

**Summary Minutes  
City of Sedona  
Planning & Zoning Commission Meeting  
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ  
Tuesday, April 18, 2017 - 5:30 p.m.**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**

Chair Losoff called the meeting to order at 5:30 p.m., led the Pledge of Allegiance and requested roll call.

**Roll Call:**

**Planning & Zoning Commissioners Present:** Chair Marty Losoff, Vice Chair Kathy Levin and Commissioners Randy Barcus, Eric Brandt and Avrum Cohen. Commissioner Larry Klein was excused and Commissioner Gerhard Mayer was unexcused.

**Staff Present:** Roxanne Holland, Audree Juhlin, Robert Pickels, Donna Puckett and Mike Raber

**2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF**

Audree Juhlin announced that the volunteer luncheon is next Tuesday at noon at the Agave and hopefully you will all attend. She also advised the Commission that we are revamping our Community Development Projects page on the website. In the past, it has been for current projects, but we have now combined all projects for Community Development on that page and it is now called "Projects and Proposals", which also includes the project update given to the Commission. Audree then reminded the Commission that all communications should come through her, and she announced that on May 2<sup>nd</sup> there will be an NAU student presentation. They are doing a capstone project, and they have done a mock proposal, so we will have a mock P&Z Commission for them. We are looking for one or two Commissioners to volunteer, so if you are interested in participating, it is on May 2<sup>nd</sup> at 4:30 p.m.

Commissioner Brandt asked if the new webpage update will include, for instance, the hotel on S.R. 179 by Tlaquepaque that is going to remodel, and Audree Juhlin stated that staff eventually plans to get to that level of detail. Commissioner Barcus asked for clarification on the time for May 2<sup>nd</sup>; there is a P&Z hearing at 5:30 that day. Audree Juhlin stated 4:30 p.m., and Commissioner Barcus stated that he can do that. Vice Chair Levin and Commissioner Cohen also indicated they could. Audree explained that we currently have no agenda items for May 2<sup>nd</sup>, so we will probably cancel that meeting. She then suggested that they get with her after the meeting.

Chair Losoff asked if Commissioners have been contacting people without going through her office, and Audree explained that they contact other staff and she is not included in a lot of that communication; for example, Cari is not here tonight and a Commissioner contacted her, so had Cari had not communicated, we would not have known that the Commissioner was excused.

**3. APPROVAL OF THE FOLLOWING MINUTES:**

- a. **March 2, 2017 (WS)**
- b. **March 21, 2017 (R)**
- c. **March 30, 2017 (WS)**

Chair Losoff indicated that he would entertain a motion.

**MOTION: Commissioner Barcus moved to approve the minutes. Vice Chair Levin seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. Commissioner Klein was excused and Commissioner Mayer was unexcused.**

4. **PUBLIC FORUM:** *(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)*

*Chair Losoff opened the public forum and, having no requests to speak, closed the public forum.*

5. **Discussion regarding the update of the Land Development Code.**

coThe Chair explained that the purpose of this item is to keep us in the loop and let us know what is going on, and Mike Raber confirmed that is correct.

**Presentation, Mike Raber:** Mike indicated that this is an informational work session regarding the update of the Land Development Code as a follow-up to the March 2<sup>nd</sup> meeting with the Clarion team. So today, we will provide a brief project overview, an updated summary of the analysis and some next steps, and then address any questions you may have. We are continuing to keep the Commission in the loop and don't expect to cover a lot of detail in this meeting. We set this analysis up to provide the consulting team with a general direction and a scope, to set the stage for the drafting phase that they will be getting into.

Mike Raber stated that the Land Development Code fits into our overall planning framework as an implementation tool for the Sedona Community Plan, and implementing the Plan means things like:

- High quality development
- Neighborhood protection
- Sustainability
- A walkable, connected community
- Efficiency in reviewing projects, and
- Soliciting broad public participation.

Mike indicated that the analysis is complete, and we are working on a discussion draft for part of the Code as the next step. As discussed in November, the consulting team and staff completed the background and research, conducted an open house, met with the Commission, and the consulting team met with staff and conducted stakeholder interviews. In this analysis, we are identifying the Code's strengths and weaknesses, potential solutions and best practices, and providing a detailed roadmap for how the new Code would be laid out, which is now available to the public on the website. The analysis also identifies major issues to be addressed and proposes recommendations for how the Land Development Code can address those issues, but it is not definitive at this point, so there will be more detail on how those things will occur. The key themes in the analysis include:

- Implementing the Community Plan and CFA Plans
- Updating the zoning districts
- Enhancing the use regulations
- Clarifying our development standards
- Streamlining our development review procedures, and
- Creating a more user-friendly Code

Mike then showed an example of the current Code's format and how the new Code would be improved through the use of graphics to illustrate the standards. The new Code also will be more streamlined and better organized, so instead of our current 19 Articles, the proposed Code would have 10 mostly through consolidation. One example is our current Articles 1, 5, 12, 13 and 14 become the general provisions in Article 1. And for a more user-friendly document, the updated Code would have clearer language, graphics, and better layout and consistency. We also want to address the Community Plan goals and policies, and it integrates strategies from our adopted CFA Plans like mixed-use development, housing diversity and creating a more walkable environment.

Mike stated that we are updating zoning districts and that will involve consolidating districts, such as possibly the RS10a and b zones, and eliminating districts such as the MH district, which is the Manufactured Home District that has never been used or applied. It is a holdover from the counties, but it exists in our Land Development Code and has never been applied on the map, so that is an example of a district that can be eliminated. We also have the Transitional or "T" zones that demonstrate the reverse. They are left over from the late '90s and are no longer in the Code, but they are still on the map, so we will have to deal with that district. Mike also explained that creating new districts might include Mixed Use and renaming districts like changing OP to M2 or a Mixed Use in Employment district.

Mike indicated that we currently have 33 zoning districts and would have 22 districts as proposed, by combining the RS 35 and 36; RS18a and b; RS10a, b and 12; PRD and PD, and the; C1 and C2. The RC and L would be combined into the L district with L being the more liberal of the two and allowing other commercial uses, plus there are only two properties with that RC designation – Poco Diablo and Los Abrigados, so L would fit both of those. Some districts such as RS5a and the Parking district would become obsolete, but would remain on the map. The RS5A only involves one property that is a remnant piece of about 10,000 sq. ft., so those would become obsolete districts and no longer be in the Code, but eventually those properties could be rezoned in the future and the city-owned parking facility could be re-designated to Community Facilities allowing for parking, so that is a way that district starts to become less involved on the Zoning map..

Mike explained that for land uses in the Code, we would prepare a table of allowed uses and work to consolidate use types. The number of listed commercial uses could be greatly reduced, because a lot of what is in there is very repetitive for retail and there are a lot of ways to make it more user-friendly. We would also look at standards for new uses that currently are not in the Code, such as breweries, distilleries, wineries, fleet services, food trucks, etc. He then showed a slide of a Carbondale, Colorado land use table as an example and indicated that it is a very simple way to see the permitted and conditional uses. We also will be working to clarify and simplify the development standards in Article 9 and the Design Review Manual in Article 10 into a single Building Design section, and with a focus on in-fill and redevelopment, we want to consider where standards could be more flexible for things like lot coverage and floor area ratio, which becomes redundant in a lot of ways. We also want to strengthen our internal and external circulation in access and connectivity and create an area in the Code titled for that. Additionally, we want to improve and update our standards for building, parking, landscaping, grading and drainage, lighting, screening, fences and walls, etc.

Mike indicated that we also want to streamline our Development Review procedures; the current Code repeats a lot of procedural information that can be addressed in a section for multiple applications, including Zone Changes, Development Review and Conditional Use Permits, which will make the Code much more user-friendly. We want to look at the thresholds for administrative approvals and things that require public hearings, while strengthening our approval criteria to reduce subjectivity in the criteria as well, such as possibly making findings more robust, and we want to look at updating our Rezoning, CUP and Subdivision procedures, including reversions, time extensions, renewals, and categories for our TUPs that are tied to a table of uses, in addition to creating an administrative manual for submittal requirements, etc., so if we need to update a table or part of the manual, we can do it without going back through the whole Code.

Regarding next steps, Mike stated that we are moving into the drafting phase for the rest of this year, and the first module will be Districts and Uses, and the Commission will look at that in June or July. Then, we will be looking at Development Standards, Administration and Procedures. This next step is very important and we will forward the Commission's comments to Clarion, because it helps inform them of what they need to focus on as they are drafting, and as we get into the draft, it is very important, because we will be seeing the meat added to these things.

Mike then encouraged the Commissioners to visit the project website and provide comments.

**Commission's Questions and Comments:**

Chair Losoff noted that the Commission has talked about a Land Development Code review for as long as he has been on the Commission, and so far he is very excited about the possible outcome and they are doing a great job. Over the years, we have seen some of the issues, and they certainly picked up on a lot of the things that have been problems, so with a little tweaking, etc., in terms of their suggestions, we are moving in a great direction. He likes the idea of giving more flexibility for administrative decisions, and certainly going to 22 districts is very good. We inherited some of these zoning ordinances over the years, while others have just been there, so we are making some great progress.

Commissioner Cohen indicated that this is fantastic. As to the thinking behind a couple of pieces, Mike talked about neighborhood protection and his concerns are short-term rentals and Entertainment Districts. He then asked how we deal with neighborhood protection and those issues. We have a lot of short-term rentals and the City has no information about them. We're seeing houses being sold in neighborhoods and rented, so how will neighborhood protection address that? Then, there are a couple of areas where Entertainment Districts can be placed, including in Uptown, but they create noise and more traffic, etc., so he wanted to know how the Land Development Code will deal with them.

Mike Raber explained that Council passed the Entertainment District, which was a way of allowing for greater review or the ability to review a liquor license for retail within 300 ft. of a church or school. The term "Entertainment District" is the statutory term that we had to use to designate an area for that, which we did, but longer term, the whole idea of a special district for Uptown was that we have special circumstances in Uptown that are different from anywhere else in the community from a land development perspective. We have nonconforming lots and nonconforming parking in a situation of very dense commercial that is pretty pedestrian focused, so it doesn't meet a lot of our Code standards, and we need to rethink some of those standards, which is a big piece of what that district would look at, not that it is opening up anything that a vibrant, walkable downtown commercial area wouldn't already be focused on.

Chair Losoff indicated that it could come up in our discussions on the final versions on projected uses, and it could be part of our use definition or criteria if we want to include it at all. Mike explained that we do want to treat Uptown differently, but whether we expand the area for the land use or not, remains to be seen. Chair Losoff stated that, as a Commission, the issue is where do we address Entertainment Districts and how do we use it in the Land Development Code to accommodate some of the things we are hearing tonight.

Vice Chair Levin asked about the rationale for introducing that to Council outside of the context of the Land Development Code review, and Mike explained that there were instances where a retailer could not locate in Sinagua Plaza, as an example, because of the Wayside Chapel, and there was no way to even consider it under current state law, which doesn't cover restaurants or hotels that may serve alcohol. This was one way to allow the Council a way to at least have a consideration and weigh-in on those that may be within 300 ft. of a church. Vice Chair Levin then asked if something was anticipated that invoked the need for an Entertainment District earlier than the natural review through the Commission to revise the Land Development Code, and Mike indicated that the whole area has been treated separately for a long time, including Sedona Main Street, and we modeled the "Entertainment District" to be part of the Sedona Main Street area, and yes, we have talked about having different Uptown standards or a different overlay for quite a while, and Sedona Main Street does that with their design standards.

Audree Juhlin explained that the issue that went before the City Council was not a land use issue; it was a state regulation issue that our current allowable land uses couldn't apply for liquor licenses. Our zones allowed the use, but the liquor laws prohibited them unless the City Council took action to declare an "Entertainment District" in that area, and it was just to allow our existing uses in the Land Development Code the ability to apply for a liquor license.

Regarding short-term vacation rentals, Audree explained that with SB1350 we have to treat short-term vacation rentals like any other residential property, so we won't have any language in the Land Development Code that is specific to short-term vacation rentals. If we have issues related to single-family homes such as parking or other land use issues, we can do that, but we cannot single out that use. Part of what you are talking about might be more appropriately addressed in our Building Code update through a Property Maintenance Code.

Commissioner Cohen stated that he won't pursue that any more until we get to that. He then asked about the difference between a manufactured home and a trailer home; we have had trailer places sitting there as home sites for a long time. Mike explained that the MH district was set up for a mobile home park, and we haven't even had a proposal for that since incorporation. We have a few that are functioning now and we allow manufactured homes in many zones, and they already exist in the RMH district, but it would only be for a mobile home park. Manufactured homes are under a different zoning than MH.

Vice Chair Levin stated that she had provided her comments to staff earlier and just wanted to comment on the basis of her review, because it seemed that we had a lot to review and understand before we start reacting to a draft. She had four or five categories where she would note explain or give an example next to something, and she also had comments like good and excellent, etc., plus specific questions. There were a number of new policies, approaches and directions buried in a lot of this draft and she had asked Mike how those policies bubbled up. She is holding her comments until the draft comes back, which makes more sense than doing it item by item tonight.

Chair Losoff agreed that is a good idea and pointed out that the question about manufactured homes could have been asked before the meeting. As we as a Commission go forward and try to streamline our process, something like that could be addressed before the meeting. We all go through these things and there are lots of issues. This is a major document and it is going to be our Bible, so if we have questions, he would encourage all Commissioners to talk with staff to get your questions and comments in. Staff can determine if there are issues that should be brought back to the Commission or incorporated without a consensus, etc., but let's do it so we can move it along.

Vice Chair Levin stated that this process enabled her to see through to the next process better, because this is the set-up for the draft, but she had lots of questions and didn't have the ability to interpret some of the things that were included, so it was an excellent way to present the material, so we are ready for the next round to see how it is manifested, and how her questions are answered, or we have some robust conversations about some of the new policies embedded in the new document. Chair Losoff indicated that it is great that we go through all of this and he encourages all Commissioners to do that, but he doesn't suggest that we micromanage staff. If we have substantial questions or issues, listen to what we are saying and incorporate them into the next steps. Mike Raber explained that their comments would be forwarded to Clarion.

Commissioner Brandt agreed with Chair Losoff's opening statement, except it would be good to have a summary of how the new Code addresses the outlined provisions in the Sedona Community Plan. That was a major concern for him, and when he first opened today's presentation, his goal was to see how the Land Development Code was going to address the Community Plan. He sees there are specific things in there being proposed to do that, but it would help the Commission and general public to have a simple outline of where they can find things or what has been added or deleted to support the Community Plan. Mike asked if he is talking about the vision components or the major outcomes in the Plan, and Commissioner Brandt indicated whichever would be best addressed by the Land Development Code; the CFAs probably would be too specific. However, Mike stated that the CFAs are central to the update, and Vice Chair Levin added so is the notion about a Mixed Use district and Commissioner Brandt agreed. Vice Chair Levin then stated that it would be nice to see the proposed implementing techniques that reflect the Community Expectations in the CFAs, and Mike indicated that is a good suggestion. Commissioner Brandt added that overall we are in good hands.

Commissioner Barcus stated that he is a big fan of simplification, consolidation and elimination, but he needs to understand better the Land Development Code that will come out as a document, and if that is a fixed document that would require amendment or a living document that can be modified non-substantively. Mike explained that once the Land Development Code is adopted it is an ordinance, so to change it you have to amend it, but we hoping to take this draft in modules and the first one will be the zoning districts and uses, which will be important in drafting the Code. We will work through that, and our goal is that the beginning of next year, we will get into the public hearing phase on the whole draft. Once adopted by Council, it is an ordinance that would have to be amended through the Commission and Council in public hearings.

Commissioner Barcus indicated that it is going to be difficult to look at something today that has some forward-looking attributes, like Mixed Use districts, which is commendable, but it will be difficult to anticipate the kind of evolution of property development over the next 20 years, because it is admirable and worthwhile to come up with something long-lasting, and that is why he asked if this document is going to be modified with great difficulty or fairly simply. How does that work, so we know how lax to make the regulations or how strict to make them? Mike Raber explained that is one of the reasons we have a consulting team, in order to give us their experience in drafting these districts, so they aren't so locked in that they can't be applied to different circumstances, etc., and we have an evolving CFA-planning process giving us information for different parts of the community as we move forward. The challenge is drafting a district that can float in changing circumstances to give us some flexibility where we need it without having to change it each time. Commissioner Barcus then indicated that the policy issue is how we will satisfy members of the community that want the Land Development Code to be rigid, so they know what to expect or have it be more flexible, so we can apply a broader brush to neighborhoods or districts. Audree Juhlin stated that is a balancing act that staff, the consultants and the Commission will have to work together on, and one of the biggest things to keep in mind is Prop 207, because with the Land Development Code, you are establishing property rights and if we are too restrictive and later want to make some modifications, that becomes a difficult thing to do, but in reverse, when we have more flexibility and want to make it more restrictive, that is often an easier thing to do, because you don't have as much of a Prop 207 impact – and it is extremely important for everyone to be thinking of that as we move forward. Commissioner Barcus added that was the only controversy he extracted from the 78 pages, and he doesn't know the right answer to that.

Chair Losoff noted that the Commission has struggled with that periodically and referenced the Design Review Manual that says “encourage, could or should”, but we don't say must, so it gets blurry. Commissioner Barcus stated that he senses that in some neighborhoods people want some musts, but for others it is less of a concern. Chair Losoff indicated that it depends on the stakeholder. A contractor wants flexibility, and these are the kinds of things that the Commission can work with staff on without getting into the nitty gritty. Commissioner Barcus then added that it is the policy stuff and the Commission gets to weigh-in and make recommendations to the City Council. Chair Losoff added that we aren't even seeing the explosion with short-term rentals yet, so do we hit it head-on in the Code or think about it?

*Chair Losoff opened the public comment period.*

**Janeen Trevillyan, Sedona, AZ:** Ms. Trevillyan asked where the HP Ordinance will go; she couldn't find it, but she can ask that offline. Her second comment is about the elimination of the Parking zoning, and she suggested that before eliminating that, P&Z might want to look at the reason it came into existence. She sort of remembers the City came up with the Parking zoning, because there was a concern that if a person owned commercial property where parking was an allowable use, all the person had to do was put in parking and meet the Land Development Code, even though the community might feel the property would be better used for some construction, not rows of windshields. Even for a property on Main Street, would the community rather make that a vital retail street or Entertainment District or have cars on the sidewalk. The Parking zoning as she understood it was to put in an extra layer of consideration versus letting owners of commercial property just build parking lots. A couple of things that came up was not only what it would look

like, which this gave the City and community an opportunity to say a parking lot is not wanted there, but also with the shortage of parking in certain places, you may want to talk to the owner and allow them to have parking, but only public parking not private, so there is kind of a selfish angle that we would lose control over, if it becomes an allowable commercial use, so if indeed there is some value to looking back to why we have a Parking zoning, it might be a good time to revisit it before simply eliminating it.

*Having no additional requests to speak, the Chair closed the public comment period.*

**Summary Discussion:**

Vice Chair Levin indicated that she also questioned the approach for Article 15 for Historic Perseveration. Currently, it is being proposed that it would be broken into the new Articles 2, 3, 6 and 7, and then possibly another part of it in the administrative manual, so to her it wouldn't provide use of ease, although there is some reason to believe it fits the key themes that the consultant is approaching for better organization, but in fact, it takes Article 15 and puts it in five different places, so she asks that staff ask the consultant to rethink that approach, plus it was completely revised and adopted in January of 2017. The Chair commented that he guesses the consultants had a good rationale for that, and Audree Juhlin indicated that staff will take these comments back; we are not exactly sure. These are the concepts and things being considered, so we need more discussion on this topic with the consultants. The Arts in Public Places is another one they are considering removing as a separate standalone article.

The Chair then asked about staff's thoughts on the Parking zoning, and Mike Raber indicated that he didn't recall that history, but staff can look into that. He isn't sure that we get a lot of commercial property owners that want to do parking rather than a commercial use, but that doesn't mean that didn't happen in the past. Audree Juhlin added that it is considered a downzoning and most property owners do not want to voluntarily downzone to be allowed to only do parking, but all of these proposed concepts and considerations in the annotated outline have to be vetted. We have to consider all of the pros and cons, so just because it is in here, it doesn't mean that it will become part of the final draft. Chair Losoff stated that the consultant's expert input is extremely important and shouldn't be dismissed either, so we have to balance what they see around the country with our vision.

Commissioner Barcus indicated that with a document that we are trying to make simple and reduce the designations, and thinking about historic preservation, there are software tools available for people, so if someone is interested in historic preservation, the software can tell you what applies without having it in its own area, so we need to encourage the usability of that for people who want to do things like historic preservation or mixed-use development. They can click on a hot button that will populate all of the associated regulations. The simplification is really useful, but with the right software for users, we can keep things parsed into places that arguably are more logical.

Chair Losoff commented that some of the Land Development Code was inherited and we have to be open to modifying, changing and simplifying, and we have some things that have established an identity over the years, and they are certainly part of our overall vision, but they can be treated as you mentioned. As he looks at the summary of recommendations on page 12, it talks about implementing the Community Plan and CFA Plans, and we should be looking at how well the new Code is doing that – these are the big picture items we need to deal with. We certainly have opinions and input on some of the nitty gritty, but those are the two overarching issues that we need to come from – how well is it conforming to the Community Plan and the CFAs?

Commissioner Cohen stated that he finds the Chair's comments very important, because the Community Plan stresses sustainability and this moves in that direction. Chair Losoff noted that is some of the things we need to weigh, and if we had a matrix on land uses enhancing the whole use regulations, it would be very helpful. He then asked if staff is satisfied with the progress, and Audree Juhlin indicated yes, we are very impressed with the consulting team. Mike then encouraged the Commissioners let him know of any thoughts they would like to have conveyed to

the consultants soon, because they are working on the draft. The Chair noted that he was glad to see that they have incorporated a lot of the comments they heard from stakeholders and others.

**6. FUTURE MEETING DATES AND AGENDA ITEMS**

- a. **Thursday, April 27, 2017; 3:30 pm (Work Session Canceled)**
- b. **Tuesday, May 2, 2017; 5:30 pm (Public Hearing)**
- c. **Thursday, May 11, 2017; 3:30 pm (Work Session)**
- d. **Tuesday, May 16, 2017; 5:30 pm (Public Hearing)**
- e. **Thursday, May 18, 2017; 3:30 pm (Special Work Session)**

Audree Juhlin stated that April 27<sup>th</sup> is canceled, and we have no items on the May 2<sup>nd</sup> agenda, so it may be canceled, but we do have NAU at 4:30 if you want to volunteer. Chair Losoff indicated that there were three volunteers -- Commissioner Barcus, Vice Chair Levin and Commissioner Cohen.

Audree then indicated that we may have a work session on May 11<sup>th</sup> for a Korean food truck proposal for a CUP, and if so, we will have a public hearing on May 16<sup>th</sup>. Then, May 18<sup>th</sup> is the special work session on the Wireless Communication Ordinance and Master Plan, and it is extremely important that you put that on your calendar, because after the work session we are scheduling the public hearing on June 1<sup>st</sup>, and we originally only budgeted having the consultants here one time, but we are going to bring them in twice, so we need effective time management on both of those dates. Chair Losoff noted that he will be gone on May 16<sup>th</sup> and 18<sup>th</sup>, and Vice Chair Levin indicated that she will be gone on June 1<sup>st</sup>. The Chair then asked if the 18<sup>th</sup> is a joint meeting with Council and Audree stated no; it is in the hearing process, so you will make a recommendation to the City Council.

**7. EXECUTIVE SESSION**

**If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:**

- a. **To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. **Return to open session. Discussion/possible action on executive session items.**

*No Executive Session was held.*

**8. ADJOURNMENT**

Chair Losoff called for adjournment at 6:30 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on April 18, 2017.

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Donna A. S. Puckett, *Administrative Assistant*

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Date