

## **Westwood Civic Association**

Special Meeting

March 5, 2013

Present: J. Kimmet, M. Conda, B. Weber, M. Jenkins, J. McNulty, I. McNulty, M. Gweyn, J. Sess, M. Kuhl, V. Baumann  
Excused: K. Strasser  
Absent: J. Hildebrand, J. Minor, T. Minor  
Guests: Alex Peppers, Cameron Ross

J. Kimmet called the meeting to order at 7:10 p.m. The focus of the meeting is limited and as announced via notification of the special meeting: Form-based codes (FBC), Westwood Square and business district options, and Harrison Avenue re-routing. Discussion centered on questions submitted in advance to the guests. Unless otherwise indicated, responses were given by Planning staff members.

### **Can FBC limit or negate low income or subsidized housing in Westwood Square?**

Subsidized housing is not regulated under the current zoning code. That would have to be addressed with the Community Development department. Current zoning can allow for housing, subsidized or otherwise, on upper floors of the commercial buildings. FBC would not change that. Zoning doesn't regulate the type of housing in terms of vouchers. Subsidized housing would not be encouraged as the best use but it is conceivable. FBC does not limit upper level use as residential; it could be offices or a variety of uses like businesses, dance studios, etc. Under existing code, residential is the only allowed upper floor use. FBC would allow additional uses and, thus, more flexibility. Asked if a restaurant could have additional space on the second floor, Mr. Ross said yes, though there might be some caveats depending on the type of use. This is true under both current zoning law and FBC. FBC does have standards associated with it, like disallowing sexually-oriented businesses and drug treatment centers.

### **Is FBC designed with the needs of developers or neighborhoods in mind?**

Mr. Ross asked who is going to come in and do something different with this business district if not a developer, noting that willing developers committed to the neighborhood's standards are working for the neighborhood. M. Kuhl commented that the poverty level in Westwood is negatively impacting the business district. She asked how FBC can improve this. Mr. Ross said that other areas like Mt. Washington and Columbia Tusculum are comparable in terms of building stock. It is the intent of FBC to make it more attractive to prospective businesses and encourage stronger partnerships with private and public capital, allow more flexible uses, and support neighborhood values.

### **Is the truck turning radius of the Westwood Square concept sufficient?**

Truck turning and other engineering issues would be taken into account through the design and technical process involving Traffic & Engineering and ODOT. He clarified that the Westwood Square design is a concept drawing, not a proposal. I. McNulty asked if it is feasible to have either the square or the FBC solo, without the other. Yes.

### **Can it be guaranteed that no HUD funds will be used for planning and implementation?**

HUD dollars are already being used. FBC is part of a Community Challenge grant funded in part by HUD for community development. It is expressly for policy development and does not involve housing. HUD is part of a partnership called Partnership for Sustainable Communities with combined funding sources to develop this grant-funded planning program. The city of Cincinnati received \$2.4M from a

Sustainable Communities grant to refine its zoning code and enhance livable communities. See the city's Plan, Build, Live website. J. Sess commented that subsidized housing often follows planning processes and that the Westwood Strategic Plan calls for no additional multi-family housing stock. Mr. Ross responded that there are no housing requirements or stipulations included in the HUD grant and that no one is forcing any of this on Westwood. It is an option to the zoning law; we would choose as a community to go into it. It is not intended to go further than a community wants it to go outside of the business district. Neighborhoods can opt into it or not. It is about seven livable community principles, among them, bringing people back to communities, enhancing business development, offering affordable housing opportunities, and designing more livable communities. Any further questions about housing concerns should be asked of Community Development and Housing departments.

### **Is FBC an overlay to zoning or not?**

Under the current zoning code, there are six overlay districts which are difficult to administer. FBC administration makes more sense in terms of applying and enforcing it. This is essentially a zoning change: identifying a district, as large or small as a community wants it. It can focus strictly on the immediate business district and not the single family area. J. McNulty asked if Westwood could see if it works with a small area of existing three buildings to see what success it has, as a test area. He expressed concern about throwing out zoning prematurely. Mr. Ross commented that Westwood has to decide if it wants to come into it. The collaborative would determine the boundaries of the area. M. Gweyn asked if we wanted to extend it further, is there a requirement of the number of floors? Mr. Ross responded that FBC allows for up to three stories. It's about the options for what you want to see. M. Jenkins asked how FBC can help to keep out problems that we are accustomed to regulating with zoning code. Alex Peppers said he can do a side by side comparison of FBC and zoning to illustrate this. M. Kuhl asked how FBC could keep out, for example, a discount cell phone store or a dollar store. Mr. Ross responded that a neighborhood cannot really disallow them. M. Kuhl commented that people want the pretty picture from the conceptual drawings but that Westwood is contending with crime and undesirable behavior that has nothing to do with the zoning laws. She urged the group to address directly the factors that pull Westwood down. Mr. Ross emphasized the importance of the market and the desirability of the business district. People drive economic development. J. Kimmet noted that organizations have to help market the Westwood business district.

### **What are the unique features possible for the area? What can't we do now that this would provide?**

Mr. Ross provided examples including flexible civic space, special events, farmers' market, performances, wider sidewalks, gateway enhancements, and mixed use development. I. McNulty asked how FBC would help to drive away people who set up bootleg sales on the sidewalks. J. Sess asked is a more walkable business district accomplished by encroaching on the roadway or the buildings. Mr. Ross noted that it could be either. When asked if FBC can address any of the behavioral issues that hurt Westwood, Mr. Ross noted that some of these are private property and owner issues. He commented that the depth and breadth of lines on the map are the kinds of adjustments that can be made by the community. Typically, FBC is used as an economic development tool or to harness development that has gone wild, to slow it down and contain it. FBC gives a community an opportunity to ask where you want to be and then maintain that for fifty to one hundred years.

### **What is the role of the community in saying what it wants?**

M. Conda asked who serves as the policing body. Mr. Ross responded that the Planning and Buildings department is, in part, providing administrative approvals of minor use variances. The opportunity to vary from FBC is significantly less than from the zoning code. The community would be notified of requests for changes. He noted that signage (i.e. billboards) within the FBC is very limited to cut down

on the visual clutter and to enhance the neighborhood. Gateway signage would not be prohibited; it is part of streetscaping. FBC gives protections like accessory uses, temporary uses, height of buildings, renovations, and new construction compatibility issues.

**Would FBC extend as far as Montana?**

The area covered by FBC would extend as far as the neighborhood wants it. The draft regulating plan is established but the extent of the business district is up to the neighborhood.

**What is the Planning Commission vote about this Thursday, March 7?**

The Planning Commission will be voting on the text of the FBC. It would make Westwood eligible for FBC without the full-blown administrative and procedural process.

**Why are businesses and apartments a desirable option now? Why would that be successful now?**

When asked about the shift from residences only to a potential combination of businesses and residences on upper floors and the vacant storefronts. Mr. Ross commented on the impact of the 2008 market crisis and the market opportunity needed now. He noted the strong housing stock all around Westwood but comments that there are limited reasons for walking along business district. FBC would open up the market potential. M. Kuhl asked if current zoning code prevents nice businesses from setting up shop here, remarking that the problem is local organizations that attract felons and bad behavior.

**Can you build a square without FBC?**

Yes. A reconfiguration of traffic and creation of public space is possible without FBC. M. Conda commented that bad zoning choices in the past and asked how FBC would allow Westwood more control. Mr. Ross noted that if a project is against form, it's not allowed. He commented that there are a lot of speculative questions but noted that FPC has proven to work in other communities. He emphasized that FBC is not being forced on Westwood; it's for the neighborhood to consider. Existing zoning will keep the status code. People will look at Westwood differently and as a different type of markets. He said there would have to be a neighborhood consensus that Westwood is supportive.

**How could form-based codes hurt us?**

J. Sess asked about negative impacts of FBC. J. McNulty pointed to the example of City West and the Urbanist movement, commenting that more compact living designed for downtown is not appropriate for Westwood where we have plenty of housing stock. He asked if FBC could restrict housing to single family and to businesses in the business district. Mr. Ross said that it is up to the community to tell the builders what we want as in the example of College Hill. M. Gweyn referred to a meeting last week at which a speaker in Walnut Hills commented on the benefits of FBC to developers.

**Authority for development?**

J. Sess asked who would be the approving authority when someone wants to build. Mr. Ross replied that the proposal would go to Buildings and Planning for approval. He said that the community's voice would be the collective. He commented that he hopes that the neighborhoods are working together just as the city has been trying to break down its own silos. McNulty reported some resentment among business owners about the process and potential outcome. Mr. Ross urged community engagement in the process now, noting that only thirteen people participated in the Westwood charrette. He said that Westwood needs to settle on a regulating plan that involves community. Collaboration and consensus is critical for the future of Westwood.

M. Jenkins commented that the future of the Westwood business district requires a multi-faceted plan involving public safety, business development, and residential; one approach alone won't make neighborhood better.

J. McNulty remarked that we need to have neighborhood engagement in this. Mr. Peppers noted that this is for the neighborhood to decide and to frame. M. Conda noted appreciation that the process is about more than the charrettes, seeing that step as a starting point.

Mr. Ross said that, following Thursday's Planning Commission meeting, if the FBC text is place, we can discuss the boundaries for business district. He pointed out that Westwood may not be ready to go until later than other communities. The regulating plan would be worked on later. Document language referring to the regulating plan will be stricken for this Thursday's meeting as it is premature.

M. Gweyn asked what makes FBC positive in other areas, like Bellevue. Mr. Ross commented on the size of Bellevue as well as on the process that determines the community's values.

M. Kuhl commented that long-time, good business neighbors have been hurt by the talk and the conceptual drawings. She said that there was an impression that WestCURC planned to get going on this very quickly. B. Weber noted that business owners would have to comply with FBC should they choose to make changes to their property.

Mr. Ross reminded attendees that the drawings showed a potential full build out and still require input, but that structural or exterior changes would require compliance. Mr. Ross quoted Abraham Lincoln's "A house divided against itself can't stand", saying that Westwood needs to come together with the option of a facilitator to develop a realistic consensus, vision, and implementation plans as a neighborhood, slowing it down as needed. He said that we cannot fully know the long-term sustainability, describing it as an operating system that would need periodic reboots.

MOTION by J. McNulty, calling for a WCA letter to be written to the Planning Commission, noting that while Westwood Civic Association is enthusiastic about being included in the FBC exploration process, it is not ready to move forward with FBC implementation at this time.

SECONDED by B. Weber.

PASSED, 9 in favor, 1 opposed.

J. Kimmet commented that the coalition would need Planning and Building's ongoing involvement in the provision of documentation and involvement in the process, possibly including facilitation.

M. Jenkins asked if, given the vote, Westwood would still be exempt from the full-blown planning process. Mr. Ross said yes, since WestCURC paid \$10K for involvement in the FBC exploration process.

M. Gweyn voiced a concern about size of rooms and spaces in buildings. Mr. Ross said that's up to the community to determine and to influence businesses.

M. Conda expressed gratitude to our guests for attending and engaged in dialogue with WCA.

MOTION to adjourn by J. Sess

SECONDED by M. Kuhl

The motion was approved and the meeting was adjourned at 8:57 p.m.