



City Council Information Packet

August 5, 2021

IP1. Council Tentative Meeting Schedule

November 20 Work Session

Miscellaneous

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August 5, 2021

Council Tentative Meeting Schedule

ATTACHMENTS:

Description

Council Tentative Meeting Schedule



City Council Tentative Meeting Schedule

Subject to change

August 5, 2021

<u>Date</u>	<u>Time</u>	<u>Meeting</u>	<u>Location</u>
Tuesday, August 17, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	The Center, Assembly Room 28 S. Linn Street
Tuesday, September 7, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD
Tuesday, September 21, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD
Tuesday, October 5, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD
Tuesday, October 19, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD
Monday, November 1, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD
Tuesday, November 16, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD
Tuesday, December 7, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD
Tuesday, December 21, 2021	4:00 PM 6:00 PM	Work Session Formal Meeting	TBD



August 5, 2021

Memo from City Attorney: CPRB Proposals for Changes to Ordinance

ATTACHMENTS:

Description

Memo from City Attorney: CPRB Proposals for Changes to Ordinance



CITY OF IOWA CITY MEMORANDUM

Date: August 5, 2021

To: City Council

From: Eric R. Goers, City Attorney

Re: CPRB Proposals for Changes to Ordinance

As requested, I have reviewed Recommendations 1, 2, 3, 5, 10 and 12 contained in the December 22, 2020 CPRB report to the City Council ("CPRB Report") to determine whether they are legally viable. My conclusions are set forth below.

As the Council knows, Iowa municipalities enjoy broad home-rule authority to govern their affairs. Limitations to this authority are present when the state passes laws that either explicitly or impliedly preempt local laws. The state has done so with increased frequency over the past several years.

In a similar vein, last year the New Jersey Supreme Court considered a challenge to a newly enacted local police review board, and the Court began its opinion as follows:

This appeal involves a challenge to the City of Newark's (the City or Newark) authority to create by ordinance a civilian oversight board to provide a greater role for civilian participation in the review of police internal investigations and in the resolution of civilian complaints. Newark was the first municipality in this state to join others across the nation that have created a civilian oversight or review entity to increase police accountability and create stronger relationships between the community and the police. No two civilian oversight or review entities are alike in their genesis, their roles, or the legal landscape in which they arose and are controlled.

This challenge to Newark's civilian oversight entity must be considered in the context of the landscape here in New Jersey. We conclude that state law permits the creation by ordinance of this civilian board with its overall beneficial oversight purpose. Such boards must operate consistently with current statutes, however. ... The civilian review board's powers must comply with current legislative enactments unless the Legislature refines the law to specifically authorize certain functions that Newark intends to confer on its review board.

Fraternal Order of Police v. City of Newark, 244 N.J. 75, 80-81, 236 A.3d 965, 967-78 (N.J. 2020).

The same legal principle applies in Iowa - the CPRB's recommendations must be consistent with state law in order to be adopted by City Council and sustain possible legal challenge.

CPRB PROPOSED CHANGE 1 – THAT IN INSTANCES OF A SUSTAINED MISCONDUCT COMPLAINT, THE CPRB BE GIVEN INFORMATION ABOUT THE CORRESPONDING DISCIPLINE, AND THAT THE CPRB BE ALLOWED TO INCLUDE IN ITS REPORT ITS FINDINGS ON WHETHER THE DISCIPLINE IS REASONABLE AND FAIR.

Conclusion:

This proposal cannot be adopted without changes to state law, as disciplinary records of all government employees are confidential.

Discussion:

Iowa's open records law is contained in Chapter 22 of the Iowa Code, and is often referred to as the Iowa Open Records Act. (Note that all subsequent references to provisions of a law (e.g., section 22.7) are to the Code of Iowa unless noted otherwise.) Section 22.7 is a list of public records that are confidential, and thus not available through open records requests. These include "*personal information in confidential personnel records*." Iowa Code Section 22.7(11). Employee disciplinary information is confidential as it is "*personal information in confidential personnel records*." *ACLU Foundation of Iowa v. Atlantic Community School District*, 818 N.W.2d 231, 235 (Iowa 2012). Section 22.7(11) has been described by the Iowa Supreme Court as a "privacy exemption." These exemptions are often patterned after the federal Freedom of Information Act's privacy exemption for "*personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy*." *DeLaMater v. Marion Civil Service Comm'n*, 554 N.W.2d 875, 878 (Iowa 1996).

Section 22.7 states that confidential records "*shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information*." Although police officers' investigative reports that are confidential under Iowa Code 22.7(5) are released to the CPRB by the Police Chief as part of the confidential complaint investigation, releasing disciplinary records under 22.7(11) is problematic as this confidentiality exception was crafted by the legislature for the purpose of protecting the privacy of public employees. *Atlantic Community School District*, at 236. Furthermore, such protection is not subject to a balancing test as are police officers' investigative reports. *Id.* No balancing of interests is necessary for disciplinary records that fall clearly within the categorical exemption for "confidential personnel records", as opposed to the Court's three-part balancing test of *Hawk Eye v. Jackson*, 521 N.W.2d 750 (Iowa 1994), which is applicable for peace officers' investigative reports. *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222, 232-34 (Iowa 2019).

The CPRB recognized the concern with the confidentiality of discipline records, stating:

Careful consideration must be given to protect the confidentiality of information such as discipline information. It is understood that some legislative changes must occur to allow for a CPRB review to be an exception to the confidentiality laws regarding discipline information.

CPRB Report, p. 3.

In addition, Senate File 342, commonly referred to as the "Back the Blue" bill, was signed into law by Governor Reynolds on June 17th, 2021. It is lengthy and included a number of amendments to Iowa Code Chapter 80F, the "Peace Officer Bill of Rights." One such amendment prohibits law enforcement agencies from releasing complaints made against officers. "*The employing agency shall keep an officer's statement, recordings, or transcripts of any interviews or disciplinary proceedings, and any complaints made against an officer confidential unless otherwise provided by law or with the officer's consent*." Iowa Code section 80F.1(20).

It is also important to note, as it comes up in connection with the discussion below of other CPRB recommendations, that the City Council does not have disciplinary authority over members of the police department. That authority resides with the Police Chief and the Civil Service Commission under Chapter 400 of the Iowa Code. Of course, the Council has authority to express its displeasure with the approach being taken by the Police Chief and address that in its employment relationship with the City Manager, but it cannot alter the discipline given to an officer by the Police Chief.

CPRB PROPOSED CHANGE 2 – THE CPRB SHALL HAVE THE AUTHORITY TO REQUEST THE CITY COUNCIL HAVE A DISCIPLINARY HEARING.

Conclusion:

This proposal would require changes to state law as disciplinary authority currently resides with the Police Chief and the Civil Service Commission.

Discussion:

The CPRB proposes that there be a meeting between the Police Chief and the CPRB if the CPRB disagrees with the reasonableness or fairness of the discipline, and that if the disagreement is not resolved the CPRB have the discretion to: (1) issue a report detailing their disagreement with the discipline, or (2) make an additional request that the City Council conduct a disciplinary hearing to independently determine whether the proposed discipline is reasonable and fair. In the event of a hearing, the CPRB shall be allowed to attend, and, in any event, be informed of all outcomes related to the hearing and/or disciplining of the officer.

Implicit in the proposal is the suggestion that the City Council has the authority to change the outcome of a disciplinary decision by the Police Chief. As noted above, the City Council does not have the authority to alter the discipline imposed on a police officer by the Police Chief. Under Iowa law, namely Chapter 400, it is the City's Civil Service Commission, not the Council, that has the authority to remove, discharge, demote or suspend an officer or review the Police Chief's removal, discharge, demotion or suspension of an officer in the event of an appeal by the officer. Iowa Code section 400.18(2). After a decision by the Civil Service Commission, either party may appeal the decision, but that appeal goes to the district court, not City Council. Iowa Code section 400.27(3).

CPRB PROPOSED CHANGE 3 – THAT AN ACCUSED OFFICER BE REQUIRED TO COMPLY WITH A CPRB INVESTIGATION OR BE DISCIPLINED BY THE CHIEF OF POLICE/CITY MANAGER.

Conclusion:

This would require a change in state law giving the CPRB authority over discipline.

Discussion:

This proposed change, as noted by the CPRB on p. 7 of the CPRB report, raises issues concerning an officer's 5th Amendment right against self-incrimination. When the CPRB ordinance was first enacted in 1997, there were both policy and legal reasons for placing responsibility for the initial investigation with the Police Chief. The legal reasons were due to the 5th Amendment. To understand the issue, a quick review of the interplay between the 5th Amendment right and an officer's obligation to respond to questions posed by the disciplinary authority (in Iowa, the Police Chief) under threat of termination/discipline is warranted.

Public employees, not just members of law enforcement, cannot be threatened with termination for failing to answer questions in a formal or informal civil proceeding, due to their right not to incriminate themselves in a criminal matter. *Garrity v. New Jersey*, 385 U.S. 493 (1967).

The Fifth Amendment provides that no person 'shall be compelled in any criminal case to be a witness against himself.' The Amendment not only protects the individual against being involuntarily called as a witness against himself in a criminal prosecution but also privileges him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings. McCarthy v. Arndstein, 266 U.S. 34, 40, 45 S.Ct. 16, 17, 69 L.Ed. 158 (1924), squarely held that

'(t)he privilege is not ordinarily dependent upon the nature of the proceeding in which the testimony is sought or is to be used. It applies alike to civil and criminal proceedings, wherever the answer might tend to subject to criminal responsibility him who gives it. The privilege protects a mere witness as fully as it does one who is also a party defendant.'

Lefkowitz v. Turley, 414 U.S. 70, 77 (1973).

As a result of these cases and their progeny, when an ICPD officer is being questioned in a disciplinary setting, the officer is given a "Garrity warning," which provides, in part:

- *You have no right to remain silent at this administrative proceeding. You have an obligation to truthfully answer questions put to you. You are advised that your statements or responses constitute an official police report.*
- *If you refuse to answer questions put to you, you will be ordered by a superior officer to answer the question.*
- *If you persist in your refusal to answer after the order to answer has been given to you, or if you do not answer a question truthfully, you are advised that such refusal or untruthful answer constitutes a violation of the Rules and Regulations of the Iowa City Police Department and will serve as a basis for which your discharge may be sought.*
- *You are further advised that by law any admission made by you during the course of this interrogation, examination or interview cannot be used against you in a subsequent criminal proceeding.*

As previously referenced, Iowa Code Chapter 80F governs investigations of peace officers following allegations of misconduct. Consistent with the Garrity warnings, 80F allows for the Chief of Police, or designee, to compel the officer's participation in an interview. *"An officer being interviewed shall be advised by the interviewer that the officer shall answer the questions and be advised that the answers shall not be used against the officer in any subsequent criminal proceeding."* Iowa Code section 80F.1(6). Because the statements made during the compelled interview cannot be used against the officer in criminal court, the officer may be disciplined, up to and including termination, for refusal to answer questions as part of the officer's interview. However, the structure of that interview, and investigation, is tightly controlled by Chapter 80F.

Section 80F.1(1)(d) states, *"'Interview' means the questioning of an officer who is the subject of a complaint pursuant to the formal administrative investigation procedures of the investigating agency, if such a complaint may be the basis for seeking removal, discharge, or suspension, or other disciplinary action against the officer."* Section 80F.1(1)(b) defines a "formal administrative investigation," in part, as one *"ordered by a commanding officer of an agency or commander's designee."* Chapter 80F dictates the procedures for the formal administrative investigation needed to take disciplinary action where an investigation is necessary to determine the merits of a complaint.

Chapter 80F makes clear that officers must cooperate with the formal administrative investigation. However, section 80F.1(16) states that “*an officer shall not be discharged, disciplined, or threatened with discharge or discipline in retaliation for exercising the rights of the officer enumerated in this section.*” The officer has no obligation to participate in an interview by the CPRB, and threatening an officer with discipline if they fail to cooperate would be a violation of Chapter 80F. Such a violation could impose liability on the City. “*An officer shall have the right to bring a cause of action against any...organization...for damages arising from... any other violation of this chapter including but not limited to actual damages, court costs, and reasonable attorney fees.*” Section 80F.1(13).

Because state law places the authority to discipline an officer with the Police Chief and Civil Service Commission, it is my opinion that the CPRB does not have the authority to compel an officer to testify under threat of discipline. Therefore, statements given to the CPRB by an officer would not be compelled, but would instead be voluntary, and thus could be used against him/her in a criminal proceeding. Officers have the ability to invoke their privilege against self-incrimination in response to questions from the CPRB where those answers might tend to be self-incriminatory in future criminal proceedings. While the Iowa City Charter gives the CPRB subpoena authority, that authority does not override the 5th Amendment of the US Constitution. Section 5.01(B)(4) of the Charter. Given the Constitutional protections all people, including officers, enjoy, one would expect that even if officers could be ordered by the Chief to participate in CPRB interviews, they could, and likely would, simply invoke their right to remain silent, rendering the exercise fruitless.

Case law on this issue is scarce and there is no law directly on point that governs in Iowa. The conclusion, however, is consistent with the U.S. Supreme Court’s analysis of the 5th Amendment. See also, *City and County of Denver v. Powell*, 969 P.2d 776 (Col. Ct. App. 1998) (officers entitled to assert 5th Amendment privilege and decline to answer questions of Denver Public Safety Commission because the Commission is not their employer and not part of the discipline process; subpoena power does not change result; distinguishing contrary result in New York case because there the New York police citizen review board “*is an integral part of the discipline process*”); *Fraternal Order of Police v. City of Newark*, 244 N.J. 75, 236 A.3d 965 (N.J. 2020) (while Newark was not preempted by state law from creating a police review board, the board’s investigatory powers conflicted with state law vesting Chief with disciplinary authority; Board could not conduct an internal investigation, a function circumscribed by state law, but could, after conducting its own investigation, recommend that an official internal investigation be commenced by the Police Chief at which point “*the statutory rights of the officer...would pertain*” although grant of subpoena authority to board was not valid); *Cf Caruso v. Civilian Complaint Review Board*, 158 Misc.2d 909 (Supreme Court, New York County NY 1993) (rejecting officers’ request for injunction against being compelled to give testimony to civilian investigators of civilian complaint review board when law imposed on Chief the obligation to cooperate with board and Chief had ordered that failure to cooperate would be grounds for discipline).

PROPOSED CHANGE 5 – THE ONLINE DATABASE OF OFFICER COMPLAINTS SHALL BE IMPROVED TO ALLOW FOR QUICK SEARCHES OF COMPLAINT HISTORY AND A COMPUTERIZED RISK-MANAGEMENT SYSTEM TO ANALYZE TRENDS.

Conclusion:

This would require a change in state law governing confidentiality of disciplinary records.

Discussion:

The CPRB itself has identified the key limitation of this proposed change – identifying officers. The CPRB Report states:

While some members of the CPRB would like names to be released, the clear majority disagreed out of concern for officer safety. A compromise was reached whereby each officer will be assigned a unique, consistent, anonymous identification number that would accompany each complaint, to allow for more thorough tracking and review while still protecting the privacy of the officer.

Extreme caution should be taken to protect against disclosure of identifying information of officers outside of their tracking number to protect the safety of the officer.

CPRB Report, p. 10.

The proposal is for the database to include all complaints, not just CPRB complaints. *“The database shall be searchable for snapshots for the number and type of complaints, their resolution, and any trends.”* As discussed above, employee disciplinary information is confidential under Section 22.7(11) as it is “personal information in confidential personnel records.” *ACLU Foundation of Iowa v. Atlantic Community School District*, 818 N.W.2d 231 (Iowa 2012).

Additionally, this confidentiality exception was crafted by the legislature for the purpose of protecting the privacy of public employees. *Atlantic Community School District*, at 236. As described above, such protection is not subject to a balancing test as in the case of police officers’ investigative reports. *Id.* No balancing of interests is necessary for disciplinary records that fall clearly within the categorical exemption for “confidential personnel records” contrary to the Court’s three-part balancing test of *Hawk Eye v. Jackson*, 521 N.W.2d 750 (Iowa 1994). See *Mitchell*, at 232-34.

An online database using an identification number may nonetheless result in an officer’s disciplinary record not remaining confidential as required by state law. By way of example, assume I made a complaint against Officer Smith in June, 2020 for Reason X. As part of the intake, Officer Smith is assigned the “unique and consistent” identifying number of 569. Subsequently I review the online records and see that Officer 569 was the only officer against whom a complaint was submitted in June, 2020 for Reason X. Because I know the identity of Officer 569, any discipline in the database against Officer 569 is now known to me and thus Officer 569’s personnel file is no longer confidential, contrary to state law. Similar outcomes would be likely in the case of press coverage of officer interactions in which the officer is identified by name.

Finally, and as previously mentioned, Iowa Code section 80F.1(20), added by the “Back the Blue” bill to the Peace Officer Bill of Rights in June, states that *“The employing agency shall keep...any complaints made against an officer confidential unless otherwise provided by law or with the officer’s written consent.”* Again, failure to follow this law could subject the City to liability under 80F.1(13).

PROPOSED CHANGE 10 – COMPLAINANTS SHALL HAVE ACCESS TO A LAWYER AND SOCIAL WORKER/MEDICAL PROFESSIONAL WITH TRAUMA AWARENESS TRAINING FOR PURPOSES OF ASSISTING COMPLAINANTS THROUGHOUT THE COMPLAINT PROCESS.

Conclusion:

While this recommendation could be implemented, it presents logistical and perhaps ethical problems.

Discussion:

The City Attorney's Office has been asked to respond only to the recommendation to provide complainants with access to a lawyer. While this recommendation could be implemented, it presents logistical and perhaps ethical problems. The incident serving as a basis for the CPRB complaint could in some circumstances also serve as the basis for a lawsuit against the City/officer and/or a complaint of discrimination against the City/officer with the Iowa Civil Rights Commission, which the City Attorney's Office would defend. A lawyer retained for the complainant or by the complainant at the City's cost would likely need to advise the complainant of these potential additional remedies.

Additionally, it is unclear how the City would go about connecting the complainant to a lawyer. For the reasons noted above, the City Attorney's Office should not be involved in that process. Would the CPRB connect the complainant with the lawyer? In terms of the logistics, my suggestion is to return to this issue after the CPRB provides you with detail on how they envision this would be done with the social worker part of the recommendation. Perhaps that information would lend more clarity to a possible framework for provision of an attorney through the same process.

PROPOSED CHANGE 12 - CPRB complaints should be permitted whether filed anonymously or through third persons so long as there is sufficient knowledge of the underlying circumstances.

Conclusion:

This would require a change in both Iowa City City Code, requiring an interview of the complainant, and state law, requiring that complaints be signed by the complainant.

Discussion:

First, Iowa City City Code 8-8-5(B)(4) states that the "*complainant shall be interviewed by the Police Department...*" If the complainant is anonymous, that provision could not be followed. Of course, Council could amend the ordinance if you so chose.

State law however, is less flexible. With respect to anonymous complaints, section 80F.1(1)(a) defines a complaint as follows: "*Complaint' means a formal written allegation signed by the complainant or a signed written statement by an officer receiving an oral complaint stating the complainant's allegation.*" While the definition has always allowed for oral complaints given to an officer, the "Back the Blue" bill added the word "signed" to the oral complaint clause, making clear that the complainant needs to be identified. This aligns with the bill's amendment to section 80F.1(13), which expanded officers' rights to file suit for damages against those filing a false complaint, as well as against any other entity (including the City) violating those officers' rights. This suggests to me that allowing anonymous complaints may violate Chapter 80F, thus violating officers' rights, and subjecting the City to potential liability. Clearly the state weighed the interests of the public in holding officers accountable for their actions, even through anonymous complaints, against the interest of officers in not being harassed through frivolous claims filed against them, and came down in favor of the officers. We might disagree with that decision at the local level, but we're obligated to follow state law.

As to third-party complaints, state law would not appear to preclude such a complaint, as long as the third-party has sufficient first-hand knowledge to articulate the complaint and is willing to sign it. This tracks the current CPRB ordinance. *"A complaint to the board may be filed by any person with personal knowledge of an incident. 'Personal knowledge' means the complainant was directly involved in the incident or witnessed the incident."* Iowa City Code 8-8-2(H). See also 8-8-3(B). However, the recommendation provides that the individual subject to the alleged misconduct would remain anonymous. One reason for this recommendation is the complainant's "fear of public humiliation" (CPRB Report, p 16), but the complainant's name is confidential. As the CPRB noted on page 17 of its report, if the individual subject to the alleged misconduct is not identified, it is hard to imagine how the complainant would be interviewed, as required.

Copy to:

Community Police Review Board
Patrick J. Ford, Attorney for CPRB
Geoff Fruin, City Manager
Dustin Liston, Police Chief
Kellie K. Fruehling, City Clerk



August 5, 2021

Memo from Assistant City Manager: Curb Ramp Snow Removal

ATTACHMENTS:

Description

Memo from Assistant City Manager: Curb Ramp Snow Removal



CITY OF IOWA CITY MEMORANDUM

Date: August 4, 2021
To: Mayor and Council
From: Rachel Kilburg, Assistant City Manager
Re: Curb Ramp Snow Removal

Staff were directed to research curb ramp snow removal practices in other cities, with a specific emphasis on cities in Minnesota at the December 1, 2020 City Council Meeting. Contained in this memo is a comprehensive analysis of those findings (this memo does not address snow clearing operations for streets, only sidewalks and curb ramps).

Clear pedestrian walkways, including curb ramps and crosswalks, are important for mobility and access by residents of all abilities. Obstructed walkways, especially in the winter, can be extremely dangerous for residents with limited mobilities and who rely on mobility aids to travel to work, school, and medical appointments. Current snow clearing operations in the City require a massive amount of City time and resources. There are approximately 6,976 curb ramps and 391 miles of sidewalk in Iowa City. Of those, city staff currently perform snow/ice maintenance at approximately 240 curb ramps, 74 intersections, and 36 miles of sidewalk. This is in addition to street plowing operations.

This memo outlines:

- i. Overview of current codes and legal obligations (federal, state, and local)
- ii. Summary of current City sidewalk/curb ramp snow clearing operations
- iii. Case studies from other cities
- iv. Review of complicating factors to be considered
- v. Analysis of expanded operation scenarios
- vi. Changes for consideration

I. Summary of Regulations & Current Code

The accumulation of snow at curb ramps, crosswalks, and gutter flow lines result from two primary triggers:

1. Natural accumulation (snow falling from the sky)
2. Non-natural accumulation (such as snow pushed by City or private plows)

Snow removal obligations for these two triggers are dictated by the intersection of three regulatory frameworks:

1. Americans with Disabilities Act (ADA) - federal law which imposes reasonable equal access obligations on the City
2. Iowa Code - establishes the basic regulatory framework for snow removal
3. Iowa City Ordinance - operates within the parameters established by the State

The following chart summarizes the intersections between the type of snow trigger and the different regulatory frameworks:

	Regulation	Snow Removal Responsibility:	
		Abutting Sidewalks	Curb Ramps
Trigger: Natural Accumulation <i>(i.e. falling snow)</i>	Local Ordinance	Abutting property owner	Not addressed
	State Code	Abutting property owner	Authorizes local ordinance transferring responsibility to abutting property owner
	ADA (federal)	Public property: City Private property: Reasonable snow removal required, but responsible party undefined.	
Trigger: Non-Natural Accumulation <i>(i.e. snow plows, misdirected gutter)</i>	Local Ordinance	Not addressed – see below	Not addressed – see below
	State Code	Non-natural accumulation not enforceable under Iowa Code	Non-natural accumulation not enforceable under Iowa Code
	ADA (federal)	Public property: City Private property: Reasonable snow removal required, but responsible party undefined.	

**The State Code does not expressly use “curb ramp.” See below, Iowa Code §364.12(2)(c).*

Americans with Disabilities Act

Section 35.133 of the Americans with Disabilities Act, Title II Regulations, as amended by the Final Rule published on September 15, 2010, requires that public entities maintain in operable working condition those features of facilities and equipment that are required to be readily accessible and usable by persons with disabilities. Although courts have been split on the issue, the City Attorney’s Office is of the opinion that sidewalks and curb ramps are considered public facilities. The law does allow for temporary interruptions in access due to repairs or maintenance. A reasonable delay between the cessation of snowfall and the removal of snow from walkways may be considered a temporary interruption. Not clearing walkways of snow for the entirety of the winter months would not be considered temporary.

Title 28 C.F.R. section 35.150(a) makes clear that a municipality is not necessarily required to make each of its existing facilities (including sidewalks) accessible to and usable by individuals with disabilities. The City is not obligated to take on undue financial or administrative burdens. The entity’s maintenance obligation is to ensure reasonable snow removal efforts, though the City does not necessarily need to be the party conducting the clearing.

The City ensures reasonable snow removal efforts for naturally accumulating snow by enforcing sidewalk snow removal obligations on abutting property owners (see “Iowa Code” and “Local Ordinance” below). However, this obligation cannot be imposed for non-natural accumulations. In response, the City takes considerable measures to ensure locations of significant public access are clear and in compliance with the ADA, such as the downtown, which is pedestrian heavy and home to the transit interchange and several public buildings. Additional details about the locations and practices of City sidewalk snow removal efforts that go above and beyond the minimum requirements of the ADA are included below.

Iowa Code

The State Code establishes the basic regulatory framework for snow removal and Iowa City's local ordinance operates within that framework. Iowa Code §364.12(2)(b) applies to sidewalk snow removal and states:

"The abutting property owner is responsible for the removal of the natural accumulations of snow and ice from the sidewalks within a reasonable amount of time and may be liable for damages caused by the failure of the abutting property owner to use reasonable care in the removal of the snow or ice..."

The Code then gives some shape to "abutting property owner" in the next paragraph:

"The abutting property owner may be required by ordinance to maintain all property outside the lot and property lines and inside the curb lines upon the public streets."
Iowa Code §364.12(2)(c).

Section 364.12(2)(b) further states, "...when the city is the abutting property owner it has the specific duty of the abutting property owner set forth in this paragraph." The City maintains snow removal obligations for all sidewalks and curb ramps ("outside the lot and property lines and inside the curb lines") abutting public property.

Notably, Iowa Code §364.12(2)(b) specifies responsibilities for private property owners are enforceable only for *"the natural accumulation of snow and ice."* Accordingly, local Ordinance does not and cannot impose an obligation on private property owners for non-natural accumulations. Snow and ice obstructions in curb ramps and crosswalks often result from street snow plowing operations, making them non-natural accumulations.

City Ordinance

In accordance with Iowa Code, Iowa City enforces snow removal obligations for natural accumulations upon abutting property owners. The City's snow and ice removal ordinance states: *"No owner, tenant, responsible party or person in possession or control of property shall allow snow or ice accumulations to remain upon abutting sidewalks for more than twenty-four (24) hours."* Iowa City Code 16-1A-8. The ordinance further allows the City to remove and assess the costs to private property owners who fail to comply. The City's policy requires property owners to clear snow after any snow event resulting in 1" or more accumulation or after any ice event has ended. The entire width of the sidewalk must be cleared down to concrete. Tenants are advised to check their leases to see if their landlord has transferred the responsibility of snow and ice removal to them.

It is the opinion of the Iowa City City Attorney's Office that both sidewalks and curb ramps abutting private property fall *"outside the lot and property lines and inside the curb lines"* and thus are enforceable as an abutting private property owner's responsibility. Historically, curb ramps have not been enforced as an obligation of the private property owner – only recommended. Initiating enforcement of the curb ramp snow removal obligation of a property owner on a corner lot is recommended by the City to address access concerns.

Again, Iowa City's snow and ice removal ordinance is enforceable for natural accumulations of snow and ice. Deposits of snow and ice on sidewalks due to snow plows passing through the streets is not considered a "natural accumulation" and thus not enforceable under state law and current local ordinance.

II. Current City Operations

Staffing & Safety Issues

It is important to understand this memo contains best possible *estimates* of time spent, but there are many variables which dictate crew size, equipment, and time required. Variances from the estimates provided will depend on the type and depth of snow, weather conditions, and the length and timing of the snow event. Each area maintained by the City is also rechecked between storms for freeze/thaw or drifting conditions, which are not reflected in these hours and very hard to estimate and can be significant. Additionally, these estimates represent *maximum* possible staffing levels, but actual staffing levels vary greatly based on sick time, scheduled time off, and necessary time off to rest/sleep and mentally reset between shifts, which is especially important for safety during back-to-back and multi-day snow events.

Current sidewalk and corner snow removal activities are shared between Parks Division staff and Transportation Services staff. (Public Works staff handle street snow clearing operations and assist with other blocked curb ramp complaints throughout the City as staff time allows). Staffing changes from day to day, which also impacts the City's ability to address snow issues. Snow removal during regular hours is typical, but overtime has been more common during the 2020-2021 season due to the timing of snow events.

If a snow event ceases during regular working week hours, approximately 23 permanent Parks employees, 10 temporary Parks employees, and 9 permanent Transportation Services employees are assigned to snow removal efforts. On weekends, only four Transportation Services staff are regularly scheduled, and three Parks staff are regularly scheduled. There are also no "on-call" staff scheduled. Thus, if a snow event occurs on a weekend (which happened frequently during the 2020-2021 season), it is entirely voluntary for staff to choose to come in on overtime assignment. The City has been very fortunate to have employees who elect to come in on their regularly scheduled days off to help during snow events.

The number of staff assigned to an intersection at any given time varies from one to four staff depending on the conditions, equipment available, and impacts from street plows. Depending on the snow event, current practices bring staff in as early as 11 p.m. to begin clearing snow from downtown metered parking spaces, parking ramps, loading zones, surface lots, and streets. Staff utilize the 2 a.m. – 6 a.m. no parking restriction in the downtown to aid in the timing of snow removal. Several large end loaders and skid loaders are used for snow removal at this time, which aids staff in safely removing snow with large equipment while traffic is at a minimum and parked vehicles will not cause issues. Second shift staff typically work additional hours (until approximately 3 a.m.) to assist with snow removal around facilities and parking meters. First shift staff will also clock in early (approximately 3 a.m.) to continue the snow removal efforts. This phase of snow removal is intended to remove snow down to the pavement to allow customers to park properly and safely in marked parking stalls. However, this leaves behind piles of snow which staff must return to in the following days to clear.

Curb ramps & Crosswalks

The Iowa City Public Works Department maintains a database of curb ramp locations within the city. There are approximately 6,900 ramps identified in Iowa City, and staff currently clear approximately 240 curb ramps as part of standard snow removal operations and address additional locations on a complaint-basis as staff time allows.

Several public facilities are located in the downtown (city hall/police station, library, Senior Center, parks, and parking ramps) and it is a key pedestrian connector to the transit hub, the University, and other places of employment. Thus, staff deemed the downtown a priority for limited snow removal resources due to this high level of pedestrian traffic. City staff currently clear approximately 27 intersections and 74 curb cuts in the downtown. Staff spend between 6.75 hours – 13.5 hours on one pass through for these intersections/curb ramps. Depending on the amount and duration of the snow event, staff typically revisit these curb cuts one to five additional times, resulting in many more total hours spent.

Parks staff also clear approximately 166 pedestrian ramps at corners adjacent to parks and other public owned land (i.e. creeks, bridges, etc.) and at trail intersections.

Sidewalks and trails

As previously mentioned, property owners are responsible for snow and ice removal of natural accumulations upon abutting sidewalks. Approximately 355 miles of public sidewalk is under private property owners' maintenance obligations.

Each year, the City receives numerous complaints regarding uncleared private sidewalks. During the 2020-2021 season, the City received 741 complaints. Housing Inspection staff respond to these complaints, issue required notices, and also work with property owners to be flexible when an extension to the 24-hour window is needed. Typically, staff can informally manage this with a 12-hour extension to avoid having to issue a citation. However, if property owners are unresponsive, the City may hire a contractor at the expense of the property owner to remove snow or ice accumulations which have remained upon a sidewalk for more than 24 hours. The City bids this contracted service annually to get the lowest cost at a quality, responsive service level. The current rate for privately contracted snow removal is \$125 per hour for labor plus a \$125 equipment fee per property. During the 2020-2021 snow season, of the 741 total complaints, the City had to clear properties (some repeat offenders) 134 times at an average cost of \$270 per property (\$100 administrative cost + \$170 to contractor). In total, \$36,236 was spent on contracted sidewalk removal for properties in violation last year. Additionally, due to staffing and time constraints, the City contracts snow removal in the Normandy Dr. neighborhood where the City owns several flood buyout properties. Based on the past three winters, the average annual cost for contracted snow removal in this neighborhood is \$6,496.

City staff remove snow from approximately 36 miles of sidewalk: all sidewalks adjacent to public buildings and facilities, public parking facilities, and parks as well as many recreational trails. Additionally, the City is responsible for winter maintenance of the Pedestrian Mall.

During the 2020-2021 winter weather season, Parks staff cleared 7.5 additional miles of trails to provide additional outdoor recreation opportunities during the pandemic. Staff estimate that depending on the snow event and conditions, full clearing of these additional miles requires approximately 8 – 12 hours of staff time and may require multiple passes. These estimates do not include travel time between locations, which is considerable. Staff also check each of these areas between storms for freeze/thaw or drifting conditions. Due to the positive resident feedback, it is anticipated these additional miles will become part of the standard trail routes cleared by Parks. Additionally, sidewalk and trail miles are added each year as the City grows, which puts further pressure on Parks' snow clearing operations. Notably, extension of the HWY 1/6 trail (Fairmeadows to Heinz in 2022, Broadway to Fairmeadows in 2025) will add considerably to Parks' snow clearing workload.

Bus Stops

Transportation Services staff currently clear approximately 50 bus stop locations when time allows and after other snow removal obligations are completed. This includes 41 sheltered stops (larger areas and concrete pads) and 10 priority high-volume, mid-block stops (no concrete pads, staff attempt to clear to the grass but large piles of snow from plows are often present in mid-block locations). Additional stops are addressed as time allows, based on calls from transit drivers and riders.

Bus stops are cleared by Transportation Services staff after other obligations (such as downtown) and attempts to focus on additional curb ramp clearing in the downtown last year detracted from bus stop snow removal. During the 2020-2021 season, transit drivers were asked to assist with snow removal at stops, but even with this help it still required several days before stops were fully cleared. Since other areas are prioritized first, bus stops are not always cleared for morning commutes. When staffing allows, bus stops are cleared in the morning and the highest use stops are cleared first, with the lower use routes addressed after other snow removal obligations.

Beginning in 2021, the City is testing new and innovative technologies to assist with keeping bus stops clear of snow. Electrically conductive cement will be installed at the bus shelter located near the First Avenue/Muscatine Hy-Vee, which will be tested for effectiveness at melting snow and ice upon the concrete without the need for salt or snow removal. If the stop is successful, such practices could be considered at future locations as another tool to address access and snow removal challenges.

Parking Decks & Other Facilities

The City manages and maintains six Parking Decks. Parking decks are cleared as soon as possible after Transportation Services staff complete all required street snow removal responsibilities. The Transit facility parking lot and area around the facility is also cleared early in the morning – typically before staff arrive and to allow for buses to exit the storage bays and begin their routes.

Communications and Partnerships

Consistent and proactive communication plays an integral role in snow removal operations. City Communications staff share National Weather Service information about pending storms as a matter of safety and issue messaging when plows go out so travelers can stay aware of road conditions. After a snow event, staff work with Housing Inspection Services to notify the public when sidewalk snow removal is needed and when enforcement will begin. Inspection staff aim to be flexible and communicative in their enforcement approach but do experience challenges with property owners who take advantage of back-to-back storms to let the 24-hour clock “reset” and avoid clearing sidewalks. Messaging consistently reminds residents of the importance of clearing curb ramps and crosswalks at corner properties but does not currently use language that indicates property owners at corner lots are obligated to clear curb ramps.

During the 2020-2021 snow season, there were 18 occurrences in which the City published messaging related to shoveling sidewalks, curb ramps, and fire hydrants. These were published across four social media platforms (Twitter, Facebook, Instagram, and Nextdoor), the city website, and in news releases, totaling 82 unique posts across all platforms for the 2020 – 2021 winter weather season.

Currently, the City does not have a formal snow removal volunteer program. The United Way of East Central Iowa offers a chore, home repair, and services volunteer program, which includes snow removal. Historically, such programs have received little,

consistent volunteer interest. Case studies from other cities suggest that incentivized volunteer programs are more successful (see Section III, Partner Programs). City staff are currently working on improving the process and communications related to volunteer opportunities with the City and local partners.

III. Sidewalk/Curb Ramp Snow Removal in Other Cities

During the 2020-2021 winter season, City staff were directed to research sidewalk snow removal programs, policies, and practices in other cities, including specific analysis of curb ramp clearing programs in Minnesota cities.

Comparison with other Cities

The following table compares of snow removal regulations and practices in Iowa City and various Midwestern cities, including several within Minnesota.

Please note, that differences in state law may dictate how localities respond with services. For example, there is no Minnesota state statute that requires municipalities to establish or enforce a sidewalk snow clearing policy.

(Summary of case studies begins on the next page.)

Location	Pop.	Total Miles Sidewalk	Total Miles Sidewalk maintained by City	Total # Curb Ramps	Policy Summary
Iowa City, IA	74,950	391	36	6,976	<ul style="list-style-type: none"> City clears sidewalks/corners adjacent to public facilities, parking facilities, parks, the pedestrian mall, and transit interchange. Remaining sidewalks responsibility of abutting property owner.
St. Louis Park, MN	48,677	116	52	2,428	<ul style="list-style-type: none"> City plows 52 miles of sidewalk. Remaining 64 miles of sidewalk snow removal is responsibility of adjacent property owner. City sidewalk snow removal begins after 1 inch of accumulation.
Rochester, MN	114,011	N/A	40	10,000	<ul style="list-style-type: none"> City plows 40 miles of sidewalk and bike paths. Remaining sidewalks responsibility of adjacent property owner.
New Hope, MN	20,925	N/A	N/A	N/A	<ul style="list-style-type: none"> Sidewalk snow removal is responsibility of adjacent property owner. City plows sidewalks as a courtesy when staff time allows (sidewalks are not plowed on overtime hours).
St. Paul, MN	304,547	N/A	--	N/A	<ul style="list-style-type: none"> Sidewalk snow removal is responsibility of adjacent property owner.
Eagan, MN	66,379	161	84	N/A	<ul style="list-style-type: none"> City plows 84 miles of sidewalks only after all street plowing has been completed, which can take up to a week or more. No existing policy requiring residents to remove snow from walkways. A segment of sidewalk can be considered for addition to the City plow program if a petition including 50 properties within ½ mile of the segment is submitted for Council review and decision.
Eden Prairie, MN	64,179	232	N/A	N/A	<ul style="list-style-type: none"> City plows sections of sidewalks along arterials (miles not available). Sidewalk snow removal responsibility of adjoining property owner.
Bloomington, MN	85,319	260	260	3,300	<ul style="list-style-type: none"> City maintains all sidewalks within city limits (excluding stairs) after 1" of snow or for Reduced Mobility Routes for less than 1". City code still places sidewalk snow removal responsibility on adjacent property owners. The city snow removal is conducted as a gesture and not included in City code.
Minneapolis, MN	413,651	2,000	12,000 crosswalks/ curb ramps only	17,000	<ul style="list-style-type: none"> City/contractors clears only area beyond the curb line due unless a city plow placed snow on a curb ramp or sidewalk impeding ADA access. Sidewalk snow removal for sidewalks and curb ramps responsibility of property owner, excluding windrows created by a city plow. Begin after 4" inches of accumulation and after end of snow emergency. Crews operate 24 hours a day with 40+ pieces of equipment.
Duluth, MN	86,293	450	100	N/A	<ul style="list-style-type: none"> City clears 100 miles of sidewalks based on priority routes. Remaining sidewalk snow removal (including curb ramps) responsibility of property owner.

Location	Pop.	Total Miles Sidewalk	Total Miles Sidewalk maintained by City	Total # Curb Ramps	Policy Summary
Madison, WI	254,977	1,275	150	N/A	<ul style="list-style-type: none"> City clears curb cuts/crosswalks at high-priority areas after at least 2" snow accumulation and City owned sidewalks. Remaining sidewalks/ramps responsibility of adjacent property owner.
East Grand Rapids, MI	11,759	80	N/A	N/A	<ul style="list-style-type: none"> City plows sidewalks after 3" accumulation and only after street priority routes are completed. Use rubberized sidewalk plows which leave behind ½"-1" snow that is responsibility of property owner to remove.
Grand Rapids, MI	198,401	922	100	N/A	<ul style="list-style-type: none"> Contractors for the city clear top layer of snow based on priority routes after at least 3" snow accumulation. Property owners responsible for bottom layer of snow left behind.

Additional information on sidewalk and curb ramp snow plowing is available below for some of the researched cities with more robust operations:

- Bloomington, MN:** The city clears all 260 miles of sidewalks and 30 miles of trails within the city limits (excluding stairs) after 1" of snowfall on regular routes and any amount of snowfall on Reduced Mobility Routes. This practice is conducted as a gesture to the residents but is not included in City Code which still requires adjacent homeowners to clear snow and ice from sidewalks. Sidewalks adjacent to city facilities are cleared first and then sidewalks are prioritized based on proximity to hospitals and health care facilities, school zones, high traffic sidewalks, sidewalks in close proximity to street, Mall of America sidewalks, and, finally, residential and low traffic sidewalks. The city has assigned a 13-member crew to conduct clearing. Crews work 12 hour shifts and it is estimated to take 2-3 days to clear after a 3" snowfall. Each employee is equipped with a blade or blower at a cost of approximately \$170,000 each. The overall cost estimate for sidewalk snow removal equipment is approximately \$2,000,000. Beginning in 2020, to reduce costs and staff hours the city reduced the amount of prioritized sidewalk to be cleared.
- Minneapolis, MN:** Residents are responsible for sidewalk snow removal and the curb ramps adjacent to their property, but not for snow placed by a city plow. The city conducts snow removal at crosswalks and corners only and is responsible when a windrow is created by the plow for anything beyond the curb line (unless the plow caused snow to be placed on the ramp or sidewalk and impedes access). Corner snow removal is prioritized by the Pedestrian Street Lighted Corridor, Business Corridor, hospitals and long-term care facilities, the downtown, and then residential areas. Plowing is conducted by both city staff and contractors. Approximately 40 pieces of equipment are used by crews. Crews begin after a minimum of 4" of snow has accumulated and after a Snow Emergency has ended. Crews operate 24 hours a day and the city has reported that overtime costs are extremely expensive. The city requested an additional \$200,000 for related overtime costs in 2015 and requested another increase of the same amount for the upcoming fiscal year. The Pedestrian Street Lighted Corridor is typically completed with 2-3 days following a snow event with all other areas taking up to 2-3 weeks.
- Madison, WI:** For snowfalls with at least 2" accumulation, the city clears curb cuts at crosswalks. High priority is given to the Isthmus Pedestrian Corridor, crosswalks near schools, crosswalks used regularly by persons with disabilities, and crosswalks and curb cuts on streets with bus stops. Residents are still responsible for clearing private sidewalks adjacent to their property.

Notably, in discussions with the City of Bloomington and City of Minneapolis, our staff learned the cities' commitments to clearing all curb ramps is rarely fulfilled since the "clock resets" on the city's commitment each time a snow event occurs. In essence, the 24/7 staff dedicated to these efforts never fully catch up.

Research into other cities also uncovered several snow maintenance programs used as an alternative (or an addition) to City-sponsored snow clearing programs.

Partnership Programs

Anecdotally, local volunteer-matching programs which have been tried in the past have been met with limited interest and success. Many of the examples below are based on programs which have experienced more success and typically involve incentives:

- **Teen Job Matching Program:** In Cambridge, Massachusetts, the city partners with the Council on Aging and Office of Workforce Development to generate a list of teens or high school students who are interested in paid snow shoveling opportunities. The Office promotes the opportunity through local schools and students can identify preferred neighborhoods that are convenient for them. Seniors and people with disabilities can access the list of students and contact a local shoveler. Details of the job and pay rate are negotiated between the student guardian and homeowner, but typically pay between \$15 - \$30 per job. Agreements require guardian signature and are kept on file with the Office. Last year, approximately 80 students participated in the program, with a few students signing up as the winter progressed.
- **"Snow Angels" Programs:** In various cities through the U.S. and Canada, cities operate "Snow Angel" volunteer matching programs. These programs focus on snow removal for adults over 60 and persons with disabilities. Some cities researched have partnered with local businesses to provide participating volunteers with swag or discounts at the partnering establishments, in exchange for their service. Other cities partner with schools and youth organizations to offer snow shoveling jobs that can help students fulfill any mandatory volunteer hours they may need.
- **Business Maintenance Agreements:** In Traverse City, Michigan, businesses near bus stops may enter into maintenance agreements with the city which makes the business responsible for snow removal and general maintenance of the nearby bus stop(s). These stop sponsorships are noted on the city's website so individuals can plan ahead and know which stops/routes are clear. In 2021, 22 businesses, organizations, and individuals participated in the program.
- **Adopt-a-Stop program:** The City of Portland, Maine operates a program in which residents or businesses commit to clearing a bus stop and adjacent curb cut for one year. In return, they are provided a shovel and safety vest, an optional sign posted at the stop acknowledging their service, text/e-mail notifications when they should clear stops, and a 10-ride bus pass after each major snowstorm in appreciation for their work. Participation has historically been low (maximum of 15 volunteers a year) and marketing efforts have been limited.
- **Contractor Partnerships:** In Sterling Heights, Michigan, the city has partnered with local snow removal contractors to offer seasonal packages or on-demand snow removal for residents. This also involved partnering with the University to develop an app that works like Uber for snow removal. Residents can log in, get a quote, and request an on-demand snow removal service that they pay for from one of the participating businesses.

Policies

Some cities have implemented policy and practice changes to control for unintended consequences of local snow removal ordinances against older adults and persons with disabilities:

- In Cambridge, Massachusetts, older adults or persons with disabilities may apply with the city for snow removal assistance and an exemption from notices/citations or an extension to the 48-hour sidewalk clearing requirement.
- In Toronto, Canada, seniors or persons with disabilities can apply for snow removal assistance to be conducted by city staff.
- In Madison, Wisconsin, seniors and disabled residents can register with Building Inspection services to be added to the 72-hour snow extension list, allowing them more time to find a contractor or family member/friend to help shovel their sidewalk.

V. Considerations

In evaluating various options for addressing corner snow accumulations, staff recommend that City Council weigh the following factors:

Weather Patterns

During the 2019-2020 winter, the City had 16 different events resulting in approximately 27 inches of snow and one-half inch of ice. During the 2020-2021 winter season, there were 14 total snow events, resulting in approximately 34.5 inches of snow.

Accumulation Triggers

In addition to natural snowfall, street plowing operations are one source that contributes to non-natural accumulations of impassable snow at crosswalks and corners. Iowa City's street snow plowing operations are broken up into three priority levels: Red, Blue, and Green. The Red routes tend to be arterial and bus routes, the Blue routes are heavily traveled streets and steeper grade streets, and the Green routes are flat residential streets and cul-de-sacs. Staff estimates that during a snow event, plows will pass through the Red routes approximately 10-12 times, Blue routes 6-10 times, and Green routes 4-6 times. These estimates are storm dependent.

Each pass-through contributes to snow windrows along the edge of a curb ramp (outside the curb lines). This is one reason that many cities researched in the case studies wait until street plowing operations are complete until they start sidewalk clearing operations. In Iowa City, street plowing and sidewalk/intersection clearing are conducted simultaneously. This provides more immediate access to drivers and pedestrians alike but results in an increased work load due to the need for additional passes.

Costs

Depending on the scope of work desired and the share of work between City crews or contracted crews, costs can vary widely. The City currently conducts the maximum level of snow removal activity possible with existing staff and resources. No staff are on-call, so most employees already work extensive overtime during winter events, thus would not be able to simply take on a larger workload as reasonable breaks and days off are

still required for health and safety reasons. Expansion of snow removal activities at corners would require hiring additional staff. Recruitment and hiring for snow removal positions would pose challenges since work would depend on weather patterns and events. Necessary staffing and hours would be erratic and difficult to predict. Consideration should also be paid to any time that is diverted from other obligations and projects to snow removal.

The City also does not have the equipment necessary to expand operations. Equipment purchases would be necessary. Staff noted significant increases in the wear-and-tear on equipment during the 2020-2021 winter season due to additional trail miles cleared. These additional miles are planned to continue, and further expansion of operations would also logically increase equipment maintenance and expediate parts and equipment replacement costs. Ice melt costs to treat curb ramps should also be considered. The City uses bagged ice melt in most locations due to the narrow width of the curb ramps. In recent years, the City has received more requests for pet-friendly melt (currently only used at City dog parks), which is double the cost. Finally, even with great care taken, over time snow removal tools and equipment causes damage to sidewalks and turf. If snow removal operations expand, consideration should be paid to the increased and expediated maintenance impacts as well.

The City currently contracts for some snow removal outside our staff capacity (private properties in violation and flood buyout properties). At this time, the City's contractor was not comfortable providing a quote for a large-scale curb ramp clearing operation as it would require hiring additional crew members and purchasing new equipment.

Conversations with the cities of Bloomington, MN and Minneapolis, MN have indicated large-scale snow removal operations are expensive due to equipment and staffing. Both municipalities reported needing regular and significant increases in funding.

Staff Time

Please note, staff time spent on snow clearing is difficult to estimate. Staff time varies widely since each snow event is unique and its duration, severity, and conditions and staffing levels fluctuate for a variety of reasons, as previously discussed. Many curb ramps, including those downtown, are smaller and cannot support machinery so require staff to clear snow and ice with shovels, ice picks, and manual tools.

Under more typical circumstances, it is estimated that staff spend 60-100 minutes per mile on one pass of sidewalk/trail snow plowing and 5-15 minutes per curb ramp for one pass of crosswalk/curb ramp snow clearing. Anywhere from one to four staff members work on a segment at a time. City staff currently maintain approximately 240 curb ramps. Travel time between locations must also be accounted for and staff estimate approximately 1/3 of all snow removal staff time is travel time. Based on the estimates of staff, time spent per ramp, and travel time, the total staff time required for one pass-through of the 240 curb ramps (sidewalks not included) is approximately 260 hours*:

240 curb ramps X 20 min. per ramp x 2.5 staff per ramp = 12,000 minutes = 200 hours

*200 hours * (1 + 33% travel time) = 266 hours**

*This estimate does not include additional passes required for larger/longer storms or time spent on City-maintained sidewalks, trails, and intersections.

Accessibility

Under Title II of the Americans with Disabilities Act, the City must ensure reasonable snow removal efforts to maintain access to public programs, services, and facilities. In compliance with this standard, the City currently clears all sidewalks, curb ramps, and crosswalks adjacent to City infrastructure and in the Pedestrian Mall (See "Section II:

Current City Operations” of this memo) and, in accordance with Iowa Code, imposes snow removal obligations upon private property owners for the natural accumulation of snow and ice on sidewalks abutting their property.

Each winter, the City receives various complaints from members of the public regarding impeded accessibility due to snow and ice accumulations on walkways. During the 2020-2021 snow season, the City received 741 complaints. Housing Inspection staff balance enforcing access needs with reasonable cooperation with property owners. When necessary, Inspections staff may issue snow removal notice of violation and use the assessed removal process (134 occurrences last year).

Historically, Inspections staff only addressed complaints at sidewalks and did not consider curb ramps an enforceable responsibility of the property owner. Upon review of this issue, the City Attorney’s Office determined curb ramps do fall “*outside the lot and property lines and inside the curb lines upon the public streets.*” [Iowa Code §364.12(2)(c)], and thus could be enforceable as an obligation of the abutting property owners.

In either case, abutting property owners remain responsible only for natural accumulations of snow under state law. Impeded curb ramps or sidewalks blocked by snow and ice deposited there by snow plows, or other non-natural accumulations, continue to present challenges the City must be aware of and responsive to. However, clearing all curb ramps throughout the City after every instance of non-natural accumulation would likely be considered an undue burden under the ADA. The City currently takes considerable measures to proactively ensure reasonable snow removal at high priority locations and to also be responsive to access complaints.

Priority Categories

Due to finite resources, cities with the most successful and feasible sidewalk and ramp snow removal programs establish priorities for clearing pedestrian routes, such as:

- Sidewalks adjacent to city-owned buildings and infrastructure.
- Medical care facilities including hospitals, medical clinics, pharmacies, long-term care facilities, and assisted living facilities.
- School zones or sidewalks that are in proximity of a school where a bus is not needed.
- High-traffic sidewalks and sidewalks along major arterials or highways.
- Streetscapes with pedestrian emphasis, central business corridors, and downtown cores.
- Sidewalks along transit routes and bus stops.
- Curbside sidewalks with a narrow right-of-way or of such proximity to a street that street plows are more likely to cause snow to be re-piled.

Resident Snow Removal Timing and Compliance

As noted, many factors (staffing levels, weather patterns, accumulation causes) can contribute to access issues on sidewalks and crosswalks. A notable factor is the timing that residents remove snow from the sidewalks abutting their property. Even if City staff cleared all curb ramps, pedestrian access can still be impeded if the resident fails to clear their sidewalk. City Ordinance requires property owners’ clear sidewalks abutting their property within 24 hours after a one-inch or more snowfall, or after any accumulation of ice has ended. Requiring City staff to make multiple pass throughs of snow removal at curb ramps would not be effective in maintaining public access if the adjacent sidewalk has not yet been cleared by the property owner.

VI. Scenario Analysis

The City believes current State Code language authorizes local ordinances to require corner lot property owners to clear curb ramps abutting their property of natural accumulation. Non-natural accumulation issues at curb ramps and sidewalks with minimal right-of-way would remain. There are approximately 6,976 curb ramps and 391 miles of sidewalk in Iowa City. Of those, city staff currently perform snow/ice maintenance at approximately 240 curb ramps, 74 intersections, and 36 miles of sidewalk. The following scenarios were calculated as a high-level demonstration of impacts for various scenarios of expanded snow clearing at curb ramps and bus stops beyond existing operations. City staff emphasize that each winter season and each snow event is unique and will result in varying levels of staff time and effort.

Each scenario assumes 2.5 FTE and 10 minutes spent per curb ramp, 2 pass throughs per snow event, approximately 15 snow events per year, and a +33% adjustment for travel time between locations. Winter weather is much more unpredictable than these assumptions, thus the estimated necessary pass throughs and staff hours could drastically increase or decrease depending on annual snow events and conditions.

Scenarios: City Clearing Operations			
% of total curb ramp cleared	Number of Curb Ramps	Estimated staff hours required per snow event	Estimated staff hours required per year
100%	6,976	19,329	289,940
75%	5,232	14,497	217,455
50%	3,488	9,664	144,970
25%	1,744	4,832	72,485
10%	698	1,932	28,994
5%	349	966	14,497

These calculations also assume 100% of staff time would be dedicated to snow clearing. Based on this assumption, the following table shows the estimated FTE (1.00) that would be required to complete the indicated percentage of curb ramp clearing within one week of the snow event (assuming staff spent 100% of a 40-hour work week on snow clearing operations):

Scenarios: City Clearing Operations		
% of total curb ramps in City	Number of Curb Ramps	Estimated FTE (1.00) necessary to complete clearing within 1 week of snowfall (100% of 40-hour work week)
100%	6,976	483.23
75%	5,232	362.43
50%	3,488	241.62
25%	1,744	120.81
10%	698	48.32
5%	349	24.16

Conclusion

As detailed in this memo, the complications and challenges associated with snow removal are numerous, erratic, and occasionally contradicting. If City Council desires to further explore sidewalk and curb ramp snow removal, staff have identified the following strategies as the most feasible and high-value changes for consideration.

Natural accumulation of snow:

- Historically, the snow removal obligations for property owners have been clear for abutting sidewalks under City Ordinance but have remained ambiguous for abutting curb ramps. Upon compiling this memo, staff have determined that Iowa Code (and supporting case law) authorizes the City to impose snow removal obligations upon property owners for curb ramps as well. City staff will draft an Ordinance amendment for Council consideration to clarify these obligations.

Non-natural accumulations of snow, additional clearing:

- If City Council feels sidewalk, curb ramp, and bus stop removal efforts should be strengthened or priorities should shift, Council should communicate focus areas and priorities to staff. If desired, Incremental changes would be recommended to iterate towards the most efficient and effective solutions. Council should anticipate a significant amount of financial resources and additional staff would be required to pursue this option.
- If Council wishes for staff to pursue partnership or crowdsourcing options, such as a teen job program, volunteer-matching program, or partnerships with local contractors, Council should communicate goals and desired outcomes so staff can explore appropriate options. Annual financial allocations and possibly staff will be required to operate such programs, depending on the program and scope.

Non-natural accumulations of snow, policy change:

- Staff could develop and implement a process for seniors and people with disabilities to apply for an extension to the current 24-hour removal period, to allow for time to find assistance shoveling. Inspection staff currently work informally with such property owners who need more than 24 hours.

The following actions are currently underway by staff and may also help address snow removal challenges:

- Piloting installation of conduction cement at a bus shelter
- Strengthening volunteer recruitment and coordination efforts and resources



August 5, 2021

2021 Building Statistics

ATTACHMENTS:

Description

2021 Building Statistics

City of Iowa City
2021 Building Statistics[illegible]



August 5, 2021

Civil Service Examination: Civil Engineer

ATTACHMENTS:

Description

Civil Service Examination: Civil Engineer



CITY OF IOWA CITY

410 East Washington Street
Iowa City, Iowa 52240-1826
(319) 356-5000
(319) 356-5009 FAX
www.lcgov.org

June 17, 2021

TO: The Honorable Mayor and the City Council

RE: Civil Service Entrance Examination – Civil Engineer

Under the authority of the Civil Service Commission of Iowa City, Iowa, I do hereby certify the following named person(s) as eligible for the position of Civil Engineer.

Alin Dumachi

Iowa City Civil Service Commission



Melissa Jensen, Chair



August 5, 2021

Civil Service Examination: Public Safety Information Officer

ATTACHMENTS:

Description

Civil Service Examination: Public Safety Information Officer



CITY OF IOWA CITY

410 East Washington Street
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July 6, 2021

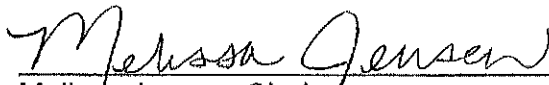
TO: The Honorable Mayor and the City Council

RE: Civil Service Entrance Examination – Public Safety Information Officer

Under the authority of the Civil Service Commission of Iowa City, Iowa, I do hereby certify the following named person(s) as eligible for the position of Public Safety Information Officer.

Lee Hermiston

Iowa City Civil Service Commission



Melissa Jensen, Chair



August 5, 2021

Civil Service Examination: Treatment Plant Operator - Water

ATTACHMENTS:

Description

Civil Service Examination: Treatment Plant Operator - Water



CITY OF IOWA CITY

410 East Washington Street
Iowa City, Iowa 52240-1826
(319) 356-5000
(319) 356-5009 FAX
www.lcgov.org

July 26, 2021

TO: The Honorable Mayor and the City Council

RE: Civil Service Entrance Examination – Treatment Plant Operator – Water

Under the authority of the Civil Service Commission of Iowa City, Iowa, I do hereby certify the following named person(s) as eligible for the position of Treatment Plant Operator – Water.

1. Taylor Shelfo
2. Justin Harland

Iowa City Civil Service Commission



Melissa Jensen, Chair



August 5, 2021

Ad Hoc Truth & Reconciliation Commission: July 22

ATTACHMENTS:

Description

Ad Hoc Truth & Reconciliation Commission: July 22

July 22, 2021

Draft Ad Hoc Truth and Reconciliation Commission Minutes

(Electronic) Zoom Platform

Regular Meeting

Commissioners present: Amel Ali, Daphney Daniel, Chastity Dillard, Wangui Gathua, Eric Harris, Clifton Johnson, Kevin Rivera, Mohamed Traore.

Commissioners not present: Sikowiss.

Staff present: Stefanie Bowers.

(Electronic Meeting Pursuant to Iowa Code section 21.8)

An electronic meeting was held because a meeting in person was impossible or impractical due to concerns for the health and safety of commission members, staff, and the public presented by COVID-19.

Meeting called to order: 7:08.

Discussion of Land Acknowledgement: Rivera read the Land Acknowledgement,

Approval of Minutes from the July 8, 2021: Traore moved, and Rivera seconded. Motion passed 8-0.

Public Comment of Items not on the Agenda: None.

Request for Proposals Update and Next Steps: Staff updated the Commission on the one submission received for the role of a facilitator. The Commission requested that all evaluations be sent to the Purchasing Department no later than Monday, August 2, 2021 versus the original due date of Friday, August 6, 2021. The Commission discussed and agreed that if they decided not to move forward on this proposal, they will move forward with a referral process from Commission members and bypass using the RFP process again.

Budget Updates – Action Plan for City Council Meetings: Chair Traore will present to the Council, Commissioner Harris will assist as well as other Commission members. Commissioners Johnson, Harris, Gathua, Dillard, and Traore will be present at the Council meeting being held on July 27, 2021.

Commissioner Rivera and Commissioner Gathua will attend the Human Rights Commission meeting on July 27, 2021 to discuss the Land Acknowledgement.

Revisit the TRC's Mission & The Framework Used to Complete Work: The Commission discussed the possibility of having an official letter that speaks of who they are as a Commission and mentions their authority. They also spoke on the Commission holding their own truth-telling session. By Commission members speaking their truths it may assist members of the public to feel more comfortable to come forward to tell their stories.

Update on Future Meetings and Discussion: A few Commissioners do not feel comfortable meeting in person, due to the new Delta variant of COVID-19. Staff will work with the Communications Department to set up a hybrid meeting. Under Iowa law it will still require that a majority of Commissioners are present to meet in-person.

Community Topics for Discussion: Excluded Workers: Members of the public spoke on the concern that the timeline established by the City is too delayed to appropriately distribute American Rescue Plan funds.

It was also mentioned that the Excluded Worker Coalition will meet with the Iowa City City Manager's Office on Friday, July 30, 2021 at Saint Patrick's Church.

Increasing Public Engagement: The Commission discussed ways they could better engage with the community when doing outreach and/or holding sessions.

Critical Race Theory: The Commission plans on making a statement against the ban on critical race theory here in Iowa. The Commission would also like to hold a community event where persons who support this new law and persons who do not support this new law can engage in a conversation on the topic. The Commission wants to hear from members of the public to learn why Critical Race Theory should be taught. The Education Subcommittee will discuss this at the next meeting.

Commission Announcements: Rivera, spoke on a series of conversations sponsored by the Carver College of Medicine and Psychiatry Department on the intersectionality of health on marginalized communities. These sessions are recorded and can be viewed at a later date. Gathua, spoke on a presentation from Iowa Legal Aid on Fair Housing and is looking forward to more collaborations with them. Gathua also spoke on a conference on Human Trafficking that focused on African women being targeted for trafficking in the state of Iowa. Traore, spoke on National Night Out being held on Tuesday, August 3, 2021 and reminded all Commissioner of the importance of preserving their mental health and taking care of themselves. Daniel, commented on the CDC moratorium on evictions that ends July 31, 2021 and the effect these evictions will have on persons of color and that there are emergency funds available to persons that were unable to pay their rent due to the pandemic.

Staff Announcements: None.

Adjourn: 9:00 PM

**AD HOC TRUTH & RECONCILIATION COMMISSION
ATTENDANCE RECORD
YEAR 2021**

(Meeting Date)

NAME	TERM EXP.	4/15	4/29	5/13	5/27	6/10	6/24	7/8	7/22	8/5	8/19	9/2	9/16	9/30	10/7
Ali	6/22	X	X	X	X	X	X	X	X						
Daniel	6/22	X	X	X	X	X	X	X	X						
Dillard	6/22	X	X	X	X	O	X	X	X						
Gathua	6/22	X	X	X	X	X	X	X	X						
Johnson	6/22	X	X	X	X	X	X	X	X						
Harris	6/22	O	X	X	X	X	X	X	X						
Nobiss	6/22	X	O	X	X	X	X	X	O						
Rivera	6/22	X	X	X	X	X	X	X	X						
Traore	6/22	X	X	X	X	X	X	X	X						

KEY: **X = Present**
 O = Absent



August 5, 2021

Planning & Zoning Commission: July 15

ATTACHMENTS:

Description

Planning & Zoning Commission: July 15

**MINUTES
PLANNING AND ZONING COMMISSION
JULY 15, 2021 – 7:00 PM
ELECTRONIC FORMAL MEETING**

PRELIMINARY

MEMBERS PRESENT: Susan Craig, Mike Hensch, Mark Nolte, Maria Padron, Mark Signs, Billie Townsend

MEMBERS ABSENT: Phoebe Martin

STAFF PRESENT: Sara Hektoen, Kirk Lehmann, Anne Russett

OTHERS PRESENT:

Electronic Meeting

(Pursuant to Iowa Code section 21.8)

An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

CALL TO ORDER:

Hensch called the meeting to order at 7:00 PM.

PUBLIC DISCUSSION OF ANY ITEM NOT ON THE AGENDA:

None.

COMPREHENSIVE PLAN AND ZONING CODE AMENDMENT ITEMS:

Presentation on the proposed South District Plan Amendment (CPA21-0001) to facilitate the adoption of form-based zones and standards (REZ21-0005)

Lehmann stated this is a continuation from the presentation that he had started at the last meeting and tonight he will be going into detail on the Code. This Form-Based Code is available to view on the City's website and the Code itself is the first one in the appendix and includes changes to Title 14 and 15 and then proposed changes to the South District Plan.

At the last meeting Lehmann started the general discussion about why how this process came to be what's been done so far and went over a brief summary of amendments and the examples of the types of neighborhood this Code will produce and then also the justifications for the proposed amendments both to the Zoning Code and Comprehensive Plan. He had also started talking about the intensive principles of the Code, some of the zone's use standards, site standards and civic spaces. Tonight, he will go through the remaining chapters, of which there are five, on building type standards, architectural element standards, frontage type standards, thoroughfare type standards and affordable housing incentives. Those are all part of Title 14-2H. Lehmann noted there's also other minor changes of Title 14 which he will briefly cover as well as some

changes to the Subdivision Code, which is one of the ways that this Code will help be implemented, go over some of the draft changes to the Comprehensive Plan and then finally summarize the next steps that will happen through this process.

Lehmann began by reiterating briefly the items that were discussed at the last meeting. The first section of the Code was the intent and principles which basically talks about how Form-Based Codes are different than current development standards and the process that is used to implement them through the regular development process and the minor changes that happened to make sure that these standards are met. He went over the Zones as well, there are five zones, and he went over the new standards which are the uses that are allowed in the different zones and the site standards which affects what development looks like in those zones, specifically regarding landscaping, parking, design, screening, etc. Finally, he went through civic space types, which are essentially types of public or private open space that might be provided in these areas.

To briefly refresh the different zones are organized by transects so that's what the T stands for, with T3 referring to suburban zones and T4 referring to urban zones so T3 is a lower density and T4 is a higher density. Within those broader transects there are two T3 areas, T3 Neighborhood Edge Zone which is the lowest density, and T3 Neighborhood General is the next highest density. Then there are three T4 zones, Neighborhood Small, Neighborhood Medium and Main Street. He will review the Future Land Use Map when he goes through building types.

Lehmann next discussed tonight's standards and noted at least three of the sections relate to different types and some broader design standards that are incorporated in those, so it will be a lot of lists and information. The first section is 14-2H-6, Building Type Standards and within this section the first two subsections are the purpose and the general building type standards and then the rest are all of the different building types that would be allowed, and they do differ by zone. As he goes through his presentation, he did group them by familiar terms such as houses, duplexes, etc.

In terms of the general standards Lehmann pointed out a couple that are important. First the scale of the building types are based on the intended character of the zone and that's how they determine what different building types are allowed in each zone and they will notice that throughout the Code it describes house scale versus block scale. House scale are smaller buildings, what one would expect to be the size of a house, block scales is when an individual building size covers most of the block. The purpose of the scale of the Zoning Code is to create pedestrian oriented buildings and also pedestrian oriented public realms like the streetscape. In terms of building types and as they relate to design sites, the size of the design site is regulated by the zone, so it's not included in this, but it is governed by the building type. Typically, within each design site there would be one building per design site, some certain buildings do allow multiple buildings such as an accessory type like a carriage house. Lehmann reminded the Commission that when they are talking about design sites, they are going to be concurrent with the parcels. For example, in a typical single-family development they could have a larger parcel that has multiple design sites. Lehmann also wanted to touch on frontages because each building type needs at least one frontage type, and that frontage would contain the primary entrance and has to be along a street or civic space. There are some exceptions such as a Cottage Court and he'll explain later why that's a unique design or building type. Finally, Lehmann discussed the diversity of building types. Within each block this Code requires that

there are at least two different building types, there is an exemption for the T4 Main Street requirement because that is basically the commercial zone and doesn't require the diversity of housing types. But within the neighborhood-based zones, they do want to see a diversity of building types.

Lehmann stated there are 10 choices of building types in the Code. The first one is the Carriage House and is a little unique as it is an accessory structure that can be added to other building types. A Carriage House does not count as its own building type, it is strictly accessory, so it is allowed in all zones. Only one dwelling unit would be allowed in a Carriage House and typically it would be on the rear of a design site, likely above the garage. Lehmann added it doesn't have to be residential, it could also be a commercial space say for a small business owner. Carriage Houses would only be two stories max and a width of 32'. Lehmann will give the size of each building so the Commission can get a feeling for the building bulk that is expected for each building type.

The next set of building types are houses, there are two different ones, House Large and House Small, and is essentially what is currently classified as a single-family use or a single-family detached use. A House Large would be found in the T3 Neighborhood Edge zone and is the lowest density building type. It is a medium to large sized detached building and would only have one unit like a single-family detached unit. It would only be allowed to be up to two and a half stories tall and the maximum width would be 95' and that would include a 55' main body and there could be wings that could be allowed up to 20' on each side. The wings do have to be set back from that main body or extended out from the main body by an offset and part of the reason for the distinction between the main body and wings is to make sure that the building facade is broken up in a way that doesn't create just a large blank facade. The House Small is the less dense in the T3 Neighborhood General, it is a smaller unit that doesn't have quite as large of a lot size. Again, it can be two and a half stories tall but would have a maximum width of about 75' which would be 35' for the main body and then 20' for the wings.

The next set of building types are duplexes, and there are two different types, Side-by-Side and Stacked. Side-by-Side are probably typically what folks are used to seeing and would be allowed in both T3 zones, Neighborhood Edge and Neighborhood General. Each duplex would have two units within the design site and would be a medium to small building, the idea is that it would be about the same size as a House Large or a single-family home generally. Side-by-Side would be allowed to be two and a half stories tall but would be narrower than a House Large at 48 feet on the main body. Lehmann explained that again that helps ensure that these are house scale buildings. As far as garages, they can have garages on the front, but they have to fit within these building standards, so in some cases it's going to be challenging with a Side-by-Side duplex, but it is possible. The Duplex Stacked looks even more like a house essentially where there are two units, one on top of the other. Again, it's a small to medium sized detached building and it would only be allowed in the T3 Neighborhood General, as it is a slightly denser form of duplex. Duplex Stacked would have the same height standard of two and a half stories, but it could be a little wider up to 66' which would include a 36' main body and two 15' wings.

The next building type is a little more unique and not something that's currently allowed in the City Code. It's called a Cottage Court and is where there is a courtyard that would have buildings arranged around the outside of it and the courtyard would basically act as shared common space, rather than having private individual yards. Lehmann noted the City has had

some interest in this development type and it's been difficult to try and accommodate it. Cottage Court would be allowed in the T3 zones, Neighborhood Edge, Neighborhood General and the T4 Neighborhood Small but the idea is that it would fit with existing single-family homes or duplexes. A Cottage Court could have three to nine units, with the rear cottage being 1-3 units. Depending on the number of units affects the size of the Court so more units means that the Court has to be larger to help disperse the concentration of units. As far as height goes it fits in with existing single-family buildings but has a smaller height where these buildings can only be one and a half stories tall. The rear cottage can be 40' but the rest of the cottages have to be less than that, so it creates low-scale buildings along the street facade. Lehmann noted this is one of those examples where the main entrances would actually be on the Court rather than on the street, because the Court is the central focus point of this building type.

Next are multiplexes, both small and large variety. Lehmann stated this would be similar to what is currently in the Code as multifamily. The Multiplex Small would be allowed in the T3 Neighborhood General and T4 Neighborhood Small and allow up to three to six units. Those units could be stacked or could be side by side, but the idea is again it's approximately the size of a large house and is scaled to fit with low to moderate intensity neighborhoods. The building height would be two and a half stories and it could be up to 90' wide, which is about the same as a House Large with a 50' main body and two 20' foot wings. Multiplex Large are allowed in the T4 Neighborhood Medium and have 7 to 12 units. Again, they could be side-by-side or stacked with the shared entry. Multiplex Large is intended to fit with moderate intensity neighborhoods or maybe a small portion of lower intensity neighborhoods. The max height does get taller with this building type and can be up to three and a half stories, and the max width can be up to 100', so overall slightly larger than some of the house scale buildings. It would allow for a 60' main body and two 20' wings.

Another unique building type is the Townhouse because it's pretty versatile and how it is implemented within the Form-Based Zones. It is a small to large house that can be attached or may be detached, but it consists of one unit typically but can be three in certain zones. The Townhouse would be located in moderate to high intensity neighborhoods or near neighborhood main streets, basically more dense zones. It allows larger and more units per design site. In the T3 Neighborhood General it would allow Townhouses in a row of two to three units with one unit per site and a max height of two and a half stories with a row width up to 90'. Again, approximately the size of a House Large. In the T4 zones, Townhouses are allowed to have rows of four to eight units and the T4 Neighborhood Small and T4 Neighborhood Medium would still maintain one unit per site. In the T4 Neighborhood Small it could be up to two and a half stories and in T4 Neighborhood Medium it could be up to three and a half stories. Lehmann pointed out that row lengths increase in the denser zones of the Townhome are in the T4 Neighborhood Medium zone, and the T4 Main Street zone which could allow some commercial uses and then still have four to eight townhomes in a row and up to three stacked.

Another variety of multifamily is the Courtyard Building. Lehmann explained this is a different building type than the multiplex and is similar to the Cottage Court except it is a multifamily home with a central court that replaces rear yard open space. The Courtyard Building Small would be allowed in T4 Neighborhood Small and T4 Neighborhood Medium zones and could have 10 to 16 units. As far as building height goes, T4 Neighborhood Small would only be two and a half stories and T4 Neighborhood Medium would allow up to three and a half stories. The max width in both zones is 100' and there are standards as to how large the courtyard needs to be that's located within the zone and also along the street facade the size of the building is broken up by

the presence of that courtyard. The Courtyard Building Large is only allowed in the T4 Main Street zone and it allows 18 to 24 dwelling units, again they can be stacked or side-by-side but must have that common courtyard. The Courtyard Building Large can be up to three and a half stories, but the main body again remains 100' so a lot of that excess building bulk would be located on the rear of the site. Some of the buildings are allowed to have more than one building on a design site where instead of just a courtyard in the middle, they can have separate buildings with the courtyard between them and allow a slightly different configuration but again, the building bulk is broken up by that courtyard.

The final building type is the Main Street Building and is the most general building and probably most appropriate for commercial uses. It is a small to large building and only allowed in the Main Street zone. The amount of dwelling units is unrestricted except by the Housing Code and the Building Code. Lehmann explained the Main Street Building type is similar to the Riverfront Crossing Zone where they have to meet the minimum standards for safety, but if they can fit them within the building envelope then they can work. The Main Street Building is intended to provide a variety mix of uses, typically with some ground floor commercial and residential above. The max height again is three and a half stories and the max width for the body is 200'. These can be block scale buildings. Lehmann noted some other building types, such as larger townhomes also get towards that block scale, but a lot of these buildings are designed to be house scale buildings and that's part of the point of providing missing middle housing types.

Lehmann stated as far as where these different building types are allowed and as they relate to the zones he showed the Future Land Use Map that would be incorporated into the Comprehensive Plan. Neighborhood Edge is typically low-density development, two and a half stories with the House Large, the Side-by-Side Duplex and the Cottage Court. The Neighborhood General is located in the center of neighborhoods away from busier roads typically. They are still two and a half stories and allow the House Small, both varieties of duplexes (Stacked and Side-by-Side), they would allow Multiplex Small and Cottage Court, and also allow Townhomes in runs of two to three units. As they move into the T4 zones, those are denser zones and are along major intersections and arterial roads. Buildings are still two and a half stories in the T4 Neighborhood Small zone, and would allow the Multiplex Small, the Courtyard Building, small Townhomes in a run a four to eight and the Cottage Court. Then in the denser zones located along major corridors or major intersections is the T4 Neighborhood Medium. These buildings can get up to three and a half stories tall, but that's primarily in the southeast along the single loaded streets where there's open space on the other side. Finally, the T4 Main Street, which is that densest zoning category is located at the corner of McCollister and Sycamore and it would allow the Courtyard Building Large and Townhouses in a run of 4-8 and they can be stacked up to three.

Lehmann noted the current Zoning Code does not consider building types, so this is a newish concept for the Zoning Code. Riverfront Crossings does have different building types, so this is more similar to what is south of downtown. The biggest difference is that it distinguishes the building from the use, so currently the City defines uses in the Zoning Code as single family or duplexes or multifamily. In this Form-Based Code everything is defined as building scale. In looking at scale rather than use is a way to deal with what buildings look like because mostly they're interested in the experience with the public realm and how does that interact with surrounding properties.

Lehmann stated using this building scale rather than use does create some new standards that staff hasn't historically reviewed. It includes some minimum and maximum bulk requirements, such as the scale of a block scale building. It regulates the number of units, whereas the current Zoning Code regulates by density of a lot sizes. In the Form-Based Code they are noting the number of units that can be within an existing building type and also creates a requirement for housing diversity on each block. Finally, these building type standards are incorporated into the revised processes that were discussed at the last meeting and would be included on the preliminary plan and they'll get finalized in the neighborhood plan and do either a building permit or site plan review, depending on the use and of number of units. That is the point where staff would check it against the neighborhood plan to make sure that it was in compliance with all of these standards. He noted there is a possibility of administrative change, but that would happen on the neighborhood plan as well and if a design site can accommodate a House Small but it's also large enough to accommodate a Stacked Duplex those could be switched out administratively as an update to the neighborhood plan.

The next set of standards Lehmann reviewed was the Architectural Elements Standards and there are four different elements that are regulated by this Code. In general, it is similar to what some of the current site development standards are, for example, the multifamily site development standards or the four different sets of commercial site development standards, and the different sets of single families site development standards. However, the Architectural Elements Standards work with both the building type standards and the frontage type standards to try and provide visual interest and make sure that the interaction with the public realm provides walkable neighborhood friendly environments.

The first Architectural Elements Standard is the Tripartite Facade Articulation and applies to buildings that are at least two stories and basically states there has to be a base, a middle and a top and an architectural element must be used to distinguish those three areas to create some horizontal visual interest. So, the ground floor has to be articulated by some sort of string courses, cornice expression or awnings or canopies. It could be different materials, but it doesn't require different materials, it could be colors it could be any number of ways as long as they are distinguishing the base from the other portions that standard can be met. The middle area only applies if it's three stories, but it would need to have some feature to create visual interest on the horizontal plane. The top should be delineated with some form of cornice expression, either trim material, brackets and panels, eave details or accentuated masonry.

The next Architectural Elements Standard is Architectural Recessions which would apply to buildings have at least two stories and are over 50' long, so essentially a house scale building however this explicitly excludes houses and duplexes from having to comply with the Architectural Recession standards. The purpose really is to modulate the appearance of a building and recess a portion of the facade, whether that be an entry, whether that be balconies, but it has to be carried through the building and it has to be 12 to 20 feet and up to two locations with longer buildings requiring a wider recess. Lehmann explained again with a lot of these standards the goal is to provide visual interest which helps create walkable neighborhoods and Architectural Recessions are one of the ways that they currently do that within the Code.

Next is the Corner Element and this is actually a voluntary architectural element that could be used on Main Street buildings and the idea is to provide emphasis to corner and it help shape the public realm. On those corners it could be a slight bump out or it could exceed that zone

height that would typically be allowed by a little bit to create that visual interest on the corner and to help define the public realm. Lehmann noted again this would be a voluntary element and not a required element.

Another voluntary element is the Rooftop Room which is an enclosed or unenclosed portion on the top of the roof, but it can't just be another blanket additional story. It would have to be somewhat setback; it has to have openings or windows and it has to be consistent with the primary building. It is another architectural element that provides visual interest, and it can provide a neat feature on buildings.

Lehmann noted these architectural elements are relatively limited in this Form-Based Code compared to some other zone-specific site development standards in the multifamily zones or the Riverfront Crossings Zone. The requirements are similar but many of them are addressed through other ways within this Form-Based Code. For example, building and frontage types address a lot of the standards that would typically be included in the site design standards such as parking lot design, landscaping, building entries, exterior stairways, mechanical equipment, etc. In other cases, some of the standards don't really apply in this area because it is greenfield development where they're not working within an existing historical neighborhood, for example. In a lot of ways, it's similar in that it looks at building bulk and provides facade articulation that would create visual interest, it requires tripartite articulation within the building and that's something that they City also requires within the Riverfront Crossings District. It does require equal treatment of facades, which is something else required in Riverfront Crossings. Regarding differences, this Form-Based Code doesn't regulate building materials nor regulate windows. They didn't want to limit architectural creativity in new areas but there are still standards related to visual interest to hopefully address a lot of issues that may come with just a standard box building.

Hensch asked if building materials are not regulated than how can they say the transact for Main Street would be similar to the downtown area. Lehmann replied the more proper comparison would be the Main Street area and a Neighborhood Commercial zone that we have rather than the downtown zones, as the City really only regulates building materials within certain areas like downtown.

Lehmann moved on to the next section which is related to frontage types. In terms of general standards, it doesn't necessarily restrict frontage types as they don't correspond to the uses, one could have a porch on a commercial building and can have a porch on a residential building. They are really guided by the zone and the building type in that zone. Building types may have multiple frontages, depending on the frontage type and depending on where it's located on the block, but the frontage type does have to be located within the frontage zone, which is on the front of that building designed site. In addition, they must have frontage types that front thoroughfares or a civic space, such as a circumstance where a house is fronting on to a pedestrian passage rather than fronting on the street. Lehmann noted however they would still need equal architectural treatment on the street as well. The frontage is just where the primary individual entrance would be. Exterior stairs can be used as entry on ground level but for any units that are above ground, they have to be entered from an enclosed staircase. Similar to building types, they also require at least two different frontage types on each block to help provide visual interest and create a pedestrian friendly environment. Part of the reason they have the frontage standards is to really look at the interaction of the public realm and the private

realm being the right-of-way, which is the streets, the parking, the green space and the sidewalk and then into the private yard and the frontage type is that interaction with those areas.

Lehmann noted there are 10 choices or frontage types. The first is Porch Projecting, which is as it sounds to project the porch into the front yard or within the front set back, and it is basically a covered structure that can be elevated or it can be at grade. It could be one or two stories, but it has to be opened on three sides. This type of frontage is allowed in all zones except for the T4 Main Street. As far as the dimensions go, it does require a minimum of 6' to 8' so it is usable space and really creates a purpose like an outdoor room that can facilitate that interaction between the public and the private realms. They expect to see a lot of Porch Projecting in the T3 zones, especially because one of the features of the projecting porch is that with the parking set back in the T3 Neighborhood Edge zone they can move the garage closer to the front of the lot.

The other type of porch is considered an Engaged Porch so that's where it's partially set back within the facade. With an Engaged Porch it could have two to three sides that are within that facade but obviously the front would have to be open and, potentially, one of the sides could also be open as well, but again, it is a covered structure that creates an outdoor room. It follows similar standards as the porch projecting on where it's allowed in all zones except for the Main Streets, and it has similar dimensional standards.

The next set of frontages are the Dooryard and Stoop. Lehmann noted they're probably the most versatile ones in that they are allowed in all zones. With the Dooryard the main facade is set back and is defined by a wall ahead or some other sort of small screening that would create separation. Again, the purpose is to try and create some sort of outdoor room to facilitate that interaction between the public and private realms. For the Dooryard the dimensions would be a little wider so it would have to be 10' deep and 15' wide and then the wall would only be able to be up to 3' around that area as well. With the Stoop, the purpose is to create some separation between the public and the private realm so it's set up a little higher than other development standards and would be expected along busier streets where someone walking by could be looking right in a window. It would have an elevated entry and the stairs could either be parallel or in front depending on how it's designed. The Stoop has a shallower depth, it could be 3' by 5' and would need to be at least 12 inches above grade so it provides some of that separation.

The next frontage type is Forecourt and is intended for use in denser zones. The Forecourt is specifically in the T4 Neighborhood Medium and T4 Main Street zones. The idea is that the building is set near the front of the design site, but there is essentially an extension of the public realm into the interior of the building site for an entry court or shared garden. The Forecourt has to be at least 15' wide and deep and it does have a height to width ratio so the walls don't tower over the court area, there needs to be light and air within the area.

Craig asked if it's the public realm like a sidewalk anybody can go there, but obviously if there's going to be a restaurant or something there it's not going to be used for just anyone. Lehmann replied it would depend on the use, it is technically private space but should feel like it's part of the public realm and that's what he means when saying it's extending the public realm into the space. If it were commercial uses it could be something like outdoor seating, if it's residential uses it would probably be more of a private space, but it creates that visual extension of the public realm.

The next set of frontages are the shop fronts, there's a Maker Shopfront and just a Shopfront. Lehmann explained these are typically intended for commercial buildings, although they're not restricted to commercial buildings, but the idea is that the facade is at the front of the design site in each of these cases and they're only allowed in the T4 Main Street zone. The difference is that the Maker Shopfront is somewhere where there's maybe industrial or seasonal businesses or other businesses that are oriented towards retail or consumers and may include decorative roll down doors depending on the use. For example, a restaurant that has rolled down doors that open up to the public could be there, but the goal is to have some interaction with the public and the private realm. At least 50% of the facade would have to be glazing or windows, The Maker Shopfront is for businesses that are less customer centric but still want interaction with the public realm.

The Shopfront is for more customer centric businesses and include substantial glazing between the Shopfront base and the ground floor ceiling and may include an awning that overlaps the sidewalk.

Craig asked if the glazing requirements are similar to the convenience stores that have been built lately and have a requirement for glazing but really it is just looking through this giant window and seeing a wall, there's nothing in there. Lehmann confirmed those are glazing requirements, but in this case the glazing is limited to the front edges so it's a little difference as it's going to be the front of the buildings and the intention is for it to open up into customer centric spaces, rather than a hallway as in the convenience stores Craig is talking about.

Lehmann stated the next frontage type is the Terrace and this is again meant for higher intensity zones, the T4 Neighborhood Medium and Main Street zones. The idea is that the facade is near the front of the design site, but that there's some sort of elevated surface between the sidewalk and that space. Perhaps in commercial uses a Terrace could be a sidewalk café, but it can be used with residential uses as an outdoor seating area for residents. There are standards that it can only be up to 2' above grade and does require a certain depth affiliated with it and it provides some privacy similar to a Stoop.

Finally, the last two are the Gallery and Arcade. Lehmann explained these are both covered spaces and the idea is that the main facade is set back somewhat from the public realm on the design site. They're only allowed in the T4 Main Street zone but there would be covered space that's not within the right-of-way. It could be one - two stories in the case of the Gallery, or up to three stories in the case of the Arcade. These are typically intended for commercial uses and do require that they be used in conjunction with other frontage types so, for example with commercial uses there'd be used in conjunction with the Shopfront Type and must run along the entire front of that facade. These frontage types are a newish concept, there are some similar requirements in Riverfront Crossings, but these are a little more specified and little more detailed. Overall Lehmann explained the purpose is to really work with those other standards to provide visual interest that interacts the public and private realms. Again, review of frontage types would be included on the neighborhood plan and would be reviewed during building permit or site plan review and could have administrative changes similar to building types with the goal to maintain that diversity of frontage types.

The next set of standards is related to thoroughfares which are essentially public streets and in some cases alleys or passages. Lehmann explained there are several different thoroughfare

types that are use and they're built around the intended physical character of the zone, but the goal is to provide multimodal ways of getting around the City. He noted at the last meeting they had talked about thoroughfare types to incorporate different modes of transportation, such as walking, biking, different vehicle types and transit. Lehmann noted it does require an interconnected network and the goal is to provide multiple routes through the area, which is generally required for more pedestrian friendly areas, because when there are extra long blocks, it makes it a lot more difficult to travel places. Regarding the individual standards most are in the public right-of-way and won't be privately owned so during the subdivision process there is an opportunity to tweak some of the criteria, but those would come before the Planning Commission. Another requirement in the Standards is that street trees are required and would have to be planted either prior to acceptance of public improvements or prior to the certificate of occupancy for the adjacent property. It will depend on if the property is going to be developed, if it's going to be developed, but isn't developed yet they don't want to put in the street trees and then need a bulldozer to get on site, so the street trees will be planted when the building is constructed. There are other opportunities to delay such as if the seasons don't cooperate, but there are also standards as to what that looks like to ensure that the street trees are planted at regular intervals throughout that area.

Hensch noted it is the current practice where now if there's street trees required in the zoning it becomes the responsibility of the particular lot owner, as it becomes developed, but this would happen with the developer to have to plant those right up front. Lehmann explained a developer would pay an escrow for the trees that would cover the cost of installation, so if the developer doesn't follow through, then the City would have the funds to be able to plant for the trees.

Lehmann stated again there are 10 choices Throughfare Type Standards, and they correspond to major streets in the area and a lot of them are based on current engineering for those streets where engineering already exists. The first type is the Main Streets and there are two varieties, With Median or Without Median. They are intended for the Main Street zone, the Main Street with Median has a wider right-of-way at 100' with the idea being that there would be 50' of payment with 25' on each side of a 10' median. There would be two traffic lanes, two bike lanes and two parking lanes. As far as landscaping the expectation is that trees would be every 30' and the sidewalk would extend over to the street, the sidewalks are 20' sidewalks with planters within the sidewalk. Lehmann said this would be essentially along the main street zone of McCollister.

The Main Street Without Median would be along Sycamore Street where it's zoned T4 Main Street. It is a narrower right-of-way because it doesn't have the median so it has 80' right-of-way but would still have two traffic lanes and two parking lanes. It would have trees in planters with the 20' sidewalk.

Craig asked if it is just 20' from the building to the street then. Lehmann noted it might even be wider than that in spots, similar to the downtown area where there are very wide sidewalks and also planters within that area. It is intended to mimic a typical historic main street where there are tree planters with the sidewalks so most of the area that's not intended for pedestrian travel use could allow for things like sidewalk cafes or other uses that can spill over into the right-of-way like business sidewalk sales and such. Craig commented that 20' didn't feel big enough and Lehmann said it's wider than a typical trail which is usually only 10'.

Padron asked specifically which sidewalk downtown is 20' to help her visualize what this would

look like. Lehmann is not sure off hand but Washington Street especially wide sidewalks. Russett confirmed on Washington Street in front of the US Bank Building there's a 20' foot sidewalk but across the street in front of the Java House and Chop House that sidewalk is more like 35'.

Lehmann noted as far as where bike lanes are shown on the Future Land Use Map they're generally shown corresponding to where the City's future bike lanes are planned for in the Bicycle Master Plan and that's how they determine which streets have bike lanes.

Lehmann moved onto the next set of Throughfare Type Standards, which are also along McCollister but away from the main street areas. These are Avenue 2 Without Parking and Avenue 2 with Future Parking. These pass through a couple different zones and are in the T3 Neighborhood General and T4 Neighborhood Small and T4 Neighborhood Medium. In both the right-of-way is consistently 100'. In areas Without Parking, the pavement width is 17' 6" on each side, so 35' total which includes traffic lanes, bike lanes, and median/turn pockets. In areas of Future Parking there is 50' pavement with 25' on each side, and would include traffic lanes, bike lanes, parking lanes, and the median/turn pocket. In these areas there will still be trees spaced every 30' but are continuous planters rather than individual planters as in the Main Street Zone. Lehmann explained it is similar to what is along almost any other right-of-way in Iowa City, the continuous landscaping. For sidewalks, they will be 6' on one side and 10' on the other so that 10' sidewalk acts as a trail for pedestrians.

Avenues 2 and 4 correspond to the other major streets in the area. Avenue 3 corresponds with Sycamore Street and Lehman Street will be developed to an Avenue 4. Avenue 3 and Avenue 4 can be used in all zones except for the Main Street zone. For Avenue 3 there is a right-of-way of 100' but the pavement width is reduced to 34' without any kind of median and is just two traffic lanes and two bike lanes. There are trees in planters, but these planters are a little wider than the McCollister oriented ones. There is still have a trail size sidewalk on one side and a standard size sidewalk, on the other side. Avenue 4 has a narrower right-of-way of 87' with two traffic lanes and a median/turn pocket. Trees would be planted in a continuous planter with wide continuous planters and the sidewalk would be trail on one side and 5' on the other side.

Lehmann next discussed Neighborhood Streets noting generally throughout most of the neighborhood it will be Neighborhood Streets, and there are two options. Neighborhood Street 1 is with parking on both sides and Neighborhood Street 2 is parking on just one side. They are both allowed in all zones except for the T4 Main Street Zone. Neighborhood Street 1 is with parking on both sides has a 70' right-of-way with which is slightly larger than the current Code standard right-of-way width of 60', but the idea is for it to be a little wider to accommodate street trees in addition to other utilities and things that go in the right-of-way. The pavement width is 28' and this is a yield type parking arrangement so where there aren't cars on the streets, one could expect there could be up to two cars on each side, but if there are cars coming at each other and it's fully parked, then they will need some maneuvering between those two cars to negotiate. Lehmann explained the reason that it's designed this way is to slow the traffic on those local streets and to create safe environments for children and pedestrians. For Neighborhood Street 2 where parking on just on one side the right-of-way is narrower at 70', the pavement width is 26' with 18' for traffic and 18' parking lane. The traffic lane again is a yield type lane, however, with cars moving slow they can actually pass each other but it's still expected that one would yield to help reduce those traffic speeds within local streets. Trees

would still be every 30' and 14' planters to accommodate those trees and utilities. In the Neighborhood Street 2 with parking on just one side the sidewalks are 5' on each side.

Hensch asked if the 60' right-of-way is what is currently in residential areas. Lehmann confirmed it is and also in these areas the pavement doesn't change, the difference is that continuous planter is wider. He thinks typically developers choose to do parking on both sides to provide additional parking for residents, but it's not always the case.

Craig asked about the term continuous planter, that is in the ground and not like a raised three-foot planter. Lehmann confirmed when he says planters, just imagine the typical planting strip area between the street and the sidewalk.

Lehmann moved onto the next type of Thoroughfare Type which is the Alley and is allowed in all zones. It has a right-of-way of 20', which would be expected behind the buildings, rather than in front of them, so it's not a frontage type. The Alley would be fully paved with a 20' traffic lane so it does allow some room for passing of cars, but typically this would be expected to be a yield type traveling as well. Within the Alley there is a requirement for street trees and individual planters in the area between driveways, however no sidewalks have to be provided, as it's expected that traffic's minimal enough where they don't have to worry about traffic as it's really only to access those individual sites. Lehmann explained the way that the Alley is a special type is that it does allow some modified lot dimensions, where they can reduce the size of the design site in exchange for an Alley with the idea being that they want to encourage alleys behind buildings to pull some of those garages off of the street frontages and create a more pedestrian friendly environment. He pointed out again it's not required to have the garages behind the houses, but this allows an option. Along the primary streets within the area, South Gilbert Street and McCollister they will need to provide access to the design sites from the side roads, rather than those primary roads, but those would typically be expected, because they don't expect that the design sites will have access to the side streets.

Hensch asked if these Alleys would be public routes or private roads. Lehmann stated it is not specified, they could be public or private, but staff anticipates that they would be private.

Lehmann stated the other special type is a Passage and is also allowed in all zones. It's also a 20' right-of-way but it would not have any traffic lanes and would be a 10' pedestrian path with 5' of plantings on the side of the host and required street trees about every 50' within that continuous planter. It doesn't have sidewalks because the general purpose of a Passage as a sidewalk is to allow pedestrian connections in exchange for larger plots or wider block links and to be able to create a pedestrian friendly environment, they want multiple routes that pedestrians can take to reach their destinations. Those same kinds of accommodations are not needed for vehicles as they can travel at faster speeds versus a pedestrian. Lehmann noted this is one way to allow an extension of a block by providing that pedestrian connection through the block length.

Lehmann also noted there may be certain circumstances where there is a pedestrian Passage with buildings running along it and Alleys behind, so the cars are provided vehicular access and the pedestrian Passage would provide that pedestrian access.

Craig noted however the pedestrian street is the responsibility of either an association or the property owners, unlike a regular street. Lehmann noted that alleys in the current Code are not

specified to be public or private and this would be the same. However, in many cases the pedestrian Passage that are required are noted as public land. Craig asked if the City would maintain those Passages, and Lehmann replied if it's public the City would maintain it, however if adjacent to property, the owner would maintain it similar to any street where the owner may have to mow the grass between the sidewalk and the street. Russett anticipates if Passages get built that they would be privately maintained, but there would probably be some type of public access easement over them that would be memorialized through the subdivision process that would allow anyone to use the Passage.

Lehmann stated as far as visualizing where these thoroughfare types are imagined, the primary streets are the Avenues, otherwise most of the areas within the developments would be local streets and those neighborhood streets, which again are similar to the current standards in the Code and pedestrian Passages would be added in if developers wanted to try and have longer blocks and provide less vehicular streets, they could replace them with pedestrian streets. Alleys are currently shown primarily along those major streets where they would be required, unless they can provide access from the side lots. Alleys may also be present in a couple other places and usually are tied to fronting pedestrian passageways or civic spaces and provides vehicular access to where they're currently isn't vehicular access.

Craig asked if a gas station or convenience store type of thing wants to be built on and the corner of McCollister and Sycamore, would that be allowed. Lehmann would have to look at the standards and can report back at the next meeting, but if it were allowed it would have to follow all of the standards and the design standards as well.

Lehmann stated these thoroughfare types are a completely new concept because a lot of it is going to be actually publicly owned land but it builds on Code requirements from the streets that are currently there and provides some additional standards with the goal to ensure that multimodal access is possible within the neighborhood. Like other types that are in this Code, there is a possibility of administrative changes, one can add or take away passageways that meet certain standards or swap out neighborhood streets.

Lehmann stated the last chapter of 14-2H is Affordable Housing Incentives and is something that has been added on since the initial public review draft and it really mirrors some of the standards used in Riverfront Crossings, but in this case it's a voluntary set of standards. To explain, within the City there are some mandatory affordable housing policies, like the annexation policy of which a lot of this area is going to be subject to. However, if annexed, these standards would not be able to use those required affordable housing units, they would not be able to take advantage of this, but if additional voluntary units were provided, they would be able to take advantage of some of these incentives. To receive these incentives, it also has to be in a Form-Based Zone, it doesn't apply to other zones within the area. It has to be for onsite affordable housing, they can't just pay a fee-in-lieu and use these standards.

Lehmann reviewed the standards, first is a 25% density bonus where any additional unit has to be affordable. So, looking at building types that have three or more units, if they had four units and wanted to provide five units within that building type, would have to be an affordable unit.

Next is a parking reduction, where the affordable units would not be required to have parking but again that's for the minimal parking standard purposes, it does not mean that there won't be

parking, it means that it would be up to the developer to include extra parking.

There is flexibility from some other certain standards in hoping that it will encourage mixed income developments and diverse housing opportunities for different folks within the community. Lehmann noted they also hope that will increase the number of units produced and hopefully incentivize some who might not otherwise consider affordable housing within this area.

Townsend asked if there is going to be a time limit on that affordable housing. Lehmann will go over the actual standards and how it is enforced in a bit but first wanted to talk about the incentives.

Lehmann noted as far as the adjustments go, they'd be allowed one adjustment to the zone standards and one adjustment to building type standards that are specified in the Code. Staff would have to make a finding that it fits into the site, fits into the neighborhood characteristics and is consistent with the intent of that standard being modified. He added it does provide some protection if there's a scrupulous developer who's trying to manipulate the system to create something that just frankly doesn't fit the neighborhood, staff would be able to stop that. The zone standards that can be adjusted are design site depth which can be adjusted by 15' in terms of depth and 15% for width. The minimum area within the facade zone can be reduced by 20% as well. The building type standards that could be modified are the building main body and wing standards could be adjusted by 15% and building height could be increased by a half a story.

Lehmann added there would be an opportunity to provide additional minor adjustments if those affordable housing units are further restricted in terms of who they'd be provided for. Generally, the affordable housing units will be available for owners at 80% Area Median Income (AMI) 60% AMI for renters but if those were reduced to 50% AMI then they would be allowed to have another building type adjustment, subject to those same eligibility standards.

In terms of the general requirements, Lehmann stated they can be met by providing either onsite owner-occupied affordable units or rental units. The units would be subject to sales price limits, 80% AMI (which for a family of four that's income just shy of \$80,000 and for an individual person it would be just shy of \$56,000).

Hensch asked if the current AMI in the City is \$100,000. Lehmann doesn't know what 100% AMI is but noted these numbers do get updated annually and are based around a family of four and based on the family income in Iowa City.

Lehmann stated for rental units, they need to be at 60% AMI and subject to HUD fair market rents and LIHTC (Low-Income Housing Tax Credit) income limits. The term of affordability would be 20 years and that would be secured with an agreement and the deed restriction on the property. So even if the owner was to sell it, they would still have to abide by the standards, and it would be administered through some administrative rules that are adopted by the City.

Lehmann showed slides with the income and sales limits based on household size and then the rent limits based on size of units. He noted for owner occupied properties there's also the HUD purchase limits, which are pretty high purchase limits in Iowa City because it's based on sales prices within the City. He stated there is a difference between existing and new homes as to what those purchase price limits are and right now most of the sales are new homes and the

standard single family home purchase price is limit a of \$240,700. Regarding rent limits the fair market rents are also pretty high, for a one bedroom it's around \$800 and for a three bedroom it is up to \$1,483. That would be the cap and again those are adjusted annually, based on the rents and 40% of the area median rent. Lehmann explained it's partially based on market prices but it's below market prices, which is why it's considered the fair market rent. If a property is awarded a LIHTC by the Iowa Finance Authority (an affordable housing subsidy program that can be specifically applied in certain areas), those rent limits are based on the income of the person in the unit so there could be differing rents for different units, depending on their distribution and can be pretty complicated.

Padron had a few questions regarding the income limits that Lehmann showed on the slides. Is it correct that at 60% AMI a family of four would have an income limit of \$60,000 so what level of rent is affordable. Lehmann stated it varies over time but generally a household making \$60,000 is expected to spend 30% of their income on housing, so if they're spending less than 30% it's considered affordable. Spending up to \$1500 on rent (so one-, two- and three-bedroom units would be affordable) is acceptable to a household at 60% AMI.

Padron is confused when they say income limits less than 80% of the AMI, can they change that number to something lower or is that something that cannot be modified, because 80% seems high to her. Lehmann stated that would be a family making \$80,000 to be at 80% AMI.

Craig noted then if a family of four made less, say \$60,000, they still meet that standard because it less than 80%. Lehmann confirmed the definition of low and moderate income is 80% and that is the upper limit for a homeowner limit. For rental households on the HOME program, they use 60% which was what was used for Riverfront Crossings.

Lehmann stated he can try and prepare something for the next meeting to show how they came up with these limits and what they mean in more concrete terms rather than these abstract numbers.

Padron appreciates that because saying that the rent limit for one bedroom is \$1400 that is really high, her mortgage is half of that, and she lives in a house. Lehmann acknowledged it is considered affordable, based on the income of someone making 80% AMI because it would be 30% of their income. Padron asked if the developer could put that price on a one-bedroom apartment and then get all the benefits of having affordable housing. Lehmann said they would only be able to do that if they're awarded low-income housing tax credits which requires a mix of different market rate and affordable units. Padron reiterated they will get a tax credit and her point \$1496 rent doesn't seem affordable.

Russett stated the City has more flexibility on changing the AMI standards than they do these rent limits. For the low-income housing tax credit limits, these are the limits that would only be applied to projects that receive tax credits from the State, and if they receive tax credits from the State, the City cannot ask the developer to lower the rents, these are the rents that they would be required to charge through that program.

Lehmann stated the fair market rents are the standard rent that would be provided with bonus units unless they happen to get LIHTC, which is not common, there is maybe one LIHTC project every other year or so. Most of these units would be expected to be under fair market rent.

Hektoen noted the distinction is the LIHTC standards are set by State regulations, where the discretion comes in, as to whether Planning and Zoning and the City Council wants to provide additional incentives for LIHTC projects is since they can't really change the structure of the LIHTC program what is being proposed here is to allow these additional incentives for LIHTC projects.

Townsend acknowledged the problem is they are calling this affordable housing and it really is not affordable to those people that are low income, it's a lie.

Signs stated he has been around the affordable housing issue for some time now and he doesn't know if they've increased those limits recently but does agree with everyone else that it doesn't seem affordable. He understands they can't do anything about it, other than go to the State House but in this environment, that's probably not going to change.

Hektoen explained there's two programs that they're talking about here, and where the Council and P&Z do have more discretion is in the fair market rent and the structure that's being created by this Code change. The LIHTC structure is a separate animal. But there are two programs and in this Code they are offering incentives for both of those programs.

Hensch stated he is interested in increasing the very few LIHTC projects that get built because if they can do something to encourage more LIHTC projects they will increase the pool of affordable housing. It may not be as affordable as people want, but it helps increase the overall pool. Right now, not much is being built at all, so if they can create some incentives, it is a good thing. The reason developers are spending their money is because they're going to get their tax credits through the Iowa Finance Authority, qualifying for their programs, and so the City needs to help encourage them to do that or they won't get built at all.

Signs noted looking at those limits quite frankly, they're not terribly far off of market rate so who's benefiting from that is the developer. He's been around these projects and he knows there is a group in town who has done LIHTC projects and are not going to be very happy with this conversation or with him, but these rents are not affordable at all.

Craig noted looking at the percentages, at 80% means they're making \$80,000, and a two-bedroom is \$1800 and at 40% where that family is making \$40,000 and they need a two-bedroom apartment the rent is \$900, which is a big difference from \$1800 dollars.

Hensch agreed and noted they do have to look at the definition of affordable, if someone is spending 30% or less of their income on the rent by definition it is affordable, even though the numbers seem high. He did agree there's always sticker shock about these bigger numbers, but Iowa City is just an expensive place to live. Perhaps Lehmann can provide some examples to help illustrate this in a future presentation.

Signs agreed that due to the fair market rate limits those numbers seem reasonable to him but he would say no incentives for LIHTC projects.

Townsend asked if there are there other programs for affordable housing. Lehmann will try to create a summary of the programmatic requirements. He did note he doesn't think there would

ever be a single LITHC project that would only have 80%, most LITHC's have a mix of 60%, 40% and 30% AMI. There may be a couple 80% but there's some level of averaging at what different income levels are so there is a mix of income ranges to create cash flow within the property.

Townsend stated they might also be confused that these percentages are, is it how much of their salary they're spending for rent. Lehmann replied no, the percentages are based on income. 80% is considered low income and rents limits are based on 30% of what someone who makes 80% AMI.

Hensch asked if the Del Rey project was LITHC funded and Lehmann believes so. Hensch noted that is a good example of one that's got a mix of 30/40/60 and maybe a couple at 80. Lehmann also added they can't charge more than what the market would bear so even if the rent limits are high if no one's going to be able to live there, then they can't charge that rent limit.

Padron stated in the Housing Commission they were having a conversation over the last few months before she left that the problem in Iowa City is not the lack of affordable housing, because there is a lot of affordable housing right but units that are being built are not being occupied because the City needs more vouchers. If the City could create its own voucher program, then they could help people get into those units.

Lehmann suggested they table the affordable housing discussion and move on with the Code and they can discuss affordable housing in more depth next time and then he can prepare answers for Commissioner's questions.

Lehmann stated as far as requirements go then the market rate in the affordable units have to be the same floor area, number of bedrooms, and similar quality or at least a similar proportion inequity in units or any barrier that might be there. The affordable units must be developed concurrently with all other units through these voluntary incentives. For owner occupied units, their income would be qualified prior to sale and it would have to be their primary residence. They can't rent it, except for a bedroom, and if they sell it within that 20-year span, they would have to sell it to an income eligible household at either the HUD sales limit with some deductions for real estate commissions, closing costs, or permanent capital improvements that would increase the value. As far as renter units, the owner would be responsible to income certify each tenant annually, prior to lease and then annually thereafter, and if there is a tenant who is doing well during the affordable unit period and get more money and become over income they continue to be qualified until they vacate the unit and at which point, it would be occupied by another income qualified units. Again, the rental rates for a rental unit or the HUD fair market rent is the basic one but if they do get LITHC then they would have those LITHC grants and then the owner is responsible for clients and they would have to verify annually with the City, including their documentation for income certifications.

Lehmann next wanted to discuss three other general sections that are no longer part of title 14-Chapter 2-H. Some are other changes to Title 14 and some are changes to Title 15, which is the Subdivision Code and Title 14 is the zoning code and then also the Comprehensive Plan would need to be amended as part of this.

The other changes are mostly administrative sorts of changes. The first Lehmann discussed is that in sign regulations and there is a new subsection in the appendix on other changes to Title

14. The biggest change is applying the sign standards to these zones and what they look like. Generally, the only signs that are allowed are temporary signs and portable signs, but as they get into open subzones that allow a greater variety of commercial uses they're also allowed to do Porch signs and Post signs and in the more intense zones like the T4 Main Street zone pretty much all sign types are available. Lehmann explained it really depends on the intensity of the zone, the size of the buildings, and the uses that are allowed as to which signs are allowed. The Code also creates new sign types, which are the Porch sign and the Post sign, which are pretty self-explanatory by their names.

The other larger changes are in the definitions, there are new concepts that they have been discussing throughout this presentation, things like missing middle housing, civic space, etc., definitions that the City doesn't currently have and it also clarifies other concepts as they applied to Form-Based Codes. There are Form-Based Zones, which zones those correspond to, there are some changes to how to define building heights, frontages, or parking setbacks, and then one more notable is there isn't currently a half story in the Zoning Code.

The other minor changes Lehmann wanted to mention are in the introductory section and would provide some clarificatory language, in the off-street parking standards they talked about special vehicle parking in T3 zones, they also make sure that they apply lighting standards in zones, they apply woodland retention requirements in the zones, and those are basically similar to their corresponding zones as residential single-family zones. Finally then there are the sign definitions, which he just mentioned.

The other piece is something where the Planning and Zoning Commission doesn't recommend changes, Title 15, which is the Subdivision Code, but because it incorporates the way that these things work, Lehmann wanted to make sure that they were aware of them and how the Subdivision Code fits in with the zoning code changes. The first is the plats and platting procedures, a lot of the changes are housekeeping items, such as adding a step for submittal and review and departmental titles and positions as those are all out of date.

The other two items that are larger changes are what's reflected in the preliminary plat and as Lehmann stated earlier the way a lot of these standards will be implemented is in the preliminary plat so that's where they'll have to show design sites, thoroughfare types, civic space, building types and they'll also have to include notation about connections to adjacent properties and notations about which things can be substituted for other types, specifically civic space and building types.

Lehmann reiterated the neighborhood plan is a new document that would be submitted with the final plat and that's where the rest of this will be implemented. He explained it is very similar to what's in a preliminary plat, it would have all those items, but it would also include frontage types as well. That is the document where they could look in the future and say what was expected to be there. The neighborhood plan will be checked upon a building permit or site plan and that's how they'll make sure that the standards are being met.

Craig asked if that will only apply to plots for this particular area of the City or was it now for everything. Lehmann confirmed it'll be only for this area of the City, subject to the form-based standards.

Lehmann next discussed some of the design standards which is a different chapter of the Subdivision Code. Some are related to streets and some are related to blocks but generally it adds some language about promoting connectivity throughout the City and promoting multimodal transportation. Lehmann noted there has to be appropriate transitions between thoroughfare types, but it also requires that the right-of-way, or the streets have to abide by the thoroughfare type standards and those thoroughfare type standards have to rely on the Future Land Use Map that would be in the Comprehensive Plan. He also stated where there are variations, they have to meet specific criteria, similar to what is required in rezoning where they have specific criteria that are required. For example, if there are sensitive areas, they can shift things and substitute thoroughfare types, except for those major streets of South Gilbert, Lehman, Sycamore and McCollister. They can change the alignment in the block orientation, and this is a question that someone had on how staff will ensure that something similar is created and it's the standards in the Subdivision Code. So, alignment can change, but the connections to existing streets have to stay and they have to continue to abide by the block standards, and single-loaded streets will need to continue to abut civic or open space. Lehmann explained the reason that they have these standards here is because that was what was used to design this Code and the point of these standards is that if there are changes to it, it would create a similar outcome to what is currently there or what they would propose to show in the Future Land Use Map.

The other changes are tied to Passages which can replace a thoroughfare type as long as the design site has some sort of vehicular access, whether that be an alleyway or street. Alleys can be added if a developer would like to take advantage of some of those other benefits of alleys or they can be removed as long as those sites have access to adjacent streets, other than McCollister or South Gilbert. For the blocks and block lengths, the Form-Based Code zones have a different set of block standards that they currently have. So currently they require them to be between 300' and 600', there's an opportunity to lengthen them but again the block network has to comply with the Comprehensive Plan and the block length of perimeters have to comply with the block size standards table, but those with Passages. Lehmann stated with these standards the blocks are shorter than they would currently allow typically in most T3 zones. The maximum block length would be 500' and then in more intense T4 zones the length would be 360'. Again, those could be extended with a pedestrian Passage in the middle of the block to provide that pedestrian connectivity and that would increase them to 800' and 600', respectively, except in the Main Street zone which would retain a 500' maximum block length. Lehmann reiterated there are perimeter standards, so there are no super blocks where there are really large areas of no street connectivity and that further reinforces these block size standards.

Finally, Lehmann discussed the Comprehensive Plan draft and changes to that. This is specifically located in the South District Plan and the reason that they have to amend the Comprehensive Plan is because they're relying on the Future Land Use Map, which is more detailed and it's not currently in the South District Plan. This plan was initially adopted in 2015 which is what kicked off this journey down the Form-Based Code path as one of the objectives was to adopt a Form-Based Code for the South district. Lehmann said there are some additional updates other than just the Future Land Use Map and they also wanted to reflect some current priorities of City Council.

The changes are specifically to update some background and context and to generalize more specific language, based on the new Future Land Use Map. To modify some goals and objectives, to discuss Form-Based Codes and generally how they fit in, and then the updated Future Land Use Map, which is the important piece as far as the rest of this Code applies.

The updates and context are included to really reflect those Council objectives and to make sure that the Code is up to date. They include input for the Form-Based Code process, provide some additional context that wasn't included in the original such as regarding the history of native persons, the implications of past planning practices as it relates specifically to equity and sustainability, and then recent equity and sustainability initiatives. They also generalize some language in the plan, in the housing transportation commercial areas section, that has happened since the Code was adopted. Lehmann noted that doesn't always align with the Future Land Use Map that's being proposed, so they generalize that, but it still does generally comply without those changes, they just wanted to make it more explicit to facilitate that adoption.

Lehmann stated there's a new chapter on Form-Based Code which discusses what they are and how they're implemented in the South District and how they are carried out through the zoning and subdivision code.

They also added in some new goals and objectives that more explicitly link the goals of the Form-Based Code with the goals of the Plan. Lehmann noted these may or may not need to be added, but they wanted to explicitly address some of these ideas. One of them is in housing, there's a new goal and objective to provide a diversity of housing in the South District, creating a range of housing types, densities and price points to improve equity and sustainability and the objective is to adopt a Form-Based Code. They also added in a goal for streets, trails and sidewalks connectivity and that is to adopt a Form-Based Code that promotes walkable neighborhoods, encourages the use of alternative modes of transportation and reduces car dependence. In the Commercial areas they added a goal regarding development and redevelopment of commercial areas and adopting a Form-Based Code provides for compatible mix of nonresidential uses, including commercial nodes that serve the needs of the neighborhood. Lehmann noted that looking at a lot of the Form-Based Codes, a lot of these goals are implicit within the Code, but they're not explicitly linked to Form-Based standards and so that's really what these objectives do.

Finally, Lehmann showed again the Future Land Use Map that is currently within the Plan and acknowledged there's a lot of discussion in the Plan about missing middle housing types there's a whole page on it essentially, and what new neighborhoods should look like and this was the Future Land Use Map that was used. Regarding the missing middle housing types, that has some pretty specific uses, and it follows a more conventional use standard rather than focusing on the form of missing middle housing types, and so the change was made to the existing Future Land Use Map for greenfield areas to be where that would be applied. Any new development has to reflect the Future Land Use Map with more explicit regulations of what that looks like and much more detailed greenfield sites.

That was the overview of the Code, Lehmann stated as far as next steps, the next meeting is August 5 where the Commission will be discussing any questions or clarifications they'd like, and staff will try to give some more information on affordable housing. Staff will discuss the public comments received thus far, and then the Commission would set a public hearing for the Comprehensive Plan Amendment. The Commission will then be considering a recommendation on the Form-Based Code and the Comprehensive Plan Amendment at the August 19 meeting. Into September and October is when Council would be setting their public hearing in considering the Code and the Plan. Lehmann reminded everyone they can find information on the website

about how to contact staff or email members of staff with comments or questions.

Hensch thanked Lehmann and staff for the very impressive work.

Townsend asked if these new Codes would eventually replace all of the Codes in the City if they do work on the south side. Russett replied they are just looking at these 900 acres in the South District, but eventually they would like to apply this Code to other greenfield areas that are at the fringe of the community, some of those areas are still in unincorporated Johnson County but are likely to be annexed at some point, so the idea is that it would eventually apply to other greenfield sites as well. Townsend said then they will actually be working with two sets of Codes now, one for the old stuff and this area.

Signs stated for next time if staff could present something that helps him understand Form-Based uses. If he wanted to build a single-family two-story home that fits in one of these blocks, so he could open whatever business he wanted to in that house how would he achieve that in this new Code.

Hensch noted if Commissioners have any questions they'd like staff be prepared for to discuss on the next meeting on August 5 please forward those to staff so they can have an opportunity to prepare.

COMMISSION INPUT ON THE USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS:

Russett noted there was a letter from Rachel Kilburn, the Assistant City Manager, in the agenda packet about these funds and the City is currently in the process of taking comments on how the funds should be used. The City is looking at Boards and Commissions to see if they have any ideas but there is also an online survey each member can take individually or send an email to the email address that was in the letter as well.

Hensch stated he would really like to see the City aim this towards affordable housing and affordable, quality childcare, particularly in the qualified census tracts, because that's presumed an eligible expenditure and is something they could start working on right away. He is also very interested in housing rehabilitation, particularly looking at asthma mitigation in children and lead pipe elimination for water distribution and then mold abatement in the homes and also taking care of the leaking problems that are allowing the mold to form in the first place.

Padron would like to see the Council or staff look into using this money or part of the money to create a local voucher program for affordable housing.

Signs noted there's a lot of opportunity there and there's a greater need and he is anxious to hear what other people are saying.

Craig stated she filled out the survey online and agrees with Hensch that childcare is an issue that needs to be addressed. Hensch stated it is probably the biggest obstacle for working class and poor folks and it is not only affordable childcare, but affordable, quality childcare that is needed.

Padron also agrees with the childcare issue and would like to see some money going to that.

DISCUSSION OF RETURNING TO IN-PERSON MEETINGS:

Russett announced the meeting on August 5 would be in person and wanted to know if the Commission is comfortable going back to Emma Harvat Hall. The Commission discussed and said that was fine however asked staff to maybe look for a bigger space where folks could spread out more if they felt an agenda would attract a larger crowd.

CONSIDERATION OF MEETING MINUTES: JULY 1, 2021:

Townsend moved to approve the meeting minutes of July 1, 2021.

Signs seconded the motion.

A vote was taken and the motion passed 6-0.

PLANNING AND ZONING INFORMATION:

Russett did not have any updates other than to continue to encourage the Commission to review the Form-Based Code and let staff know if there's specific sections of the Code that they want more clarity on. Hensch acknowledged how far staff has gotten on this project because he remembers meeting with Opticos at what seems like 10 years ago at this point, and is very impressed with the folks for getting this work done.

Hensch noted he would not be present for the August 5 meeting.

Craig asked about the land that has been cleared on the south side of Highway 6 and Keokuk and wondered what was going in there. Signs shared that a Kwik Star convenience store was going in there.

ADJOURNMENT:

Signs moved to adjourn.

Townsend seconded.

A vote was taken and the motion passed 6-0.

**PLANNING & ZONING COMMISSION
ATTENDANCE RECORD
2021-2022**

	7/1	7/15														
CRAIG, SUSAN	X	X														
HENSCH, MIKE	X	X														
MARTIN, PHOEBE	X	O/E														
NOLTE, MARK	X	X														
PADRON, MARIA	X	X														
SIGNS, MARK	X	X														
TOWNSEND, BILLIE	X	X														

KEY:

X = Present

O = Absent

O/E = Absent/Excused

--- = Not a Member