

City Council Meeting

July 17, 2024

Overview

Introduction:

Q: Why am I here today?

A: Because over the past months I have watched the CRCRC push forward with an unsupported plan, which is known as the parallel plane. They are so focused on getting the parallel plane methodology passed they have forgotten their true goal and reason of their formation, which it to find the best solution for our community. They are misinterpreting the survey results and ignoring the feedback they are receiving in email and in meetings. There is not one alternative proposal or supplemental proposal that was recommended by the public or members of the CRCRC that has been discussed earnestly or considered by the CRCRC. The CRCRC does not want a publicly supported plan, they want their plan. I have audited their work and examples of homes and found numerous errors in their analysis. Their proposal may solve one concern, but it's creating a bigger hardship for more residents. I have spent dozens and dozens of hours going through all of the source data that the CRCRC has used to determine what the public wants and it is not the currently proposed parallel plane methodology.

Rollingwood is a city with big topographical changes. Over 50%⁽¹⁾ of the lots have 5' or great of topographical change in the buildable footprint. The parallel plane can wreck the ability of our friends and neighbors to build the homes they want.

- 1. I am asking that you host a public forum with a 3rd party engineer / planner to walk through existing plans and homes in permitting to get a better understanding of the impact any decision may have on the neighborhood and our neighbors lots*
- 2. I am asking that you do not vote to approve the parallel plane as currently proposed*

Agenda:

1. CRCRC Overview
2. Biased without Basis
3. Survey Results: They Do Not Have the Support
4. Flawless or Flawed?
 - a) Examples of existing or proposed homes and how they relate to the proposed height language
5. Takeaways

⁽¹⁾ Analysis completed on <https://maps.equatorstudios.com>

Item #1: CRCRC Overview

CRCRC Authority per the CRCRC Formation Document:

The CRCRC's role is to provide a community-based forum to ensure that a range of perspectives reflecting Rollingwood Community values are factored into the City's long-term vision and implementation priorities governing residential zoning policies. The CRCRC will obtain endorsement from the Planning and Zoning Commission prior to submitting its recommendations to City Council for approval. The Planning and Zoning Commission remains the primary advisory group to City Council on matters involving zoning, comprehensive planning and other growth management initiatives related to the physical development of the City. The City Council maintains decision-making authority on the residential zoning policy.

CRCRC Deliverables:

- Report recommendations including rationale of majority viewpoint, and any votes that happened.
- Include report of the minority viewpoint, if requested by members in the minority.

The CRCRC failed their own Formation Document by:

1. Not taking a Comprehensive approach, but rather they are working on a one-off basis
2. Not taking their current proposal to the Planning and Zoning Commission prior to submitting its recommendations to City Council (*it was last sent to P&Z on April 3, 2024 and has since then changed*)
3. Not providing a detailed report which includes rationale of a majority viewpoint
 - The empirical data they provide does not show support of their proposal and the remainder is inferences and conjecture. It is not thorough and it is not declaratory

I am here today to request the members of City Council to require certain things from the CRCRC to ensure their proposals are based on public support and not their biased opinions or individual agenda. I have done all of the work and have laid out why their analysis is flawed, why they don't have the support from a majority the residents as required in the CRCRC Formation Document and why City Council should not support their building height measurement proposal.

Item #2: Biased without Basis

History:

- On January 18, 2023 a future member of the CRCRC, via a power point deliverable to the city council, noted that the parallel plane methodology should be considered. No other methodology for measuring height was recommended by that member.
- On February 15, 2023 another future member of the CRCRC wrote an email to council and outlined their idea, which is the same as the parallel plane methodology. No other methodology for measuring height was recommended by that member.
- On November 14, 2023 the results of the survey were disclosed, which showed only 28% support for parallel plane, but since that day there has been no material discussion or movement on building height measurement options aside from parallel plane

CRCRC Current Position:

On April 17, 2024 at the City of Rollingwood City Council meeting a CRCRC member stated that the introduction of the parallel plane methodology to our residential building code is not material.

- *“what we are proposing is a very minor change” (this is a gross overstatement as this is a huge change)*

On May 25, 2024 per the Rollingwood Neighborhood Alert, a CRCRC member stated that:

“Throughout the process we have continued to debate and refine our ideas as we navigate all of the outliers and unintended consequences”

- I believe this to be a 100% accurate statement as they have debated and refined “their ideas”, but have failed to listen to feedback regarding their proposal from citizens, earnestly investigate alternative ways to address the concerns, nor acknowledge that more than half of the lots in the neighborhood will be materially impacted by their proposal. Furthermore, I do not believe they have a true understanding of the outliers or the unintended consequences of the parallel plane because they cannot even accurately apply their proposal code in their own examples that they have provided the public (*see Item #4*)

In the May 28, 2024 CRCRC Agenda Packet in Bullet #3 of their “Notes” on page 34 they said the following: (Link [HERE](#))

“3. Imaginary Parallel Plane is more effective at controlling height than determining a reference datum based on average grade, or an average of building corners/ midpoints. The latter two formulae still allow for an unknown amount of height to be added back in, which is what we have currently. We suspect a majority of people who chose that option in the survey noted this detail.”

- First, “the latter two” do not allow for an unknown amount of height to be added back; it’s just a math equation
- Second, why do they have to “suspect” anything? They have the data and do not need to make assumptions
- I did look it up and of the approximate 90 write-in comments for Question #4 not one person noted their “suspicion”

Item #2: Biased without Basis

CRCRC Current Position (*cont*):

On May 23, 2024 per the Rollingwood Gentleman's Club What's App Group Chat, a CRCRC member stated that:

“the appended version of its recommendations...in comparing our approach to recent builds, we find that over 90% fall within the newly proposed boundaries and a few of the outliers could have met them with a few adjustments.”

- This is a very material claim they are making in public
- Please ask to see the CRCRC analysis as well as the raw data, which should include the homes, the measurements and any surveys, building plans or other documents used to substantiate this claim

Original Analysis in May 2023:

On May 23, 2023 the CRCRC presented the “RW CRCRC Height Study” (Link [HERE](#))

The following are excerpts from the aforementioned study:

- 4 of 9 (44%) Pending permits are for homes that exceed 35ft. for a significant portion of the overall, but 2 are “in review”
- 19 of 30 (63%) Active Permits are for homes that exceed 35ft. for a portion of the overall building

Summary Thoughts:

- If in May 2023 59% of Active or Pending homes exceeded 35 feet how could it be that now only 10% of the recent builds would be impacted?
- When you include existing homes, which the 23 identified in May 2023 did not include, the number of non-conforming homes has been grossly understated as currently positioned by the CRCRC
 - Additionally, think of all of the lots in the city that have not been built on, but will now be burdened with a harsh, non-traditional ordinance
- The CRCRC is changing their story, misrepresenting data, is over-stating support and does not understand the impact of their proposal on our friends and neighbors lots

Item #3: Survey Results: They Do Not Have the Support

Question #4: Should we look at alternative ways to measure building heights, and if so, which options are preferred?

CRCRC Posted Results		
No Votes	89	32.48%
Yes Votes	172	62.77%
No Response	13	4.74%
Total Votes	274	100.00%

- This vote confirms the respondents desire to “look at alternative ways...”
- The sub-question below provides additional details

- Option 1: measuring the height of the home using the average of the slope
- Option 2: measuring the height of the home using an average elevation of the building footprint, measured from the major corners
- Option 3: measuring the height of the home using the “parallel plane” methodology

123 Total Votes for Option 1, 2 or 3. Above summary shows 172 “yes” votes...where did approx. 50 votes go?

CRCRC Posted Results		
Option 1	22	8.03%
Option 2	26	9.49%
Option 3	75	27.37%
No Response	151	55.11%
Total Votes	274	100.00%

This calculation omits 141 votes. Any vote that voted “yes”, but didn’t select Option 1, 2 or 3 and all “no” votes were omitted

CRCRC Calculation to Justify P.P. Method		
Option 1	22	17.89%
Option 2	26	21.14%
Option 3	75	60.98%
Total Votes	123	100.00%

At the April 17, 2024 City Council meeting a CRCRC member “reported that 61% preferred the parallel plane method of measurement...and it is a very minor change” ([Link Here](#) found on page 4)

Even in this flawed view it still doesn’t yield majority support for the parallel plane methodology

Respondents That Voted "Yes"		
Option 1	22	12.64%
Option 2	26	14.94%
Option 3	75	43.10%
"Yes" but didn't select Option	51	29.31%
Total Votes	174	70.69%

This calculation (*found in today’s Agenda Packet*) is still flawed as it omits any respondent that voted “no” or had only a write-in vote

Item #3: Survey Result: They Do Not Have the Support

Question 4 (cont.):

- “Adjusted CRCRC Posted Results”
 - Adjusted Results take into account actual votes of Question 4, the votes for Options 1, 2 and 3 and the write-in comments that could re-classify a write in vote as No, Option 1, 2 or 3:
 - 5 respondents did not vote for either “No” or “Yes”, but had write-in comments
 - 1 respondent via write-in that supported “No”
 - 4 respondents via write-in were open to a new measurement, but did not support the parallel plane
 - 89 respondents voted “No” to question 4. These votes were included in the “No Response” line item above
 - 5 respondents that voted “No” voted for Option 1 (*one vote*), Option 2 (*two votes*) or Option 3 (*two votes*)
 - 52 respondents voted “Yes”, but did not select 1, 2 or 3 specifically (*breakdown below*)

Adjusted Q4 & Sub-Q4 Results		
"No" to Alternative Ways to Measure	87	31.75%
Option 1 - average of the slope	24	8.76%
Option 2 - average elevation of building	28	10.22%
Option 3 - parallel plane	78	28.47%
"Yes" but did not select an Option but had write-in support of Option 1 or 2	1	0.36%
"Yes" but did not select an Option but had write-in support of Option 1, 2 or 3	1	0.36%
"Yes" but did not select an Option but had write-in comments were "unsure"	20	7.30%
"Yes" but did not select an Option and did not provide a comment	29	10.58%
"Yes" but did not select an Option but had write-in support of parallel plane	1	0.36%
Did not vote "No" or "Yes" but had write-in "unsure"	5	1.82%
Total Votes	274	100.00%

Their sub-bullet does not accurately capture the write-in comments. Their comment is condescending in that they don't believe the respondents could understand their question. I reviewed the write-in comments and have captured them in the Adjusted Results table found above.

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22 (8%) - Option 1 - average of slope
 26 (9%) - Option 2 - average elevation of building footprint, measured from major corners
75 (28%) - Option 3 - parallel plane
 151 (55%) - No response

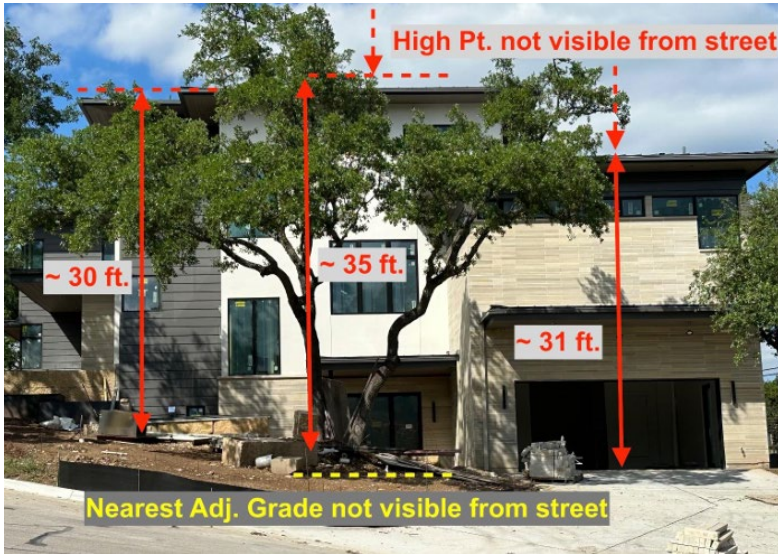
- Of those that didn't respond to Options 1-3, comments appeared to indicate they want something, but they don't know what that is, or even what we are asking exactly.

Item #3: Survey Result: They Do Not Have the Support

Summary Thoughts:

- A major part of CRCRC's story to be able to support the parallel plane hinges on the responses to this Question #4.
 - In the April 2024 City Council meeting CRCRC told you it had 61% support based on the survey. This was not correct.
 - Now, they acknowledge that was incorrect, so they chose a different denominator, which is also incorrect and shows 46% support even though, directly adjacent they notate the actual and correct level of support at 28%
 - Furthermore, knowing they don't have support, they are now claiming that the way the question was written, which they wrote, is the issue. Based on this improperly written question it gives them the latitude to infer what they want, which is not what our neighbors and friends want as seen in the survey results
- They are also conflating the responses from Question 3 (maximum height) to justify support for parallel plane. They are taking the position that the results of Question 3, which should not be tied directly to Question 4, provide them the support they need for parallel plane. By doing so they are conjecturing a desired response because the actual survey results to Question 4 don't support their agenda
- When asked why the CRCRC believes they have majority support from the residents when the survey clearly shows they do not, the CRCRC has answered that they are looking from the collective responses received from the following data sources:
 - 2021 Comprehensive Plan Strike Force Survey:
 - This data set provides no evidence of support of the parallel plane
 - The 78 Emails received in 2023:
 - Only 31% of the respondents mentioned a concern of height and none recommended use of the parallel plane
 - The CRCRC references phone calls, verbal conversations and other means of communication:
 - This too is hearsay and conjecture:
 - While the CRCRC members may have received communication from residents it is impossible to accurately capture their positions on a specific subject, such as parallel plane, but more importantly it impossible to know if this person's results have already been captured via email or in the survey
- At the May 14th CRCRC meeting, which was the first meeting after Council sent the proposal back for further review the CRCRC received eight (8) emails against the proposal and three (3) emails supporting the proposal, which equates to 27% support. These emails can be found in the May 14th agenda packet. This is approximately the same amount of support the proposal received in the original survey, which re-confirms the support from the community for parallel plane at approximately 27 – 28%
- The CRCRC has failed to show a majority support of the parallel plane

Item #4: Flawless or Flawed?



As presented by CRCRC in May 28, 2024 Meeting Agenda Packet

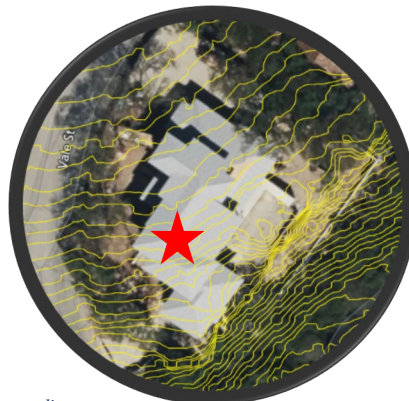
Measurements Per Architecture Plans:
 Existing Grade beneath Ridge Line = 543'
 Building Height at Ridge Line = 581'
Max Building Height = 38'



As presented by CRCRC in May 28, 2024 Meeting Agenda Packet

Measurements Per Architecture Plans:
 Existing Grade beneath Ridge Line = 628'
 Building Height at Ridge Line = 664' 2"
Max Building Height = 36' 2"

*CRCRC's work said this home would be approved, but in fact, it would **not** be approved*



*CRCRC's work said this home would be approved, but in fact, it would **not** be approved*



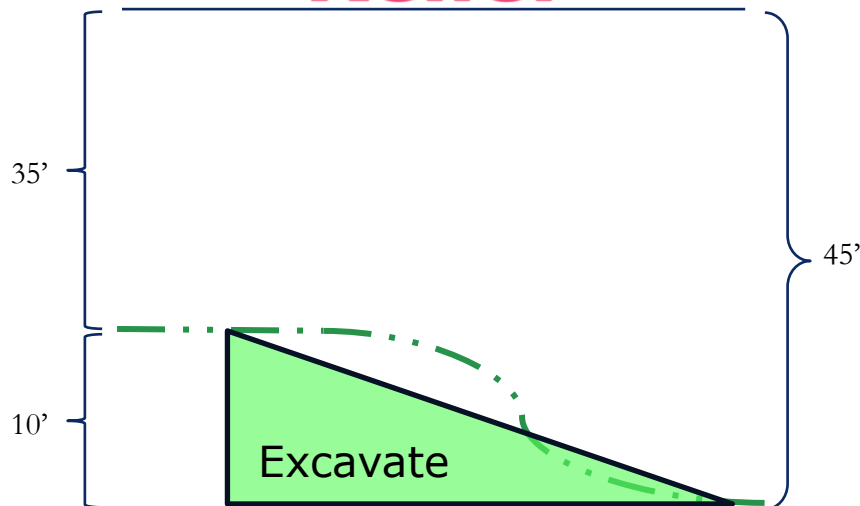
Item #4: Flawless or Flawed?

- Within the CRCRC's parallel plane proposal is a new concept, which allows for any excavation that occurs below the existing grade will not count toward the maximum building height calculation, as found in the 07/07/2024 City Council Agenda Packet (p 251)
 - “Figuring Maximum Allowable Height”
 - *Bullet #6*: “There is no limit to the amount of building that may be added below existing grade by way of excavation.”*
- This proposal has never been discussed in the entire time the CRCRC has existed, but it appeared for the first time at the June 25, 2024 meeting and was pushed forward.
- Even though there were numerous other proposals from the CRCRC members or the public that create “equity” amongst all lots they ignored them and created a rule that further creates “winners” and “losers”

As seen in the example on the **LEFT**:

- If a resident's lot is fairly flat but has a material amount of topo at one portion of their lot they could excavate a large portion of their lot gain an additional 10'. This is a huge advantage to this lot

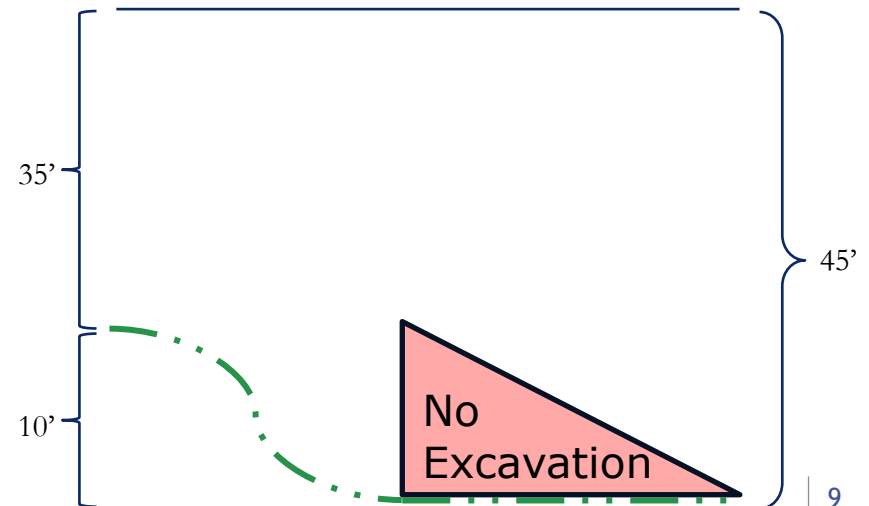
Relief



As seen in the example on the **RIGHT**:

- In the opposite situation, if a resident's lot has topo that quickly drops there is nothing for them to excavate. In this situation they are forced to follow the parallel plane and would have no relief

No Relief



* *Bullet 6 contradicts Residential Building Height Measurement proposed by the CRCRC (page 246 and 250 of Agenda Packet)*

Item #4: Flawless or Flawed?

- These two homes have similar right to left topographical fall when viewing from the street
 - Per the CRCRC, the home on the right would be approved, because the homeowner excavated into the existing grade to create their garage / basement.
 - The home on the left would **not** be approved, because it did not require excavation due to its natural topographical change
 - Also, the home on the left has a maximum height 6' lower than the one on the right, but still not approved!
- The CRCRC is not solving the community's concerns on what is being built. Rather, they are making up arbitrary rules that they do not know how to interpret and punishing our friends and neighbors for having topographical change in their lots. The new "excavation concept" was not recommended by the public, was not discussed or vetted and does not help solve the issues, which is precluding certain builds, but maintaining equity amongst all lots
- The home on the left is a beautiful home built into the contour of the property, which is what our code should allow. But, due to the topographical challenges of the lot and the punitive nature of the parallel plane proposal the home on the left could not be built.

Not Approved



Approved!



Item #4: Flawless or Flawed?

- These two homes look nearly identical from the street, but CRCRC wants to approve the one of the right!
 - CRCRC's proposal is flawed if there are homes with nearly identical curb appearance and one of them is approved and one is not
 - CRCRC's own understanding and interpretation of their proposal is flawed
 - CRCRC has not listened to the community and searched for a solution that has community consensus
 - CRCRC has created a proposal that creates winners and losers
 - CRCRC drafted a proposed ordinance that was not has not been sufficiently tested and, as a result, will blindly impact a majority of the neighborhood's lots

Not Approved



As presented by CRCRC in June 25, 2024 Meeting Agenda Packet

Approved!



As presented by CRCRC in June 25, 2024 Meeting Agenda Packet

Item #4: Flawless or Flawed?

- The two homes below, which were noted on previous pages and were provided in the June 25, 2024 CRCRC Agenda Packet as homes that would be “approved” under the current proposal, in fact, would not be approved
- Both of the homes exceed 35’ height from the existing grade, irrespective of the additional height they received by excavating
 - The home on the left has a **Maximum Height** from the existing grade of **40.85’**
 - Existing Grade beneath ridge line = 622.5’
 - Building Height at ridge line = 663.35’
 - The home on the right has a **Maximum Height** from the existing grade of **37.25’**
 - Existing Grade beneath roof line = 623’
 - Building Height at roof line = 660.25
- This is another example showing that the CRCRC has does not have a firm grasp of what they are proposing, how it works and how it impacts our lots, neighbors and community

Approved!



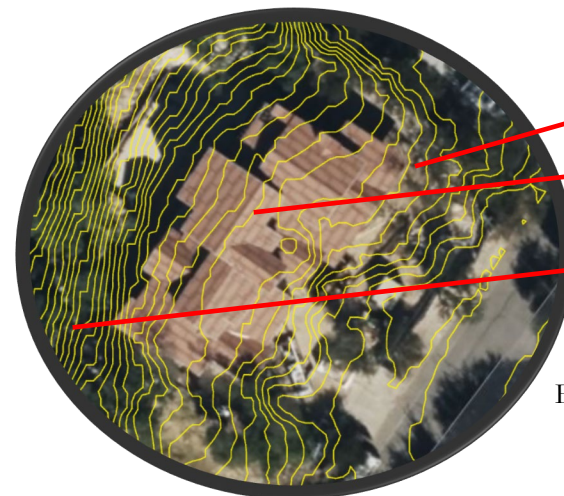
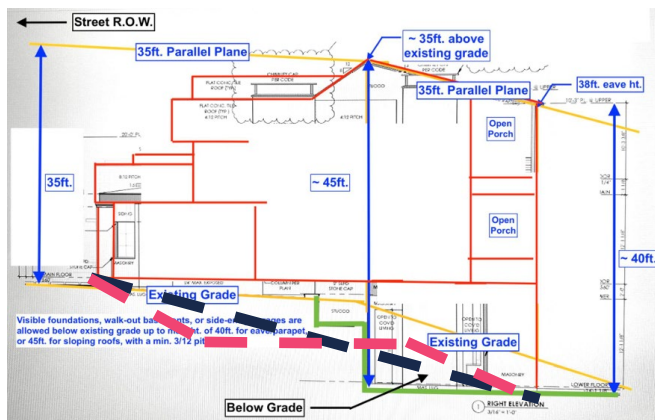
Approved!



Item #4: Flawless or Flawed?

- The home below is the only example provided by the CRCRC in the 07/17/2024 City Council Agenda Packet (pps 250 and 251):
 - CRCRC shows that it would be approved, but this is not an accurate claim. They do not use precise elevations and their “Existing Grade” line (see bottom left exhibit in yellow) is incorrect and does not follow their own proposal (see bottom right exhibit)
- “Figuring Maximum Allowable Height”:
 - Bullet #2: Reconcile the existing survey across the footprint of a knocked-down house by straight-line interpolation between like-elevation contours that are adjacent to the heritage footprint. Other minor topographic variations, including pools and ponds, should be handled the same way with the intent to approximate the original native grade without penalty due to previous construction.

The correct “straight-line interpolation based on existing grade” is noted below in dark blue, as well as the “straight-line interpolation based on the heritage footprint” noted in red, both of which would then change all of the maximum height calculations from what they show, subsequently yielding a non-conforming home based on CRCRC’s current proposal. The picture in the bottom right shows the actual topographical change of the lot, which is fairly linear naturally, so the straight-line interpolation should not vary from existing grade materially (shown in 1’ contours)⁽¹⁾



Existing Grade Buildable Area Elevations:

- High: 556.5'
- Rear footprint: 549'
- Beneath ridgeline:
 - Existing Grade: 552'
 - Heritage Footprint: 553'
- Low: 544.5'

Max Building Height:

Existing Grade beneath ridge line = 553'
 Building Height at ridge line = 590.6'
Max Building Height = 36' 6"

- █ Straight-Line Interpolation of Heritage Footprint
- █ Actual Existing Grade Straight-Line Interpolation

⁽¹⁾ Elevation mapping completed on <https://maps.equatorstudios.com>

Item #5: Takeaways

1. The parallel plane proposal is not what the City of Rollingwood needs or what the residents want. It is a draconian proposal that will do more harm than good, especially since more than 50% of the lots in the neighborhood have topography change of 5' or more
2. The parallel plane does not impact all lots equally. The entire burden of the rule change only impacts lots with topography change
3. The CRCRC does not have a clear understanding of their own proposal, how it works, or how it will impact homes around the community
 - a) They provided one example in today's City Council Agenda Packet and it's wrong
4. As you have seen in the presentation today the CRCRC has made bold statements to the public in an effort to build support for their proposal, but they have yet to produce any materials supporting their claims
 - a) Their own measurements that they have put in their CRCRC Agenda Packets are wrong.
 - b) Their interpretation of the survey data is wrong and conjecture
5. This is a public process and we all have the same information, so if I can deliver to you concrete evidence as to why they don't have support and a solid understanding of their proposal, conversely they should be able to deliver to you information that shows they do.
6. The goal should not be to curtail a few neighbors suffering, but invoke suffering on a larger number of different residents
7. The goal should not be to punt rulings to the Board of Adjustments, specifically as it is not their responsibility to act as HOA or architectural committee.
 - a) More importantly, good leadership, should solve an issue equitably for all of us, not ask another governmental body or committee to try to interpret or make the decision
8. Please have the CRCRC focus on what the community supports and it is not the parallel plane methodology of measuring height. Please have them provide a solution that creates equity amongst all lots. Please have them focus on a Comprehensive Plan.
9. Before anything is voted on I am asking that you host a public forum with a 3rd party engineer / planner to walk through existing plans and homes in-permitting applying them against the proposals in order to get a better understanding of the impact any decision may have on the neighborhood and our neighbors lots.
10. Let's create rules that don't create winners and losers out of our lots
 - a) We are a community, friends and neighbors...let's treat each other as such and create equitable rules for all residents