

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

November 7, 2017

7:00 p.m.

Present at the 7:00 p.m. meeting were:

Chairman: Jeremy Firestone

Commissioners Present: Bob Cronin
Will Hurd
Frank McIntosh
Stacy McNatt
Alan Silverman
Bob Stozek

Commissioners Absent: None

Staff Present: Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner
Bruce Herron, City Solicitor

Mr. Jeremy Firestone called the Planning Commission meeting to order at 7:10 p.m.

1. CHAIR’S REMARKS.

Mr. Firestone: The Planning Commission will now come to order for the meeting of Tuesday, November 7. Just one quick remark and that’s, starting tonight, we will be using the Planning Commission Rules of Procedure, so presentations by staff and applicants will be limited to 15 minutes and public comment will be limited to three minutes each. So we’ll try to move forward as quickly as we’re able to through a rather packed, non-applicant agenda.

2. THE MINUTES OF THE OCTOBER 11, 2017 PLANNING COMMISSION MEETING.

Mr. Firestone: So, Alan, why don’t you take us through the minutes?

Mr. Will Hurd: No, that’s me.

Mr. Firestone: Oh, yes.

Mr. Hurd: My first official duty.

Mr. Firestone: My apologies.

Mr. Hurd: That’s okay. Michelle, have we had any other comments or corrections on the minutes?

Ms. Michelle Vispi: No other corrections.

Mr. Hurd: Okay, so other than the ones that I submitted, which were four minor ones, the minutes stands as-is.

Mr. Firestone: All those in favor of approving the minutes, signify by saying Aye. Opposed, say Nay. Motion carries.

VOTE BY ACCLAMATION THAT THE MINUTES OF THE OCTOBER 11, 2017 PLANNING COMMISSION MEETING BE APPROVED.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK

NAY: NONE

MOTION PASSED

3. REVIEW OF DOWNTOWN NEWARK PARTNERSHIP DESIGN COMMITTEE GUIDELINES.

Mr. Firestone: That gets us to Item 3, review of Downtown Newark Partnership Design Committee Guidelines

Ms. Mary Ellen Gray: Thank you, Mr. Chair. We have an application in-house for a land use development that is proposed to be in the downtown area and per the ordinance, we had the applicant have this application reviewed by the Downtown Newark Partnership Design Committee. And it was suggested, and a good suggestion, that we review these guidelines as a refresher to the Planning Commission given that in the short-term we will be seeing another development from the downtown.

Now I just found out from Mr. Charma, who is the Chair of the Design Committee, that the version that we distributed is a little dated and it has a couple of updates. If you could maybe come up to the podium here and share what the updates are on this, and then as a follow-up we will have the updated version, a link, put on the Planning Department website for everyone to avail themselves to. Joe, if you could, please? Thank you.

Mr. Joe Charma: Good evening, Chairman Firestone and Commissioners. It's a pleasure to be here and speak to you, and had I known the version was different, I would have produced some documentation for you ahead of time so you could look at it. But, essentially, what we've added was a sustainability layer and an arts and parks layer. And, obviously, the sustainability layer was added to try to get any developers to really think about building buildings that are moving forward with better insulation, better water usage, reduced electricity usage. All the things that we want to accomplish. And, as far as the arts and parks layer, we really wanted to promote more downtown art . . . more public art, period . . . in the City. Not necessarily just in the downtown district, but City-wide. There are many opportunities along the public trails for sculpture installations and other public art installations. So we added that layer to try to encourage developers, when they're bringing forth a proposal, obviously this is pertaining to the downtown district, but when they're bringing forth a proposal to consider some space for seating, perhaps an art installation or something that would engage the public and make the downtown more pedestrian friendly and more inviting to pedestrians.

Mr. Firestone: Thank you.

Mr. Charma: Thank you.

Ms. Gray: Okay.

Mr. Firestone: Do you have anything further?

Ms. Gray: No.

Mr. Firestone: Any comments?

Mr. Hurd: I have one which is that it's noted in here that part of the process is that the report from the DNP comes to the Planning Commission. Have we just not had any projects comes through them in the recent years? Because I don't think we've seen any of those reports.

Ms. Gray: I can only speak to the one that I've been here for . . .

Mr. Hurd: Okay.

Ms. Gray: And that one was reviewed. It was for 92 East Main Street, and that project was reviewed by the Design Committee and the report was forwarded to the applicant. And it's my understanding that we then include that in the staff report when we make the staff report.

Mr. Hurd: Wasn't 36 Benny reviewed by the Design Committee?

Mr. Alan Silverman: Yes, the claim was made in the hearing. Yes.

Ms. Gray: It was. Yes, I understand it was.

Mr. Hurd: Okay. What I mean by that is that the little grid where it says these elements . . .

Ms. Gray: Yes, that . . .

Mr. Hurd: That I haven't seen.

Ms. Gray: You are correct. Here again, when that occurred, I just found that out today that that was reviewed by the Design Committee and I was not aware that that was reviewed. But certainly I'd be happy to forward that to the Commission.

Mr. Charma: Chairman Firestone, may I address the Commission?

Mr. Firestone: Sure.

Mr. Charma: Just to keep in mind, the review by the Downtown Partnership Design Committee is not a mandatory review. It's a voluntary review. Some developers choose to seek our, you know, our review and comments on a proposal. Benny Street, that proposal was actually outside the downtown district but the developer sought our comments because it's so close to the district and thought that, perhaps, if the district boundaries expand, or it would be likely that they could expand in that area. But over the past there have been other developers that were totally outside of the district that have sought the committee review.

Mr. Firestone: Bruce, do we have any authority to, essentially, recommend or really to require something that comes before us to go before that committee for review?

Mr. Bruce Herron: You can recommend. I don't believe you have the authority to require that. That would have to be in Code.

Ms. Stacy McNatt: Doesn't . . . I mean it actually physically says in this document that a report of the results, which is the results of the raw assessment, will be forwarded to the Planning Commission and City Council for their use and consideration.

Mr. Silverman: It's not in the Code.

Ms. McNatt: It's not in the Code, I agree, but we've never been forwarded that actual document. The physical, the assessment that gets done. I don't believe we've ever seen those.

Mr. Hurd: What we were saying is that there hasn't been a project that's come . . . well, except for 36 Benny . . . that's comes to us that's come through the DNP in the last year or so.

Mr. McNatt: But not the 92 East Main Street?

Mr. Hurd: We haven't seen it yet.

Mr. Silverman: I'd like to move this forward. I think this is a valuable resource. The group has been in business for 15 years?

Mr. Charma: Just about 20.

Mr. Silverman: Just about 20 years. So they do have some experience. They do have some credibility. The public, as well as members of Council and the Planning Commission, can literally walk by and look at their results and look at their recommendations to get a feel for how it impacts in the real world. Perhaps we may want to ask Council to somehow link the Downtown Partnership Design Committee guidelines with our process. Now I'd rather not see it mandatory in the sense that I don't know whether your organization wants to become part of a bureaucratic process, but I'd like to see bonuses or some additional weight carried if an applicant chooses voluntarily to take their application before your group, and your group is able to respond.

Mr. Charma: Just speaking from past experience, the committee's recommendations, I would say that the Planning Commission and Council have tended to look favorably on a project, more favorably on a project that has come through the process, through the Design Review Committee, being that the committee . . . we have professional members on our committee that are qualified to look at architecture and to look at building material and site conditions.

Mr. Silverman: When you say qualified, you mean licensed or that kind of thing?

Mr. Charma: I, myself, am a license professional engineer. We have licensed architects. We have registered landscape architects. Those members have changed over the years but we tend to seek out, if we're adding new members, we tend to seek out people with professional qualifications so we can bank on their experience and make sound recommendations.

Mr. Silverman: I like the idea of linking this independent community review with the process we have here. I don't favor making it mandatory.

Mr. Charma: Right. I would agree with you. I think it has worked well over the years. I think where the connection can be made, when a developer comes in to the Planning and Development Department to talk to the director about a new project. If it is in the downtown district, the planning director can recommend that the developer seek review and recommendations from the Downtown Partnership Design Committee. I think that has worked well in the past with prior planning directors.

Mr. Hurd: I mean, I concur. I was a previous member of the committee and co-author of this actual document.

Mr. Charma: Actually, Commissioner Hurd was the subcommittee chair, so he is intimately familiar with this document.

Mr. Hurd: Glad to know it's still working.

Mr. Firestone: Any other comments?

Ms. Gray: Mr. Chair, if I may add, the ordinance that refers to the Design Committee of the Downtown Newark Partnership in reviewing the architectural plans for development in the downtown, the Planning Commission and City Council may also consult the Partnership's Design Guidelines. So it does link, you know . . . it's a may . . . the guidelines, as well, in considering a proposal.

Mr. Silverman: What I'd like to do is I move that we acknowledge receipt of the report containing the Downtown Newark Partnership Design Committee Guidelines submitted to the Planning Commission on the October 30, 2017 communication from the Director of Planning.

Mr. Hurd: Second.

Mr. Firestone: How about a friendly amendment that says that we will receive the updated . . .

Mr. Silverman: Yes.

Mr. Firestone: And that it be posted on the Department's website.

Mr. Silverman: Yes. Agreed. Will, your second?

Mr. Hurd: Still holds.

Mr. Silverman: Okay.

Mr. Firestone: Any discussion?

Mr. McIntosh: It was very friendly, I thought.

Mr. Firestone: Always friendly. Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay.

MOTION BY SILVERMAN, SECONDED BY HURD THAT THE PLANNING COMMISSION ACKNOWLEDGE RECEIPT OF THE REPORT CONTAINING THE DOWNTOWN NEWARK PARTNERSHIP DESIGN COMMITTEE GUIDELINES AND THAT AN UPDATED VERSION BE POSTED ON THE PLANNING AND DEVELOPMENT DEPARTMENT WEBSITE.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK

NAY: NONE

MOTION PASSED

Mr. Firestone: Thank you very much for coming in.

Mr. Charma: Thank you.

Ms. Gray: Thanks, Joe.

Mr. Charma: Our whole mission is to help make your job easier.

Mr. Firestone: We appreciate it.

Mr. Charma: Thank you.

Ms. Gray: Thank you.

4. PRIORITIZATION OF PLANNING COMMISSION 2018 WORK PLAN.

Mr. Firestone: Okay. Item 4, prioritization of the Planning Commission 2018 Work Plan. Mary Ellen?

Ms. Gray: Oh, sorry, I'm in the wrong pile here. Alright, it must still be on my desk. Can I borrow your copy of the matrix? Thank you, Mr. Chair. At the last meeting, the October

meeting, the Planning Commission adopted the 2018 Work Plan, and I thought it would be helpful, since it is an ambitious work plan, and certainly the implementation of the work plan is based on available resources and time, I thought it would be helpful to lay it out in a schedule for the Planning Commission to look at and to comment to see whether that works. And then we can move forward as time and resources allow.

[Secretary’s Note: The Planning Commisson 2018 Work Plan prioritization matrix reads as follows:]

2018 PLANNING COMMISSION MEETINGS
2018 Work Plan Schedule
OCTOBER 30, 2017

JANUARY 2, 2018 - Recommendation to Council on ordinance requiring floor plans for proposed land use developments - DelDOT informational session	FEBRUARY 6, 2018 - Discuss Rezone and Comp Plan Amendments - Recommendation to Council on limiting the # of cars allowed per household in residentially zoned areas	MARCH 6, 2018 - Discuss Rezone and Comp Plan Amendments - Recommendation to Council on Section 32-51 Nonconforming uses
APRIL 3, 2018 - Recommendation to Council on rezone and Comp Plan amendments - Discussion of LEED Certification Standards	MAY 1, 2018 - Recommendation to Council on LEED Certification Standards - Recommendation to Council on ordinance changes to ensure better coordination with DelDOT on land use applications for developments	JUNE 5, 2018 - Recommendation to Council on minor changes to Chapter 27 and 32 - Discussion of solar panel use and property rights regarding impact of adjoining structures and landscaping on solar panels
JULY 3, 2018 - Recommendation to Council regarding solar panel use and property rights regarding impact of adjoining structures and landscaping on solar panels	AUGUST 7, 2018 Review consultants study on Review land use and density designations as described in the <u>Comp Plan V</u> focusing on the downtown/University/ Newark Core area by undertaking a study to analyze the relationship between land use, urban design, and economic development and tax production	SEPTEMBER 4, 2018 - Review consultants study on reorganizing zoning code Chapter 32
OCTOBER 2, 2018 - Make recommendations to Council on reorganizing zoning code Chapter 32	NOVEMBER 6, 2018	DECEMBER 4, 2018

Open Items:

- 1.
- 2.
- 3.
- 4.

Mr. Firestone: Any comments?

Mr. Hurd: Can you explain August? That block about the consultant study, I don't know if it got mistyped or something, but it doesn't quite make sense to me. There are extra words, or something.

Ms. Gray: That could be. There could be extra words there. Let's see what I pulled out here from the Work Plan. And this is referred to under Item 4, no wait, under Item 8. Okay, that is pulled out from Item 8, but certainly it's a lot of words there.

Mr. Hurd: Okay.

Ms. Gray: We could just say what we're terming the Urban3 study, which is looking at . . . just to articulate that a little further, we have a proposal in-house that will be looking to bring forward for consideration to City Council regarding analyzing . . . kind of a two-fold study. Looking at land use and what the impact of certain land use has on services. And then to kind of turn it around from an engineering standpoint, that would be called a Return On Investment study, which would be looking at what types of land use generate what types of taxes and what types of services . . . the cost of providing services to certain types of land use.

Mr. Hurd: Okay. And what's your timeframe for the consultants and such for that?

Ms. Gray: Should that proposal get approved, the timeframe would be starting in January and they said it would take about 3-4 months to complete. So that's why I put it in August, giving you a cushion of time for that.

Mr. Hurd: Right.

Mr. Firestone: Commissioner Silverman?

Mr. Silverman: Madam Director, with respect to the table on page 1, January 2, 2018, I know it has come up in previous meetings with respect to proposed floor plans for land use developments.

Ms. Gray: Yes.

Mr. Silverman: What's the origin of that?

Ms. Gray: The origin of that is the project Springhill Suites at 400 Ogletown Road, when there was a . . . certainly, as you know, parking is based on room count for a hotel, and it's Springhill Suites, so they had suites in there, in their proposal.

Mr. Silverman: Okay, you've linked me into that. I believe for posting and publishing, this recommendation is extremely broad.

Ms. Gray: Okay.

Mr. Silverman: I would read this as requiring floor plan proposals for land use developments, which would be everything that came before us.

Ms. Gray: Okay.

Mr. Silverman: And I don't think we need to review floor plans for the interior of shopping centers . . .

Ms. Gray: Correct.

Mr. Silverman: Or commercial spaces. So that wording needs to be pared down . . .

Ms. Gray: Okay.

Mr. Silverman: To very specific kinds of purposes.

Ms. Gray: Okay.

Mr. Silverman: I know at one time there was an interest on looking at floor plans on seeing how someone who has a townhouse that contains 4, 5 or 6 bedrooms, how that would be configured, but I don't know how that information would be useful, the interior configuration, to our decisions.

Ms. Gray: Correct.

And then with respect to the February 6, 2018 references, Item #2, recommendation to Council on limiting the number of cars allowed per household in residentially zoned areas. What was the origin of that request?

Ms. Gray: That was a request . . . and that's in the Work Plan under Council projects, under #4. That's 4i, and that was a request from a City Councilman to develop an ordinance. I understand that there were some complaints regarding a lot of, multiple cars being parked in front of a residence, and a desire to . . .

Mr. Silverman: Okay, if we could insert a word, cars allowed per household in selected residentially zoned districts.

Ms. Gray: Okay.

Mr. Silverman: So we don't give the impression we're going to be looking at our entire range of residential districts and automobiles. Because we may be getting back into the area of the parking study.

Ms. Gray: Okay, so instead of in residentially zoned areas, it would be . . .

Mr. Silverman: Selected residentially zoned areas.

And the July 3, again, regarding solar panel use and property rights, regarding impact of adjoining structures and landscaping on solar panels, are we talking about a structure that may be erected to overshadow someone's solar panel?

Ms. Gray: I would defer that to Chairman Firestone on this one.

Mr. Firestone: That's my understanding.

Mr. Silverman: Okay. Okay.

Mr. Firestone: Would anyone from the public like to be heard on this item? Any further discussion or any other Commissioner wish to be heard? I just would like to comment that I think it's great that we have a road map. I mean this is really helpful. I haven't seen something like this before, so I would also like to see this posted on the website . . .

Ms. Gray: Okay.

Mr. Firestone: To give the public a road map as to what is going to come up and when over the next year, so people can plan accordingly to come to Planning Commission meetings that they're potentially interested in.

Mr. Bob Stozek: Yes, I'd like to echo that, especially with working on the rezoning and Comp Plan amendments early on. Getting that started early in the year.

Ms. Gray: Great. Okay, and . . .

Mr. Hurd: Actually I did have one comment. If it's not too much trouble, is this something that could be delivered to us each meeting to sort of take off the previous month and see how things are shaking out.

Ms. Gray: Sure.

Mr. Hurd: Because I expect that this isn't going to stay static.

Ms. Gray: Right. Maybe do a . . . well a thought would be . . . we do have it dated, and then any revisions, we would add the revised dates and do a strike-out version of it.

Mr. Hurd: Maybe if something is changed. But, yeah, if something looks like it's going to move out or take longer, if you could keep that up-to-date.

Ms. Gray: Yeah, certainly. And, Mr. Chair, would you also like the Work Plan posted as well?

Mr. Firestone: Yes, I think the Work Plan is our work document for the coming year. I think it would be useful, as well, to be easily accessible and found by the public.

Ms. Gray: Okay.

Mr. Silverman: Mr. Chairman, to memorialize this and show that it's the wishes of Commission and it's part of the work program of the Director, I'd like to move that we adopt the Planning Commission 2018 Work Schedule format and contents, as revised, as proposed in the memorandum from the Director dated October 30, 2017.

Mr. Firestone: Is there a second?

Mr. Hurd: Second.

Mr. Firestone: Any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. Motion carries.

MOTION BY SILVERMAN, SECONDED BY HURD THAT THE PLANNING COMMISSION ADOPT THE PLANNING COMMISSION 2018 WORK PLAN SCHEDULE AND CONTENTS AS PROPOSED IN THE MEMORANDUM FROM THE PLANNING AND DEVELOPMENT DIRECTOR DATED OCTOBER 30, 2017, AND REVISED AT THE NOVEMBER 7, 2017 PLANNING COMMISSION MEETING.

VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY: NONE

MOTION PASSED

5. REVIEW AND CONSIDERATION OF AMENDMENTS TO THE ZONING CODE AS THEY RELATE TO REGULATIONS FOR WIRELESS FACILITIES IN THE RIGHT OF WAY AND OUTSIDE THE RIGHT OF WAY.

Mr. Firestone: Okay. Moving along, we are now to Item 5, review and consideration of amendments to the Zoning Code as they relate to regulations for wireless facilities in the right of way and outside the right of way.

Ms. Gray: Thank you, Mr. Chair. This version is the version that you saw two or three meetings ago with the proposed amendments that were based on discussions with Council, as well as with representatives of the industry. And when it was previously presented to the Planning Commission, we just had the amendments listed out. And it was, frankly, a little hard to kind of get the context of what the changes would be. So the amendments are embedded within the . . . there are two sections of the wireless ordinance. One, Section 32-56.7, which is the wireless facilities in the right of way, and then there is, on page 9, Amendment 2 is the . . . it looks like it's all changes but this is pretty much the language, except for the yellow highlighted language, which I'll get to in a moment, that is in the ordinance now. This is in each zoning section, and when the ordinance was first written, one section for outside of the right of way was written. And when you go through the ordinance in the different zoning districts, there is slightly different language in all of them. So, to clean up that language, the current sections are deleted, with one standard section to be embedded into all the zoning districts. And the yellow highlighted areas are changes that you haven't seen yet. And those are based on . . . there are just a couple of changes here. One is the . . . I'm getting to it . . . on page 9, again, Section (s) that was recommended, that the yellow highlighted section is recommended to be taken out since that was already recommended to Council on October 11, and then there was some proposed clean-up of language on page 15, Section (o).

[Secretary's Note: The proposed ordinance amending Zoning Code regulations for wireless facilities in the right of way and outside the right of way reads as follows:]

That Chapter 32, Zoning, Code of the City of Newark, Delaware, be hereby amended in the following respects:

AMENDMENT 1. Create a new Section 32-56.7, Wireless facilities in the right-of-way, by adding the underscored text and deleting the stricken text as follows:

"Section 32-56.7. - Wireless Facilities in the Right-of-Way

(1) Tower, broadcasting and telecommunications facilities, located inside the public rights-of-way, subject to ~~the grant of a special use permit as provided in Article XX, Section 32-78 of this Chapter, shall comply with the following standards and requirements. Towers less than thirty-five (35') feet in height shall not require a special use permit but are subject to administrative approval by the Planning Director and shall comply with the following standards except the requirements of Sections 32.56.7(1)(b)(1), 32-56.7(1)(b)(3) and 32-56.7(1)(b)(5).~~

(a) Timing of approval for applications. The City shall comply with all federal timing requirements for the consideration of applications for new towers and collocated antennas that fall under Section 6409(a) of the Spectrum Act, and/or any orders promulgated by the FCC or any other governing entity.

(b) New tower applications shall be accompanied by a professional engineer's report containing the following:

1. Certification that the proposed tower will fill significant gap in wireless coverage or capacity that exists in the applicable area and that the

type of wireless facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of tower.

2. A technical evaluation of the feasibility of attaching the tower or antenna to an existing, or previously approved, structure or wireless support structure, or ~~sited~~ siting the tower or antenna on land owned and maintained by the City of Newark. This technical evaluation shall consider all structures or lands located within a one eighth (1/8) of a mile radius of the proposed tower or antenna site. A list of approved, municipally-owned buildings and parcels appropriate for wireless facilities placement is kept on file at the City Zoning Office. ~~Council~~ The City may deny an application to construct a new tower if the applicant has not made a good faith effort to mount an antenna on an existing structure.
3. Evidence that the applicant cannot adequately extend or infill its communications system by the use of equipment such as ~~redoes~~, repeaters, antennas, and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The applicant shall demonstrate that the proposed tower must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.
4. The applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers on which it is technically feasible to mount a tower or antenna within a one eighth (1/8) ~~one quarter (1/4)~~ of a mile radius of the site proposed for the tower, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

 - a. The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

- c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- e. Failure by the owner of such building, structure, or tower to respond within thirty (30) days of notice by the applicant.

5. A signal coverage/propagation map of the area to be served by the proposed tower. The propagation shall show signal intensity in dBm, as well as major roads, residential developments, and commercial areas. The City reserves the right to request propagation maps for other sites or height alternatives.

6. Certifications that the proposed tower shall comply with all applicable state and federal regulations.

(c) Location and development standards.

1. Available infrastructure.

a. As part of its application for approval, the applicant must demonstrate that it cannot infill the capacity or coverage gap in its system by utilizing existing infrastructure (i.e., utility or light poles) in the rights-of-way as a support structure for an antenna, rather than constructing a new tower. Applicants that utilize existing infrastructure for the siting of antennas may proceed with the siting of their facilities by obtaining administrative approval from the City.

b. To the extent permissible under state and federal law, antennas attached to existing infrastructure shall not exceed six (6) feet in height and shall employ stealth technology, if possible, in their design.

c. Applicants replacing an existing pole with a new pole to support a new antenna must bear all costs associated with such pole replacement.

2. Towers in the rights-of-way shall not exceed a height comparable to the average height of

utility poles or electrical poles within a two (2) block radius of the proposed facility, unless the applicant can prove to the satisfaction of Council that a taller tower is the only method by the applicant can infill its gap in coverage or capacity.

3. Towers are prohibited within seventy-five (75) linear feet of areas in which all utilities are located underground.
4. Towers shall not be located in the front façade area of any structure.
5. Towers are prohibited in the BB - Central Business District.
6. Tower(s) are prohibited in the 100-year flood zone, as determined by the City.
7. Applicants proposing the construction or siting of towers in state-owned rights-of-way shall demonstrate that it submitted all appropriate applications to the Delaware Department of Transportation and subsequently received permission for the siting or construction of said towers.

(d) Design regulations.

1. The tower shall employ the ~~most current best~~ available stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. ~~The application of the stealth technology chosen by the applicant shall be subject to the approval of the City Council.~~
2. To the extent permissible under state and federal law, any height extensions to an existing tower shall require prior approval of the City, and shall not violate the provisions described herein.
3. Towers shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas the maximum amount of future users based on the size of the proposed tower.
4. The Design Committee of the Downtown Newark Partnership will review an applications and make a recommendation to Planning Staff for the placement of new towers antennas in the Downtown BB – Central Business District in order to ensure that the character of such Districts is preserved. ~~The applicant shall take into consideration the design recommended by the Design Committee when it submits its final special use permit application to Council.~~

- (e) Equipment location. Towers and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the rights-of-way as determined by the City. In addition:
1. Ground-mounted related equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb, nor obstruct the sidewalk.
 2. Required electrical meter cabinets shall be screened to blend in with the surrounding area ~~to the satisfaction of the City Council.~~
 3. Any graffiti on the tower or on any related equipment shall be removed at the sole expense of the owner as prescribed in Chapter 17.
 - ~~4. Any underground vaults related to telecommunications towers shall be reviewed and approved by City Council.~~
- (f) Time, place and manner. The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all towers in the rights-of-way based on public safety, traffic management, physical burden on the rights-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.
- (g) A structural engineer registered in Delaware shall issue to the City a written certification of the proposed tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association, if applicable, and certify the proper construction of the foundation and the erection of the structure.
- (h) Towers and antennas shall employ stealth technology to the maximum extent feasible and shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. ~~Council Factors to be~~ considered include whether ~~its decision upon~~ the subject application will promote the harmonious and orderly development of the zoning district and/or surrounding area involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the

community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and construction principles, practices and techniques.

- (i) Permit required for modifications. To the extent permissible under applicable state and federal law, the proposed modification of an existing tower, which substantially changes the dimensions of such wireless support structure, shall first obtain a building permit from the City. Non-routine modifications shall be prohibited without such permit.
- (j) No tower shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (k) Towers shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the Tower in order to promote the safety and security of the City's residents, and utilize the best available technology for preventing failures and accidents. Any maintenance or repair to antennas or towers located above high voltage power lines shall be performed by contractors who are OSHA-certified to work above high voltage power lines.
- (l) To the extent permissible under state and federal law, no tower or antenna may be located upon any property, or on a building, structure that is listed on either the National or Delaware Registers of Historic Places, included in Section 7-19 of the City Code pertaining to historic structures, or is described in the official historic structures and/or historic districts list maintained by the City. No tower in the public rights-of-way shall be located along a highway or other road that is considered by the City to be a scenic route.
- (m) All towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the tower shall be that required by the FCC, or any other federal or state agency.
- (n) Towers shall not be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the City Manager. This requirement shall not apply to towers employing stealth technology in the rights-of-way that are designed to resemble street lights.

- (o) Towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only, but no more than twenty-four (24) hours.
- (p) Relocation or removal of facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, the owner of a tower in the rights-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any tower when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - 1. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;
 - 2. The operations of the City or other governmental entity in the right-of-way;
 - 3. Vacation of a street or road or the release of a utility easement; or
 - 4. An emergency as determined by the City.
- (q) Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a new tower, as well as related inspection, monitoring, and related costs.
- (r) Nothing herein shall be construed to prohibit the City from leasing fiber that it owns and/or maintains to third parties.
- (s) All proposed tower applications shall be accompanied by proof that the telecommunications applicant has a contract with a wireless service provider to install, construct, modify, maintain or operate wireless communications facilities in the right-of-way in which such installation, construction, modification, maintenance or operation is to begin within one year of approval. (recommended to Council October 11, 2017)

AMENDMENT 2. Delete Sections 32-14(b)(1); 32-18(b)(8); 32-19(b)(10); 32-21(b)(1); 32-23(b)(1) and 32-23.1(b)(1) in their entirety replace with new Sections 32-14(b)(1); 32-18(b)(8); 32-19(b)(10); 32-21(b)(1); 32-23(b)(1) and 32-23.1(b)(1) by adding the underscored text respectively as follows:

- "(1) Tower, broadcasting and telecommunications, located outside the public rights-of-way, require a special use permit and are subject to the following ~~conditionsspecial requirements~~:

(a) Timing of approval for applications. The City shall comply with all federal timing requirements for the consideration of applications for new towers, as well as collocated antennas that fall under the Spectrum Act and/or the October 2014 Report and Order promulgated by the FCC. Tower applications shall be accompanied by a professional engineer's report containing the following:

1. A technical evaluation of the utilization of existing towers for telecommunications or other equipment intended for the installation on the proposed tower, as well as a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the applicant, the power in watts at which the applicant transmits, and any relevant related tests conducted by the applicant in determining the need for the proposed site and installation.

2. A technical evaluation of the feasibility of attaching the tower or antenna to an existing, or previously approved, structure or wireless support structure, or sited on land owned and maintained by the City of Newark. A list of approved, municipally-owned buildings and parcels appropriate for wireless facilities placement is kept on file at the City Planning and Development office. Council may deny an application to construct a new tower if the applicant has not made a good faith effort to mount an antenna on an existing structure. The applicant shall demonstrate that it contacted **via U.S. Certified Mail**, the owners of tall structures, buildings, and towers on which it is technically feasible to mount a tower or antenna within a one eighth (1/8) of a mile radius of the site proposed for the tower, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

a. The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

b. The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference

cannot be prevented at a reasonable cost.

- c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
- d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- e. Failure by the owner of such building, structure, or tower to respond within thirty (30) days of notice [via U.S. Certified Mail](#) by the applicant.

3. Certification that the proposed tower will fill a significant gap in wireless coverage or capacity that exists in the applicable area and that the type of wireless facility being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City's decision on an application for approval of a telecommunications tower.

4. Copies of all applicable state and federal permits.

5. An engineering analysis of the proposed tower, including a summary of the proposed tower's capacity to provide space for future co-location by others.

(b) Any principal part of the tower, excluding guy cables, shall be set back from the nearest property line of a church, library, school, nursing home, hospital, or lot zoned residential (RH, RT, RS, RD, RM, RR, and AC) not less than three times the height of the tower or 200 feet, whichever is greater. The setback shall be measured from the nearest point of the base of the tower to the nearest point of the property line of the protected use. If the applicant uses self-collapsing technology in its tower design, the setback from the nearest property line shall be one and a half times the height of the tower or 150 feet, which is greater.

(c) No artificial light shall be installed upon any such tower unless required by the Federal Aviation Administration. If such light is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.

(d) Towers shall not exceed 175 feet in height unless a variance is successfully obtained by the applicant. Towers over 200 feet in height shall be guyed and not

self-supporting nor consisting of lattice type structures, unless the applicant demonstrates that a guyed tower shall have a greater negative visual impact than a self-supporting tower.

- (e) To the extent permitted by applicable federal law and FCC regulations, towers located on existing buildings or structures shall not extend beyond 22 feet above the highest point of the building or structure. Accessory buildings or facilities for towers located on existing buildings or structures shall be located either in or on top of such buildings or structures.
- (f) The applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the tower, and anchors for guy wires, if used.
- (g) Landscaping shall be provided around the base of the tower and adjacent to a required security fence that shall be at least 10 feet high. The landscaping shall consist of a minimum 25 foot wide planting strip with ground cover and/or grass, including at least one row of six foot high evergreen trees providing a solid screen adjacent or proximate to the fence, and 15 foot high, two inch caliper deciduous trees, interspersed within the buffer area and no more than 20 feet apart. Applicants may substitute alternative landscape plans that meet the purposes of this subsection to limit the visual impact of the lower portion of the tower and adjoining accessory facilities. ~~Camouflaged towers designed to look like trees may be exempt from this subsection, subject to Council approval.~~ Towers and telecommunication antennas located on top of existing buildings shall be exempt from this subsection. A ten foot high security fence and an adjoining six foot high solid evergreen screen adjacent or proximate to the fence shall be provided around the anchoring facilities for guy wires for guyed towers. Council may exempt any tower applicant from these landscaping and stealth technology requirements.
- (h) No outdoor storage shall be permitted at the tower site.
- (i) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers shall be light gray in color. ~~Camouflaged towers designed to look like trees or employing other alternative methods of stealth technology may be exempt from this subsection, subject to council approval.~~ Telecommunication antennas with colors designed to match buildings or structures to which they are attached shall be exempt from this subsection. Towers shall be aesthetically and architecturally compatible ~~to the maximum extent feasible~~ with the surrounding environment and shall

maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

Council shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering design and construction principles, practices and techniques.

- (j) A tower shall be located so as not to encroach into any established public or private airport approach as established by the Federal Aviation Administration.
- (k) Towers higher than 100 feet must be a minimum of 2,000 feet from the nearest similar tower, measured from the base of the towers, unless the applicant provides evidence to the City that the nearest similar tower cannot structurally accommodate additional antenna or there is unacceptable radio interference and that the proposed tower is necessary to fill a significant gap in coverage or capacity.
- (l) New telecommunications facilities may be attached to an approved tower without applying for an additional special use permit so long as the new facility does not substantially change the dimensions of the wireless support structure, or trigger any other exemption outlined by federal or state regulation. Antennas being sited on structures that do not already act as wireless support structures may be approved administratively, so long as they do not exceed ten (10) feet in height and are constructed with a stealth design. To the extent permitted by state and federal law, as built drawings must be submitted to staff in advance of receiving such administrative approval, in order to determine whether the applicant's proposed facility is eligible for administrative approval.
- (m) No interference with existing television, cable television, radio signals, emergency communications services, or other electronic devices shall be permitted from the tower. If interference occurs, it shall be immediately remedied by the operators of the tower.
- (n) If a tower is abandoned, unused for two years, or no longer operable, it shall be removed within six months ~~of its abandonment~~. If a tower is not dismantled as specified in this subsection, the city shall arrange to have the facility dismantled and will assess the landowner all costs associated with the removal of the tower. If the full amount due the city is not paid by the owner, or person in control of the property, or his or her agent, within 90 days of receipt of a bill from the

city, the city finance director shall cause a special assessment to be recorded in the municipal lien docket. The recordation of such special assessment shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made.

- (o) That the owner of such tower shall provide proof to the city that the tower has undergone a **triennial** inspection for structural integrity **at an interval required by current ANSI/TIA-222: Structural Standard for Antenna Supporting Structures and Antennas as amended. As of October 25, 2017, the required interval is three-years for guyed masts and five-years for self supporting structures and after severe wind and/or ice storms or other extreme conditions.** Said inspection is to be performed by a certified engineer, or other qualified professional, at the expense of the owner of the tower **and shall be completed every three from the date of the Certificate of Completion.** If structural deterioration is found to be present, and such deterioration affects the physical stability or aesthetic integrity of the tower, the owner shall be required to correct such deterioration within a time limit to be established by the building department.

In addition, the operator of such tower shall provide **annual** proof to the city that the tower has undergone field measurements to ensure compliance with all applicable Federal Communication Commission safety standards for exposure to nonionizing electromagnetic radiation **or provide certification by a licensed engineer that field measurements are not required to assure public safety.** Such field measurements, and submission of the results to the city, shall be conducted upon start of the facility and **after the addition of any new antenna equipment annually thereafter, except that every third year, such pP** proof of compliance shall be submitted on behalf of the operator by an independent nonionizing electromagnetic radiation evaluator. All such field measurements, and submission of the results, are to be performed by a certified engineer, or other qualified professional, at the expense of the operator. If such field measurements demonstrate noncompliance with Federal Communication Commission safety standards specified in this section, transmission at the facility shall be suspended until such time as full Federal Communication Commission safety standards compliance is demonstrated to the satisfaction of the city.

- (p) ~~The owner of such tower shall give proof to the city that a~~Any damages which may occur to surrounding properties or injury which may occur to persons, which damages or injuries are caused by a failure of the tower and/or its associated structural supports, regardless of whether such failure is a result of

human error or an act of God, shall be paid by the owner of the tower and/or insurers of the tower.

- (g) Wireless telecommunications facilities shall not be located upon a property, and/or on a building or structure that is listed on the National or Delaware Registers of Historic Places, included in Section 7-19 of the City Code pertaining to historic structures, or is described in the official historic structures and/or historic districts list maintained by the City.
- (r) Wireless telecommunications facilities shall be operated and maintained so as not to produce ~~noise~~ sound in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only, but ~~for~~ no more than twenty-four (24) hours.
- (s) The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a tower or antenna, as well as related inspection, monitoring, and related costs.
- (t) City residents and amateur radio operators utilizing satellite dishes, towers and antennas for the purpose of maintaining television, phone, radio and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance.
- (u) Notwithstanding the criteria set forth in Sec. 32-78 of this chapter, Council shall grant the application if all of the foregoing requirements are met.

Ms. Gray: Mr. Chair?

Mr. Firestone: Thank you. I put on my legal hat and I think I found some additional language inconsistencies that . . .

Ms. Gray: Thank you. I appreciate that.

Mr. Firestone: I won't go into it here but they'll be transmitted. I did have one question and then, I guess, a few comments. The first is on Amendment 1 on page 1. Under 1.(1), where it says it does not require a special use permit but are subject to administrative approval by the Planning Director. Does that mean they will not come before the Planning Commission? I wasn't quite sure what our role was, if it was to be handled by the Planning Director administratively.

Ms. Gray: Section (1) here is that if a tower is less . . . the proposed changes . . . is if a tower is less than 35 feet, then it would be an administrative approval by the Planning Director and they would have to meet all the conditions under Section 1. But if it's 35 feet or over, it would require a special use permit, which would come to the Planning Commission and City Council.

Mr. Firestone: Thank you.

Ms. Gray: You're welcome.

Mr. Firestone: Then my comments are, we don't have any setbacks in here from roads. There are setbacks from other buildings or from property lines, and those are generally three times the height. With wind turbines there's also typically a setback from road, and it's usually 1 ½ times the height, versus from structures. So I think we need something from roads, as well. At least I didn't see it in the ordinance.

Ms. Gray: Right, because this is proposed to be in the right of way. So 32-56.7, those are to be in the right of way. So that is why there's no setbacks proposed for that one.

Mr. Firestone: From the road. Okay. It also didn't appear that we had a maximum height. So it referred to . . . and this is in 1.(d). I'm not sure, it's hard to follow it.

Ms. Gray: There is . . . it does talk about . . . let me find it here. Give me a minute.

Mr. Firestone: So this is on page 12.

Ms. Gray: Were you asking about the facilities in the right of way or the facilities outside of the right of way? Because in the facilities in the right of way . . .

Mr. Firestone: Outside the right of way. Actually and that's where I was talking about the roads, too.

Ms. Gray: Okay.

Mr. Firestone: Under Amendment 2, there's nothing for setback from the roads, at least that I saw.

Ms. Gray: Well, the . . .

Mr. Silverman: By definition, it's within the road right of way.

Mr. Firestone: No but it's outside the . . . these were located outside the right of way. And that's where I didn't see any setback for roads.

Mr. Hurd: Mr. Chairman, on page 4, item 2, it says towers in the right of way shall not exceed a height comparable to the average height of utility poles or electrical poles within a two block radius of the proposed facility. Is that . . .

Mr. Firestone: I'm referring to Amendment 2, which is the ones outside the right of way.

Ms. Gray: Okay.

Mr. Hurd: I think you are right that there is no stated maximum height.

Mr. Firestone: But it refers to towers over 200 feet in height required to be guyed, but there's no maximum.

Ms. Gray: Okay. On page 12 . . .

Mr. Firestone: On page 12? At least I didn't see a maximum height.

Ms. Gray: Okay, well on page 12, Item (d), towers shall not exceed 175 feet in height unless a variance is successfully obtained by the applicant. And then towers over 200 feet shall be guyed.

Mr. Firestone: Right. So what I'm saying is, do we want a maximum of, say, 300 feet that you just couldn't come in for a special use permit over a certain height? I mean, we don't want someone coming in with a 1,000 foot tower application, so it seems that we might want to have a maximum, as well. So above 175, you need the variance, but you can only get a variance up to a certain height.

Mr. Silverman: I'd like the Director to react to an example. Outside of the public right of way, along the CSX Railroad, they have . . . I'm just going to call them high towers. The very tall, erected steel towers that carry very high voltage. I want to lease space from CSX to put up one of these towers. What's my maximum height? On top of one of their existing structures?

Ms. Gray: On top of the existing structures . . .

Mr. Silverman: I read 22 feet someplace.

Ms. Gray: Yes. In Item (e), towers located on existing buildings or structures shall not extend beyond 22 feet above the highest point of the building or structure.

Mr. Silverman: Now if I wanted to erect my own tower within the railroad right of way, not use one of their existing utility towers, what would be the maximum height?

Ms. Gray: That would be 175 feet unless you get a variance.

Mr. Silverman: Okay. I understand now. Thank you.

Mr. Firestone: Anyway, my thought is that maybe we want to have a maximum maximum height beyond which you cannot get a variance.

Mr. Herron: Mr. Chairman? If I could just comment. We cannot have an ordinance that prohibits someone from seeking a variance from the Board of Adjustment. In other words, we cannot say you cannot go to the Board of Adjustment and seek a variance. Under state law, it says that someone has to have the right to go to the Board of Adjustment to seek a variance from the provisions of the Zoning Code.

Mr. Firestone: So we can't put any maximum heights on buildings or anything?

Mr. Herron: We can do what we've done here, and we can say they shall not exceed a certain level, unless you have a variance. But we can't go beyond that and say you can't get a variance. The state law says you have to have that option to go to the Board of Adjustment.

Mr. Firestone: Got it. Thank you. And my last issue is that I continue to be concerned that there is not special notice to people who may be living in the vicinity of these potentially very tall towers. So even without the variance of building a 174 foot tower, and under the way we notify people here, you've got to be almost within spitting distance of it in order to get actual notice versus notice in the paper. These things, you know, could be visible for a long, long way and have impacts on people. And I don't think the existing provisions of the Code on notice for nearby property owners is sufficient notice to people, given the large potential visual impact that these can have.

Ms. Gray: Mr. Chair, would it be helpful to go over what the current provisions are?

Mr. Firestone: Sure.

Ms. Gray: Okay, for a land use application, it would be 15 days that you would have to notice . . . the applicant would have to post the site, and the Planning Department sends out letters to all properties within 300 feet of the land use application, and then it's also published in the paper 15 days ahead.

Mr. Firestone: And my view is that that's not adequate given the potential height and how you're going to be able to see these in certain places.

Mr. Silverman: And with the exception of the cost of postage and notification, I know with the county's GIS system, if we would say 1,000 feet or 3,000 feet, it's relatively easy to produce a report on the list of addresses in that diameter.

Ms. Gray: Yes, the level of difficulty would not be hard to ascertain that information. If it's the pleasure of the Planning Commission to do that, I would ask that we also include a provision that the applicant would pay for that additional postage . . .

Mr. Silverman: Yes definitely.

Ms. Gray: Because we have a teeny-tiny advertising budget.

Mr. Firestone: Certainly. And, you know, the Planning Department should be free to subcontract that mailing out, as need be, depending on the number of homes . . .

Mr. Silverman: Or even make it the requirement of the applicant. That the applicant certifies that that work has been done.

Ms. Gray: That is a requirement in other jurisdictions.

Mr. Firestone: Thank you. Any other Commissioners have any comment on the wireless ordinance at this time?

Ms. McNatt: I have a question back on Amendment 1 where you discussed towers less than 35 feet in height shall not require a special use permit but are subject to administrative approval by the Planning Director. Can you give me an example where that may happen?

Ms. Gray: Yes. For a facility, or a wireless facility tower, if you will, that was proposed in the right of way and it is not in a state right of way, because there is House Bill 189 that covers facilities that are in right of ways that are state right of ways. So this would be in a right of way that the City has purview over and the tower would be less than 35 feet. But they would still have to follow the provisions.

Ms. McNatt: Can you give me an example of what that would be? Would it be a pole? Would it be a box? Would it be a . . .

Ms. Gray: It would most likely be a pole. And there is also a provision in here that actually tries to steer an applicant to . . . first they have to look at facilities that currently exist, to collocate. Like on street lights, on a building or on a utility pole. And once they exhaust that, if there aren't any facilities, then I believe we had given a presentation a couple of months back that had some examples of these facilities. Most of them looked like, kind of like a lamppost.

Mr. Silverman: In revisiting this issue, it occurred to me that we are talking right of way. We're talking road transportation right of way. The ordinance title, I believe, should be revised to reflect road right of ways. I could come in and ask to put this in a City-owned sewer right of way. Could I?

Ms. Gray: I don't believe so. I'm looking down at the end of the table here to Bruce.

Mr. Silverman: Or any utility right of way.

Ms. Gray: I don't believe so. I mean, the . . .

Mr. Firestone: Public right of way.

Mr. Silverman: Yeah, it says public right of way. So if there was a utility right of way across my backyard, theoretically I could ask to put one of these in my backyard.

Ms. Gray: I would have to look into that. I don't think so. And I say I don't think so because that's not the intent.

Mr. Silverman: I think the issue would be cleared up if the title was changed to reflect . . .

Mr. Hurd: And there might be language to clarify it. Some easements and right of ways don't allow any construction on them . . .

Ms. Gray: Right.

Mr. Hurd: Because of the type of easement and right of way that they are.

Ms. Gray: Let me just look up the ordinance.

Mr. Hurd: So it would have to be a right of way that allows construction, like a road right of way where you have poles and things. But if we are specific in talking about streets, then maybe we want to be clear that that's . . . we are limiting this only to street right of ways.

Mr. Silverman: So it's totally unambiguous.

Ms. Gray: I was just looking up the definition for right of way to see what's in there. But that's fine. I'm not arguing with you.

Mr. Silverman: And I would also add the word dedicated public right of way.

Ms. Gray: So you want it to read wireless facilities in the dedicated road . . .

Mr. Silverman: Public road right of ways. Will, help me out on the words.

Mr. Hurd: Street, maybe. Street right of ways.

Mr. Firestone: I don't know if in the City there may be private roads. I don't know if there are or there aren't. When I lived in the county, we had a private road.

Mr. Silverman: It just makes it very clear as to what the intent is.

Ms. Gray: Okay, so dedicated what? Dedicated street? I'm sorry, I'm kind of . . .

Mr. Firestone: Public street right of way.

Mr. Silverman: Stacy, can you help us out here? You're the civil engineer.

Mr. Hurd: You're closest.

Ms. McNatt: Well, I mean, I'm sure . . . does the City have private streets?

Ms. Gray: Not many, if they do. There's a couple within developments, but then this wouldn't pertain to it.

Ms. McNatt: Couldn't private right of ways be dedicated?

Ms. Gray: Then it would be public.

Ms. McNatt: To a community?

Ms. Gray: Well it wouldn't be dedicated then, it would just be private.

Ms. McNatt: For them to maintain?

Ms. Gray: Yes. It would be private . . . maintained by the civic association or homeowners' association.

Ms. McNatt: So because this doesn't say private or public, technically they could build in that right of way, at this point. If you kept it the language as proposed.

Ms. Gray: I guess that's possible. I just don't see that happening.

Ms. McNatt: So then we probably should be clear that it says facilities in dedicated road right of way. You don't want it in private rights of way.

Mr. Hurd: Or easements.

Mr. Silverman: Or easements.

Ms. McNatt: Public road right of way.

Mr. Hurd: I think we're clear about what the intention is. The actual words could be figured out . . .

Ms. Gray: Okay.

Ms. McNatt: Public road right of way.

Mr. Silverman: Murphy's Law of misunderstanding. If it could be misunderstood, it will be.

Mr. Hurd: Well, yeah, I agree. But I don't think we know what the right word is.

Mr. Firestone: Well we're not going to vote on this tonight, I think, so we don't have to puzzle it out.

Mr. Hurd: Okay.

Mr. Firestone: Any other comment from any Commissioner at this time?

Mr. Hurd: I have two corrections and then some general comments. On page 2, item 2, it's still saying City Zoning Office instead of Planning and Development. It says Planning and Development in the outside the right of way section, but the street one still says City Zoning Office. And on page 4, item 6, that's the only one that has parentheses around the S for towers. Everywhere else, when you say towers, it's towers as a full word. So I would get rid of the parentheses.

And then I would say I concur with the Chair's comments about expanding the noticing radius and also being explicit about setbacks from roads when you're outside the right of way. Not just property line. Because there could be a road that goes through the property or something. I think . . . it seems to make sense that the idea of the setback from property lines is to keep it away from people and things, and also to include roads, to my mind. It's looking much cleaner, I will say that.

Mr. Firestone: Would anyone from the public like to be heard? And may I just remind you of our three minute limit?

Ms. Carol McKelvey: Thank you for that reminder. My name is Carol McKelvey and I don't have a comment, I have a question. I haven't read this document, but my question is do you have provisions for getting rid of them if they're no longer used?

Ms. Gray: I think so.

Mr. Firestone: That's a good comment on abandonment and decommissioning . . .

Ms. Gray: I think it is in there.

Mr. Firestone: And whether there should be any kind of decommissioning bond, or what have you, to ensure that they're properly removed.

Mr. Silverman: Good point.

Mr. Firestone: Thank you. Anyone else from the public like to be heard? Please step forward.

Ms. Jean White: Jean White, District 1. At a previous Planning Commission meeting, both Dr. John Morgan and I asked if there would be notice for these high towers, so I'm glad that Commissioner Firestone has brought that up. And it was also discussed at that meeting, the need for the developer or the telecommunications company to pay for the excess notice.

Let me just see here . . . I found a number of places where there are mistakes or words that were left out. So I won't take the time here for most of those and will tell somebody at the end of the meeting or later. But just two things, on page 3, item e., where you have a., b., c., d., e., to make the wording be parallel in construction, the other ones are sentences, and this e. is not. And so it should . . . it would be better to say the owner has failed to respond to that, rather than . . . that is not a sentence. The others are all sentences.

Okay, and the same thing is true is on page 11, where now we're going out of the right of way. And this is e. A., b., c., and d. are full sentences. E. is not a full sentence and it's very easy to correct that to say instead the owner has failed to respond. But added to that, on page 11, e., it says 30 days' notice via U.S. Certified Mail by the applicant, but on page 3, where I had just talked about e., it does not require that this be done by U.S. Certified Mail. And it seems to me that both of them, the first one, in the right of way, this notice should be by U.S. Certified Mail so that therefore the developer or the applicant can prove that they actually notified them the proper way.

And let me just see here, so some of these other changes where a word has been left out, I'll get to later.

I had a question, if a tower or antenna is located on land or a building in the City of Newark, does the telecommunications company pay the City of Newark a rental fee for that? That's a question, but it's not really relevant to the ordinance, but I was wondering.

Mr. Firestone: I think that's sort of outside the jurisdiction of the Planning Commission.

Ms. White: Okay, so it was just a question I thought I'd ask. I also wondered whether the City of Newark wants this to happen, does not want it, or is neutral. I guess this is not a question for the Commission either.

I also noticed on page 12, item (d) that a lattice type tower is prohibited, and I wondered why that was, if that was a State of Delaware regulation. Delaware always seems to have monopolies and in Maryland there are a number of examples where there are lattice ones. I, personally, like the lattice ones better. I think that they are more attractive for other reasons that I won't go into. But I wondered if that was a requirement that the City was putting in, or if it was a state regulation that you had to do monopolies.

Mr. Firestone: Thank you very much.

Ms. White: Okay, am I at the end of my time?

Mr. Firestone: You're over your time.

Ms. White: Okay.

Mr. Firestone: But please submit, either in writing, or what have you, your other changes . . .

Ms. White: Okay.

Mr. Firestone: And we thank you, as well, for pointing us to some inconsistencies. I don't know if you have a response related to the lattice tower. Whether that's . . .

Mr. Silverman: It deals with height. It's probably a [inaudible] issue.

Mr. Firestone: This is the item that says over 200 feet shall be guyed and not self-supporting nor consisting of lattice type structures. What's the reason we won't do lattice over 200 feet, I guess, versus the monopole? We'll look into it. Thank you. Any other public comment? Yes? Please state your name and your district.

Ms. Bonnie Metz: I'll be quick. Actually, I'm Bonnie Metz. I'm with Verizon. And I'm here today just basically to say thank you to staff for working with us. As you know, we had requested some amendments and we were able to meet with staff and their consultant to go over some of them. The majority of those amendments that we asked for were for things that are before you tonight that just didn't make sense from a technical standpoint. Things like changing 1/4 mile to 1/8 of a mile. Small cells really are not meant to go very far, so if we had to move 1/4 mile, it would have just negated the need for the small cell to begin with. So a lot of the changes really, from an operational standpoint, were necessary. So we wanted to just say thank you. I think that we are pleased that we are moving forward. I think one of the things that, you know, we'd like to have more discussion on is the notice requirement, particularly if it's going to move to 3,000 feet versus . . . that is very significant. I am not aware of any other jurisdiction, really anywhere, in any of our footprint, that has that big of a notice requirement. Even 1,000 feet is very large. Most of them are 500 on the outside. So we'd just like some more dialog on that. Thank you very much.

Mr. Firestone: Thank you. Anyone else from the public wish to be heard?

Mr. Silverman: Mr. Chairman, may I ask the rep from the communications company a question? You sparked something from an earlier application we had. We talk about poles and towers. Is that something that is becoming obsolete with respect to the kind of technology that's being used today and in the future? I'm talking about the University came in with a proposal for a series of small units, as opposed to the kind of communication tower you would see along U.S. 13 or Route 1 going downstate.

Ms. Metz: Sure. So the small cells, I think the University . . . and I wasn't involved in that project . . .

Mr. Silverman: Understood.

Ms. Metz: But generally if we're going to put up just a free-standing pole, and Commissioner, you had asked the question about a free-standing pole, what they look like, they wouldn't even be as tall, generally, as a regular telephone pole. They might be 25 feet. Small cells are meant to really propagate very . . . send out and be able to receive a lot of data, get a lot of data, but in a small area. So they need to be closer to the ground. Generally when we're going to go on a pole . . . and I did bring some pictures I'm happy to share with you . . . we would just be

putting . . . our preference would be to go on an existing structure, and I think the ordinance actually calls for that. The state law also calls for that. To the extent we go on something that exists, we will do it. It's cheaper for us and we would prefer to do it that way. But there are times when we can't. Either when our RF engineers go out and they say we need additional capacity in this particular area because people are just using a ton of data . . . University of Delaware, I mean, you're seeing it. We, then, may need to put up a pole in a particular location. So we're still going to have the telephone poles that are Verizon land line uses out there. And what you'll start seeing maybe is the small cell on top of that. Two feet by one foot. You probably won't even notice it. These things are really means to blend into the existing environment and to be a lot less intrusive and, you know, you probably won't even see it, and most people won't even really recognize them.

Mr. Silverman: Are you familiar with Newark?

Ms. Metz: I am, I mean . . .

Mr. Silverman: Okay, so we're not talking about the kind of structure that exists behind the Newark Shopping Center on the CSX right of way. There's this massive caged in structure. We're talking about . . . when you say micro, it's true micro.

Ms. Metz: We're talking about . . . yes, we're talking about . . . I have a picture. Can I approach and give you copies, or no?

Mr. Silverman: Mr. Chairman, it's up to you.

Mr. Firestone: I think not . . .

Ms. Metz: Okay.

Mr. Firestone: Just because it wasn't publicly noticed that you were going to give a presentation.

Mr. Silverman: Okay.

Ms. Metz: Okay. Maybe for your next meeting I could do that and share a copy. It looks, basically, like a regular telephone pole with an antenna at the top.

Mr. Silverman: It sounds like something you should reserve for when this proposal goes before Council.

Ms. Metz: Yes, thank you.

Mr. Silverman: You cued the idea of things getting smaller now and I'm thinking of communication towers, and we're really not talking about the same animal.

Ms. Metz: No, we're not. And I think what was . . . we talk about them as wireless support structures, not towers. And I think when you think of towers, you think of the big, giant towers that are out there. So it's a little unfortunate, the language in the ordinance, because we're not talking about a tower, even though it's defined that way. It's really just a pole.

Mr. Silverman: Okay. Thank you.

Ms. Metz: Thank you.

Mr. Firestone: Any other Commissioner have anything?

Ms. McNatt: I do. A follow-up question. I don't have it with me, but what's definition . . . is there a definition of tower in the City Code?

Ms. Gray: Yes. Do I know it off the top of my head? No. I can look it up, though.

Ms. McNatt: And does that definition include the smaller micro panels . . . the word I'm thinking of is panels . . . on a pole . . . I don't know if that's true or not . . . but these panels that may also be towers? Is it the same? I guess the word tower is inclusive of those other types of structures?

Ms. Gray: The ordinance does have a specific definition of towers and if you give me a minute, I can pull it up.

Ms. McNatt: Sure. Yes, please. Thank you.

Mr. Silverman: It sounds like the definition may be obsolete with respect to how things are done today.

Mr. Hurd: The introduction talks about broadcasting and telecommunication facilities. Tower, broadcasting and telecommunication facilities. So . . .

Ms. McNatt: What does that mean?

Mr. Hurd: Yeah, I'm not sure.

Ms. McNatt: I don't know.

Mr. Hurd: Is that defining towers, or towers and . . .

Ms. Gray: Towers, broadcasting and telecommunications. An above grade tower or similar structure more than 35 feet in height for communications equipment, principally intended for the transmittal or reception of commercial, governmental and related radio, television, microwave, cellular phone and similar telecommunication signals. Towers or similar structures installed on tops of or attached to buildings or tanks or similar facilities shall be included in this definition if the total height of the tower structure exceeds 57 feet above grade.

Mr. Hurd: So that talks about things over 35 feet. So under 35 feet, that's not included in that definition.

Mr. Firestone: Correct.

Mr. Silverman: Fifty-seven feet is the . . .

Ms. Gray: Let me look here.

Ms. McNatt: I just want to be inclusive of what is the ultimate intent.

Mr. Hurd: That's a good point because the thing that they put on the bookstore was kind of a collection of antennas on a frame.

Ms. Gray: Those were antennas, yes.

Mr. Silverman: On a frame, yes.

Mr. Hurd: That wasn't . . .

Ms. McNatt: Would that fall into the wireless, the temporary wireless ordinance that we have? I don't know.

Mr. Firestone: Other comments? Okay, well this was for point of information. I guess we can puzzle it out before the next meeting, as well, whether we need to use a different term, at least for those under 35 feet, given the definition in Code of towers.

6. FOLLOW-UP TO RENTAL HOUSING NEEDS ASSESSMENT STUDY RECOMMENDATIONS.

Mr. Firestone: So that, then, takes us to Item 6, follow-up to the Rental Housing Needs Assessment Study recommendations. Mike, are you going to lead us through that one, or Mary Ellen?

Ms. Gray: While Mike is getting settled, I'll give a little bit of background for the folks who weren't here for the initial discussion of the Rental Needs Assessment. There was, three years ago now, there was a study done on rental needs to look at the need for student housing and non-student housing, as well as to see if there are any updates to the rental properties and how they are managed. And there was one other component that's escaping me now. And so that was completed earlier this year, and that was presented to the Commission, I believe, in May. And then there were some questions regarding that, and one of the things that I think was a very helpful suggestion was to map the current, do a heat map, if you will, and that's what is up on the board here and has been distributed to you all, of all the current rental housing that is in Newark. And then we also included the list of recommendations from the Rental Needs Assessment. And I'll hand it over to Mike to take it from there.

[Secretary's Note: During the course of the presentation, Mr. Fortner referred to maps that were included in the Planning Commission's November 7, 2017 packet and being displayed for the benefit of the Commission and public.]

Mr. Mike Fortner: I don't really have much to add. I think Mary Ellen covered it and I can answer questions. Also with the packet for the Rental Housing Needs Assessment, I included some maps in there also showing the blue is current exempt streets, and then you have, in red, our proposed exempt streets that were in the Rental Housing Needs Assessment. That included up to two parts. One thing in the recommendation was to add to those exempt streets, and the other one was to, on exempt streets, allow for a 4-person rental in all these. Categorically, all allow 4 renters, no matter what the zoning district is.

Mr. Firestone: My one comment is that my house is shown as a rental single family dwelling and it is not.

Ms. Gray: Okay.

Mr. Hurd: Are you sure?

Mr. Firestone: I don't think I'm renting to myself. I do know that it was rented out before I purchased it, but that was about six years ago.

Ms. Gray: Okay.

Mr. Fortner: I'm sorry, that's our GIS with CityView, so some of it might be marked incorrectly as a rental. It could have that marking on it.

Mr. Firestone: Yeah, I should be making some money.

Mr. Silverman: Mr. Chairman, I'd like to compliment the work done by Mr. Fortner. This is the kind of information that I've been looking for, for a very long time, particularly the companion exhibits dealing with the focused areas. Although we're not looking at it today, some of the other support documentation, with respect to rental units, done in the 11x14 format, and some of the information illustrated on the screen, does confirm the picture that has been painted at many of our public meetings of the spread of rental units throughout the City of Newark. That

rentals aren't confined to just one particular area. The other thing that it points out, and I know there's a lot of manual work that went into this, hopefully as our GIS system matures, this information would be cleaned up and be much more readily available in this format, in the process of producing the GIS system. This is the kind of information that should accompany a lot of applications with respect to the report from the Director to show us what the zoning patterns are. For example, we've talked about the 3C area – Center Street, Choate Street and Chapel Street – and, as I've stated before, I found out only as a result of a development activity proposal in there that there are only two or three owner-occupied houses left in that whole particular section of town. This map illustrates it clearly. So it's a good resource for the Commission.

Mr. Stozek: Mike, is it possible to do a layer on this that shows student rentals, as opposed to just rentals?

Mr. Fortner: That's not easily available because CityView doesn't have a marker or some way to convert it into a shapefile for me to do that. So on the student rentals that are included in the Rental Housing Needs Assessment, those were manually looked up, essentially. So to do it City-wide that way would be . . . we don't have the data readily available like that.

Mr. Silverman: But a GIS work program could include something like that.

Mr. Fortner: We'd have to go through and manually create the data.

Mr. Silverman: Yes.

Mr. Firestone: Other comments from the Commission?

Mr. Hurd: I'll just make the comment again because Item 1A in the report recommendations is still saying Lowell Avenue instead of Lovett. And just for clarity, I do live on Lovett Avenue, so I would, at some point, possibly be affected by having that become an exempt street along with the two other properties there. Actually, one of them is a rental right now.

Ms. McNatt: Can I have a . . . since I'm relatively new, the newest person to this Commission, Mike, can you explain to me what residentially zoned exempt means?

Mr. Fortner: It's quite a twister. Alright.

Ms. McNatt: Okay.

Mr. Fortner: I've explained it many times and it gets twisty.

Ms. McNatt: The easiest, quickest way.

Mr. Fortner: The easiest way. So an exempt street means it's exempt from the student home ordinance. And the student home ordinance is City-wide. Every street that is not exempt is under the student home ordinance, so the list is for the streets that are exempt. So all other streets, that means that rentals that are student rentals . . . that means they have more than two unrelated college students in there, so essentially three or more . . . they can only be located within so many feet of each other. That's basically lot width times ten is permitted. So if you have a student rental on a street, there can't be another student rental for whatever the, like 100 feet or more . . . it's a lot more – 300 feet, 500 feet, 1,000 feet – from that student rental. And that's to restrict the density of how many student rentals can be close to each other. Now in many parts of the City there are more than that because they were already grandfathered in. But any new rentals couldn't be put in there . . . student rentals. But if it's an exempt street, that means that the student home ordinance doesn't apply to that street. So that means there can be student rentals right next to each other. And they can be a student rental or a non-student rental. Essentially, it's unregulated. Those regulations don't apply.

And in non-exempt areas, you can have a rental, but it couldn't be a college student rental, if there's already a college student rental within the distance required. So that's why it's kind of like exempt . . . that's why it's kind of a twister. Does that make it clearer?

Ms. McNatt: Sort of.

Mr. Fortner: Sort of. Okay. So those streets that are listed, and those streets are in blue, and the streets that are proposed to be exempt are in red . . . they're proposed under the Rental Housing Needs Assessment . . . but the ones that are in blue, those are parcels on exempt streets. That means they can be a student, if it's a rental, it can be what we might think of as a student rental. But that's not really what it is. It doesn't apply. So basically a rental can have students in it. That's what it means. A rental can have students in it. It's not regulated. That's the easiest way, maybe, to explain it. It's unregulated. If it's not on those blue streets, then that means it's regulated. So if you want to have a rental, you don't necessarily get to have students in it. You have to apply for that and we have to verify that there are no other student rentals around it.

Ms. Gray: A point of clarification is that it doesn't, when Mike is saying it's not regulated, that means it's not regulated regarding the student exemption.

Mr. Fortner: That's correct.

Ms. Gray: It is regulated under all other City ordinances.

Mr. Fortner: The rentals on that street, we don't check to make sure there's not another rental within a certain distance.

Ms. Gray: Right.

Mr. Fortner: Anything that's not on one of those blue parcels, then we have to check . . . if someone wants a student rental, we have to check to see if there's another student rental in there.

Mr. Hurd: When was the change made from four unrelated to three unrelated. Do you remember?

Mr. Fortner: No, but I think it was the late 90s when a lot of that stuff happened.

Mr. Hurd: Because that might be another thing that might, but I don't know if that's easy . . . if that's also in CityView or you have to pull it up manually, is how many of these existing student rental homes are four unrelated versus three. Because that might also give us an idea of what's the density of that. If someone says let's go from three to four as a default, are we talking about five units out of 25, or are we talking about 20 out of 25?

Mr. Fortner: It's not really available in CityView data.

Mr. Hurd: Okay.

Mr. Silverman: Will, are you finished?

Mr. Hurd: Yes.

Mr. Silverman: Okay. Point of clarification, with respect to the exhibits that were prepared that are labeled C Focus Area . . .

Mr. Fortner: Yes?

Mr. Silverman: On the bottom right-hand corner, the heavy line is referenced as low density but can be changed to residential high density without changing . . .

Mr. Fortner: You're on another map that's not in the Rental Housing . . .

Mr. Silverman: Yes but it was part of our packet . . . without changing zoning.

Mr. McIntosh: I don't have that.

Mr. Fortner: That's from the last month's packet you got. People are confused, it sounds like. They don't know what you're referencing.

Ms. Gray: That's from the Work Plan.

Mr. Fortner: It was the map you got last month.

Mr. Silverman: Would the wording be clearer that the density can be changed within the existing zoning? When I read that . . .

Mr. Fortner: That's not what it is.

Mr. Silverman: I said how can you change density without changing zoning? What you're really saying is the zoning category is broad enough to take the existing density and either increase it or decrease it without affecting the existing zoning. Is that what you're saying?

Mr. Fortner: Well now I got lost in your . . .

Mr. Hurd: Well, my understanding is in the Comp Plan we had defined residential low density and residential high density.

Mr. Fortner: Correct.

Mr. Hurd: And there are areas that are designated residential low density because of what's contiguous to it. But some of the underlying zoning, while obviously you can always have lower density in the zoning, some places there's a zoning underneath that could actually support a higher density definition.

Mr. Silverman: Okay.

Mr. Fortner: That's correct.

Mr. Hurd: Like the RM here.

Mr. Fortner: Those in blue are all zoned RM for garden apartments.

Mr. Hurd: Right.

Mr. Fortner: Now we gave them a low density residential designation in the Comp Plan because they are single family houses and they are on small lots. So they don't have a by-right of a high density apartment.

Mr. Silverman: Okay, so then by virtue of the existing zoning, we could up the density . . .

Mr. Fortner: Yes.

Mr. Silverman: Without having to change the zoning.

Mr. Fortner: That's correct. Exactly. Now the other areas that you have considered, you would have to, like for example, Benny Street, they're RD zoned. And it's designated in the Comp Plan as low density residential. Now if you wanted to, say, designate that as all high density residential, you would have to change the underlying zoning, as well.

Mr. Silverman: Understood.

Mr. Firestone: Did anyone from the public like to be heard on this item? Please come forward.

Ms. White: Jean White, District 1. I commend Mike Fortner for his efforts. He is the author of the maps and I haven't had a full chance to study it yet, but first . . . let me just see here. If one changes a non-exempt street to an exempt street, and there are still owners on that street that aren't student rentals living in a private home like that, would they get notices from the City, mailed notices, that this is going to happen, should they oppose it? That's a question I have. Just like when you have something on the Board of Adjustment and notices are given. But it seems to me that there . . . I was just looking at East Park Place, for example . . . there are some that are not rentals. And they may not care, but I think they should get a notice that this is going to happen and to come to a certain meeting.

Okay, and when I looked at the maps just for, I'll just choose the one that's on East Park Place, we can see that a whole bunch . . . this is not an exempt street at the moment . . . but a whole bunch of rental units which, with the green dot mean they're student rentals, and I presume they became rentals to students before the ordinance was changed, so they're grandfathered. Is that correct?

Mr. Fortner: That's correct.

Ms. White: Okay, thank you. And let me just see here . . . this is not relevant particularly but was something that was said about ten properties wide. I just want to say for the record that, for example, other residential areas, just for plain rentals, I thought that every third property, a rental can't be closer than every three properties away. I'm not talking about student rentals. Is that correct?

Mr. Fortner: No, that's not correct. Any private homeowner that can meet the Code of required parking spaces can get a rental permit. Anyone can rent their home.

Ms. White: Okay, but if it's a student . . . I'll have to talk to you again because this is taking up the time. If I have time, I'll get back to it. And I think I also know a property that's listed as a rental on this larger map that is not a rental, but I'd need to check, so I won't say which property.

Mr. Fortner: It's really just to give you an idea.

Ms. White: Yes.

Mr. Fortner: That is, obviously, not perfect.

Ms. White: What is the situation in residential areas like Oaklands, and whatever, that has to do with three properties? You know, three properties away. Is that having to do with . . .

Mr. Fortner: Well that sounds like the student home ordinance. So if there's a student rental in a neighborhood like Oaklands and then so the average lot required there is 75 feet, so I think you times that by five or ten, I forget, but you times that distance, and that's the minimum distance. I think it's 500 feet in a place like Oaklands. There's a chart in our office that shows that.

Ms. White: Okay, I'll have to talk to you because my understanding was different and I'll have to figure it out later. Thank you.

Mr. Firestone: Thank you very much. Would anyone else like to be heard? Does any other Commissioner have any further comment?

Mr. Stozek: Yeah, I'd just like to follow up that, understanding you can't easily do it now, but I'd like to have you put it on your work list of things to do to identify the student rental properties on the map.

Ms. Gray: Okay.

Mr. Firestone: Other comments?

Mr. Hurd: I guess I have a question. What's our next step? I mean, we're reviewing data and we're looking at this. Is there a next step that we're looking to do?

Ms. Gray: Yes. Actually I was going to ask that, so you asked the question first. Thank you.

Mr. Hurd: Sorry to steal that.

Ms. Gray: No, it's all good. The Rental Needs Assessment, and you have it in front of you, had articulated a number of recommendations for consideration. So the next step would be to, and we can talk about it further tonight or put it on the agenda for next meeting, and perhaps it would be helpful if we identify the student rentals because we have to manually go through, since we don't have a GIS layer of the student rentals, we'd have to go through the list and identify them, to go through the list of recommendations and see if you would like to recommend any of the recommendations to City Council. So that would be the next step.

Mr. Firestone: Anything further? Okay, so then maybe you'll come back to us when you've implemented the changes to the GIS to identify the student rentals.

Ms. Gray: I'd be happy to. And is there anything else that the Commission, any other information they would like to see?

Ms. McNatt: You're going to do that . . . I'm sorry, you're going to do that for the large, entire City rental? The entire City?

Ms. Gray: Yes.

Ms. McNatt: The entire City, not just around the University?

Ms. Gray: Right, because there are two maps here that has the entire area, such as that, and then there is a large blow-up version of just the downtown, the core area.

Ms. McNatt: Right. So I'm assuming when you're going to locate student rentals, you're going to include any rental unit in the City boundary that's identified as a student rental.

Ms. Gray: Yes.

Mr. Hurd: And I'll just add onto that, if it's possible to differentiate between a 3- and a 4-person permit . . .

Ms. Gray: That's a challenge. We'll take that on and see what we can do.

Mr. Hurd: If it comes up in the record and you can do it, otherwise no.

Ms. Gray: Got it.

Mr. Firestone: Anything else?

Mr. Hurd: Actually, I did have one thing but I hate to pile onto staff too much. And maybe this will be for the next time around, but the conversations, the recommendations in here about POOH program or replacements for the POOH program, or other programs, to incentivize conversion of rental units to residential . . .

Ms. Gray: To homeowner.

Mr. Hurd: My understanding is that the POOH program, in general, hasn't been well used and therefore not very successful. Is it possible to do any kind of, sort of, broad research to see what other similar cities have done, and then we can just steal that idea?

Ms. Gray: Yes. The Rental Needs Assessment, on the appendix . . . I don't have the document front of me, but the appendix does have examples from other, actually, college towns, as well . . .

Mr. Hurd: Okay.

Ms. Gray: So we'd be happy to pull those out. And, thank you, that was the third thing that . . .

Mr. Hurd: That would be good because when we're looking at these recommendations, if we could have that back-up data . . .

Ms. Gray: Okay.

Mr. Hurd: For more information.

Ms. Gray: Okay, and also just for your information, and for others' information, there is, on the Planning and Development Department website, there is a Rental Needs Assessment page that has all these documents listed on there for your reference. But certainly we can include those and pull those examples back out for some other homeownership promotion ideas.

Mr. Firestone: Okay, thank you, Mike. That takes us to . . .

Mr. Frank McIntosh: Mr. Chairman? I had a comment.

Mr. Firestone: Oh, excuse me.

Mr. McIntosh: That's okay. Could you give me an assessment of what the . . . as was said beforehand, it's my understanding that in doing this work on the rental housing, it is all going to be manual work that you have to go one house, to another house, to another house.

Ms. Gray: To identify the student rentals, yes. Because we have that on a list. We don't . . . and it's also . . . yes. I mean, we have it electronically but . . . and I'm looking over at Jay [Hodny]. Jay, our GIS guy.

Mr. Fortner: We'll have to work with Property Maintenance . . .

Ms. Gray: We'll see if we can get it electronically. We'll work on it.

Mr. McIntosh: What I'm trying to get at the sense of is just exactly how much more time will your department have to put in to answer that question, over and above what they're already doing?

Ms. Gray: I'll have to get back to you on that. Actually, this might be an opportune . . .

Mr. Firestone: Maybe when we transition to the GIS discussion, we can get some . . .

Ms. Gray: Yes.

Mr. Fortner: I don't think Jay will know.

Mr. McIntosh: I guess my general . . .

Mr. Fortner: I'll have to, actually, talk with Code Enforcement Officers to see what kind it is . . .

Ms. Gray: Right. We have to . . .

Mr. Fortner: And we'd have to assess it. We could send you an email if it's really crazy, or maybe we can focus on the core area and work our way out.

Mr. McIntosh: My point is, simply, you know, it's easy for us to sit here and hand out assignments, with the expectation that they're going to be done, and done in a quality way. And if they're not, then we have comments to make about that, etc. But there is only so many hours in a day and so many days in a week, and I think we need to be mindful of what we're asking for, and prioritize that when we put it out, because we do it on a regular basis. Any time you come to one of these meetings, there's extra work that gets shuffled back. Now maybe you've got that already planned into your work plan but, you know, you've got two days a week that are free until the next meeting.

Ms. Gray: That would be great if I had two hours . . . two days a week.

Mr. McIntosh: I'm pretty sure you don't. I'm simply saying that we have to, you know, be careful about the capacity of the department. They have just regular work that they have to do, and when we add this additional work, we should be pretty sure that that's really important that we get that information. It's not just, geez, I'm curious. So that's all I have to say.

Mr. Firestone: Good point.

Mr. McIntosh: Thank you.

Mr. Firestone: Thank you.

7. DISCUSSION OF CITY OF NEWARK GEOGRAPHIC INFORMATION SYSTEM (GIS).

Mr. Firestone: And moving on, we're at Item 7, discussion of the City of Newark Geographic Information System, otherwise known as GIS, and we thank you for coming back.

Mr. Jay Hodny: Yes. So I guess I was under the impression from Mary Ellen that you would kind of lead the discussion and I can answer questions on what our GIS system can do. Maybe back to the student rental question, you said you have a list?

Ms. Gray: Code Enforcement keeps a list of that, and I believe it's in CityView, as well, but I'll have to do a deeper dive on that with Brian Daring and see . . .

Mr. Hodny: So if that list has, say, the parcel number associated with the number of students on that parcel, then I can join that to the parcel and we can create a map.

Ms. Gray: Okay.

Mr. Hodny: So we would not have to go place by place by place to figure that out.

Ms. Gray: Okay.

Mr. Hodny: So I just need to see what that data looks like and then we can maybe speed this along a little bit. But I think Mike's example there is a great example of the use of GIS and the

data we have in our CityView database for Planning and Code Enforcement and Parking, and what have you, on how we can present this information.

Ms. Gray: And if I could add to that, Jay was key . . . when we had this task, we invited Jay in to talk with Mike and I, and to see how it could be done with our current datasets. And Jay was instrumental in getting that accomplished.

Ms. McKelvey: Mary Ellen, who is he?

Ms. Gray: Oh, I'm sorry.

Mr. Hodny: My name is Jay Hodny. I'm with the City of Newark.

Ms. Gray: My apologies. Thank you.

Mr. Silverman: Mr. Hodny, I spent a lot of my work life, both public and private sector, in utilizing GIS. It's my version of doing crossword puzzles. I like to see how much I can derive from it. I understand some of the limitations that are within your system now. This is a relatively new effort within the City of Newark. I've been on the Planning Commission for a number of years now and there's just whole ranges of information that are totally missing that exist in other jurisdictions, such as sewer design capacity, sewer flows, water flows, peak water flows. And all this serves me best, and I believe serves the public best, in spatial relationships such as the map we've been looking at. So if there's a question on where are the student rentals, it's a matter of doing a dot diagram over a parcel map. Where are the non-student rentals? There's another color. Calculating density? What's the permit for? There's a lot of information to be derived from this that is essential to the planning process. Some of the information we take on faith that's provided by the applicant. The Public Works Department, I know, is working very hard on just doing an inventory of what's underground, the age and capacities, what the flows are and what the peak flows are. What kind of . . . this is going to sound like a budget hearing . . . Mike Fortner, I think, illustrated that in order for him to do this work, it's a manual operation. He sits there with his computer and lists and identifies parcels by street addresses, even if that's a good match . . . I don't know whether that's been cleaned up . . . and then colors in the block. There's a much better way of doing that and that's using the technology that you're putting together. In the City's priority of things, where is supporting the needs of the Planning Commission and the community who is interested in planning?

Mr. Hodny: So I am probably not the person to answer that question. That would probably come more from Mary Ellen. But I would suggest that you guys have a roundtable discussion on map needs. Whether the map . . . I think you made the point . . . where the data that are being mapped, is it something that's nice to have, or is it something that's really needed? And if it's something that's really needed, then you can prioritize that list of map products, and then we can prioritize resources and how to go about doing that. I don't know if that answers your question.

Mr. Silverman: It does.

Mr. Hodny: To your point, there is a lot of great data out there in databases, and we're learning to pull them together in the back end so we can automate and produce these maps in a real time situation. So there is that effort going on slowly. I think focus really, now, is on the sewer infrastructure and looking at stormwater runoff and so on. But all the parcel information already exists. That's New Castle County. You can go to their parcel viewer site. As we make changes in the City, that's moved to New Castle County. They're the source of [inaudible], we pull it back down.

Mr. Silverman: So there's a link between what the county has developed and the City's data input into some of the county systems?

Mr. Hodny: Yes. Now there's some delay or lag, at times, depending on how quickly that data is moved back and forth.

Mr. Silverman: That's a good way of leveraging resources. So you're not repeating and reinventing the wheel.

Mr. Hodny: That's just it. You don't want to have duplicate datasets and that's what we're against doing. We're trying to . . . we update our parcel fabric, we give that to New Castle County, they update their system, I pull it from there, and with some of the technology available now, that's automatically updated on the maps that you're looking at. We don't have to do anything more. We don't have to export and import. We're trying to get away from exporting one dataset and importing into the GIS to do something.

Mr. Silverman: Okay.

Mr. Firestone: In the county system, can a member of the public pull data like this? You know, where rental units are in a vicinity? Can they do that and pull a map? Or is it parcel by parcel, where you can look at things?

Mr. Hodny: I guess that's . . . I don't know if I can get to it here. So if the data are available at the county level, and the county is serving it up through their map service, then, yeah, you should be able to see it.

Mr. Firestone: It's sort of publicly open data portal that you can . . .

Mr. Hodny: Right. Yes.

Mr. Firestone: You can pull up different kinds of maps as a member of the public, not just looking at specific individual parcels?

Mr. Hodny: Yes.

Mr. Silverman: For example, you can pull up an area that would show . . . and Mr. Charma, help me on this . . . does the county have floodplain lines? Yes, the county has floodplain lines on their property maps. So if I pulled up a section of the City of Newark at a relatively, that covers a lot of geographic area, it would suggest where those floodplain lines are. Then other resources that we don't have, like natural resource protection areas for well fields, sensitive habitats, there's just a whole lot of things that any member of the public can use that I hope we will also be putting some information into.

[Secretary's Note: Mr. Hodny began displaying the New Castle County, Delaware Geographic Information Systems Map Viewer website for the benefit of the Commission and the public.]

Mr. Hodny: So, yeah, certainly, again, I would ask that you figure out what's nice to have versus what's really needed. I don't think we need to duplicate the county's effort because, it's hard to see but on the left side there, there's things on protected lands, floodplain, zoning, land use and so on. So that already sits in the county database. So you can go in, you can zoom into that area, and see . . . well, hang on, I lost my glasses and I can't see anything . . . here we go.

Mr. Silverman: I think it would be worth taking a few minutes for you to illustrate the kind of thing that we eventually want to get to within the City that may already exist in the county.

Mr. Hodny: So you can go in and you can go through here, and you can just turn things on and off.

Mr. Silverman: And what are we looking at?

Mr. Hodny: So right now this is . . . if it comes up . . . it would be land use. You can see a little bit. Unfortunately, I'm not that familiar with . . .

Ms. McNatt: I can tell you where some of this stuff is at, actually. If you go under the environmental layers specifically, you can pull up the FEMA floodplain information, which is a few more down. Right there. And scroll down. There you go. So that's the FEMA floodplain layer that goes . . . but there is an issue, only because I know the New Castle County GIS. The issue I have with the county GIS data and how this specific map works is that some of the resources located on the environmental layer . . . it's nice to see all resources, sometimes, at the same time. Because wetlands and floodplain and certain things coincide in certain areas. So if you went and turned on the floodplain layer, which you have here and you can see it through the Christina River, if you jump down to the water resource protection layer area and you turn that one on, the FEMA floodplain turns off. And that, to me, is a problem, which I've complained to the GIS where I work, which is a whole separate topic. But, to me, from an engineering standpoint, that's a problem because you should be able to see all . . . you should be able to have any resource that you want to see on at the same time.

Mr. Hodny: I agree.

Ms. McNatt: So I don't particularly care for this format, and that's a different topic.

Mr. Hodny: Well, you know, it also comes down to how these layers are being symbolized. So it could be a very simple thing to change to see it all. But, again, if you're looking at information or you're trying to find information, where do you go to get your information? What maps do you use? What file cabinets do you go to to put this information together to answer questions that your Commission is facing? If it's truly City of Newark specific, then we should be able to build that out, but I don't want to duplicate the effort. To your point, if the watershed layers or wellhead protection layers and the other things aren't showing up as you need to see them on the county map, then that's something we can probably help you with.

Mr. Silverman: But I understand what Frank is saying with respect to resources. We have a project coming up that may deal with the issue of runoff, and I'd like to be able to know if there have been complaints from people who were down the street from this particular project about regular flooding. Now if that was part of a report that was made to the City, where within that report we could see that a storm sewer drain was clogged up, that would give us more information or tell us that, hey, there's a downstream surface runoff problem, and we, as a Planning Commission, may want to make certain recommendations about containing water on the application site. In other words, using that development to solve an existing problem. But unless we can say, yeah, there are 25 houses on that street and the City has received 21 flooding reports regularly every time there's more than two inches of rain, that's good information that comes back to me to make a decision to support a recommendation to Council that additional work be done on the applicant's property. That kind of thing.

Mr. Hodny: So that's a good question. And that's a good question for a GIS system to answer, as long as those pieces of data are available. And if, I know we're moving from CityView to another system that may capture some of that information, I'm no expert there, I don't know off-hand, but if these data pieces are available and it has geography behind it, you can certainly create that kind of map.

Mr. Silverman: We can work with the Director with your suggestion of coming up with priorities. Because I'm sure that the Police Department or the Electric Department has no interest in the number of backyard flooding complaints there are in a particular area, where we might if there's additional development in the area.

Mr. Hurd: I just had, I don't know, maybe it's a caution. One challenge is that if we're able to see things like sewer capacity or such, I don't want us to be in the position of second-guessing the Public Works Department if they've said that the capacity is there for the development and

we're looking at the same size pipe and going, well I don't think so. But I would say that, I don't know, maybe if Public Works isn't sure about what their capacity is, so when they're making evaluations, they may be going, it's probably okay. I don't know if that means we just need a little more detail in the subcommittee report that says sewer capacity is calculated at this currently, and this is the additional load, and that's compliant. Something that sort of, to me, says someone has checked the numbers and has said we don't have a problem with the flow in the pipes that are currently there. Because I know sewer comes up a lot for apartment buildings and such. So it would be nice to be able to say rather than just it's probably okay, hard data, I guess.

Mr. Hodny: I mean obviously you'd want to talk to Public Works in that capacity. I sit in Public Works now and I know they are moving the infrastructure into GIS so we can answer those kinds of questions using sewer modeling software. So we get a better handle on capacity needs and issues, and so on. Whether it's sanitary or stormwater.

Mr. Hurd: Right. And I think that that kind of analysis is something that would be useful for us to say this project does not, or would, stress it, and maybe that's a conversation that takes place before it even gets to us. To say what changes have to be made to accommodate it?

Ms. McNatt: You mentioned you sit in the Public Works Department now. Do you know if they track, or have been tracking, failures of sewer systems? Or failures of stormwater locations? Do you know is that being tracked? And I don't know if a GIS system is, if it is tracked, does it track in the GIS system, or some other database that you're moving to.

Mr. Hodny: It's probably . . . I'll let Mark Neimeister, our Water Manager . . .

Mr. Mark Neimeister: Mark Neimeister, Water Operations Superintendent. I also lead the Asset Management group within Public Works. Is it tracked? It's tracked right now in Excel. So last year we finally got all of our Public Works assets from sewer and water into GIS. The next step is getting some verification at the same time, working with our admin assistants to utilize GIS to input points of failure. Where are water main breaks? Where are we seeing low pressure calls? Where are we seeing sewer backups?

Ms. McNatt: Or pump station failures?

Mr. Neimeister: Exactly. So now that we can load a map up to find out where do we think a water main needs to be replaced? Ten years ago I'm sure it was just, oh yeah, it's in this area. We always thinks it's bad. Newark is the perfect size of where you think you remember things and then you forget. Where you think, oh, there was a water main break three weeks ago on Hillside Road. And then a year ago, where was that water main break on Hillside Road? And then two years ago, I know it was back behind City Hall somewhere. So that's the goals, exactly. To locate, put a pin on the map, and then kind of make the GIS part . . .

Ms. McNatt: And track it, monitor it and do all types of analysis.

Mr. Neimeister: Exactly.

Ms. McNatt: Thank you.

Mr. Firestone: Any other comments from any Commissioners? Would anyone from the public like to be heard? Okay. Thank you very much for coming this evening.

Mr. Neimeister: Thank you.

Mr. Firestone: That then gets us to . . .

Ms. Gray: Mr. Chair, so what I heard back . . . would it be helpful to include a listing of priorities for the next meeting? A discussion of . . . to see if there's . . . because we have been having conversations internally of what the Planning Department would like to see mapped. And then also eventually work towards having a portal such as New Castle County, to complement New Castle County's information. For example, we'd be interested in having the Comprehensive Plan designations mapped as a layer on the City map. So would that be helpful to bring that back for a brief discussion next meeting?

Mr. Firestone: I think it would.

Ms. Gray: Okay.

Mr. Firestone: And it would probably be useful for the rest of us to go on the New Castle County website before then and take a look and see what we think is available and what we think are the good parts of it and some of the shortcomings that were discussed here tonight, as well.

Mr. Silverman: And the caveat that was kind of discussed in general is that these are flags. They tell you there's a flood line there someplace and it's up to the site engineer to precisely define the flood elevation. There are flags that there are backyard flooding. Was that caused by a neighbor's wood pile in the drainage way, or is there a Public Works project there? So this kind of information would flag and help us plan, and help us with the capital program in looking at some of these.

Mr. Firestone: Okay.

Mr. Hodny: Real quick . . .

Mr. Firestone: Yes?

Mr. Hodny: You might want to go on the City of Newark's website, scroll down to the City Maps button and click on that. There is a zoning and parcel map on there that I put together. There is a land use zoning swipe that was put together before I started, with current land use and the Comprehensive Plan land use, and you can move the bar back and forth so you can see the changes on the parcels.

Mr. Firestone: Mary Ellen, could you send us the web links to both . . .

Ms. Gray: Sure. Yes.

Mr. Firestone: That and to the New Castle County webpage so that we'll have them.

8. PARKING SUBCOMMITTEE UPDATE.

Mr. Firestone: Okay, Parking Subcommittee update, Item 8. Frank?

Mr. McIntosh: Thank you. Well the committee has been dangerously active, and I'd first like to begin by thanking Commissioners Hurd and Silverman for kind of subbing in for me while I was putting my blind eye to everything. But I'm back, and we had a meeting, I think it was the 25th. Something like that.

Mr. Hurd: Yes.

Mr. McIntosh: It was well attended. We have a very good group of people representing the various pieces of the greater downtown area, who seem to be passionate about what we're doing. I think we got off to a little shaky start, but I think now we have a group that's very committed to getting this resolved.

We have spent two meetings, basically, talking about what are the issues? What are the problems that might exist with regards to parking? And I think we kind of wrapped that up at the last meeting. And we will be now culling from that the issues that were identified. Some were either collapsed under other issues and other new ones came up. For instance, there was some discussion about the cultural mores of the community as it pertained to parking. And a lot of folks kind of felt that was a very important one that needed to be addressed, if we're going to address parking in the City. And then something else that came up I don't believe was in the prior month's meeting was the employees of the businesses downtown. You know, not thinking about that necessarily. And how important is that? Somebody is paying \$2.00 an hour to park their car on a \$7.00 an hour job. The economics of that doesn't work out very well. So those kind of discussions took place.

At this next meeting, which will be on the 16th, that is a change from what was published, the meeting was scheduled for the day before Thanksgiving, but it didn't seem like a really good day to hold the meeting. So we moved that to the 16th, and we will be changing our format a little bit. It will be a small group discussion kind of thing. We will have three of the identified issues or problems, you know, assigned at this meeting, and the additional, I think it's two or three more, will come up at the December meeting. And we will have an opportunity for the people involved to get into this really deeply in terms of solutions to the problem. And then we'll ask the committee, as a whole, as the report-outs from the individual groups come back, to add, subtract, whatever, clarify, etc.

So that looks like the plan for the next couple of months. In looking out further than that, we will be looking at, if there are, as a result of all this discussion, did a new issue emerge that wasn't thought of before, and then we would deal with that, such as it may be. But, you know, I don't know whether that will happen or it won't happen.

We also will be taking a look at the capacity within these solutions. So it's nice to say let's go do X, Y and Z, but are the resources available to do those things? They may be the solution, but can it be done? And so if the resources don't exist within the solution formula, if you will, then we've got a problem. So we're going to say, okay here's the solution, go do it, and it can't be done. So if we come up with . . . they'll always be some sort of a gap, it's just whether or not the gap is wide enough to cause a problem. And so we'll have to make that assessment and see what resources could be applied and then maybe change the solution. That might require us to go back and look at it and say here's the ideal thing, but, under the circumstances, let's try to do this. So it will get us part of the way. And then when we're through with that, we'll have a recommendation that we'll bring before this Commission, which will go to Council eventually, and we would be done with our job, Good Lord willing and the creek don't rise.

Mr. Firestone: Thank you. Any comment from any non-Parking Subcommittee Planning Commission member? If you could just very briefly summarize what the local cultural mores are around parking.

Mr. McIntosh: Okay, there's a parking problem, and we had somebody, I don't know who it was, at one of our meetings who was complaining about not having a bus come up into Pike Creek so she could come downtown, because she didn't want to park down here because it's so bad. Well, okay, we probably aren't going to do that. But that is a thought.

Now some other people think there's a parking problem if they can't park out in front of M&T Bank. And others says, well, you know, I just heard that there's no way to get parking downtown, when we know by surveys, etcetera, that there are plenty of ways to get parking downtown. You just might to walk a little bit.

And so it's that kind of thing is what we're talking about. And there's more to it than that. But I think, briefly stated, that would give you some idea. And there are ways to address that, and it's really a matter of information. So that's what we would be thinking about with regards to that.

Mr. Hurd: I'll just add onto that just a little bit. It was expressed kind of like what's an expectation for a reasonable distance to travel? And someone compared it to when they worked in New York City. They said they parked 12 blocks from their office and they walked it every day, no matter the weather, and that was an acceptable distance in that city. And he said we do not have that culture here. I mean ten blocks is, of course, excessive. But even two blocks, people are like, that's too far. So there was a conversation, basically, around part of the perception of the problem is that unwillingness to park an uncomfortable distance from your destination, and what is that uncomfortable distance because it does vary for people. But it's still, I mean it's pretty much sort of a suburban transit mindset that we're trying to cram into an urban shifting area.

Mr. McIntosh: Twelve blocks in New York City would probably put us in Elsmere.

Mr. Hurd: Yeah.

Mr. Silverman: Six hundred feet for a city block.

Mr. Firestone: Any public comment? Any other thoughts?

9. NEW BUSINESS AND INFORMATION ITEMS.

Mr. Firestone: Okay. New business. Does any Commissioner have any new business? Would any member from the public like to be heard on any general matter before the Commission? Okay. I will take a motion to adjourn.

Mr. McIntosh: So moved.

Mr. Hurd: Second.

Mr. Firestone: All in favor, signify by saying Aye. Opposed, say Nay. Motion carries. We're adjourned. Thank you.

MOTION BY MCINTOSH, SECONDED BY HURD, THAT THE PLANNING COMMISSION MEETING BE ADJOURNED.

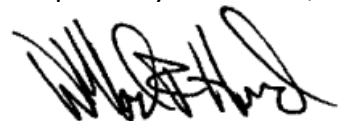
VOTE: 7-0

AYE: CRONIN, FIRESTONE, HURD, MCINTOSH, MCNATT, SILVERMAN, STOZEK
NAY: NONE

MOTION PASSED

There being no further business, the Planning Commission meeting adjourned at 9:04 p.m.

Respectfully submitted,



Willard F. Hurd
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

None