

**Summary Minutes**  
**City of Sedona**  
**Planning & Zoning Commission Work Session**  
**Council Chambers, 102 Roadrunner Drive, Sedona, AZ**  
**Tuesday, January 16, 2018 - 3:30 p.m.**

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

Chair Losoff called the work session to order at 3:30 p.m.

**Roll Call:**

**Planning & Zoning Commissioners Present:** Chair Losoff, Vice Chair Kathy Levin and Commissioners Randy Barcus, Eric Brandt, Kathy Kinsella, Larry Klein and Gerhard Mayer.

**Staff Present:** Warren Campbell, James Crowley, Audree Juhlin, Cynthia Lovely, Cari Meyer, Robert Pickels Jr., Rob Pollock, Donna Puckett and Mike Raber

**Councilor(s) Present:** Mayor Moriarty, Vice Mayor Martinez and Councilor Currivan

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

Audree Juhlin announced that the City Council considered the Commission's Rules & Procedures last Tuesday, and they had a few items for the Commission to consider, so it will come back to the Commission for review and return to the City Council.

**3. DISCUSSION REGARDING THE UPDATE OF THE LAND DEVELOPMENT CODE.**

Mike Raber indicated that on November 30<sup>th</sup>, Clarion Associations provided an overview of the current public draft for the new Development and Subdivision standards. The Commission was asked to provide questions and comments to staff and those have been summarized in the summary that is part of the packet. They did not include typographical, minor format or editorial changes, which staff will further review and address later if they come back to the Commission. We met with all Commissioners who made comments and answered some questions, and we will get back to you and the Commission on those we couldn't answer. We attached all of the Commission's comments, and for today's meeting, we wanted to go through the summary in order, but some items are more complex than others. We also have John Davis, Fire Marshal, here to answer questions regarding Firewise principles and how we can be more Firewise in our Land Development Code.

Other complex items that we need to discuss with the Commission include Multi-family parking standards, how we regulate density, how Development Standards might affect housing affordability, how we noted Firewise in the landscaping section, and how we are going to address those. If we don't get through all of these items, we can continue this discussion in a future agenda.

Chair Losoff asked what the end date is, and Mike stated that we are looking to get the consolidated draft to the public hearing process this summer. Audree Juhlin explained that the original contract was set for approvals with City Council in May of 2018; however, staff had the four Community Plan Major Amendments, so we had to take a break and we are about two months off-track right now. The Chair then stated that there was no hurry; however, Audree added that we are on a timeframe that we need to adhere to and we are already two months behind, so keeping the momentum going is really important.

Mike explained that we want to remain focused on the summary to make the best use of time today, and he then introduced Tareq Wafaie with Clarion Associates, who is here to help facilitate the discussion today.

Mike stated that the first item covers Articles 5 and 7. We were asked to clarify how we are going to cross-reference the document to the outside manuals that will be done, and we are now thinking of integrating those manuals into one manual with separate chapters to deal with Engineering, Design Considerations, etc. The footnoting is kind of going away when the final document is done.

Tareq Wafaie explained that when the adoption draft is before the Commission and City Council those footnotes will be removed; however, the consolidated draft will still have a fair amount of footnotes and the importance of keeping those is the consolidated draft that knits the first three parts together will tell you how that document is different from the previous Parts 1, 2 and 3. Currently, it is not always clear how Article 9 relates to Article 10, and how all of these pieces are important to doing business in Sedona. They think a lot of progress is possible just by including things clearly as a separate document or appendix, rather than just listing them as individual articles in Land Development Code.

Mike asked of whoever made that comment if there was anything else to go into the document that would help that cross-referencing. Tareq stated that ultimately the draft that gets adopted should clearly state, and if it is an appendix, it will clearly say see Appendix A, etc. If it is an entirely separate document like Engineering Standards Manual, it will specifically give the title of the document. Chair Losoff indicated that sometimes we get into redlining and footnoting, and we spend so much time going back and forth, he would just as soon look at the final document, but he understands the importance of knowing our history. Hopefully, we don't get too caught up in that.

Mike Raber indicated that the second item was regarding the parking in the Uptown area, and instead of the one space per 500 sq. ft. in the draft, staff would like to propose that we keep the Parking Standards the same as they are elsewhere in the Code for the different uses that allow for an in-lieu construction fee as an alternative if an applicant can't provide the parking or chooses not to provide it. In the Uptown area, we have a situation where we have a deficiency of parking now, so when anyone tries to do a new use, it is sometimes difficult to meet the standards. This would be staff's recommendation rather than reducing the parking ratio, which may not be a good approach if we don't include a funding contribution, because that would further get the parking out of line if we reduced that across the board. He didn't know if any Commissioner wanted to comment about that, but that is what staff would propose.

Chair Losoff asked if it would become too easy for contractors to not put in parking spaces and would that defeat the purpose of having parking spaces. Mike explained that is why we would want to see that in-lieu funding contribution, because the idea is that would go toward public parking in the future, and it would be earmarked for that. Originally, we had a lower parking standard in the draft, which we felt might not be moving in the right direction, because we wouldn't be requiring that parking that would otherwise be required.

Tareq Wafaie added that although the first draft stated a reduction of parking for Uptown at one per 500 sq. ft., in some cases that still would have been too much. This new proposed system will work effectively for a place like Uptown. They are not eliminating required parking, they are just saying let's think strategically about where that parking should be located. A lot of discussions are about making special places and activity centers within the community, and in those places, people typically park their car one time and visit several different destinations, so it should be treated differently and this is a good way to do it, and one way that many communities across the country have done for similar activity centers. The challenge in this is getting that fee appropriately balanced with how the City will then turn around and spend those dollars to build those public facilities, but that is above his pay grade, so they will leave that to staff and the City Attorney's Office to build that piece, but it is a component that will need to be further discussed.

Commissioner Klein asked what 'an applicant cannot provide parking' means, and Mike explained that in some areas in Uptown there isn't any assigned parking or they can't meet the actual standard that is in place, because they have been there since before the City incorporated and that is how the area developed when ADOT had that right-of-way. The Commissioner asked if it is fair

to charge them an in-lieu construction fee, if it is impossible for them, and Mike stated that they would like to solve that problem, and one way to do that would be to charge an in-lieu fee to go toward public parking in the Uptown area to offset that deficiency. Commissioner Klein wanted to know how the amount of the fee would be determined, and Mike stated that is something we still have to talk through.

Mike indicated that the next discussion is regarding parking for Multi-family. There has been quite a bit of discussion about this and this draft says to reduce the requirement from the existing Code, and currently, the Land Development Code is 1.5 parking spaces per unit, and actually two per unit for the first five one-bedroom apartments and two or actually 2.5 for the first five two-bedroom units. The proposed is 1.25 per one-bedroom unit and 1.75 per two-bedroom unit, so that is a slight reduction from what we currently have.

Mike indicated that staff has looked at some other cities and towns and their requirements vary, and what is proposed for one-bedroom is similar to Gilbert and Scottsdale and the two-bedroom is the same as Cottonwood. When we looked at the actual numbers of the few apartments around the Verde Valley, most of them other than Shadowbrook, have less than our current and proposed Code would allow, but none have experienced any parking issues, and the Shadowbrook Apartments that supply more has a very large surplus parking area. We talked with all of these complexes and none have experienced problems with parking issues.

Commissioner Klein referenced the other cities and towns and asked if the 1-2 is supposed to be 1.2. Mike explained that is one to two per unit; it is a range. The Commissioner asked if the other cities and towns can have less parking because they have more street parking, and Mike Raber explained that question was asked when staff looked at the complexes around the Verde Valley, and none had seen that happen. They typically have assigned spaces per unit and some surplus parking beyond that. Other than Shadowbrook, the other complexes aren't even supplying the required and proposed amounts, but they still aren't seeing an issue with their parking.

Commissioner Mayer asked about motorcycle parking and Mike stated that staff didn't ask about that. Tareq then added that a lot of communities think about motorcycles; they take less space than car parking, and you can just allow a certain percentage of your parking lot to be dedicated to motorcycle parking. Commissioner Mayer then asked if they have to provide a secure bicycle parking area, and Tareq said that bicycle and motorcycle parking has been addressed. The Commissioner noted that he has seen a lot of bicycle parking at NAU.

Chair Losoff asked the Commissioners if they were okay with the numbers, and Commissioner Klein wanted to know if you have an 80-unit apartment building, how many guests a day are going there and need to park, and Mike Raber stated that the Sagewood in Cottonwood has 80 units, and they provided 80 assigned spaces or one per unit, and then they have approximately 25 or 30 above that for guest spaces.

Chair Losoff indicated that we are going from 1.5 to 1.25 and asked if that is a problem. No Commissioner expressed an objection. The Chair then stated that we are going from 2 to 1.75 and indicated that didn't seem to be a problem, so he doesn't think it is an issue. Chair Losoff then asked about the bicycles; however, Commissioner Kinsella interrupted to say she had a question on the reduction, and she asked if staff spoke to the complexes directly or to the city, and Mike stated that staff spoke to the complexes directly. The Commissioner then indicated that their report that there was no problem is a perspective and asked if we have any. . . Mike explained that he can only tell the Commission what they told him.

Chair Losoff then asked Tareq if they are okay with this, and Tareq stated yes, but they should have prefaced this conversation with the fact that you are not going to know how many guests will come to a particular unit or how many guests are going to go to a restaurant on a Tuesday night. You can take the law of averages and see what is happening in other Arizona communities, around the country and around the world. There is a lot of data on required parking for very specific use

types, and they have drafted over 180 codes around the country, and they range wildly. A lot of communities require too little parking and others require far too much. A Land Development Code should reflect a good standard that works for the community to solve a particular issue. If parking is an issue for a particular use, it should make its way into the annual code update. After this is adopted, you would say this ratio is not working; they are under or over-parked and it could be a fluid document. Beyond that, they have to rely on national trends, local trends, and speaking with the business and residents to identify problems. If there is spillover onto residential streets from a particular use, they can use that as fodder for the discussion as well.

Chair Losoff noted that the Commission discussed at the retreat trying not to get into micromanaging how many people are coming and going at a certain time. If we are just going down a little bit, as was pointed out with these Land Development Codes, if we find after they are adopted that it is not working in some cases, we can always modify it. The Chair then asked to go back to the question about the bikes, and Tareq indicated that immediately following the Required Off-Street Parking Spaces Table on page 36 of the public draft, essentially Multi-family and Non-residential development is 1 per 20 required car spaces, you would have to provide a bicycle space; there are some location and design standards there too.

Commissioner Mayer asked if they have done a development code for any towns similar to ours, and Tareq explained that they have never worked in two of the same community; he is not sure where the Commissioner is headed with that question, but they react to local context. He has never worked in a community with lodging challenges that are the same as Sedona's. Commissioner Mayer indicated that what he is heading to is the need for parking garages. Mike Raber clarified that there is another, if you have more than 5 units, there will be another 10 required overall for the one-bedroom and 12 for the two-bedroom, and that is to pick-up extra guest spaces. It is 2 per unit for the first five and 2.5 for the two-bedroom, so there will be extras in there too.

Chair Losoff asked if under Table 5.4, you are also recommending lodging units differentiation between interior and exterior access, and Mike referenced page 31 and explained that is a little bit of a miscommunication with the consultant, so that will come out. There shouldn't be a distinction there.

Tareq referenced the Table of Allowed Uses that the Commission reviewed in Part 1 of the Code that shows what you can do and where you can do it, and stated that this is another area where Planning Commissions and Councils spend a lot of time reviewing in great detail, so if you have specific comments on parking ratios, please let them know. There are still several bites at the apple before this gets consolidated.

Mike Raber referred to page 28 and indicated that staff was asked to clarify that the parking requirements include fleet and maintenance vehicles in the overall square footage. A hospital was given as an example of that, and Tareq can discuss why the ratio of 1/400 sq. ft. for hospitals is different than 1/200 sq. ft. for medical and dental clinics. Tareq explained that our current standards regulate hospitals based on the number of beds, and that is a somewhat older approach to regulating parking. The number of beds can change overnight and it is hard for code enforcers to know how many bed are inside a building. Most zoning code regulations stop regulating outside of the building's edge. It is similar with parking standards for restaurants and bars. When you regulate by the number of seats or tables in the restaurant, those things can be hidden from staff and brought in later, and you wouldn't know until you visit the restaurant. A more common approach is to take a tailored set of parking regulations based on the size of the building, because that size can house a certain number of people and operations associated with a hospital, and 1/400 reflects a trend for what most hospitals would require for parking -- some require more and some are going to provide more. This would not preclude a hospital from providing more parking, and they often own land surrounding the hospital and would do that very thing. That is different than a medical or dental clinic, because they are really like retail or personal service in terms of their parking demand. People come in for a couple of hours and leave and a new customer comes in; there is a lot of overlap for parking, while at a hospital, there is not that much turnover, so they

are almost always regulated differently. Commissioner Mayer asked if we have a hospital, and Mike Raber explained it is not a traditional hospital, but it probably does have quite a bit of turnover, because it is more clinically-oriented.

Mike then indicated that the other item is on page 30 and that is the restaurants and bars, and the question is how does the requirement for less parking spaces for the 16 or fewer seats apply if you have large spaces where people may be standing? We are regulating by square footage here and by seats there, but the area might be the same. One solution might be to translate the number of seats into a comparable square footage as part of the requirement.

Tareq added that he wanted to tell the story about why it was regulated this way to begin with. When this Code was originally drafted, the intent was to say that smaller places should not require as much parking, and that is still true. You do not want to preclude businesses from being able to locate in a vacant space that would really add a lot of vibrancy to a part of town just because they can't meet the parking requirement. There are several ways to get at that issue. At the beginning of the parking standards, they allow for an exemption from parking standards for lots less than 5,000 sq. ft. If you are a really small place, and that is the lot, you can imagine the building on that lot is even smaller, and if you are that small, you will figure yourself out. They do not want to get in the way of in-fill and redevelopment of very small properties. For smaller restaurants, if it is a small building under 1,500 or 2,000 sq. ft., maybe you would have a smaller parking demand. If you are your typical pad site commercial development; then you are going to be subject to a higher standard for parking, because more people will drive to that establishment. Mike Raber then added that staff is agreeing with the number of seats maybe not being a good measure by itself and having a replacement value that is square footage instead.

Commissioner Klein asked about a small restaurant with 16 or fewer seats, so here you require less parking, but you are doing a lot of take-out business. Are you going to have enough parking? Tareq stated that is another good testing model; some communities call out take-out businesses as a separate type of use, but he doesn't recommend that. Restaurants have strategies for dealing with some of those issues. You often see dedicated parking spaces for take-out only, because they want to keep that part of their businesses alive and running; it is what makes them a lot of money. You could address that, and something they discussed this morning was outdoor dining in Sedona, which is a much bigger issue in Sedona than in a lot of other communities. Outdoor dining is where people want to be almost year around. How do you regulate outside patio parking? Currently, it is silent in the Code; staff has been interpreting that to treat them at a lesser standard for patio seating, and they had just started discussions this morning about actually codifying a number for outdoor dining, because you will see a lot of that being constructed, and they do place a demand on parking as you have seen from some of the popular restaurants around town.

Commissioner Kinsella asked if the square footage of that patio figure is in the square footage of the building overall, since it is part of the footprint or is it only figured into the square footage of the lot. Tareq explained that there are a lot of different ways to get at that and that is what they started discussing today. Sometimes they have drafted it to say that 10% of the patio square footage has to comply with the parking requirements; sometimes they say all patio dining shall count towards the building square footage; there are lots of different way to get at that issue. The Commissioner then referred to basing the parking size on either the square footage of the lot or of the building, and asked why use the lot instead of the building. It seems that the commercial use and population is driven by the size of the building. Tareq agreed if you were to take each individual use on its own merit, but this is a general exemption, so they treat it on the lot to say a 5,000 sq. ft lot is a very small lot. You are not going to have enough room on that lot to provide your building, the amenities, the landscaping, etc., regardless of what that business is, so parking should not be a part of that discussion. They could also include a certain building size to which you would not require parking, but some buildings have very few people in them. A warehouse is going to have one or two people; whereas, the same size restaurant could have a couple hundred people.

Mike Raber asked if there were any further comments or concerns about going that route, and Commissioner Klein asked what happened to deleting the thing between the interior and the exterior, and Chair Losoff noted it is on page 31. Mike Raber stated that differentiation is going to be removed. Then, the Commissioner asked what it is going to be – 1 space per guestroom or 1.5, because it is different depending on whether it is an interior or exterior access. Mike Raber commented that is a good catch; he thinks it is the 1.5; however, Tareq pointed out that they haven't discussed that yet. If they get rid of that distinction, then they need to find a way to strike a balance there. You have a lot of hotels and lodging facilities that can be used to inform that discussion, and they can reach out beyond Sedona to come up with something.

Mike Raber stated that the next section came up from the Commission in the last work session, and staff is proposing that we delete the section regarding over-parking, because we haven't had an issue with that, and we just wanted to get the Commission's read on that. It is the section regarding maximum off-street spaces. We talk a lot about minimums and typically not maximum parking. The idea was that we don't want to over-park the City, but we have not experienced that with any development; it is always the opposite issue.

Commissioner Brandt asked if that is because, for instance, Safeway and Basha's aren't 100% filled with leases. Mike stated those are kind of exceptions to what staff sees typically, and they may fit into that over-parked situation, but other than those anomalies, we don't see that as an issue with people providing more parking than they need, and if we recommend public parking somewhere, this section's removal would not affect that. Chair Losoff commented that if it is a public street, there is not much we can do about people parking on public streets and Mike agreed.

Mike indicated that Section 5.6 on page 48 is the landscaping section, and we wanted to talk about Wildfire Mitigation Standards and how those standards are proposed to be reduced a little. Our existing Code is sometimes contradictory to Firewise principles and we have insurance policies that are now considering landscaping relative to coverage for fire, so we need to strike a balance with being sensitive to integrating well with our natural environment and the fact that we also need to be fire conscious as well. In the new Code, we would reduce our plant density requirement, particularly on things like street frontage, the number of trees and shrubs for parking lot screening, removing the building perimeter landscaping on street frontage, and we took out the preservation requirement of one tree per 500 sq. ft., which also affects Single-family. There was a standard for the base planting of large vegetative areas to reduce building mass, and that was removed and would be replaced with beefing up the building exterior to handle that massing issue. On page 58, for the Wildfire Mitigation Standards, staff is proposing that those be guidelines and that we encourage and not require compliance, and that is particularly in reference to the defensible space areas that are within 10 and 30 ft. of buildings, which also affects Single-family Residential. We are in a place that we don't want to over regulate, but at the same time, we have looked at those areas where we can reduce our landscaping requirements.

Mike Raber then introduced John Davis to offer his perspective and answer any questions regarding the creation of a more Firewise community. Vice Chair Levin stated that she would like the Fire Marshal's perspective on the recommendation that guidelines for Firewise principles be embraced versus a full endorsement of the Firewise principles.

**Fire Marshal John Davis** stated that Firewise is a program administered by the National Fire Protection Association, and in it, they lay out principles for landscaping around houses and buildings. It is not going to prevent a wildfire, but should one occur, anything they can do to slow the speed and intensity of the fire as it approaches buildings, the better chance they have of saving those buildings. The Firewise principles that they are talking about making into a guideline rather than a requirement he agrees with, because they certainly don't want to over regulate and, to some extent, it is a matter of personal preference. He has vegetation near his house that may not totally fit into Firewise, but he has taken steps to protect his structure. He has limbed the trees above the house, even though they are probably too close to the house. He has recognized that there is a risk there and he is willing to live with it. Not everybody wants that; he also realized that what

makes for good fire prevention . . . if they cut down every tree, that is easy to defend in a fire from a pragmatic standpoint, but it doesn't enhance livability. City staff has tried to come up with a plan that balances good practices with livability and strike that balance in the middle, and to allow people that want to reduce vegetation around their house an avenue to do so, but there are those that probably want a little more vegetation. From a fire prevention standpoint, it is probably not advisable, but there also has to be some give and take, and some allowances for personal preference. If his neighbor's house is overgrown, he knows that he might want to landscape accordingly to protect his house better, so what staff is presenting strikes a good balance. You don't have to look very far, Santa Rosa, to see what can happen, and take every step that you can to reduce the likelihood that it happens here. Staff has done a good job of balancing that.

Vice Chair Levin stated that makes her question why we would have Firewise principles if we are only going to say they are guidelines, and to not recognize the importance of protection of property by enforcing them. All of our existing houses and vegetation wouldn't be Firewise and most people are conscientious about keeping their trees off of rooftops, but border bushes and perimeter landscaping, and 10 ft. to 30 ft. of defensible space is pretty far. She is kind of conflicted about having a set of principles and making them only guidelines.

**Fire Marshal John Davis** explained that a huge portion of the Firewise ideal is education, and what the City staff is trying to do is to say that they have adopted these guidelines to promote them and to educate the public, and then let them make their own choices. The issue is that the more that you regulate, the more enforcement, etc., and it will eat up more and more of staff's time to deal with enforcement on things that may or may not be enforceable.

Chair Losoff stated that he shares the same conflicts, and in thinking of the Design Review Manual that has a lot of encourages and suggests, it has caused problems over the years, because it doesn't say must, but listening to the Fire Marshal and the consultant, and if you are all in agreement with this, he would defer to what you have seen around the country and the state. In his neighborhood, if we all conformed to the regulations, the value of our houses would go down significantly, because the beauty of the landscaping is part of the neighborhood character, although it is a fire hazard. We do have to be careful, and if you warn us and alert us as to how to protect our places that helps.

Vice Chair Levin stated that in light of the catastrophic fires we have seen and Arizona's 9 to 14-year drought, she remains conflicted about not wanting to 'encourage' Firewise principles in a climate that we see is changing rapidly.

**Fire Marshal John Davis** stated that his neighbor received notification from their insurance company that due to their location and the high fire line scoring, which is a new rating system that the insurance companies are using, they would no longer renew their fire insurance, so things are changing in the insurance companies' regulations, and that is not to say that the climate may be such that during the yearly visit, the Commission says we need to make this mandatory, but this is a good start and maybe as far as it needs to go now, then in five years you may go to the next step. The Vice Chair stated that the insurance industry may have the greatest amount of influence.

Chair Losoff asked what Tareq has seen around the country, and Tareq stated that he does a lot of wildfire planning, that is one of his niche areas, and in the communities that want to take the issue head on, they have done a lot of policy work on the issue prior to adopting a set of regulatory provisions. They will have a Wildfire Protection Plan and their comprehensive plan or Community Plan will have an entire section dedicated to this issue, and that gives clear direction to regulate from, but it varies widely. Unfortunately, wildfire areas are also some of the prettiest areas in the country, so it is always going to have some level of conflict.

Commissioner Klein indicated that he has the same conflicts, but from what he is hearing, if we made this mandatory, it would guarantee a house from burning down; he then asked if that is correct, and Tareq stated potentially, but John Davis can talk about ember transport.

**Fire Marshal John Davis** explained that the whole thing about Firewise is to slow the speed and intensity of the fire. That is not to say in some of these strong wind-driven fires, you can have embers dropping three or four miles ahead of the fire front, so nothing that they do is 100% certain, but by decreasing the density, he likens it to creating islands of vegetation. If one island of vegetation catches on fire, the next island is far enough away that it will take a long time or won't catch on fire. By enacting good landscaping practices and Firewise, you are certainly working to slow the speed and intensity, but look at Santa Rosa. He has talked to three or four guys that were there and all of them remarked that places that never should have burned -- K-Mart's, malls, places surrounded by acres of asphalt, burned to the ground, so they can do what they can, but in some events the fire is so intense and driven by wind that it may not be enough, no matter what they have done, but it doesn't mean that you shouldn't do something to try to reduce that risk where you can.

Chair Losoff indicated that the issue is if we want to make it mandatory or not. Commissioner Klein stated that generally he is not in favor of a lot of government regulations, but in this case, he may lean toward making it mandatory. Maybe it is because he was back in Napa two weeks after the fire and parts that had burned looked like a war zone, and he is wondering if you could prevent some of that from happening, it would be worth it. He went to a real estate meeting today and they talked about how after those fires, lumber prices went up 25% and some contractor's quotes were only good for 15 to 30 days, but now some of the insurance companies are coming out and inspecting your property and maybe even requiring you to get rid of some of your vegetation because of the fire risk, so he doesn't like government regulations, but in this case, he might lean toward being in favor of it.

Commissioner Mayer asked if a residence is maintained Firewise and the other one, given a 5 ft. setback on each side, is not, and if that non-Firewise guy's house burns up and the ember jumps to the next one, it affects the neighbor as well and maybe the whole subdivision and beyond, so he would rather see a regulation. He then asked how the City of Flagstaff is handling that. He read a few years ago they implemented that 30 ft. between the house and vegetation. The Fire Marshal indicated he was not aware of how Flagstaff was handling that. The Commissioner then stated that he wondered if that was mandatory or if it has materialized.

**Fire Marshal John Davis** stated that the Commissioner made a good point in that how he maintains his house can have an impact on his neighbor, and Firewise promotes Firewise communities, but community is somewhat a misnomer; it is more Firewise neighborhoods. They look for HOA neighborhoods where they can get the entire neighborhood, so they aren't dealing with just a house here and there. They are talking about blocks of houses that have all adhered to these principles, and he has seen many pictures where wildfires have gone through and you will see blocks of houses wiped out, and then you go through a Firewise community and 95% of the houses are standing untouched. The Commissioner then stated that he would like to see a mandatory, especially in this community where we have a lot of juniper trees full of pitch. Possibly if the Fire Department drives around, they can make some neighbors aware of the debris.

Chair Losoff indicated that he understands what we are saying, but he thinks we should do the lesser until insurance companies tell us we have to. If we say it is mandatory and people are neglectful in doing it, insurance companies will have a reason not to pay if there is something on the books that says it is not conforming. Secondly, you can go around the City and if you look at what has to come down, it would be a terrible effect on the whole aesthetics of where we are living. Safety is very important, but given the recent fire in California, we may be overdramatizing this.

Tareq Waifaie added that communities that are adopting wildfire specific regulations as mandates have gone through a lot of analysis of the fire conditions in the community. There are mapped boundaries of the wildland urban interface and how the urban environment interacts with the surrounding forested areas. There is a lot of study and policy direction for how they got to that point. They suggested in this draft that some of these would be mandatory, including defensible space, which is a component of those regulations; however, by reducing the landscaping requirements in some of the other sections, it is kind of a middle ground in that it gets out of the way



for someone that does want to do the right thing; whereas, your current regulations would not even allow you to do things that are Firewise. It is a good step in the right direction, regardless of where this conversation ends up.

Commissioner Brandt stated that the current landscape requirements are for commercial properties, not residential except for the minimum of trees, and that has only come up once or twice in the 20 years he has been working in Sedona, so it is good to have the trees for screening, but it seems it is usually enough trees to meet that. We haven't had to plant many, but the other landscaping is for commercial and far away from the edges of the forest. It needs more screening and attention to continue the vibe you see as you drive down the highway, so those really need to stay in there. As far as the defensible space, there wouldn't be many trees. Half of the trees would be gone and a 30 ft. secondary defensible space goes into his neighbor's garage, so there is really not that much extra space. He has seen houses burn to the ground and all the surrounding trees are singed, but what we see in California is just the opposite. If the forest is on fire and all the ash comes down with no trees in the neighborhood, you are still going to catch houses that don't have non-flammable roofs – they will still catch on fire, so it is like he is not sure that this makes sense and that you can legislate it. The Commissioner then asked if the Wildfire Mitigation Standards would just be for new construction or everything. Mike Raber indicated that is something to clarify; this wouldn't be a retroactive enactment that would affect existing development. The Commissioner asked why not, and Mike stated that the rest of the Code would be that way; it would affect new development moving forward. Commissioner Brandt stated that he doesn't see where that distinction comes from that it is not retroactive to everything. Mike explained this wouldn't cause people to go in and remove vegetation; however, Commissioner Brandt repeated the question and asked if someone calls and says their neighbor doesn't have their defensible space, why wouldn't that neighbor have the right to say they are not following the Code. Mike commented that that raises the other issue about enforcement too.

**Fire Marshal John Davis** indicated that there are many times when somebody says they have a tree and they want to remove it; it is currently at odds with the current City's Development Standards, and he is asked if he agrees that it could be a fire danger, so they work with staff, and this is a good step in getting rid of the middle man – him. They say they have a tree that is 12 ft. from the side of their house and they want to get rid of it and the City staff says it meets the current development standards, so you can go ahead and do that. He would never discourage you from looking at the possibility of adopting a Firewise standard and making it mandatory, but he also believes there is a lot more groundwork that has to go into that before you would be at that step. The Fire District would work with you whole-heartedly to develop those standards and be involved in that process, but this is an excellent first step.

Chair Losoff then asked if the Commissioners wanted mandatory or not. Commissioner Barcus stated that he didn't have enough information to make a determination. Commissioner Mayer stated mandatory; Commissioner Brandt stated not mandatory, and Vice Chair Levin stated that she takes Commissioner Barcus's position. Commissioner Klein wanted to make it mandatory for new construction, and Commissioner Kinsella stated that she is with Commissioner Barcus and Vice Chair Levin. The Chair then stated that he was not in favor of mandatory, so we have a consensus to leave it as it is, but as you move forward; we are not opposed to studying this further if it keeps coming up. Vice Chair Levin stated that she was not sure it was unanimous and Commissioner Klein clarified that three people stated that they didn't have an opinion. The Vice Chair then stated that as mentioned, there is a lot of work that would have to be done around policies, etc., so for this time and space, maybe we want to recommend to the City Council that they look at that next step. Robert Pickels Jr. added that based on some of the issues that surfaced today during their discussions, he has some concerns that he wants to discuss with staff and the consultant before we look at what we want to do with this piece.

The Chair then stated that at this point we don't have enough information and we are not comfortable making a decision on this issue, and it could be brought back to us or when it goes to

the City Council they will be aware of our concerns, unless staff has more information that you want to bring back to the Commission for future discussion, but today we can't make a recommendation.

Audree Juhlin recommended that staff schedule another meeting and have this as one of the specific items to discuss; we'll provide a little more information as to what Code Enforcement looks like, what the legal issues are – we have Prop 207 and a number of things we need to discuss. Commissioner Mayer then suggested looking at what other cities in Arizona have too.

Mike Raber stated that the next item is clarifying how landscaping standards apply to Single-family Residential. We may not want to require landscaping at all in Single-family, other than the tree retention being proposed in the Code. We have already removed the requirement for one tree per 500 sq. ft. that was in the existing Code, so this is another place that we originally had discussed looking at the application to Single-family for landscaping, but with the Firewise issues, this may be something that we don't do other than what is in the Code for tree preservation. Regardless of what we do, the one thing that is clear is that we need to, in the applicability section, spell out how this applies to Single-family or doesn't apply, so that is something we will do.

Mike then stated that the other issue was brought up in the purpose section about strengthening that regarding the retention of mature trees on site, especially deciduous. This may be an issue, but it really doesn't belong in the purpose section. It may be in the landscape materials, and the issue is if we want to emphasize deciduous more than we have because of the fire issues, and we could fold that into a future discussion.

Mike indicated that the final item was the landscape area use and maintenance. The way it is worded now is not allowing parking of vehicles on landscape or buffer areas, and should the Land Development Code specify that other structures should or should not be allowed in those areas. We had an earlier discussion about that. Tareq stated that there were two examples in this bullet point. What about benches and what about sheds? They think they are very different examples. You want to encourage amenities within your landscaped areas, especially in the more urban context like the sidewalk areas in Uptown that you are counting as your landscaped areas. Benches are okay; sheds, buildings, other structures would not count as part of your landscaped area. It is also going to require a couple of new definitions, such as adjusting your definition of structure and creating a new definition for pedestrian amenities, landscape amenities.

Mike stated that in both the last work session on November 30<sup>th</sup> and comments since then, there were comments about clarifying how the selected guidelines of Article 10 have been converted to standards, and basically, it is how we are meshing those two Articles and a lot of 'shoulds' were changed to 'shalls', but it wasn't as simple as changing everything that way. There were also sections removed, because they were difficult to codify.

Commissioner Brandt asked what is happening to the guidelines that aren't codified? He thinks the Commission should get a big picture. Tareq suggested taking away the title of the slide, and indicated that how Articles 9 and 10 work together is one of the complex parts of this job. You have two large pieces of information and sometimes at odds with each other, sometimes in concert and sometimes they are not sure how they react to each other. Staff has been treating these things in varying degrees of enforceability and varying degrees of requiring versus guidelines.

Chair Losoff asked for the public's sake what Articles 9 and 10 are, and Tareq stated that Article 9 is Development Standards – all of the quality standards for development. How good does the development have to be in Sedona? It covers the very technical aspects of doing business for anything from grading and drainage to landscaping and the building design itself, and how the buildings are massed along the street. Article 10 is written as a Design Review Manual and reads very poetically with commentary language. People put hours and hours into this document; it is a lengthy document with a lot of visionary documentation of who Sedona wants to be in the built environment. They don't want to lose the baby with the bathwater, so when they say meshing 9 and 10, he assures you that they are capturing the big ideas; things that are important to Sedona in

standards, and making more of those really good guidelines that you are enforcing anyhow into standards. One example of that is where the landscaping section within the Design Review Manual, Article 10, says you should put in more trees, do a better job of designing your street frontage, be prettier and respect the context, and Article 9 landscaping standards say you shall provide landscaping in the street frontage. Where they say the same thing, it was very easy; they just do not carry forward the same language in both locations. To be clearer in the Land Development Code as a whole, they want to separate Article 10 from the document, either in the form of an appendix or a separate Design Review Manual. There are kind of three things going on here -- combining standards in 9 and 10 that are all good standards, turning some of the 'should' language into 'shall' language, and removing a lot of the commentary that supported that. The reasoning behind why they think trees are important is that is not code language; it belongs in a separate piece of documentation. Another thing they wanted to be sure they carried forward is a lot of the pictures and graphics that tell the story of who Sedona is as a community. They don't want to lose that history, but they want to make sure it is clearer in what you have to do and what you should be doing, so they divided it as such.

Tareq indicated that he would recommend to the Commission and any members of the public that as you review this draft and any future drafts, do a word search for Article 10 and that will lead you to a lot of footnotes that say there is some good guidance from the Design Review Manual that was turned into a standard in this draft. Some things in your current Code are too technical to be included in this draft, such as how many copies of a certain technical engineering formula you need to submit with your application doesn't need to be in the development code; that needs to be in a separate manual, and part of their contract with the City is separating those into the appropriate buckets, so at the end of the day, you will have your development code, its 'shalls' not 'shoulds', your guidance document in a review manual as supporting documentation, and then you have engineering standards, which are if you are building a street, this is how deep the asphalt has to be and how you do the technical aspects of doing design and development. It is a big job, but they are tracking it.

Commissioner Kinsella asked if a portion that would say submit 10 copies and language like that is removed, how will somebody know where to go to find that? Tareq explained that you will see a lot of that in Part 3, which is the procedures. All of these will reference you to the appropriate document and say submit your application pursuant to the Administrative Manual. Another great feature of that is when staff wants 11 copies instead of 15, that is not a Council action. You can revise your administrative procedures to say how much you want. It is actually a big problem in a lot of codes, but they are working to pull out those pieces and place them elsewhere.

Chair Losoff indicated that suggestion makes sense, but if we can maintain the essence of the Design Review Manual in an appendix or as a standalone, contractors use that a lot. It is almost like their Bible and the pictures are good; that doesn't mean it shouldn't be revised, because it was done maybe 10 years ago and it needs some reworking, but it does provide a good sense of what we want to accomplish to the contractors, so we need to keep the essence somewhere. Tareq stated that a lot of the essence that the contractors are relying on is working its way into the Land Development Code through this draft. Where you said should and the contractors are doing it anyhow, just make that the minimum bar. Chair Losoff referenced an appendix to the Design Review Manual that was created about five or six years ago to address 'should', 'encouraged', etc.

Commissioner Brandt explained that was to give it teeth to make it more enforceable or stronger; they tried to give it more teeth. The Commissioner then wanted to reiterate what was said, and indicated that the existing Design Review Manual will become an appendix and portions already in Chapter 9 will be brought in, but they are already in Chapter 9, so he is not sure why you are referring to bringing in those design guidelines. Tareq explained that they are trying to get at the same issue, but are stating them in different ways, so they reconciled those in this draft. Commissioner Brandt indicated that you are also leaving it as an appendix whole; however, Tareq stated not whole. They are pulling the parts out that should be in the Land Development Code and putting them elsewhere in the document. The remaining pieces of the appendix, if that is the final

home for it, or the whole separate document will be formatted just like the new Land Development Code, and it will only contain things that are not already addressed as standards elsewhere in the Code.

Commissioner Brandt indicated he is still not understanding the whole thing; it is like you are slicing and dicing it, and it is ending up in this weird flux and almost pureed, so you can't even recognize it. Also, he is not sure if the things in there that deal so well with building massing are retained, because he doesn't see it. Simply having two or three building masses and the height requirements on slopes, etc.; he doesn't see those as part of this draft. Tareq encouraged the Commissioner to just do that word search for Article 10, because they have carried a lot of that stuff forward, and the very issues you are bringing up – the Commissioner Brandt interrupted to say that is not Article 10, it is 9; those aren't guidelines, that is part of the Code. Cari Meyer explained that some of the height issues were addressed in Part 1, including how to measure things and there is a measurement section, so . . . Commissioner Brandt asked if the Commission hasn't reviewed that yet; he doesn't remember reviewing that. Cari then added that the massing is in Part 2, so once we get the consolidated draft, she would encourage the Commissioner to look at those. They were separated a little based on some organizational things, but it is all there. Commissioner Brandt apologized for overlooking that, and Cari stated that staff has had them make quite a few changes to make sure they include . . . The first time around, they tried to oversimplify it and we said we told you to simplify things, but this might be one thing that should not be simplified, because there are so many aspects to it.

Chair Losoff stated that early on there was a recognition that the Design Review Manual was very important and we didn't want to lose anything, so whether it was consolidated or standalone; it needs to be there. Some things that were discussed months ago, we don't always retain, so we will have to spend more time with the final version. Vice Chair Levin stated that when we see how the remainder of 10 is going to be crafted, then we will compare that with what was pulled out and embedded in 9, so that they seem to be complementary. We haven't seen that yet, so we get another pass at this. Commissioner Brandt then indicated that he would withhold comments about making guidelines into codes until we get to those specific things.

Chair Losoff stated that this is a massive undertaking, and he doesn't know if we can come up with a perfect model the first time out, so when we see the final version and recommend it to Council, we still have time to modify, amend and change as the years go by. We can't expect to cover all bases 100% the first time out, but we're doing a pretty good job of it.

Mike Raber referenced site and building design and stated that one was the applicability section on pages 69 and 70, where there was a question about the standards and how they apply to the different degrees of modification and expansion of existing structures, and he doesn't really have a specific concern expressed other than this affects standards for additions less than 50% and 50% or more for residential, and there is non-residential 25%, 25% or more, but it addresses different thresholds, and if you are making X amount of expansion. He then asked if the Commissioners had further comments or questions.

Vice Chair Levin asked if that encapsulates everything that we would otherwise refer to as redevelopment in the ways in which the amount of square footage would dictate how much of those thresholds you would expect to be that, and Tareq stated correct, either new development or redevelopment, and the way this Article is drafted for the Site and Building Design Standards, each of the individual components has an intent statement, so a good job for the Commission would be to go through the applicability section on pages 69 and 70 and looking at the components that would apply to new development versus expansions and redevelopment, and then go into those purpose statements and ask if this is important enough that it should apply to all development, regardless of how much you are expanding it, or conversely, are some of the things not as important to redevelopment and they have taken it too far the other way.

Mike Raber then referred to building entries, and indicated that we discussed earlier whether or not we really need this section and staff tends to agree that this isn't needed in the Code, so unless there are other concerns about that we plan to remove it. Commissioner Kinsella indicated that the only part she wants to ensure is represented somewhere else would be that the primary entrances to a building shall be clearly identified, including building numbers, so emergency services can find the addresses and primary entrances to a structure. Tareq stated that he is making a note; he doesn't know if that would go here or in the building code issues where that is typically addressed. Audree Juhlin then reminded the Commission that as part of the Sign Code update, we discussed including mandatory requirements for the placement of numbers on the buildings, so that is in the Sign Code as well.

Mike referenced building form on page 77 under intent, and stated that one question was if we could define proportion better, and one thing to keep in mind is that the intent statement isn't intended to be a quantifiable piece of the Code. Intent is about what the purpose is and everything that follows should be the criteria that you measure that with. Tareq added that those comments thread throughout the Land Development Code. Having intent statements describe a concept that is important to the community, then the standards that follow that should help you get to that point, so on page 78, they have building proportions and scale. Sedona cares deeply about how new and expansions of buildings fit into its surrounding context, and this tells you how to get there, and one of the biggest improvements from what you have today is providing examples and giving you a menu of options to fit in with your neighboring properties, a menu of options to articulate your buildings better to provide a higher quality of design, so choose one or two from the list. They have spelled out a little more clearly how to get to point B from point A.

Chair Losoff pointed out that we would like to finish this discussion at 5:15 p.m., and Mike Raber indicated that we probably should make sure that we get through the site design discussion, and then what is after that could get into a bigger discussion about development standards and housing affordability, so we might want to cut it off after the design discussion.

Mike indicated that the next item is on horizontal articulation on pages 79 and 80, and the comment was this section is really dependent upon context, what is in the vicinity, etc. Tareq pointed out that he just hit on those points with the menu of options to articulate the buildings. You will see that there are projections and recessions and reveals to your buildings; you can change the texture, masonry patterns, change the parapets and roofline heights, add awnings, canopies and marquees – a lot of ways to skin the cat for building design. Building design is important and that following subsection tells you how many of those things you have to do. You have to do one for Single-family and duplexes, two for Multi-family, and at least three for Non-residential development. By driving around Sedona, it is hard to find developments that do not meet these minimum standards, because you are giving them a menu of options. This makes it a lot easier to comply when the next person comes in with a good idea. You are not dictating the design of their building; you are giving them a list of things that they can choose, to give you a satisfactory design that fits with the neighboring context. It is the same for vertical articulation in how you separate the base from the middle and the top of the building. It is not all in this part of the Code; some of that comes in with the height requirements and how you are stepping down and fitting in with the context on slopes. We have to look at those pieces in concert as to how tall the building can be, what the color is and how you are further disrupting the mass of that building.

Mike Raber referred to building materials on page 84, and stated that one comment was if faux rock should be prohibited from Single-family. He then pointed out that paragraph B allows exceptions on a case-by-case basis, but one of the concerns was if that should have to happen every time someone proposes something that is not sticking to all of these standards. The one that came up was 4.A.2, the faux rock where it says, "Simulated cement or similar rock products, cultured stone" that would be prohibited, and it would affect Single-family as well as other uses.

Vice Chair Levin explained that she raised that issue, because she thought that requiring real stone on Single-family homes was going beyond what we should be doing, and she would see a

distinction between commercial use of real stone and residential not be prohibited from using faux stone. It is an extra financial burden to the Single-family home.

Chair Losoff asked what the contractors think about it and Commissioner Mayer indicated that he is for faux rocks rather than natural rocks carved out from somewhere or flagstone. He would not limit it; they have so many faux rocks on commercial buildings as well as residential buildings. He doesn't think there is anything wrong with that. Mike Raber pointed out that there is a clause in Paragraph B that says, "The use of building material otherwise prohibited may be allowed by the Director on a case-by-case basis, and then there are three criteria attached to that. One is the proposed material complies with the intent of the Code, the material is compatible in terms of general appearance, quality and durability, architectural style, design, color and texture and the material aids in the prevention of fires or provides some other community benefit." Mike then indicated that there are other criteria, but the issue is if that is onerous to have to be exempted every time versus just not prohibited outright.

Commissioner Brandt stated he would rather have stucco than fake rock on a house, and commercial buildings for sure. On a house, he can understand Vice Chair Levin's position that it is up to the individual, but personally to him it looks like crap, and he made the stuff when he was in college, but he has stopped trying to discourage his clients from using it, but when you are in a place that is all about rock and stone and red rock country, it is like shouldn't you use the real stuff on your house?

Chair Losoff referenced a discussion about a year ago on a project; they were talking about faux rock versus real rock and it was pointed out that in this day and age, the faux rock has evolved and the quality has become alive more than it used to be. Audree Juhlin added that in the next section, when we get to affordability, these are the kinds of design standards that we want to talk about as far as they relate to the cost of a home and affordability, because there is a direct correlation to our design standards and affordability, so this conversation will be very important in our next segment. Commissioner Brandt pointed out that you don't have to use stone at all.

Commissioner Mayer indicated that if you have a wall up to the first floor or 4 ft. up, it breaks up the mass and contributes, and Audree explained that while we don't require that, we do want the houses to look aesthetically pleasing and if we have ways to achieve the same outcome at a lot lower cost, then we really should be evaluating those options.

Chair Losoff then stated that we are saying that we are discouraging faux rock, but there are criteria to use it. Commissioner Mayer indicated that discouraging sounds better than prohibiting. Tareq noted that is a great distinction; a lot of this language came from Article 10, which is guidelines and it is written as discouraged, but they put it into a prohibition, so this is an instance where maybe they took it too far, especially as it concerns their applicability to Single-family.

Chair Losoff then asked if the Commissioners wanted prohibition or discourage, and Commissioner Kinsella stated that prohibition should be the word used, but she doesn't think faux rock should be in there. Vice Chair Levin asked what the Commissioner is prohibiting then, and Commissioner Kinsella stated everything else on the list. Commissioner Klein indicated that he didn't have an opinion one way or the other and Vice Chair Levin stated that the qualifying statements give staff discretion. It seems odd that we would come out so strongly, and then walk it back with criteria enabling you to opt out, but that does achieve both things. She does feel strongly about affordability and placing that as an expectation of the City on home design. Commissioner Brandt indicated that it is fine the way it is, and Commissioner Mayer indicated that he spoke his piece already, so faux rock is okay, depending on color and shape possibly, so if it is approved for the looks, he doesn't see anything wrong with that; it needs to be approved anyway – either real stone or faux rock. Commissioner Barcus stated that the opt out opportunity should be retained, so he is okay with the way it is, but with the opt out. The Commissioner then noted that it is not a consensus when we have a difference of opinion, and the Chair stated that he thinks the Commission leans toward the prohibition with the opt out.

Tareq wanted to react to the comment about “walk it back”, and stated that he frequently calls it the escape valve. One great thing and why they have designed the document to have several escape valves is you can design this Code perfectly for today for only experiences that you have already had up until today. There is going to be a Commissioner Brandt who will come forward with a new design and something better that is either silent in the Land Development Code or so creative that you are just not ready for it, and you want to have those opportunities to react in those cases.

Commissioner Mayer referenced new building materials like wall panels pre-fabricated in various colors that are adapted with a system, and asked if that should be in there or is that allowed? Tareq explained that unless they have specifically and expressly prohibited a building material, you will need that discretionary review.

Mike Raber indicated that this is a logical place to cut this off. The next discussion is going to lead into more discussion about affordably versus our normal standards, and our density and subdivisions. The Chair then asked if the Commissioners were okay with this process, and the Commissioners indicated yes. The Chair then indicated that the summary is a good way to approach the discussion. We can get carried away with each section, but the summary makes the Commission’s job a little easier, so keep doing that. Vice Chair Levin added that it was also helpful to see other Commissioners’ comments in the packet.

**4. 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.*

**5. ADJOURNMENT**

Chair Losoff called for adjournment at 5:15 p.m., without objection and indicated that the Commissioners would reassemble at 5:30 p.m. for the next meeting.

I certify that the above is a true and correct summary of the work session of the Planning & Zoning Commission held on January 16, 2018.

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Donna A. S. Puckett, *Administrative Assistant*

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Date