated allowances have permitted some developments to have an atypical amount of bedrooms in dwelling unit. Also, the HOHD style of development is currently allowed in all zones of the City that permit residential or mixed-use developments.

The proposed regulations are not intended to benefit an investor over a homeowner. Arizona Revised Statutes requires zoning regulations to be uniformly applied across a specific zone. If approved, the proposed regulations incorporate additional requirements for a development that would be defined as an HOHD. For example, some of the proposed requirements include additional provisions for a Conditional Use Permit, vehicle parking, and location.

As it pertains to your question, "What is a "high occupancy single-family home?" What does this mean?"

The proposed definition of a Single-Family High Occupancy Housing Development is:

- High Occupancy Housing Development, Single-Family: A single-family attached or detached dwelling unit with:
 - a. Seven or more bedrooms; or
 - b. Five or more sanitation facilities

Based on the proposed definition, any single-family home with seven or more bedrooms, or has five or more sanitation facilities (i.e. bathrooms) would be required to obtain the approval of a Conditional Use Permit, and comply with the new regulations.

The proposed parking requirements are greater than currently required and are consistent with the City's Traffic staff's finding for these types of developments. The bus pass program does allow a reduction in parking. This program is limited to developments that have a requirement of at least 100 spaces and that is near a bus route. It should be noted that the Jack (the Hub), which has less parking than would be required with the proposed parking requirements, inclusive of the bus pass parking program, has not had a noticeable impact to the on-street parking in the area. Any other parking reduction besides the bus pass parking program would require the approval of the City Council.

The proposed HOHTA does not include modifications to the existing definition of a family. Therefore, the existing maximum number of persons (eight) residing in a dwelling unit will remain unchanged.

In summary, the proposed HOHD regulations are intended to address an unregulated atypical development type (the HOHD) that has been occurring throughout the city. The Conditional Use Permit requirement also provides an opportunity for public participation through the Conditional Use Permit process.

I hope this is helpful

Dan Symer, AICP

Zoning Code Manager

City of Flagstaff

Planning & Development Services

928-213-2613

daniel.symer@flagstaffaz.gov

From: Duffie Westheimer <dwestheimer@gmail.com>

Sent: Monday, September 28, 2020 11:28 AM

To: Mayor and Council <council@flagstaffaz.gov>

Subject: needs very serious and deep consideration before approval

Greetings Mayor, Vice Mayor and Council members,

It seems that the zoning code rewrite is integrating the language of high occupancy housing (HOH) throughout zones. I saw this in the newspaper a few weeks ago.

I feel grave concern that making these changes will prove to be a bad idea and will be extremely difficult if not impossible to reverse due to laws like Proposition 207.

As I understand the proposed changes:

1. The average citizen is not prepared to translate the professional planning language to what it means to them and their property, so, believing the City would not undermine their quality of life, they don't weigh in, or they have given up trying (how can we understand Floor Area Ratio or units per acre?);

2. The new language benefits the investor over the resident home owner (developers and investors are very likely to understand planning language, look for it as a signal of places to invest, and have the resources to build out a property to their financial advantage).

The result of this new language and added entitlements will be to degrade all our neighborhoods. Ultimately, when homeowners' neighborhoods are no longer stable and their quality of life is diminished they will move away and the neighborhoods will decline further. Where will these residents go? They will move out into the county where it is not so crowded, or move away from Flagstaff.

The zoning code already gives away a great deal to investors. As examples, just the definitions of "single family dwelling" and "duplex" are quite telling:

"Division 10-80.20:

Definition of Specialized Terms, Phrases, and Building Functions

Duplex: A residential building designed to be occupied by two families living independently of each other with two attached or detached dwelling units on one lot or parcel. If attached, the units may be attached front-to-back or side-to-side with a common or party wall, or stacked one atop the other with a common ceiling-floor separating the units."

This definition sounds innocuous until you read the definition of "Family" in particular #3:

"Family:

1. One or more persons related by blood, marriage, adoption, or affinity, and resident domestic employees, which occupy a dwelling unit and live as a single housekeeping unit; or
2. Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Act; or
- 3. Not more than eight unrelated persons, living together as a single housekeeping unit in a dwelling unit.** *There is no definition of a "housekeeping unit" and who will monitor for compliance that all these people are living together in such a way? In my mind, this turns a "duplex" into an apartment building. The investor benefits, not the neighbors. Especially if the owner is not a full-time resident available to monitor tenant behaviors. Then apply this standard to a tri-plex! Do you want to live next-door?*

What is a "high occupancy single-family home?" What does this mean?

More than 8 people living as a "household unit" with no compliance monitoring? What would be the implications of making this change? Will this make short-term vacation rentals even more allowed, and so embedded in our neighborhoods?

If HOH is added to the language in our zoning code, are we further allowing, *even incentivizing*, the money-making opportunities in our neighborhoods at the expense of the existing, tax-paying, community participating residents?

I want my City zoning code to promote homeownership opportunities for my community members (not promote investment and so increase prices) and to protect the character and quality of life in every Flagstaff neighborhood.

Thanks for your time and consideration of these points.

Regards,

Duffie Westheimer

720 W. Aspen Ave.

From: Duffie Westheimer <dwestheimer@gmail.com>

Sent: Monday, September 28, 2020 1:52 PM

To: Mayor and Council <council@flagstaffaz.gov>

Subject: the part I forgot

Greetings again Mayor, Vice Mayor, and Council members,

What I forgot to include in the earlier email was the transit oriented giveaways. To assume that people will use the bus system and so developments don't need as much parking is head-in-the-sand planning.

It is extremely rare for adults to not have a vehicle--many households have more than one vehicle for each driver. ***There needs to be off-street parking for when vehicles are not in use.***

Did you use the bus system today? Yesterday? Most people do not use the bus system. This is not a criticism of the bus system, just the reality. It is almost impossible to make a multi-purpose bus trip in a reasonable amount of time, or if you have a lot to carry. **Please ensure the zoning code has sufficient parking included for each development based on what people DO, not what it is wished people did.**

Thanks,

Duffie Westheimer

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Join Townsite CLT and help put historic Flagstaff to work for the community!

Townsite CLT exists for "Promoting historic preservation and community investment with permanently affordable owner-occupied homes."

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Townsite CLT

and display your support

! <https://www.townsiteclt.org> TCLT is a 501(c)(3) nonprofit.

Daniel Symer

Subject: FW: Public Comment on OCTOBER 6, 2020 Flagstaff City Council Meeting

From: Shane Dille <SDille@flagstaffaz.gov>
Sent: Monday, October 5, 2020 8:49 AM
To: Tiffany Antol <TAntol@flagstaffaz.gov>
Cc: Daniel Folke <DFolke@flagstaffaz.gov>
Subject: FW: Public Comment on OCTOBER 6, 2020 Flagstaff City Council Meeting

FYI

From: tyler denham <tyler.b.denham@gmail.com>
Sent: Saturday, October 3, 2020 6:06 PM
To: Mayor and Council <council@flagstaffaz.gov>
Subject: Fwd: Public Comment on OCTOBER 6, 2020 Flagstaff City Council Meeting

Dear Flagstaff City Council,

As discovered by the ECONA Housing Attainability for the Flagstaff Workforce and Coconino County Community Needs Assessment reports, housing affordability is “the most critical issue facing low-to-moderate income residents” in Flagstaff. Close to half of our residents are severely cost burdened, paying over 30% of their income in housing costs. The single biggest cause is Flagstaff's lack of housing supply.

Several Flagstaff city council members have made statements about how unacceptable and unsustainable this issue is, yet they consistently fail to take meaningful action on housing affordability. In fact, most years they make it worse by blocking new developments, attempting to downzoning large swaths of the city, and tacking on onerous height and parking limits that reduce the supply of desperately needed housing. Additionally, the city council receives almost no feedback from the majority of Flagstaff residents who are renters, only engaging with a small minority of homeowners who are unaffected by housing affordability.

In light of the mismatch between the Flagstaff city council's statements and actions (median home prices have risen 40% in the past 4 years alone), I am concerned that the PZ-19-00125 updates to the zoning code are being used as a vehicle to quietly reduce housing supply through height restrictions, limits on maximum dwelling units and bedrooms per acre, and minimum parking limits. Considering the seriousness of Flagstaff's housing affordability issue, I believe the council has a responsibility to evaluate the impact of the updates to the zoning code on Flagstaff's housing supply.

Best,
Tyler Denham

Daniel Symer

From: David Carpenter <dc@hopeaz.com>
Sent: Tuesday, November 3, 2020 3:42 PM
To: Mayor and Council; Daniel Symer
Cc: PublicComment; Alexandra Pucciarelli; Tiffany Antol; Daniel Folke; CD Front Counter
Subject: HOH Property Rights Taking Issue

Follow Up Flag: Follow up
Flag Status: Flagged

Mr Symer, Planning and Zoning Commission, City Council:

Please find my comments and observations on the new HOH zoning code proposal as follows:

Page 6 – The bottom table says “Multifamily developments with four dwelling units or more...” does that mean the table above it is for 1-3 units? If so it does not say.

Page 8 - Why are you creating a new category of bedrooms per acre in the RPO? Why not just the one new category of bedrooms per acre? Staff already knows that having maximum units /acre in the RPO different does not make any sense as all the other development standards still drive the outcome. Why add a new category that does not make sense?

Page 8 – Footnotes 15 and 16 seem like you are only allowing 3 bedroom or 4 bedroom houses on an entire acre. Why would someone that owns an acre and wants to build an estate get caught up in this snare?

Page 15 – By crossing out “not applicable to mixed use” you are reducing the intended incentive to build mixed use and creating a huge prop 207 issue! This is counter to all goals of the regional plan to build a denser more walkable urban core.

Page 31 – Why create 5 & 6 as special categories? Why not just bedrooms per acre and CUP as needed like everything else in this proposal? Why a special more onerous category for all the local small lot owners? These are the folks that own one lot that will likely sell and its likely their number one asset. Why are you hurting them more than the rich large parcel property owners?

Page 31 B. – Why are you making maximum footprints when we already have setbacks, and this proposal seeks to limit bedrooms/acre and add parking? This is redundant and of course only hurts us locals with the smallest parcels!

Page 34 E. 1. This makes all CUP processes additionally subject to the whim of one person and depending on what they think possibly nixed. Why would you need more than 10-30.30 plus a CUP? This is triple onerous.

Page 34 E. 2 This is impossible in many parts of the city that could be otherwise completely suitable for a 4 plex, and could render a property undevelopable. This is an attack to totally block development. This is also a discriminatory policy and assumes that anyone in a 4-plex or greater is poor and needs to use the bus.

Page 36 – By crossing out “for multifamily dwelling duplex and triplex you are adding guest parking for a single family home for the first time ever in the city. Why? You already added it for high bedroom counts above. Why hurt ever single family home owner in Flagstaff going forward?

Page 36 – 1 parking space for every bedroom for single family homes, duplexes, and triples is beyond onerous and completely unnecessary. We know people don't own this many cars! This is nuts and designed to hurt the poorest parts of towns property values.

This is far too complicated and cumbersome for local smaller projects and the development community is still advocating for not adopting this code. What happens as we start to build taller buildings to do our part to help climate change and higher density affordable housing projects? All those projects will eventually get snared up in this subjective process. There is also no fundamental reason to snare up every type of building under the sun with this CUP process. There should be a cut off for smaller buildings.

You are adding so much complexity to the code to stop something that has already happened. Nothing you are doing will even apply to any developments currently in the pipeline or any developments for the next 3 years due to prop 207. The student housing cycle is ending on its own like all business cycles because of the supply vs demand economics not because of the zoning code. This adds legislative cost burden to the city of Flagstaff staff and penalizes only existing mostly aging property owners that could make money selling their parcels in the future and don't even know this is happening. This hurts locals only. As the saying goes this is "cutting off your head to spite the face." If you really want to do this consider exempting projects with less than 50 units or some other threshold. This entire process started out of the HUB. Why are we dragging in single family, duplex, triplex, etc...?

We need the code to go the other way and allow for more buildings and less parking. The single greatest threat to humanity is climate change. We need to provide denser more urban areas for people to live to do out part. This is NIMBYism 101 and it looks like you are heading toward the wrong side of history on this one by down zoning our entire city. Everyone in the know will file a prop 207 claim. Everyone else wont and their property values will suffer! This is a bad idea.

Where are the incentives? From my perspective, I've seen 4 years of debating about what the community does not like and trying to remove vested development rights from property owners, but without offering any incentives for the things we do like and want to see in the community. This process could be more thoughtful and not so antagonistic to property owners if it included parking incentives to build lower bedroom count units, as an example, but it does not.

This item needs far more community input and internal staff adjustments, and needs to be pushed to the next council. The student housing cycle will end when it no longer makes financial sense to tear down buildings and build student housing not because you changed any zoning rules. Please don't read this ordinance tonight. The voters passed the zoning code years ago and now we need to build our city.

Also, why is the initial ordinance read on Nov 3rd during the most important election of modern time? Why are you doing this in the 11th hour of this outgoing lame duck administration?

Please enter my comments into the record as I will not be able to attend the meeting.

Thank You,

David Carpenter



Hope Construction
495 S River Run Rd.

Attachment 4A
Page 11 of 12

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