City of Harrisonburg, Virginia

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TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISIONBURG, VIRGINIA

SUBJECT: Consider review of the Planning Commission's findings on the proposed new City Hall.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: April 9, 2014.

Chair Fitzgerald said as we are preparing for the next agenda item, which is the 2232 hearing, we have not done this before and if you have been reading the newspaper you know there has been some publicity about this. Therefore, I just want to go over a couple of things before we get started. The purpose of this hearing is to find out whether the general location, character, and extent of the new municipal building are substantially in accord with our adopted Comprehensive Plan. What this body is concerned with is the general location, the character, and the extent of the building; we are limited to that. We are going to attempt to normalize this and treat this like other agenda items – there will be a staff presentation of three parts, Planning Commissioners will be able to ask questions of staff, we do not have to have a public hearing, but we will allow public comment. We do ask that public comment be limited to three to five minutes. Planning Commission will then discuss the item and we will have a vote. If you think you might like to speak, but after you hear the presentations you decide you do not need to speak tonight and would rather contact one of us, or staff, after the meeting, please feel free to do so.

At this time Chair Fitzgerald turned the presentation over to Ande Banks, Director of Special Projects and Grant Manager for the City of Harrisonburg.

Mr. Banks said tonight I come before you wearing the hat of project manager for the new City Hall which is being proposed for the current site, right here. What brings us here specifically is the Virginia Code Section 15.2-2232 for Planning Commission to review the City Hall project. I was asked to give you a project overview; but, as you all know this is a conversation this community has been having over several previous years. It combines how we address our ailing and aging Municipal Building with the growing needs of administrative offices for our City.

Several locations over the previous years had been considered, some of which were outside of our downtown. Constructing offices on the site of the County Administrative Complex on Gay Street was reviewed. Converting a former strip mall into administrative mall, similar to the County Offices, was also considered at Duke's Plaza and the former Food Lion Shopping Center on West Market Street. Council Members, however, made it clear they wanted the City Municipal Building, or City Hall, to remain downtown and on property the City already owned.

This led to several iterations; one was the demolition of the former School Board building and the construction of a separate annex. Another was the consideration of an addition and expansion to the

existing Community Development building. However, during the interviews of the top architect and engineering teams that responded to our Request for Proposal (RFP), it was made very clear that there was significant concern about the structural integrity of the Community Development building and whether it could withstand a second story addition. Each team proposed new buildings to be located in various locations around this entire property site. Mr. Mather proposed the most economical and logistically pleasing option, a new City Hall to be located and constructed downtown between the Community Development building and the existing Municipal Building, without interrupting services at either during construction.

The design process for this project began in July 2013, after signing a contract with Mr. Mather. Weekly and bi-monthly meetings between City staff and the architect and engineering team continued through December 2013. The design process included numerous formal reviews by department directors and their staff. As you can imagine all the departments going into the New City Hall are somewhat unique entities unto themselves with their own business processes, so we tried to accommodate those.

The design process also included significant public input throughout the planning efforts. In addition there were a significant number of emails, phone calls, and conversations with the general public. City staff also conducted an open house to share the design and solicit input on site orientation. There was an online component to this which allowed members of the public to provide their comments beyond the open house. This does not take into consideration the approximately eighteen City Council meetings that have taken place since the planning process began. During Council meetings the public is encouraged to share their comments on anything; whether it is about the new City Hall project or some other project within the City.

I also want to talk about project review, which began on December 19, 2013 with pre submission plans to the Fire Chief. The first full submission of plans took place on January 31, 2014 and comments from City Staff were returned on February 20th. This included review by engineering, erosion and sediment control, stormwater management, water and sewer, public works, zoning, and Harrisonburg Electric Commission. The second plan submission took place on March 28th, and while review of this submission continues, I am aware that Public Works has completed its calculation on whether a traffic impact analysis is required; it is not. Public Works has also had considerable input on aligning a new entrance for our new City Hall with Campbell Street. This will greatly improve sight distances along South Main Street as well as other considerations.

To more clearly show the level of detail that City staff offers when reviewing site plans, both public and private, and to reiterate that the City's Design and Construction Standards Manual and development ordinances are the tools of implementing the broad goals of the Comprehensive Plan, I have taken some excerpts from the initial review by City staff. At this time Mr. Banks provided the Planning Commission with excerpts from engineering, erosion and sediment control, stormwater, public works, and zoning comments.

Continuing on, Mr. Banks said the review is ongoing and considerable. I know that one recurring discussion during the process of this project has been focused on historic preservation and how we can build a new City Hall that maximizes City owned property, allows for business to continue in both Community Development and the Municipal Building during construction, and creates a modern, efficient office building while preserving and showcasing the two buildings that represent the current Municipal Building. I have asked Mr. Mather to attend this evening to discuss how his design process incorporates historic preservation techniques. Before I ask him to come forward, I would like to share with you that Ken Smith, a landscape architect employed by the citizen's group exploring a downtown park, stated during the December 10, 2013 City Council meeting that "one of the very exciting things

from the City's proposal is for an atrium that would separate the new structure from the historic, or old, structure. We think that in terms of historic preservation that this is a very solid way of separating the old from the new, and we also think that the atrium could be a very good space, a usable space, a social space. We think that it is a very beautiful idea that has been put forward by the City." I will now give the floor to Mr. Mather.

Mr. John Mather with Mather Architects said it is a pleasure to be here. I have been here several times sharing ideas with City Council and I am happy to do so tonight with you. I would like to be able to take authorship of the atrium idea, but truly I cannot. It really is something that has formed over the past year that we have been working with City staff and listening to community input and then reacting to the ideas that we have heard. The concept for the atrium has evolved over that time period. I do want to reiterate that we have listened to Council, staff and the community to arrive at where we are now.

As described, our concept with the new building is to construct adjacent to the existing building; but, the new building would not be pushed right up against the old, this is where the glass atrium area is proposed. The advantage we saw from this was that we could maintain operations of two City buildings during construction. The alternative was to relocate everyone within the Community Development building to some other location without a great deal of expense or loss of time by staff. We knew from discussion with the Building Official that construction over top of the Community Development building, while it was occupied, would not be allowed. So whether you kept this building and constructed over top or demolished for something new, it would mean relocation of everyone within the building.

There is a cost savings to the City for the concept of constructing a new building in between the two existing buildings. This plan offers improvement to site circulation in reference to Campbell Street; right now it does not align with either of the entrances into the Municipal Complex. Finally, we hoped to increase the green space on the site over and above what is there now; in the proposed new City Hall plan we have increased green space by 25 percent. These were all win-win situations that we saw when we began working on this plan. Our goal from the start was to construct a neighboring structure, which was complimentary and respectful of the existing Municipal Building. Furthermore, we have developed a plan which we feel may increase public appreciation and awareness for our historical architecture.

The idea of the atrium formed so that we could save the exterior stone of the existing Municipal Building and expose it to view and then make it a feature that actually draws people to it. It would be an enclosed space, at the core of the City, a popular space where you could walk up and see the old stone. This is not an original idea; it has been done at many locations. Mr. Mather proceeded to show slides of other atriums combining old and new architecture.

Mr. Mather continued saying I would like to share with you some of the basic concepts of historic preservation. While the Municipal Building is not in itself on the historical register, we can still none-the-less use the guidelines to the extent practical for this project. There are at least three tenants of historic preservation; the first would be to preserve the significant historic material and features and form of a building. Second, to be compatible with, but yet as the third tenant states, do not be an imitation or replica of the historical architecture. The United States Parks Service Guidelines that I used for this plan list tenants for historic construction as there should be minimal loss or covering to the external wall of the historic building; construction should occur on a secondary or rear side if possible; incorporate a recessed hyphen to separate old and new; avoid designs that unify the two volumes, do not duplicate the older building; use harmonious materials in the same color range; and base the size, rhythm, and alignment of doors and window openings on the historic building.

As you can see from the renderings within your packet we have incorporated these tenants into our design. An elevation view from Main Street depicts the Municipal Building on the right and the new building on the left and clearly shows the glass atrium, hyphened in between the two. The thought is to expose the stone from inside the atrium; so we are not really covering up the older building, and the primary façade, which faces Main Street, is not covered. The secondary façade, looking south, is not covered either; you can walk into the atrium and see it. Currently there are some rather ad hoc additions, a canopy, wall screening mechanical units, and a covered stairwell entrance to the basement – none of which are in keeping with the architecture and will be removed with this project. The current condition has not been very well preserved.

With the new building we will use similar materials; we plan to use stone very similar in color to the existing building. We are continuing with the vertical rhythm, yet not the same pattern, onto the new City Hall building. We are keeping the stone on the new building at the same height level as the Municipal Building. If you notice the new building is three levels and the old is two levels; but, by the time you get to the roof level they are essentially the same height. We have tried our best to not impose upon the older building, while still having to accomplish the construction of a 4,500 square foot building.

I want to share with you the thinking that has gone into the south side façade of the new building. I searched my mind and the architecture of this area, to come up with a symbol or a design for the front of the new City Hall that was unique to the City. What came to us was the idea of the Spring House being truly unique to Harrisonburg – it is a symbol of Harrisonburg. It is probably a reason why people settled here in the first place. This is a modern reference to the Spring House that is on Court Square in terms of shape.

I truly hope that you will join me and others in the enthusiasm for this project and do something truly unique for the City.

Mr. Banks said as you can see this project is the culmination of many years of deliberation by City Council and a long design and review process by many departments. According to the staff report the new City Hall fits well within the area designated in the Comprehensive Plan for Public and Semi-Public Use, which is clearly defined to include City Halls and administrative offices, and continues the rich tradition of this site being the center of City Administration for the past fifty years. I know that staff still has a few more components of this project to go over, but I propose to you that under VA Code 15.2-2232 it states that Planning Commission should issue statements on why, or why not, a project complies with the Comprehensive Plan after review of the staff report. City staff has prepared for your consideration a list of reasons why the new City Hall project fully complies with the City's Comprehensive Plan. (He then provided copies of a document to each Commissioner that stated the reasons Planning Commission should state why it conforms to the Comprehensive Plan.)

Mr. Fletcher said I just want to briefly go through some of the typical procedural issues and follow up on staff's recommendation of the project. The Comprehensive Plan designates this area as Public/Semi-Public. This designation states that these lands are designated for public and semi-public use. They include lands owned or leased by the Commonwealth of Virginia, the federal government, the City of Harrisonburg, and other governmental organizations. Examples of uses included in this category are public schools, libraries, City Hall and City administrative and support facilities.

The following land uses are located on and adjacent to the property:

Site: Municipal Building, Planning and Community Development Department building, Turner Pavilion, and municipal parking lot, zoned B-1

North: HEC office building and parking lot, zoned B-1; and across a public alley the former Harrisonburg School Board Building (owned by the City), zoned B-1

East: Across South Main Street, BB&T Shomo & Lineweaver office building, zoned B-2; Hoover Penrod office building, zoned B-1C; other office uses and the United Church of Christ, zoned B-2; and the Joshua Wilton House, zoned B-2C

South: Across Warren Street, parking areas for Lindsey Funeral Home, zoned R-3

West: Undeveloped parcels owned by the City, zoned B-1; and across South Liberty Street, the Daily News Record property, zoned M-1; and the Ice House project (under construction), zoned B-1

At the request of Planning Commission, the proposed City Hall project, which includes the construction of a new City Hall and the demolition of the existing Planning and Community Development building, is under review per City Code Section 10-1-6. This section stipulates that "if a public facility subject to Section 15.2-2232 of the Code of Virginia is not already shown on the comprehensive plan, the planning commission shall determine whether the location, character and extent of such public facility is in substantial accord with the comprehensive plan as provided by Section 15.2-2232 of the Code of Virginia and the terms and conditions set forth therein, as may be amended from time to time."

With regard to Section 15.2-2232, among other things, it states that when a locality has adopted a comprehensive plan, "it shall control the general or approximate location, character and extent of each feature shown on the plan." The code section then lists items, citing among others, public buildings and public structures, and stating that unless features are already shown on the plan, they "shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof." Under Section 15.2-2232, a public hearing is not required unless directed by City Council. Planning Commission was not directed by City Council to hold a public hearing regarding this issue.

Staff believes the proposed use by the City to construct a new City Hall on the subject property is substantially in accord with the Comprehensive Plan. First, the subject site is designated by the Comprehensive Plan's Land Use Guide as Public/Semi-Public. The Plan specifically states these lands are "owned or leased by the Commonwealth of Virginia, the federal government, the City of Harrisonburg, and other governmental organizations." It goes on to state that "examples of uses included in this category are public schools, libraries, City Hall and City administrative and support facilities." The subject site has been designated as Public/Semi-Public since the Plan's 2004 update. Prior to that, it was designated as Commercial.

Secondly, the subject site has been used continuously as City Administrative offices since 1960; the new building would be built to the south of the existing Municipal Building, connected by an atrium. The Planning and Community Development building, which has housed that Department since about 1990 and the existing City Council chambers since 2007, will be demolished, with those services moving into the new building. At the current time, the project is undergoing comprehensive site plan review by City staff to ensure City development standards are met.

Thirdly, from a zoning perspective, the property is zoned B-1, where public uses is listed as a by-right use.

Lastly, from a transportation point of a view, the subject property is located along South Main Street and South Liberty Street, two highly traveled and well known arterial streets, and is well connected to

the City's overall transportation network. Transit bus stops are located across South Main Street from the proposed building and near the property's South Liberty Street frontage. As the property is located downtown, the environment is very walkable to many different services. Furthermore, bicyclists use both South Main Street and South Liberty Street regularly and the streets are marked with bicycle "sharrows," which are intended to guide bicyclists to the best place to ride on the road, avoid car doors, and remind drivers to share the road with bicyclists.

Staff recommends the Commission communicate the same findings to City Council that the new City Hall project conforms to the Comprehensive Plan.

Chair Fitzgerald asked if there were questions at this time for City staff or would Planning Commission rather open the floor to public input.

Mr. Colman said I have one question regarding Warren Street right-of-way. Will it be vacated?

Mr. Fletcher said at a proper time in the future it would have to take place and the process for how it would be done is still being worked out. We would not be moving forward with any of that until we know for certain where the new City Hall would be located and if we are actually going to be moving forward with the project. Warren Street, as shown on the plan, would be incorporated into parts of the parking area. What is not obvious on the plan is there is also an alley running parallel with South Main Street, that would need to be vacated to make the project conforming to zoning regulations. Therefore, to answer your question, if we get the approval to move forward we will make those two vacations.

Mr. Da'Mes said essentially we would be eliminating two access points from South Main Street through to Liberty Street; Warren Street and the alley alongside of the existing Municipal Building. Therefore there is no connection until you get to Bruce Street; that is quite a significant space with no "cut through."

Mr. Fletcher said right now you have people using Warren Street and then cutting through the parking lots at very high speeds. We view the alignment with Campbell Street as a good thing. One thing we did not point out earlier was when you see the parking and building as you come down South Main Street it circles right into Turner Pavilion.

Chair Fitzgerald asked if there were any further questions for staff. Hearing none, she said this is not a formal public hearing; but, we have chosen to allow comments from citizens. If there is anyone who would like to come up and speak about the new City Hall project please do so. We will allow three to five minutes, so that we can get everyone in that may wish to speak. Please give us your name and your address for our records.

Mr. James Orndoff, 401 North Main Street, Bridgewater said Chair Fitzgerald, Vice-Chair Da'Mes, and Commissioners I am owner of the Newman-Ruddle Building at 2 North Main Street and a former Planning Commission Chair in a neighboring community. In the latter capacity, I was privileged to oversee two revisions of that jurisdiction's Comprehensive Plan. Thus, I appreciate the opportunity to speak to you tonight regarding the proposed City Hall project and its relationship to our Comprehensive Plan. I also appreciate your willingness to conduct this review as required under Section 15.2-2232 of the Code of Virginia, despite the decision of City Council to the contrary. The Comprehensive Plan is the result of significant time and effort on your part, as well as that of citizens, staff, and elected officials. A living document, it deserves enormous respect as it seeks to articulate the guiding principles of both public and private development in the City.

Given Harrisonburg's lack of recent experience in conducting what is known as a 2232 review, I have taken the liberty to identify other Virginia localities who conduct these reviews on a regular basis, one

of which is Fairfax County. Their brochure on the 2232 review process, which I emailed to each of you earlier today, specifies that a public project must either be a feature shown on the Comprehensive Plan, or if not, must be thoroughly analyzed to determine if its location, character, and extent are substantially in accord with that plan. According to Fairfax, such a project is determined to be a feature shown on the Comprehensive Plan if it is either specifically identified on the Comprehensive Plan Map, or is described in and supported by the plan text with details as to its nature, character, features, type and location. I would submit that the proposed City Hall project does not fit that definition of a feature shown, despite the staff's assertions to the contrary, and therefore must be thoroughly reviewed to determine whether its location, character, and extent are substantially in accord with the Comprehensive Plan.

This body must now define the terms location, character, extent, and substantial accord. Does location mean that the proposed City Hall should be generally on the property currently used for that purpose, or in a very specific location and orientation on that property, or elsewhere in the City? What defines the character of the project? Is it design, or respect for the City's history, or environmental performance, or relationship to current and future neighboring uses, or citizen accessibility, or a host of other characteristics? How about extent? Does that relate to mass, or footprint, or height, or encroachment, or ability to house the uses necessary for both City officials and citizenry, or more? What about substantial accord? Is that fifty-one percent, or seventy-five percent, or ninety? If the project is determined not to be in substantial accord with the Comprehensive Plan, does the project get modified, or does the Plan?

Many questions need to be answered. It is up to this body, with input from as many individuals and groups as necessary, to answer them. I am confident that you are up to the challenge. In the final analysis, it is all about love and respect for Harrisonburg. Thank you.

Chair Fitzgerald asked if there was anyone else wishing to speak.

Mr. Tom Domonoske, 461 Lee Avenue, said prior to tonight I reviewed all the information that was available on the Planning Commission website and I reviewed the Comprehensive Plan. I am really happy to see that this hearing is happening. As the Chair said it has been an objective of the City to start this process, it has been in the Comprehensive Plan for at least a decade. Most of my comments tonight go more to the process; this is the first time it has happened for the City. What I think is most important that you do is the written findings; as a body you will make a decision about whether the character, location, and extent accords with the Comprehensive Plan. But the requirement for the written findings is really important. I personally think it is rather a basic format where you identify which parts of the Comprehensive Plan are important to look at and reference those numbers and then discuss the plan in context of that. I did look at what a few other localities had done with their reviews and this seems to be a general format they were using.

I do not know if the document circulated by Mr. Banks was the same one as what is posted on the website; but I thought the document on the website was a good start in terms of the staff review and recommendation. For instance the comments by Mr. Fletcher about the bicycles and transportation, that reference can be made specific to the Comprehensive Plan by talking about the goal in the Plan about transportation. Tying those comments directly to the Comprehensive Plan makes for very informative written findings, particularly for getting citizens of Harrisonburg to pull open the Comprehensive Plan and read it. The more citizens we get to open the plan and reading it, the more informed comments you will have coming before you about plan usage and more citizens attending the review session when the Comprehensive Plan gets reviewed in the next two years.

Tonight we are talking about a building downtown and you look at the goals of the Comprehensive Plan to apply which of those goals are pertinent to a building downtown. There are two that I think stick out tremendously, one of them is the goals listed in Goal 8 – "to enhance and preserve the City's natural resources and encourage development that is compatible with nature." This is the City doing the development; therefore, under that there is Objective 8.3 which calls for creating a set of environmental performance standards for public and private development and redevelopment projects. I do not fault Mr. Mather for not discussing how his plan is following the environmental performance standards that have been set by the City; because those standards have not been set by the City. Consequentially it is not possible for the City to put up a building that complies with this part of the Comprehensive Plan. I am also not saying that means the building is not in substantial compliance with the Plan; the term substantial compliance does not mean it has to comply with each and every part. Your written findings can identify the ways in which the building does, and does not, accord with the Comprehensive Plan. Again, I do not think the building accords with this goal of the Comprehensive Plan, no fault of Mr. Mather, but simply for the reason that the City has not yet implemented that part of the Comprehensive Plan – there are no environmental performance standards for the City. I do think you can write a report that states this goal was not implemented here, indicate why and that will help move the discussion to the City further implementing this aspect of the Comprehensive Plan.

I make the same point about Goal 15 – "to enhance and revitalize existing residential and commercial areas." Under that goal there is a specific objective which states "to make downtown revitalization a major high priority public/private initiative the cornerstone of the City's economic development, tourism, historic preservation, and civic pride enhancements." Under that the Comprehensive Plan has a specific strategy that says "to develop with Harrisonburg's Downtown Renaissance a downtown revitalization plan to guide the rehabilitation development of the area." Again, no fault of Mr. Mather, but he cannot create a building that complies with a plan that has not yet been created. So I think when you are doing your written findings you should look at Strategy 15.1.2 and simply identify that the building is not part of a downtown revitalization plan that was developed with Harrisonburg Downtown Renaissance, because that has not happened yet.

With these points I am not taking a position on the decision you make about whether it is substantially in accord, but what you cover in your written findings to show that you looked at all parts of the Comprehensive Plan that are pertinent to a building downtown and then stated whether they did or did not comply. Thank you very much.

Chair Fitzgerald asked if there was anyone else wishing to speak regarding the matter. Hearing none, she said the Planning Commission has had access over the last few days to the thirty or so pages of public input that came out of the session this past summer. It provided a lot of good information. She then asked for questions, comments, or a motion from Planning Commission.

Mr. Way asked what are we ultimately discussing with this now.

Chair Fitzgerald said the ultimate product of this part of the discussion will be: A) a motion that either finds, or does not find, the new City Hall building to be in substantial conformance with the Comprehensive Plan, and B) based on that finding to decide whether this document, which Mr. Banks provided, correctly and accurately outlines the findings we would like to send on to City Council, along with our decision. We could do them as separate issues; that is we could vote on whether we find the substantial accord to hold and then talk about how we would like to word and construct our findings to City Council.

Mr. Way said I need to be clear about what would happen if we found that it was not in substantial conformance. What happens if Planning Commission's recommendation is no.

Chair Fitzgerald replied we would send that on to City Council with the written report providing our reasons why. Then City Council would have the option to over-ride that and go forward anyway with nothing but a majority vote.

Mr. Colman said I would like to talk a bit about environmental compliance. We might not have a guide at this point, but State and City regulations require that we do comply with certain things, such as stormwater management, parking, landscaping, erosion and sediment control requirements, and other measures that are taken. We saw some of the review comments tonight. In some ways it might be good for us to see how the site is being affected by certain requirements.

Mr. Way said I am curious about the timing of this hearing. Was there going to be some review regarding policy of this type (2232) of review and how the City was going to handle it from the City Attorney. How does this review fit in with that discussion?

Chair Fitzgerald replied as I understand the 2232 policy review is in process with the City Attorney. There is a gathering of input that is occurring now, and there is a document that is being prepared to go to staff, City Council, and Planning Commission that outlines these various processes that already exist in the State, which would be like the building blocks to get our conversation going. I had never imagined that that conversation would be relevant to this hearing and to this decision now.

Mr. Way said we are separating the two things. How we go about the review process is one thing and the City Hall discussion is another.

Chair Fitzgerald said I think that the experience of doing this one time will help us in coming up with a better process than we might if we had never done one at all.

Mr. Way asked just to make it clear, we are not having a discussion right now on the merits of having a 2232 review; we are having a 2232 review on the new City Hall.

Chair Fitzgerald said yes, we are not going to be discussing the merits of a 2232 review.

Mr. Way said given that we have not yet decided on a 2232 review process, does that make what we are doing a legitimate 2232 review?

Chair Fitzgerald replied yes. As Planning Commission Chair I called for this review. Unless City Council requires us to have a public hearing we do not need to; City Council has not required Planning Commission to have a public hearing for this. To answer your question this is a legitimate 2232 hearing. We may do this process differently next time around. One would hope that by going through the process of figuring out how to do these on a regular basis it would become routine. In many communities it is considered a boring, nerdy process and that is what I think it should be for us.

Dr. Dilts said in the spirit of boring and nerdy, I am taken by the argument that we should be very clear about how this does or does not conform to the Comprehensive Plan, because that is the plan that guides what we do in the City. The document that we received from Mr. Banks, the project manager, is "light" on that and I think part of our discussion should be do we want to be more deliberate about it, looking carefully at the Comprehensive Plan, so that whatever document comes from here tonight is one that is complete.

Chair Fitzgerald said that would align with what we had done with the CIP this year; redesigned the process that went forward with the CIP. We very explicitly connected the projects that we were looking at with various goals and strategies within the Comprehensive Plan. Do we want to do two

separate things tonight; one, make a decision, and two, create a document that we would forward to City Council.

Mr. Way said I was very pleased with what we did with the CIP and I think that is a good and more objective way to go about it. My fear with this is which parts of the Comprehensive Plan do we pull out? Really, there is only one that is explicitly about the Municipal Building, 7.4.6 which states that we need to develop a plan for the rehab or development of the new one here. So one of our steps is to try and decide exactly what we are going to look at in the Comprehensive Plan, given that there is not much in there. One of the messages I would take away from this is during the next Comprehensive Plan review we would be very cognizant that this type of process now existed and be more explicit about public buildings within the next plan.

Dr. Dilts said I wonder if we could move forward with saying something along the lines of it is in substantial agreement with the plan if we have not looked at and made sure that we have covered the points in the Comprehensive Plan. This could be something we can cover tonight. But if we go ahead and say it and then retroactively go back and pick up the pieces, I do not feel we have gone in the right direction or order.

Mr. Baugh said as someone who has already supported not doing what is on track, and having heard no arguments tonight that I have not heard previously, I suggest that what we have been encouraged to do is fundamentally flawed in the way it is being articulated. I would start by echoing something one of tonight's speakers said by reading the Comprehensive Plan. In the Executive Summary it says "the reader is encouraged to refer to the complete Comprehensive Plan document to gain a full understanding of all the policies therein." At the end of the Executive Summary it discusses implementation and periodic review of the plan. The first sentence reads "preparation of a comprehensive plan is worthwhile only if the plan is used and its recommendations are implemented."—great sentence and I am sure everyone here tonight agrees with that. It continues with "this plan recommends an ambitious array of goals, objectives, and strategies for achieving its vision for the future. It should be understood that the recommendations cannot be implemented all at once. Chapter 16, however, lists strategies that the City has given high priority and should be considered for implementation in the first five years after this plan is adopted." What jumps out at me about that paragraph is you have four sentences and three of them have some version of the word implement. Remember the Comprehensive Plan is not an ordinance and it is not a statute, and so often people I speak with are trying to apply this as if it were. To me the particular suggestion of looking at a particular goal right now and conducting our own investigation of how something has met the goal totally misses what the Comprehensive Plan is saying. What the Comprehensive Plan says is that it is a document of standards, it is a document of aspiration, it is fundamental acknowledgement in the way it uses the word like implement. The standards of the Comprehensive Plan are at one level, up here; at the time we adopt the plan we are at this level, down here. The charge of this plan is actually "how do we close that gap?"

I will also note that in Chapter 16 and where items are listed as priority; none of the goals, objectives, or strategies mentioned tonight or other similar ones for the discussion of this issue, are listed on the priority implementation in Chapter 16. None of the ones brought forward tonight in the discussions on this issue are the ones that have been identified by Planning Commission and City Council as the highest priority. Are we on the verge to effectively go back to City Council and say we find you at fault for not implementing standards that do not yet exist? You have the 2232 Review Process from Fairfax County before you; at some point, Fairfax County actually created something that they said "as we go forward from this, this will guide us." That is the task set before us through the Comprehensive Plan.

I may not agree with the conclusion reached by the majority of City Council on this matter; but I cannot go back to them and take a vote from Planning Commission that says I find fault with them for not applying standards that do not exist yet. And do not forget, it is this body, Planning Commission that is charged with handling the aspirations of the Comprehensive Plan and the time frame for covering the gap between what we have said we would like to do and where we are. We are hearing arguments that suggests that because you have a goal you somehow cannot do anything towards that goal until you develop the procedures. By definition the Comprehensive Plan recognizes that these procedures could be years out.

Another reason for me would be – let's look at where this path leads, assuming nothing I previously said was correct and that this body is prepared to make a determination that there has been a clear violation of standards of the Comprehensive Plan. Now City Council has not followed the Comprehensive Plan – who goes to jail? No one, it is not a law, regulation, or a statute. There is nothing anywhere that says that City Council, or even Planning Commission, has to adhere to things that are stated within the Comprehensive Plan; that is not how the Comprehensive Plan works. The issue has been addressed, the matter has been litigated and the closest you can find to a firm statement that has been made on this is that the Virginia Supreme Court has been consistent in saying that if matters get to them where the conduct of a local government is called into question, they do want to know what the Planning says. If the jurisdiction has acted in a way that is not consistent with its stated planning, then it gets the Court's attention. But that is not the end of the analysis. What trumps the Comprehensive Plan? Public interest trumps the Comprehensive Plan. You can do anything you want and be upheld by the Virginia Supreme Court as long as you can articulate a reasonable public interest why in a given interest you did not follow the Comprehensive Plan.

Again, I disagreed with the majority on Council and where they reached a conclusion on this; my personal view is relative to what I have looked at on preservation standards. I just was not able to convince two other Council members to my thinking. That is my opinion, it is not a matter of right and wrong or whether it followed the plan or not. In fact, it was not that long ago that I was actually involved in some litigation where we were advancing this statute against a sister jurisdiction, trying to preserve a historic property. As the judge was showing us the door, and telling us that in his view we were not interpreting the statute correctly at all, he gave an example of what he thought might be a legitimate reason to be before him was that the local governments were spending too much money, they were taking too many tax payers dollars. So if the citizens think that the local government is wasting or being excessive with their taxpayer dollars, he would have entertained that logic. I put that out there because, if you reviewed the minutes and if you listened to the presentation from staff, clearly when this was discussed at the City Council level one of the things that was covered and discussed in great detail was that this idea costs less; they kept the costs down and minimized interruption to public service.

Even if you really do not believe that the Comprehensive Plan is followed; how in the world could you say that the majority of Council acted in a way that the courts would say was not in the public's best interest? I do not see how you can take people to task for not following procedures that have not been developed yet; the only thing we have said is that we think it would be a great idea to develop these policies. That is our commitment.

Chair Fitzgerald said I agree. I agree with pretty much everything Mr. Baugh has said. I think it is hard to argue that the project is not substantially in accord with the Comprehensive Plan as written, aspirational in many parts. I would argue moving forward with what is before us tonight.

Dr. Dilts said I do not disagree with you; but I do not see any harm in pointing out, for example, Objective 18.5 – "to use the Comprehensive Plan as a guide in land use and zoning decisions, capital

improvements, budgeting, and other City actions." Objective 7.4 reads "to conserve City-owned historic resources and to ensure that City development projects respect and reflect the historic character of the City and site context;" Strategy 7.4.4 says "to assess and mitigate the impacts of all City projects on adjacent historic resources and areas;" 7.4.5 "to design new City public facilities so that they respect and complement the historic character of the city and site context;" 7.4.6 "to develop a plan to renovate the Municipal Building consistent with its historic character." I think what they are proposing agrees with all of those points; I do not see any reason why that cannot be identified in what we are putting forward. I think that maintaining services to citizens without disruption is a really good idea and proper use of monetary resources is a very good idea. I believe how one designs a building is always subject to whether one likes it or not; it is a very personal thing. I personally like the hyphen – that part of it is very subjective. I believe it has been planned in good conscience, while trying to protect the older building and make it interesting for people who come to City Hall. Therefore, I just think we need to have a bit more substance in our document that shows, in fact, we are using the Comprehensive Plan as our guide.

Chair Fitzgerald said to repeat and make sure I am clear on this, you disagree with nothing within the proposed document, or what you have heard so far; but you would prefer to send something forward that was more explicit in its connection to the points, maybe adding more, and how those points add up to very specific things within the Comprehensive Plan.

Dr. Dilts replied yes, exactly. If we are trying to say we are substantially in accord with the Comprehensive Plan, then we need to have something in the document that says we are substantially in accord with the Comprehensive Plan.

Chair Fitzgerald agreed and said part of writing the document this time, as well as in the future, is that we need to write a document that is defensible and if you think that defensible means there are specific connections to sections of the Comprehensive Plan that need to be included, then I agree with that.

Mr. Colman said I like the idea to substantiate the points that Mr. Banks brings up in the document with Comprehensive Plan. We need to look for agreements with the Comprehensive Plan, not just trying to find what is not supported. There are many issues that are being supported and we just need to list them and make sure when we forward the document we say it is within the vision of the Comprehensive Plan. I think that it is met.

Mr. Way said to build on Dr. Dilts point, there are a number of other objectives and strategies that might be relevant. Along with 7.4.4, 7.4.5, and 7.4.6 there are things under Goal 15 with revitalization that would be relevant as well. I just agree in an even more expansive way than what Dr. Dilts has said.

Chair Fitzgerald said I am not hearing from anyone that they are of the opinion that this is not in substantial accord with the Comprehensive Plan.

Mr. Way asked Mr. Mather if there were any plans as of yet with what would happen with the existing Municipal Building.

Mr. Mather said no. Our project scope as outlined by the City staff involves just the new construction. Our project does not involve the renovation of the existing building at all. I believe the thought is that at some time in the future it will be; it will be made possible by the thought that they can move everyone out of the existing building. Honestly, by incorporating these two buildings together it ensures that the Municipal Building will be part of the civic future of the City.

Chair Fitzgerald said many people have noted that, and since this discussion was publicized in the newspaper I have received many inquiries about who can I talk to to make sure that the Municipal

Building gets used for this idea or that. Because it became rather clear when the atrium idea was developed that the two buildings would be linked as one and we would be keeping them both.

Mr. Way said I certainly like the atrium idea; it is a wonderful way of addressing some of the concerns while producing something unique. Was there any thought given to perhaps locating City Council Chambers in a dramatic way within the atrium? As a way for people to continually engage with the old and new buildings. This would ensure it is a very well used space in a very dramatic way.

Mr. Mather replied I appreciate the idea; however, I believe there were some security issues with that. There will be a new Council Chamber within the building and it is accessible right off of Main Street.

Mr. Way asked if the design of the atrium would allow for public events to be held in there.

Mr. Mather replied yes, that is the hope. We have provided a flexible space, with flexible lighting and power. We hope that the community grabs hold of the idea and there are many groups that like to use it. One can enter it from two ways; one from Main Street and the other from the Farmers Market area. We would hopefully see a very interactive area between the Farmers Market, Main Street and the new City Hall.

Dr. Dilts asked how large is the atrium space.

Mr. Mather said it is about 3,000 square feet. It is also on a couple different levels because the grade from Main Street to the Farmers Market actually drops an entire floor level.

Mr. Da'Mes asked what guidelines did you use in terms of environmental impact when incorporating this design. Were you given any guidelines? Did you use any State mandated guidelines?

Mr. Mather replied we hired Blackwell Engineering to do all the site and civil engineering. There are some very strict requirements, both through the State of Virginia and the newly adopted stormwater management policies. Blackwell Engineering has followed all of those guidelines in the development of this plan. It is a very strict set of requirements.

Mr. Da'Mes asked Mr. Fletcher in terms of the historic district of Old Town, the Municipal Building is not part of that, are they?

Mr. Fletcher said the Comprehensive Plan recognizes the Historic District as essentially the same boundary as the B-1, Central Business District. However, it is just a designation, there are no regulatory mechanisms.

Mrs. Turner said the Municipal Building is not part of the Old Town Residential Historical District. It is within the boundaries of what qualified to get downtown Harrisonburg designated as a Historic District in total.

Mr. Da'Mes said that does not include the architectural design as that of the Old Town Residential Historic District?

Mrs. Turner said none of our Historic Districts have architectural controls.

Mr. Way asked if the parking as presented was the final arrangement of parking and where they will be in relation to the building.

Mr. Mather replied it is the final as far as our renderings are concerned. It has been fully engineered and submitted for review. Over the course of time with City Council those parking numbers were adjusted, generally a bit downward in order to maximize the green space.

Chair Fitzgerald asked if the parking would meet all of our new landscaping regulations.

Mr. Mather said yes, they will.

Mr. Da'Mes said I would like to go back to a concern that I have regarding access. If I wanted to go to the Farmers Market I would have to go down Main Street to Bruce Street and back track on Liberty Street because there is no longer a cut through access when Warren Street is closed. I do not feel like there is continuity with the plan. Are we doing the smart thing by not including a through way on the site; I do realize the bicycle/pedestrian access has been addressed.

Mr. Fletcher said I am not quite sure I follow your restrictiveness concern for this layout.

Mrs. Turner said are you saying you cannot get to the Farmers Market by going through the City Hall parking lot?

Mr. Da'Mes said I guess I could with the design; but I would have to travel through the parking lot.

Mr. Fletcher replied you do now; you have to travel through the parking lot for this building.

Mrs. Turner said we already have significant challenges in our parking lot because people do use it as a cut through to get from Main Street to Liberty Street. Also the sight distance coming out of Warren Street onto Main Street is not very good and this would be an improvement.

Mr. Baugh said I park on Main Street and it is not a long walk to the Farmers Market.

Mrs. Turner said the access between the current Municipal Building and the old School Board building will remain open – of course it does have some parking off of that access, but it will remain open.

Mr. Colman said regarding the building, were there considerations for energy efficiency?

Mr. Mather said the building meets the current International Energy Code requirements, it actually exceeds them somewhat. The heating and cooling system is energy efficient, it can heat and cool simultaneously, so if one side of the building needs cooling, while the other needs heating you can do that. Through variable refrigerant you can maximize the use of the medium. There is also an energy recovery system built in so that you do not lose all of your latent or cool energy, instead it is recaptured and put back into the building. The lighting has to meet requirements for square footage based on the International Energy Code, we actually exceed the standard. As part of the architectural feature there are some solar shades on the outside of the building that passively help to keep the building cool. So there were a number of strategies implemented.

Mr. Da'Mes asked what are the significant items that hold it back from being a LEED Certified building if you wanted it to be.

Mr. Mather replied we may well qualify for LEED. It is a process of gaining points and submitting those for review. The things that we are doing and well as using local materials, would count as LEED credits. The way the stormwater is handled would contribute to a LEED credit. We may inherently be a LEED building, but the decision was to not incur the expense. It is actually very expensive to go through the process, both from a consultant standpoint and the fees the developer has to pay. For this building it could be about $20,000 to $30,000 just to gain the recognition.

Mr. Da'Mes said so there are no significant things that were cut out or not incorporated?

Mr. Mather replied no. The energy efficient lighting, heating and cooling; use of local materials; stormwater all are things that factor into that.

Mr. Da'Mes said the windows have been a big concern of mine in terms of the fact that they are a big drain on the old Municipal Building currently. I am sure as part of any renovation to that building that would be an enhancement. I am thinking with the new building are we trying to make something new that would fit the old and then as soon as we make the new we turn around and convert the old into

something different. Do you follow what I am saying? Should we look at this in a broad scope? Are we just focusing on the new building?

Chair Fitzgerald said that is Mr. Mather's charge, to design a new building.

Mr. Mather said he would be happy to be hired to do the next phase and the old building. But to your point about windows, because the atrium will be heated and cooled, all the energy loss from those existing windows along that side, will be greatly reduced. So there are some advantages already in place for the heating and cooling. I should mention that the building will be fully sprinkled and will be of non-combustible construction; an extremely safe building to current standards.

Dr. Dilts said I would like to make a suggestion and I'm just going to put it out there. We have this document that Mr. Banks gave to us as one that we could move forward with, that says that the project is substantial in accord with the City's adopted Comprehensive Plan. I would suggest that we make the following addition to it. In the second paragraph, near the end where it reads "the Planning Commission finds the general or approximate location, character, and extent of the Project is substantially in accord with the City's adopted Comprehensive Plan," then add, "particularly with Strategies 7.4.4, 7.4.5, 7.4.6; Objectives 15.1.1, 15.1.2; and Objective 18.5, and approves the Project." Then say, "In addition the reasons for the Planning Commission's approval of the Project include the following…"

Chair Fitzgerald said the idea here is to specify the parts that we think are most relevant in the Comprehensive Plan, recognizing that many parts of it are not relevant at all.

Dr. Dilts said yes. The six points that are listed are additional reasons why.

Chair Fitzgerald said so we would incorporate at the same time those reasons that Mr. Banks put forward; but also specify and link parts of the Comprehensive Plan that we believe are supported by the project. What does everyone think?

Mr. Da'Mes said do you also incorporate the fact that while we do agree that it is substantially in accord, we find that there are aspiration goals we should do more than aspire to.

Chair Fitzgerald said the general lesson here is that instead of being primarily a reactive body and dealing with rezonings and special use permits, we might take a more proactive report, get the Comprehensive Plan out, decide on a list of prioritized things that we want to implement and move forward in that direction.

Mr. Baugh agreed, in fact, he said, you already have a prioritized list within the Comprehensive Plan. It is a totally appropriate thing for this body to do and is a good idea.

Mrs. Turner said I would like to point out, and this is not really relevant to the 2232, I do not want for this body to ignore or lose sight of the fact that we have been working through many of the goals and objectives that are stated in the plan and listed in Chapter 16 as priority implementation methods. I would not want for someone to say we are not trying to look at the aspirations set by the Comprehensive Plan and strive towards them… we have. We have made multiple amendments, created different zoning classifications, and recently the parking lot landscaping regulations. Every time we are creating an R-6, R-7, or Mixed Use District and then reviewing those plans in relation to those standards you set, we are carrying forward the Comprehensive Plan.

Mr. Colman said as we know this has been such a "hot" topic and I am glad this body is going through this process. I agree that the Comprehensive Plan is aspirational and we can look at it in a more open way. It is good that we are doing this review tonight; in some ways I wish we would have done it earlier.

Mr. Way added I hope I am speaking for the good of the Planning Commission in a broader way when I say while this is a valuable, interesting experience and will give us some good feedback, I do want to keep a good working relationship with City Council. I would like to say this has been a good opportunity to explore how a 2232 review works and to come up with ideas. I do want to make sure that Planning Commission maintains a positive working relationship with Council, and that this, what we have done tonight, does not hurt that relationship.

Dr. Dilts said I would like to thank the citizens for their interest and engagement in this. It has been very helpful. With that said, I would like to recommend that we send forward the idea as written and modified in the document we received from Mr. Banks, that the Planning Commission finds the general or approximate location, character, and extent of the Project is substantially in accord with the City's adopted Comprehensive Plan; particularly with Strategies 7.4.4, 7.4.5, 7.4.6, Objectives 15.1.1, 15.1.2, and 18.5. In addition, the reasons for the Planning Commission's approval of the project includes the items as listed on the document.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor of the motion (7-0).

Respectfully Submitted,

Alison Banks
Senior Planner