

**AFFORDABLE HOUSING BOARD
MEETING MINUTES
November 29, 1993
Council Liaison: Gina Janett
Staff Liaison: Ken Waido**

The November 29, 1993 meeting of the Affordable Housing Board began at 4:10 p.m. in the Main Conference Room, 281 North College Avenue, Fort Collins, Colorado. Board members present: Robert Browning, Mary Cosgrove, Joanne Greer, Cliff Kight, Christa Sarrazin, Tom Sibbald and Craig Welling. Board members absent: Susan Fergie and Ann Sanders. Staff members present: Heidi Phelps and Ken Waido.

I. DRAFT CHAS

Ken Waido asked Board members to present any comments or questions on the Draft CHAS document they had received. Mr. Waido stated that all input received would be determined to be a consensus of the Board, unless members voiced opinions otherwise.

Joanne Greer noted that profit-motivated and private sector entities were missing from the affordable housing inventory. Member Greer provided corresponding statistics, highlighting units which accommodated Section 236 and Section 8 program participants, as well as tax credit projects developed by other for-profit developers.

Mary Cosgrove asked for clarification on document charts which included minority and hispanic population categories. Member Cosgrove also requested consistent reference to policies which had already been adopted, but not fully implemented (e.g., the Affordable Housing Policy).

Tom Sibbald explained that he would be submitting his CHAS copy containing corrections/comments to Mr. Waido after the meeting. He added that most of his input was of a minor/clerical nature, and that he would not bring those items before the Board.

Member Sibbald then made reference to page 55, "ii. Institutional Structure". Member Sibbald cited the third paragraph which concerns "systems in need of change" and mentions the CHAS process.

Member Sibbald stated that he believed that the CDBG process needed to be added to the "systems in need of change" list. He noted that the CDBG program allocated the largest block of dollars in terms of housing in the community. Several Board members shared that CDBG applicants and others viewed the process as an impediment to planned projects and saw the process as in need of restructuring.

Bob Browning cited pages 31 and 32, Priority I. He said he disagreed with the concept of the City assisting owners in remaining in their homes when faced with foreclosure. Member Browning stated that the City should instead take a role in educating homeowners on how to avoid foreclosure proceedings altogether.

Member Browning also cited incorrect references (page 31) to the City's enforcement of ADA regulations. He clarified that the City is charged with enforcing the Fair Housing Act. Board members noted that the City's 1991 Building Code addresses many of the standards contained in both sets of Federal regulations.

Member Sibbald moved to recommend that the City Council adopt the CHAS , as amended by comments of the Affordable Housing Board and those written comments received during the document's public input period, which runs through December 2nd.

Member Cosgrove seconded the motion.

The motion passed 7-0.

II. AMENDMENT TO THE N-C-M ZONE

Ken Waido explained that a proposed amendment to the N-C-M Zone would be going before City Council on December 7th. He stated that staff is recommending that minimum lot size be changed from 4500 square feet to 5000 square feet, until appropriate design standards can be developed for the zone. Mr. Waido added that the Planning and Zoning Board is recommending a complete moratorium on "second dwelling" development for lots until design standards can be implemented.

Mr. Waido provided a history concerning the reasons for the proposed amendment and requested the Board's review, recommendations, etc. He said that there were three main underlying issues that were of neighborhood concern: 1) appearance/aesthetics of new units; 2) increase in rental units in the N-C-M zone; and 3) the implications of two uses on a lot (a more minor concern).

Board members asked why design guidelines had not yet been developed by staff. Mr. Waido responded that there had been several changes in City Council membership and a resulting shift in priorities. Mr. Waido also explained the legal ramifications of any solutions/alternatives that might be offered.

Board members expressed great concern over the moratorium recommendation, believing it was an excessive measure. Those present also shared misgivings about: 1) the precedence of a moratorium; and 2) the moratorium serving as a more permanent measure than originally intended.

Member Sibbald stated that he believed the moratorium recommendation was not only in direct contrast to the concerns of the Affordable Housing Board, but was also in conflict with the City's Comprehensive Plan. He shared that City policies encouraged higher density in the core areas, resulting in more efficient use of infrastructure and transportation.

Member Sibbald moved that under no circumstances is the Affordable Housing Board in support of a moratorium in the N-C-M Zone.

Member Welling seconded the motion.

The motion passed 7-0.

The Affordable Housing Board discussed possible interim policies and solutions. Board members stressed the need to make development of design standards a work priority.

The Board discussed the pros and cons of the staff recommendation increasing the lot size to 5000 square feet. Those present agreed that the lot size increase would effectively act as a development moratorium on most second dwelling unit proposals. Board members also expressed concern that the recommendation would also turn out to be more permanent than originally intended.

Mr. Waido shared other alternative short-term solutions that staff had considered.

Several board members mentioned the possibility of an interim design review/architectural control committee. Mr. Waido stressed the need for any review process to use legally defensible standards.

Board members discussed other interim solutions such as: 1) temporary design standards; 2) review on a case-by-case basis; 3) review by a subcommittee of the Planning and Zoning Board; and 4) variance applications.

Mr. Waido stated that even temporary standards would be subject to a lengthy public review and adoption process. He clarified Planning and Zoning Board review procedures and appeals options.

Member Welling offered that a subcommittee might exist of two members of the Planning and Zoning Board and a neighborhood resident member appointed by City Council.

Mr. Waido suggested placing a PUD condition on development proposals in the N-C-M Zone.

Member Sibbald continued that a no-cost, "minor" PUD review by such a subcommittee would subject any application to height, setback, landscaping and other mitigation criteria.

Member Welling moved to form a subcommittee of the Planning and Zoning Board comprised of two members of that Board and one member from the neighborhood appointed by City Council to review any requests for building permits within the existing N-C-M Zone; that the requests be reviewed according to PUD standards; that the subcommittee's decision be appealable to the full Planning and Zoning Board, whose

decision is appealable to City Council, and; that the subcommittee only be in existence for no more than 12 months or until clear design standards are adopted by City Council, whichever comes first.

Member Greer seconded the motion.

Member Cosgrove stated that she hoped City Council did not view this recommendation as micro-management of the Planning and Zoning Board, but rather as a cooperative effort to reach a solution.

The motion passed, 6-0 (Member Kight was absent for the vote.).

Several Board members expressed concern about communicating properly with Council and whether the Board's positions/recommendations were being fully conveyed via staff procedures.

Member Sibbald moved that the CHAS portion of the meeting minutes be attached to the Board's recommendation being sent in the Council packet, and that the N-C-M Agenda Item being sent to Council also have the corresponding section of the meeting minutes attached.

Member Cosgrove seconded the motion.

The motion passed, 7-0.

III. ROLE OF THE HOUSING AUTHORITY

In response to this City Council request, Board members expressed a need for clearer direction from Council before providing any input.

IV. OTHER BUSINESS

A. Permanent Meeting Day/Time

The Board is still needing to establish a permanent meeting time.

B. Joint Meeting with CDBG Commission et al.

Meeting on hold due to more pressing matters.

C. Development, Building and Planning Fees

There was a cursory discussion on the various fees related to development. Board members agreed to handle the issue as a high priority for 1994, since fees analysis ranked as a High Priority/Easy Task on the Board's work program matrix.

D. Housekeeping Items

1. Member Sibbald stated that he wanted the Board to accomplish four things before year-end:
 1. Put work plan (from priorities matrix) in writing. Include fee analysis.
 2. Elect officers.
 3. Adopt by-laws.
 4. Establish regular meeting time:
2. Board members agreed to meet on Monday, December 13th, from 4:00 to 6:00 p.m.
3. Those present agreed that Mary Cosgrove and Craig Welling would represent the Board at the December 7th City Council meeting, particularly in regard to the N-C-M Zone.

E. Planning Fees

Member Sibbald stated that he was very concerned about the planning fees item coming before City Council on December 7th. Ken Waido provided a brief history on the issue. To-date, the recommendations have been:

1. Staff - 50% of certain planning costs
2. P & Z Board - 20% of a broader set of planning costs
3. City Council - 100% of planning costs

Member Sibbald stated that he was primarily concerned about four items:

1. The factual data gathering process for the planning fees study.
2. The staff report making no case for community good which results from planning staff reviewing development proposals.
3. The concept of a post-fee subsidy for affordable housing.
4. Determination of actual cost. [Member Sibbald said he had no problem with development paying 100% of actual cost, but that calculation methods needed to be more sophisticated.]

Discussion on the concept of "community good" followed. Mr. Waido stated that he viewed his job as being 100% towards community benefit, and that he did not see himself as working for any specific development(er). Mr. Waido added that even the Development Review Division of the Planning Department based its work on community goals and policies.

Member Sibbald shared some specific statistics on development fee increases. He stated that the increase makes Fort Collins' development fees 20 times higher than any other municipality in Colorado.

Board members expressed concern that the affordable housing impact analysis attached to the planning fee proposal was not substantive. Several members stated the need for more in-depth study on planning fees and impact.

Member Sibbald cited research done in other cities. He shared that he was told that the City of Longmont has a software program that helps determine actual development benefit to the community on a project-by-project basis.

Member Welling moved that the Affordable Housing Board disagrees with the inherent implication that there is no community benefit to the planning process.

Member Sibbald amended the motion to state "planning review process".

Member Welling concurred with the amendment.

Member Sibbald seconded the motion.

The motion passed, 7-0.

Mr. Waido stated that he would draft a separate memo to Council outlining the Board's concerns in regard to the planning fee recommendations.

Member Welling moved that the Affordable Housing recommends that no action be taken on planning fees until the Affordable Housing Policy is followed, which dictates that there be an impact study on affordable housing.

There was no second to the motion. Board members discussed the need for high quality and in-depth analysis for City policies which might have an impact on affordable housing.

Member Welling moved that, since City policy clearly indicates that any City policy being adopted which potentially impacts affordable housing be reviewed for its impact on

affordable housing -- that the planning fees motion should not go forward until such an impact study is done.

Member Kight seconded the motion.

The motion passed, 7-0.

Board members emphasized that the Board's previous input on planning fees was based on a recommended increase of only 20 percent of certain costs.

Member Greer moved that the Affordable Housing Board believes that the "100%" planning fees recommendation will have a negative impact on affordable housing.

Member Kight seconded the motion.

The motion passed, 7-0.

There was Board discussion on the premise of "average" planning cost. Members expressed concerns about the legal ramifications of collecting more than 100% of planning costs on any given development proposal (i.e., collecting 100% of "average").

Board members agreed not to bring forth a motion concerning methodology, because concerns centered more around basic premises in the planning fees recommendations.

F. Affordable Housing Planner Position

Board members had questions and concerns about the new affordable housing planner being hired by the planning department.

Mr. Waido stated that although the planning department was looking for a person with a housing focus, that the position needed to encompass other traditional planning activities.

The meeting adjourned at 6:25 p.m.

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