

REBIC Feedback on 2040 Draft Comprehensive Plan

The document is clearly aspirational but it has too many fatal flaws to be of much value as a public document. The 2040 Plan was purposed to be the framework for Land Use relative to the UDO and as a repository of the other City Action Plan. This document addresses lifestyles, personal habits, dreams, aspirations and so much more that are NOT Land Use. It also points out but does not adequately address the conflicts it has exposed between all of the other City Action Plans, Development Standards and rules.

Although the Plan says it promotes Equity over Equality (pg 14) the goals conflict with Equity over Equality. Specifically (a) Access to Amenities, goods & services, pg 32; (b) Access to Employment Opportunity, pg 36; (c) 'Equalizing Environmental hazards' should be 'Equitably share the burdens of Environmental hazards,' pg 38; (d) Equal Housing; (e) Goal 4; and (f) Public investments identified through Neighborhood planning processes (pg 99).

Pg 168 says that the City Councils FOUR Priority Areas are: (1 & 2) "support neighborhoods, street network, and/or housing opportunities; (3) preserve and enhance the tax base; (4) retain the City's credit rating." Though they REALLY are: (1) ECONOMIC DEVELOPMENT: Economy, Jobs & Upward Mobility; (2) TRANSPORTATION, PLANNING & ENVIRONMENT: Accessibility, Mobility & Connectivity; (3) NEIGHBORHOOD DEVELOPMENT Safe, Healthy & Inclusive Communities; and (4) WELL-MANAGED GOVERNMENT: Efficient, Effective, Accountable, Responsive, Inclusive and Customer Focused. This document does not appear to further all of these Priority Areas.

employment, services, schools, parks, roads, trails and other infrastructure. It is a **framework to help ensure that the costs and benefits of growth and change in Charlotte are distributed more equitably**. When an investment is made in a particular area, how will the residents and businesses that are already there benefit? How do we ensure that all neighborhoods share in the impacts of growth?

Equitable growth framework, pg 28. The costs associated with these changes are being borne by the tax payers who don't vote yet.

On pg 30, the highlighted aqua box inappropriately characterizes CLT ability to annex lands in the Extra Territorial Jurisdiction (ETJ) and is written as to imply it's a premise upon which the Goals & Action steps are based. The 2040 Comprehensive plan should use a base assumption of NO annexations as the Legislature is unlikely to reverse its current annexation requirements. The ETJ is already overburdened with CLT requirements that conflict with State Road standards and the 2040 Comprehensive Plan should correct those issues not add to them. In addition, the Planning Commission is in violation of State law by not having an ETJ representative on the Planning Commission (GS § 160D-307).

On pg 32 Access to Essential Services is written and measured as Equality not Equity (a 400- unit high-rise apartment building of 1 bedroom & studio apartments does not need child care in proximity)

On pg 36 Access to Employment Opportunity is only important to the roughly 66% (latest figures from 2017) of the CLT citizenry that are of employment age. Should this criterion have equal importance with other criteria as it only benefits 2/3rd of the population? The report says that "in most cases (an) individual will compromise and take a lower paying job (for a better commute)" though likely this is fiction as it is at least plausible that the entry-level wage earner makes the choice of employment based on commute. You should not base a Comprehensive plan for employment locations based on the hyperbole.

On pg 38, it again uses the phrase that the objective is to ... 'equalize' the effects of environmental hazards. The goal is to have equity not equality and it should read 'Equitably share the burdens of Environmental hazards' ([read this to remove the Disadvantaged business waiver for trees, for example](#)). In addition, the Environmental Hazards metrics do not factor

into the effect of the RNAV system that forces flight patterns for Charlotte-Douglas airport continually over the same homes.

On pg 39 the consultant states as fact that “many lower income neighborhoods are most susceptible (to flooding),” but there are no facts to support that statement. This is clearly causation vs. correlation. If an entire neighborhood is in the floodplain then it should be expected that the homes were built prior to the flood plain regulations of 1978 and because of the age of the homes they are much smaller than homes built in the last 20 years and have obsolete features and room configurations – as such they are lower in cost than larger/newer homes - thus the floodplain did not cause the neighborhood to be lower income but the homes themselves have a market-price that allows them to be available to lower incomes. In addition, if a particular home (not neighborhood) is in the flood plain then it is expected that the home would have less value in an open market than a nearby similar home not in the floodplain. In addition, there is no evidence that the owners of such homes are disproportionality ethnic as the statement implies.

Flood plain mapping (p 39) incorrectly makes it appear that all properties within the flood plain are hazards. Incorrect. Topography & structure location were not accounted for. The lake edge has no structures in the flood plain because of the topography & elevation of the dam yet all these properties are included in the Metrics for ‘correction.’

Pg 40 states that existing residents want the benefits of growth and as such, they should bear some costs as stated in the Equitable Growth Framework.

Though some people voice that (pg 41) “individual development are not context sensitive, not contributing to a larger whole and not benefitting existing residents and businesses nearby.” This statement ignores that development occurs one parcel at a time and one use at a time and adjacent property owners do not necessarily sell at the same time. All change is by definition “Change” and there will always be a time that a particular development seems out of place. In addition, it might be the desired result that a development not blend with the surroundings but make a statement or spur adjacent parcels to change, too.

(Pg 42) Goals -- 10 min walk that is a ‘comfortable, tree-shaded’ is so aspirational as to be absurd for the 2040 timeline. Trees grow, trees die. Trees are a renewable resource. Clarify in this document that Mixed-use is a mixture of uses not two uses in a building.

(Pg 48 to 91) Complete communities: Appears to ignore that development occurs 1 parcel at a time and one use at a time and adjacent property owners do not necessarily sell at the same time. A residential for-rent developer does not know how and may not even be properly licensed to build a child-care facility. A residential single-family builder is most likely not qualified to construct a grocery store or even an apartment building. An office developer is not licensed to build housing.

On pg 60, the document does not articulate that conservation easements and Land trusts are appropriate land uses in this place type. In 2002 there were over 1500 acres in Mecklenburg county (non-profit land holdings and easements, 2 acres for every 1000 residents at that time). The number has increased in the intervening 18 years and should be accounted for and encouraged. It also conflicts with 7.44. In addition, the description (also pg 92) says larger public parks but Goal 1 says they have to be within the 10-minute walk. It is unlikely a large park will be that prevalent with the goal for density.

Pg 78 – The ‘Aspirational Goal’ to remove and replace parking lots with buildings in industrial uses in not practical.

Policy Framework:

GOAL 1: 10-Min walk means a ½ mile walk, a 2 to 3 mile bike and a 5 mile transit trip if you live on an arterial street. This is entirely too dense for Neighborhood 1 (& likely Neighborhood 2) Districts. A 20-min goal is still aspirational and more likely to be achieved. Even Goal 4 says 15 minutes.

Pg 99 - Big idea of Community Benefit Agreements (CBAs) seems to infringe on private property rights protected through the Fifth & Fourteenth Amendments to the U.S. Constitution. It also assumes that the existing businesses and residents

do not naturally benefit from new development (by the addition of services, social synergy, increasing property values, etc). This also seems unnecessary given the process of Infrastructure and amenities identified and desired (pg 159) during the Community Area Plan. The reference to CBAs also appears to overlap, or replace the Community Investment Programs (pg 167).

- 5 yr- Policy 1.2 conflicts with policy 1.6. By forcing bike facilities, sidewalks, transit stops. It seems to be forcing Equality not Equity. Infill should be contextual. There is no reason to build 600' of road for a remnant tract of land with a curb and sidewalk when it's in the middle of a 1940's neighborhood and no sidewalk or curb for at least a mile – especially when this Comp Plan would not support mass destruction of an affordable urban community for “renewal.”
- 5 yr- Policy 1.1 What means will you use to “encourage higher density Mixed-Use in neighborhoods & to require Community Benefits?”
- 5 yr - Policy 1.3 What neighborhood policies will be implemented that “encourage a mixture of uses?”
- 5yr- Policy 1.4 needs to be more specific re: the waivers/ variances for Connectivity requirements imposed by USDG's pedestrian and bike connectivity is desirable over roads in some situations.
- Policy 1.5 Using CBAs to require childcare in every neighborhood – see note on page 32 and 108 & 128 -- and funding to provide for someone else's childcare is equivalent to an impact fee not allowed by state law. It is estimated childcare is only important for <20% of Charlotteans at any one time given our age distribution in census figures.
- Policy 1.6 conflicts with policy 1.2. By “prioritizing” investments such as bike facilities, sidewalks, transit stops” Infill should be contextual. There is no reason to build 600' of road for a remnant tract of land with a curb and sidewalk when it's in the middle of a 1940's neighborhood and no sidewalk or curb for at least a mile – especially when this Comp Plan would not support mass destruction of an affordable urban community of “renewal.”
- Policy 1.8 “require investment in adjacent neighborhoods” is an Impact fee not authorized by State law and a taking of Private Property rights.
- Policy 1.9 requiring tree wells and structures for tree planting should be contextual – only in mass seas of concrete. Also conflicts with NCDOT regulations.
- Policy 1.13 needs to include public maintenance of these private spaces if they are open to the public. Private entities have insurance that should not have to bear the cost and burden for mandatory public use in such a litigious society. In addition, the majority of these piazzas and plazas are usually 100% concrete – contrary to stated water-quality goals
- 1.15 is a better way to provide child care than policy 1.5.
- 1.17 is problematic. What happens to uses-by-right? Most neighborhood infill is residential so what community benefit could be provided except forced payment of money.
- 5yr 1.18 This evaluation should easily expose that the current Stormwater and Post Construction Control regulations are in excess of what is needed for clean water and currently in excess of federal clean water requirements (even though the State Law says we cannot exceed Federal requirements).
- 1.20 Use the pedestrian and bike connections to correct the Discontinuous Street Networks.
- 1.22 Conservation easements are a great place to farm (farmersforamerica.com).
- 1.23 Development Standards need more flexibility to provide EQUITY instead of equality -- prioritizing something to get other things. Could use the “Priority Hierarchy” as described in 4.13.
- 1.28 it is a waste of taxpayer dollars to build healthcare facilities when the hospitals have government dollars and mandates to reach underserved markets.
- 1.30 state law supports the liberty of private property ownership in a concept of by-right development. CBAs need to be voluntary and not required.
- 1.32 we need an inventory of family farms in CLT to know if this is realistic given the need for density and walkability. Farms, by nature, are large and not walkable. In addition, an Agricultural District would conflict with all of the other Place Types. Conservation easements are a great place to farm (farmersforamerica.com).

GOAL 2: Neighborhood Diversity & Inclusion

I support the Big Idea of a diversity of housing types but we also need to remove buffer requirements between types. A smaller home or an attached home should not be “buffered.” The Big Idea/Goals to allow additional residential types within new neighborhoods is plausible. As much as planners and consultants can dream past current reality we still live

in reality: (a) Deed restrictions can only be set aside if types of housing become a protected class (and ‘type of housing’ is NOT a protected class); (b) in new neighborhoods, stormwater regulations impose impervious restrictions that will greatly limit where middle-income housing will be able to be built; (c) the City and County Post Construction Ordinance is another layer of deterrent to density (without much proven environmental benefit); and (d) additional back-fill of housing will have the short-term effect of the appearance of a drop in tree cover unless the measurement of tree canopy is changed to every 20 years and the Goal of 50% canopy is reduced to a realistic urban canopy goal. (In fact, the group American Forests no longer recommends 40% tree canopy as a goal). Added to Goal 7 the need for more density is impossible to produce without regulatory changes.

The goal says it applies to existing housing but several objectives state that it applies to new developments also.

Policies:

- 2.1 The UDO Development standards will be what keeps this policy from being implemented. You can’t expect the same architecture on a smaller structure and have it remain affordable - you can NOT have equal housing and expect unequal value/price. For housing that is equitable (not equal) it should be different levels of fit and finish and exterior treatments. Housing is both context specific (number of children, stage in life) and price tiered because we have different expectations at different salary levels & family sizes.
- 2.5 We need to change the PCCO Stormwater regulations.
- 2.6 “removing Barriers” needs to apply to private sector affordable housing also, as that is the only way to get more than a token number of new middle-density units per year.
- 5yr: 2.7 What are were the “barriers identified in the Accessory Dwelling Unit (ADU) report and the Charlotte Housing Framework” why is that not a link to review? One known barrier is that ADU’s are limited in size relative to the primary residence so you won’t get ADU’s in older neighborhoods where housing is smaller – further exacerbated by Policy 2.10.
- 2. -- It is impossible that there would be no net percentage change in environmental quality and tree cover when anything changes. It’s not possible to provide enough incentive for there to be NO CHANGE when there is change. The Loss of trees, as an example, is temporary. Measured in 20 years, the planted trees will be healthier than the current requirement to save clumps of trees from the wooded site -- but the tree standards are measured in 5 years – thus it will always show a decrease.
- 2.10 -- “preserve middle density & small footprint”: If you do a Neighborhood Conservation Overlay District you also will remove all flexibility for development with more of the housing types you are supporting. (See 2.17 also)
- 2.14 -- Is it an Equitable Policy (which is really equality) to hide criminal convictions from property owners who bear some liability for their tenant actions and are then stuck with the difficult process of evictions? As an alternative: fund a Landlord Liaison program like Seattle whereby the City acts as a backstop for unpaid rent, damages, and eviction costs for those landlords who agree to take a tenant with criminal or eviction in their past.
- 2.16 -- What is the minimum Housing Model?
- 2.17 -- Same as 2.10. Merge with 2.18.
- 2.19 – A funding program for low income owners to build ADU’s should be offered through the private capital markets not City funds.

Goal 3: Housing Access for all

Big Idea: to get state law changed to allow for Inclusionary Zoning (IZ) seems to be a battle cry for a lawsuit. IZ is an ineffective tool at promoting affordable housing as it acts as a tax on housing and shifts costs either to market-rate renters and home buyers, or causes developers to build elsewhere. Why not propose something that would actually help? (See 3.17 below about Land Trust)

3.1 -- It is not legal to require affordable housing. Policy 3.2 will accomplish the goal and not result in years of costly litigation. In addition to removing the regulatory impediments, bonuses, and expedited projects and sources of capital work to create more affordable housing.

3.3 -- Need to work to remove the regulations that impair the ability to produce affordable housing. Policy number 3.5 and the use of Land Trusts for Long-term land leases will accomplish this (see Note on 3.17). Policy number 1.2, 1.4, and 1.6 will NOT do it.

3.4 -- see notes on sections 2.7, 2.10 and 2.17.

3.5 -- is good and effective.

5yr: 3.6 -- what types of transitions would be planned between uses? Are they different than the current buffering requirements?

3.8 childcare – see note on page 32 and 108 & 128. Funding to provide for someone else’s childcare amounts to an impact fee not allowed by state law. I estimate childcare is only important for <20% of Charlotteans at any one time given our age distribution in census numbers.

3.1-- ignores that the current capital funding for CMS comes from the County and the current County policy says if CMS has surplus land the proceeds of a sale are deducted from that year’s budget allocation. Until this rift is resolved the sales of surplus lands will be rare.

3.14 -- What is the city currently doing to improve the quality of affordable housing units? And how is this land use?

5yr: 3.16 -- What are the programs that aid taxpayers who wish to stay in their homes?

3.17 -- Land trusts are an excellent method to assure long term affordable housing AND allow wealth building through equity — if the program is formulated where the land is a long-term lease and the appreciation is equitably shared with the home owner.

5yr -- 3.19 -- Have the bonus provision in the TOD been effective and thus is it assumed it would work in Neighborhood 2, Community and Regional Activity Centers ?

3.20 there is no evidence that new development creates “demand for affordable housing unit” this study is a solution looking for a problem.

5yr -- 3.21 The recommended program says regulatory incentives for mixed-income but the short-term steps say Zoning-Incentives. Does that mean there will be no regulatory incentives?

3.23 -- The Equitable Growth Framework Metrics have errors and today would not be a valid criteria for rezoning decisions.

3.24 -- Ombudsman office is an overused term. The responsibility to shepherd developers through the process is EVERY employee’s job.

3.25. See 3.8 and 1.5 and pg 32

3.26 Housing First model is a social services program and not Land Use. Goal could be re-written to pursue and incentivize more SRO’s, for an example.

GOAL 4 TOD & trail-oriented development

Not all trails need to be separated and shared use. The goal is equity not equality

OBJECTIVES:

4a 1/2 mile is more appropriate for TOD but over-kill for Trail-oriented, which should be closer to 3 miles (roughly a 10 minute ride)

4b This says 15 min (not 10 e.g Goal 1) but it should still be 20 min.

4c Says the same thing as 4.a.

4f should be 6 miles to match goal 1

4h This ignores the NCDOT owners the right of way on a significant number of major roads where signalization is needed.

4i To use open space to meet this Objective you need to amend the PCCO, Stormwater, and Tree ordinances.

BIG IDEA- see pg 113 for definition - you can prioritize all you want but the way to get considerably more density/housing styles/diversity of inhabitants is to have enough choices. It is against the Federal Fair Housing Laws to target or prioritize certain groups (any immigration status, age, skin color).

4.8 when you consider “Impacts,” you must also consider costs/benefits. And for both impacts and benefits the state laws of Fiscal Notes is a good example.

4.10 Shared use paths are perfect for environmentally sensitive areas. Why eliminate that opportunity?

4.11 If you are asking for density why require the ENVIRONMENTAL BONUS from TOD? Has the TOD E-B been used?

4.15 Add Charlotte water to the list.

Recommended projects:

4.22 require less road with more PED/ BIKE connections. Citizens will use multiple modes if we make the modes unequal.

5 yr: 4.25 What is the framework for a scorecard to prioritize CIP projects?

GOAL 5 safe and equitable mobility

The STRATEGIC ENERGY ACTION PLAN has a different horizon than this document.

Big Idea: you cannot legally “manage growth” though you can evaluate travel demand.

5 yr: 5.1 “Comfort” is irrelevant in this sentence. Focusing investments on unsafe street makes sense though it conflicts with other worthy mobility goals – as all things cannot be done simultaneously.

IMP 5yr: 5.2 There is a goal and a big idea but you no definition or metric.

5.3 Only walking is Zero-Carbon Transportation unless we set an entirely unrealistic goal of only nuclear-powered-energy production to make the cars and bikes, transport the groceries, and power the lights in our buildings. This is Not a Land Use Goal.

5.6 The tree canopy goal is again referenced and is, as previously stated, in excess of the American Forestry realistic goals for urban areas.

5.7 If our streets are “our greatest public space assets” then why does this statement conflict with policies, goals, objectives that aspire to have more trips by foot and bike?

5.12 Making all development & redevelopment do Traffic Impact Analyses (TIAs) and Traffic Impact Studies (TISs). A TIS will likely show requirements to add cost above what is caused by one redevelopment project. We need to send the city funding and legislative approval for the city to contribute to improvements that benefit the greater good while improvements are being made commensurate with the proposed development.

5.13 zero deaths in the next 10 years will be an impossible standard to meet. Individuals still do careless things.

5.14 - 5.17 All of these programs and priorities should be analyzed to their conflict with other stated goals

5.16 Has it been proven that additional transit service increases ridership?

5.18 Maintenance of multi-shared paths needs to include cleaning for debris to eliminate or reduce bicycle tire punctures - which cause accidents.

5.20 This section is titled complete streets program but it does not meet the definition of complete streets. You are addressing a program called discontinuous streets which should in fact be eliminated through extension of non-vehicular improvements.

5yr: 5.26 We have a Mobility Plan in the works but this is a goal to “regularly update” it and prioritize the projects/programs. How will this be accomplished? At what cost?

Goal 6 healthy, safe, and active communities(this is not a Land Use Goal)

6a Need to change that 10-minute shaded walk to match the other goals as already discussed.

6b (air quality) & 6 c (obesity) are not land use goals.

6d Are you proposing to physically move low income households closer to free clinics? A half-mile assumes only walking. This goal ignores public transportation and appears to be something other than Land use. Note that a ½ mile walk between free clinics means that Medicaid/free clinics are spaced every mile all over the 524 square-foot miles of the County. This is totally unnecessary and excessive, especially since not all citizenry are low-income.

6e (farming) again 10 min is too dense. This goal should be assigned to community religious organizations
This Goal says it’s about being a Safe Community but effective policing is ignored as a Program/ Goal, etc.

The Big Idea might be worthy but the parks and recreation department, managed by the County, is the place for this to be orchestrated. And without county buy-in this will not be a reality (see tax-rate Goal #10).

6.1 Residential communities near Highways do not cause environmental detriment to health.

6.2 Tobacco use should not be a priority for City time and dollars.

6.11 This Public Investment assumes a solution. (more gardens etc) It should be reworded to cooperate with those who are already studying and working on this issue (e.g. Atrium health).

5 yr: 6.12 why is investing in programs that address *social detriments* of health conditions (domestic abuse, substance abuse, smoking) a goal instead of addressing the root cause of these conditions?

6.12, 6.15, .17, 6.18, 6.19, 6.22, 6.23, 6.24 6.26, 6.29, 6.30, 6.31, 6.32 are a public health goals, not land use.

5yr: 6.14 Are economic development and brownfield remediation efforts not already coordinated?

6.21 “Environmental Contaminant” is not defined.

5yr: 6.24 It’s not clear what the City would actually do to promote individual’s decision-making for health and wellness. Ban large sodas or chips?

6.25, 6.28 An expansion of the City’s tree canopy is counter to the American Forests recommendations as they no longer even recommend 40% tree canopy as a goal. (See also Goal 7)

5yr: 6.27 increasing small parks is counter to the current strategy for Mecklenburg County who manages all Parks in the City. Requiring a % (5-10%) of all developments as public open space seems excessive. (see p 146)

6.31 What improvements are needed at the Farmers Market? Maybe a Saturday bus route?

Goal 7: integrating natural and built environment

“Sustainable city infrastructure” is not defined.

7a - We need changes to the stormwater and the PCCO regulations to accomplish this goal.

7b & 7d & 7h - These goals conflict with the need for additional density and the desired density of goods services and amenities.

7c - The City and County commented to NCDEQ in 2018 that the “Impaired Streams List” was derived from data that was incorrect. To now say that we should “Remove all city streams from the list” is ignoring that we know the list to be incorrect. The goal should be to “improve stream quality.”

7e - What methods reduce the number of flood prone areas?

7i- Everything, including trees, age. This goal is written for one specific “ideal age” day and is unattainable.

7j & 7k - Low impact development and green stormwater infrastructure requires that the entire PCCO and stormwater regulations be rewritten.

BIG IDEA: The strategic energy action plan was approved by council for city owned property. The big idea does not correctly document that goal.

7.1 - The Stormwater and PCCO regulations need to be revised to remove the reliance on piped stormwater.

7.2 & 7.10 - Removing tree save exemption will lower overall densities and appear to remove more tree canopy unless you allow for the growth of new trees over a 20 year horizon.

5yr: 7.3 - All attempt to update development regulations to mitigate impact. They need to be measured on a long horizon of at least 10 years, as well as they need to update them to remove the unintended consequences that are causing the need for mitigation. In addition, the 5 year work list says to use the UDO to “not decrease tree canopy on infill projects” (and a stormwater goal). This is IMPOSSIBLE if you measure only at the time of development

7.4 - Developing regulations will not encourage improvements in existing buildings. Use tax credits instead.

5yr: 7.5 Private development standards are “private.” Where are shared-use paths currently required? Why do they have to meet public standards?

5yr: 7.6 Requiring property owners to use solar power, electric vehicles, and battery energy storage is not a land-use goal and clearly that would be a violation of civil liberties.

7.7 Prioritizing heritage trees and existing continuous forests needs to be accompanied by appropriate compensation for property owners under the “public use” doctrine of the Takings Clause of the Fifth Amendment.

7.8 & 7.16 Control and elimination of invasive plant species is not a land-use issue.

Public investment

7.9 Pleading for additional resources in this context is not supported by the current dashboard measurements. It appears to be an unjustified grab for additional staff.

5yr- 7.11 Requiring all new city buildings to be LEED, and have solar and other energy goals is expensive. Costs need to be taken into account.

5yr- 7.12 This goal needs to start with setting a realistic Tree Canopy Goal (as American Forests no longer even recommends 40% canopy goal in urban areas)

Other City initiatives

5yr- 7.19T Testing, piloting green stormwater practices is good if you remain innovative and then actually allow the pilot projects to be used in the City. CRAFS measures are an example of a pilot that worked but it's still not in the LDSM.

7.20 The strategic energy action plan already is a dashboard there is no need to create another one

7.22 The initiative to encourage green building techniques can only be attributed to city property except through incentives.

7.23 This initiative literally says that the city will prioritize trees over every other word/ goal/ objective in this 320-page comprehensive plan. As this Initiative is written, stormwater basins would be smaller, road right-of-way would be narrower, sidewalks would be removed, not added; density would decrease, there would be no bike lanes or paths built, etc.

7.24 Diversifying recreational opportunities is a social services goal not a natural environment goal.

5yr- 7.29 Developing a disaster resilience plan for flood risk is likely already done but the recommendation was altered in the 5yr first steps to expand the reach into neighboring jurisdictions. It appears the 5yr step is written in violation of state law and the Hardison Amendment(s).

5yr: 7.27 Expanding programs for product reuse seems like a good idea if the costs don't exceed to benefits.

Projects and programs

7.29 This is a county function relative to flood risk.

5yr: 7.31 On sustainable practices should be a County program, if at all needed.

7.31 to 7.35 Are not land use goals.

5yr- 7.35 the County has a fine website why does the City think they need an app for maps of parks, etc?

7.36 Requiring bathymetric surveys will not prove or disprove impacts to downstream properties as it is impossible to isolate one site relative to one other site.

7.38 Migratory patterns of wildlife and habitats are not land-use goals.

5yr: 7.39 Is the signage program to tell you where a path is or that you're on it?

5yr: 7.40 Private deed restrictions are contracts between two parties which cannot be voided by the will of a 2040 comprehensive land use plan. Requiring a % (5-10%) of all developments as public open space seems excessive. (see pg 146) This also appears to be a Taking under the Fifth Amendment of the US Constitution.

5yr: 7.42 The climate action plan is in the City's Plan. Only walking is Zero-Carbon Transportation unless we set an entirely unrealistic goal of nuclear-powered energy production to make the cars and bikes, transport the groceries and power the lights in our buildings. the recommended project says "explore development..." but the short-term action (pg 145) says develop a dashboard.

7.43 If the city wants to use trees/vegetation on private property to provide Eco system services they need to purchase the property.

7.44 Yet, pg 60 ignores conservation easements as valuable Open space patches to be preserved.

7.45 A healthy and diverse tree canopy with the three detailed programs could work to preserve character of existing neighborhoods and businesses if it also took into account that the ordinance currently opposes such diversity.

7.46 Paying for tree maintenance on private property assumes that money is an obstacle of tree maintenance goals. Is there data to support that?

7.47 The city does not have control over the buildings the school district is building and thus setting an indoor air quality for all buildings is an unrealistic goal.

Goal 8 Diverse and resilient economic opportunity

8a In order to increase the job to housing balance in Charlotte to allow housing to keep pace with job growth we need to remove the barriers that are limiting the amount of housing being constructed.

Objectives 8B, 8C, 8D, 8E, 8F, 8J, 8k, 8L, 8m, and 8n are not Land Use Goals.

--Where are the City's Target industries?--

8.3 Prioritizing transit investments two areas with irregular schedules seems counterintuitive as the irregular (shift work) inherently acts to increase transportation capacity.

5yr: 8.7 Economic development and workforce development are good things but what are ‘investments in place-based economic development efforts’?

IMP 5yr: 8.9 Growing and promoting the airport area for employment and service uses is great but it points out that this document is ignoring obvious conflicts since that growth would be contrary to other goals because it inherently is a distance from housing and other services.

8.12 Reduction in parking in urban commercial districts should not be restricted to just older properties.

8.13 The city of Charlotte should not be supporting individual businesses to the exclusion of all taxpayers.

5yr - 8.14 Parents prefer childcare facilities near their home not near major employment centers though the diversity of location is expected in a healthy market. The use of CBAs to do something the market doesn’t support is problematic.

8.17 To say that the city will recruit businesses that remove criminal background information from job applications is also a problem.

8.21 Why would the city invest in workforce development programs if the demand for such skilled workers does not exist?

8.22 The “Production of food product” is neither healthy nor desirable for health (e.g Twinkies are a food product, carrots are food).

8.28 If the city is going to establish a pool program to subsidize tenant improvement cost in certain corners, the program must include performance standards and repayment schedules.

Goal 9 retain our identity and charm

How does the city intend to “intentionally direct redevelopment?”

Objectives

9a and 9c -- What measures does the city intend to take to prohibit property owners from using private property as they see fit? What measures does the city intend to take to prohibit homeowners from rebuilding and replacing obsolete homes and businesses?

9b -- Would city funded place making art installations in areas vulnerable to displacement not accelerate that displacement?

9f -- Preserving and improving the tree canopy as a short-term goal ignores that trees are a renewable resource and continually grow. Planted trees such as those originally installed on Queens Road, are the trees that make us a special place, not the forests.

9l -- Increasing the number of historic districts in Charlotte can only be accomplished if those districts meet the state law criteria and agree to contractually limit their marketability through the addition of historic district restrictions.

Policies

9.2 Increasing protection of trees “during all levels of development including infill projects” is counter to the stated goals to have a healthy diverse tree canopy with planted species, to promote infill, to increase density, diversified housing styles, make goods and services more proximate to housing and employment, etc.,and it ignores that trees take roughly 20 years to reach a level of maturity.

5yr: 9.6 State law specifically allows historic districts, it does not allow “neighborhood character overlay zoning.” It is estimated that 90% of residential neighborhoods are governed by restrictive covenants that are private contracts between two parties that cannot be overridden by the desire of the city to change or not change the character of the neighborhood.

5yr: 9.8 Allowing parking lots to be used for outdoor dining is a good idea.

5 yr: 9.10 How does using Public Arts programs mitigate cultural displacement?

9.11 Why would throwing money (by building essential public amenities and facilities) at neighborhoods vulnerable to displacement decrease that displacement- when displacement vulnerability was calculated based on poverty rate, educational attainment, race, and >65 year old?

9.13 Planting “large trees in planting strips” behind the curb is a liability for a self-insured-city because of the vehicles hitting them and drivers dying. It also requires excessive clearing of trees and grading to accommodate the mandatory height of payment for the sidewalk.

5 yr: 9.15 Maintenance of public artwork seems like it should be a General Fund cost but this document would suggest that neighborhoods who get the free art should have to maintain it.

9.17 Educating city staff, including inspection staff, about regulations that support historic preservation would be ill timed, as the inspector is not on the property until after the permit has been already issued.

5 yr: 9.20 and 9.30 The city does not need a vacant property registry. They can easily use Mecklenburg County Polaris 3G as every real estate professional uses. For a very reasonable fee the County could print a list of all vacant properties in under 1 hour.

9.21 Requiring Community benefit agreements is like mandating prenuptial agreements for all young couples.

9.24 The city can encourage innovative urban design place making preservation strategies by providing performance standards instead of proscriptive mandates.

5yr: 9.25 Developing preservation plans for non-historic buildings seems impossible, if not a taking.

5yr: 9.28 and 9.29 could easily conflict with goal 10. Increasing the number of public art installations seems like a luxury given the other priorities.

9.31 The City-stated goal to encourage small scale single-family and duplexes cannot be accomplished with the zealous goal of zero impacts on trees outlined in projects, programs, partnerships, and policies 9.2.

5yr - 9.32 What would a Community Design Handbook allow or restrict a private property owner from doing in redevelopment of their property (if not in a historic district)?

5yr 9.35 Finishing the next 3 (of 5) phases to put historic districts on all neighborhoods inside Route 4 seems contrary to infill goals.

Goal 10: fiscally responsible

The City goal to “limit the public cost of accommodating growth” ignores the fact that the city is who benefits with tax dollars from the new growth.

(A 10 f needs to be added! We must maintain the tax rate below the median tax rate of comparably sized cities in southeastern United States, in order to maintain our desirability for employment & housing.)

10.3 The City’s annexation strategy must align with the improbability that aggressive annexations will continue as have happened in the previous decades, given the current state law. In addition, the city continues to violate state law that mandates that citizens in the ETJ be represented on the planning commission. (GS § 160D-307)

10.4 Value capture and impact mitigation tools are not defined.

10.6 To require that all new development funds the construction of infrastructure in excess of its direct impact is to ignore the community benefit of development as the city has previously proclaimed in this document.

10.7 If you only encourage new development in areas currently able to serve new residents and businesses you have opposed your own infill goals.

10.8 This should be a very low priority.

5 yr: 10.10 Utility extensions are already 100% paid by development. When a utility needs to be retrofitted the cost should be borne by the remaining citizenry. The City CIP program is for basin wide improvements or service.

5 yr: 10.12 I agree that the CIP can be used to better estimate utility needs and guide land-use decision making. Why also say that there are not benefits to the general public? (E.g. upsized water main in Park Road)

10.14 City annexation policy must follow state law. Voluntary annexations need to be incentivized if you intend to continue to annex.

10.15 The fiscal analysis should include cost benefit.

10.16 Great project to promote and encourage infill though at least a dozen other programs, projects, regulations, already listed have direct conflict with this goal.

Planning Approach (page 150) is problematic. It says that “Strategic and Functional/Action Plans” are NOT NULLIFIED upon adoption by the Comprehensive plan. There are probably 50+ issues (out of 400+) in this Comp plan that when changed to remove conflicts and correct so they are realistic and actionable will need to be changed with the

appropriate Strategic Plan. As the "highest policy level policy guidance" (pg 151) the Action Plans and Strategic plans below this tier should be altered by its adoption.

Community Area Mapping.

How long will it take to map the entire Community (pg152) into place types? And to develop Community Area Plans? One place says 5 to 10 years. One place says 3 to 5 years. Then they have to be updated every 7 to 10 years. What is the projected increase in Planning staff overhead per year to accomplish this work?

What are the 15 geographies the city has been divided into? Since all 15 plans cannot be done at one time how long will it take to prioritize and develop a list of which of the 15 to start with (pg 159-160)? Note that you do not consider the ETJ as a consideration of Mapping Geographies. This is a serious oversight that needs to be added. ETJ residents must have a voice not buffered by City residents. In Mapping Guidance you do not call out schools but it appears to best fit into Campus. Though page 155 says Campus is Not Applicable to Uptown though there is one University campus now and one planned. Also: How does place type mapping work with existing property lines?

UDO (p 162) This is the first place you've written that it takes 2 to 4 years to get a UDO after the Comp plan is approved. That would indicate that the First phase implementation steps that involve regulations are aggressive and might be in the 5th year +.

Office, retail & Apartment developers should pay close attention to the descriptions in each District page 154-157

4.5 FISCAL CONSIDERATIONS. FUNDING AND FINANCING TOOLS

Pg 166 -- If "Pocket parks, Urban plaza's, off-street bike/ped ways, and trail connections" are not in Mecklenburg County Park & Rec purview, then why not just add it to their purview? If it's important for the City then the County should be able to support the new uses. The County taxes increase with new growth also. We can agree that a "collective approach" to "funding, construction, and maintenance" is a good idea as long as it values the property tax and sales taxes being paid.

Pg 166 -- You acknowledge that the City does not provide or control the availability of "day cares, healthy food stores/vendors, health clinics, banks, affordable housing units, and green infrastructure," but the solution is to take money (or taxes) from other parts of town. Even using the phrase "impact mitigation tools" indicates nothing "creative" has been proposed. Building a farmer's market in Plaza Midwood does not "impact" the need for one in another neighborhood. Explore how the market dynamics can change so that the desires and "amenities" will be built and supported by these currently "incomplete" neighborhoods.

P167 -- The "Shared Prosperity" Model you describe appears to ignore that the new developments already provide the tax revenue to support the community, as previously stated in this document. Regional Mobility network, CMS, public spaces, and community "amenities" all could have the funds to be maintained if the General Fund were allocated for those uses. The "Value Capture Program" is described as a program to take those funds out of the General Fund and allocate them to specific uses – if that has to be done to keep General Fund expenses in line with business and resident-attractive communities (see Goal 10f). Community Investment Programs are not the same thing as CB's unless you previously left out that CBAs would involve a TIF or TIG?

CIP preparation, prioritization & Scoring Given the Community involvement detailed in the 2040 Comp plan the Current "community outreach" for CIP seems woefully inadequate. Is Council prepared to have "it's" Goals altered as it says on page 168 to adjust the 10 goals in this document? (p 169)

To have the CIP require a source of funding be identified for operational costs makes sense but the appropriate answer may always be that it's a Community Benefit and the costs are borne through the General fund as required by State Law.

4.7 Organizational Capacity & Coordination Then the Plan states that Partner Organizations do Maintenance. Which is it? The City does not intervene in the operations of Ballantyne or the Metropolitan or Northlake Mall. Why do you need to

assume all Places need City oversight? Some might but likely only a few. Urban Place Management Organizations are not a substitute for Effective Policing. (See also Goal 6)

Pg 175 -- Is Council prepared to increase the Planning Overhead budget to accomplish the audacious goals?

Pg 176 -- Comp plan says Equity measures won't be able to be measured except ever 5-10 years, (except for areas vulnerable to displacement which is annually. Is Council prepared to ignore all goals except these 76? They seem way too many to effectively manage.

Appendix A Equitable Growth Framework Methodology

All Maps inappropriately add the City ETJ to the City of Charlotte Boundary.

All Matrices use crow fly distances not walking distance.

As a linchpin in this Framework, the **Populations Vulnerable to Displacement** (p 192) data should be correct. The Map does not look accurate as a map of Poverty Rate, Educational Attainment, Race, and Age. Examples of potential errors: west of NC160 at York Co line & Berewick (nc160 at 485). Look at the "Vulnerable" area west of NC160 at county line and compare to the area on the east side on NC160. Both sides have the same poverty and educational attainment, but the east side is slightly less old and less non-white – but the scoring says east is Least Vulnerable & the west is Most Vulnerable.

Below I point out specific errors to demonstrate that the scoring is wrong. By quickly finding one or two errors the entire process becomes suspect:

Pg 202 **Equity Metric #1 Access to Essential Amenities, Goods and Services** -- Error evident on two green squares on the lake south of NC49 surrounded by yellow given the location they are NOT closer to anything and nothing is on the water. Other errors: pg 204 obviously missing 2 large county owned park properties south of NC49. Pg 204 Community Facilities Map shows McDowell park on NC49 as not a park (white). Why? And what is an "indoor rental facility?"

Pg 210 **Equity Metric #2: Access to Housing Opportunity** -- Obvious error in 2 premises makes the Metric findings wrong. Renters are generally smaller HH size (unless in Subsidized Housing). To assume in Tenure that all SF is owner's ignores easily found data that calculates Homeownership ratios. The math should assume 35% rentals of the entire housing stock. In addition, the map is clearly missing several new Subsidized Rentals built since 2017 which affects the findings. That data is readily available. How is having a lot of new higher value Building permits a sign that there is a 'lack of opportunity?' The permit could include guest quarters, for example.

Pg 220 **Equity Metric #3: Access to Employment Opportunity** -- Jobs per acre has to be ignoring Ballantyne. Pg 222 says 20 min commute- AGAIN emphasizing that a 10-min world is too small. Could it be an error that the intersection of NC51 & NC16 is not >1/ac (Arboretum)? How is the Living Wage 40k/yr (19.23/hr) for a single person (that says a 1,000/mo rent)? Proximity to employment should match the Middle Income Jobs & Knowledge Jobs, since the lack of jobs (pg 221) is for all jobs. Where do you plot Construction Jobs (middle skill and generally high wage)?

Pg 226 **Equity Metric # 2 Environmental Justice** -- pg 226 The Plan plots McDowell Nature Preserve as Least Just (yellow) which shows the error in all of these Metrics. That error may be because it has no homeowners so it gets a Zero on HH Proximity to Heavy industrial and HH Proximity to Major Transportation Infrastructure. It is CLEARLY not in need of Environmental Justice. The Tree Canopy uses 50% as the guide but American Forests no longer even recommends 40% tree canopy as a goal. Floodplain mapping is calling the Lake Edge Flood plain but unless the Dam get raised the lake-front properties can't flood.