

Goody Clancy welcomes your comment and discussion on the Asheville's draft Downtown Master Plan. We would like to respond to the comments of Steve Rasmussen below to help clarify intent and content of the draft plan. Our responses are in boldface type, and Mr. Rasmussen's text is non-bold. Our responses under each point in the "Summary of Problems" section immediately below also address additional items mentioned in the "Discussion of Problems" section further below.

You can see and download the draft Downtown Master Plan at www.ashevillenc.gov/downtownmasterplan, and email your comments to downtownmasterplan@ashevillenc.gov

SUMMARY OF PROBLEMS:

1 HEIGHT RESTRICTIONS would be placed on new buildings in Asheville's downtown core -- except for certain favored developments, including Tony Fraga's.

Under the master plan, the Battery Hill site of Tony Fraga's (FIRC) proposed development would fall under a height limit like all of the downtown study area (see Building Height Zones diagram in draft plan). The tallest height zone (recommended as up to 265') would be appropriate here (set back 40 feet from Haywood Street) due to:

1. The precedent of some of downtown's tallest buildings in the area (Battery Park apartments);
2. The potential aesthetic value of a high-quality signature building at this high point in the skyline;
3. Relatively limited potential shadow impacts of tall buildings on private lands since the I-240 corridor occupies much of the area that would receive shadows (the presence of the Basilica of St. Lawrence is acknowledged)
4. The desirable boost that significant development would bring to Battery Hill in terms of increased pedestrian activity and increased demand for retail businesses in the area.
5. The ability of taller, higher-value developments to pay the cost of locating parking below-ground, a significant public benefit

These judgments are irrespective of the presence of the FIRC proposal and do not reflect any influence of the developer. FIRC's proposed residential tower would not be permitted as submitted under the proposed height zones as it would be within 40 feet of Haywood. Note that the Ellington (already approved, 23 stories) would violate the proposed height zones if proposed anew, as its site is in the recommended 145' (14-15 stories) height zone.

The tallest height zone is also appropriate north of City-County Plaza because:

1. Significant development on the Radisson parking lot would improve, not detract from, the plaza by framing its northern edge and attracting more people to use the plaza, bringing it to life. Taller, urban-style development on this and other parking lots in this former urban renewal area would be more appropriate for downtown than the suburban-style development currently there characterized by deep setbacks and large parking lots.
2. New step-back guidelines in the plan would require any new building to have a street-scale base in scale with the County building, City Hall and other area historic buildings. Additional design guidelines require that new building façade materials and details be consistent with nearby historic buildings.
3. Shadows would mainly impact commercial parcels to the north, not public park/plaza area
4. Significant development here would bring a desirable economic/activity boost and extend downtown's active, walkable core eastward

Note: The allegedly contradictory downtown master plan text quoted in the discussion section below has been cobbled from different places and combined with the author's own words to look

as though it is contradictory; actual plan text is entirely consistent between the main document and its appendix.

2 Our cumbersome, controversial DEVELOPMENT-REVIEW PROCESS would be streamlined -- but, at developers' insistence, the power to approve large buildings would be mostly taken out of the hands of our elected City Council members and transferred to the non-elected Planning and Zoning board. Council's role would be further reduced by eliminating the current Conditional Use Permit process.

Not just developers, but also much of the public at large and city council are frustrated with the current process that typically forces judgment on complex developments into a lengthy eleventh-hour city council hearing with no real opportunity for productive discussion among council, the public, city project review staff, volunteer design reviewers and the developer. The proposed process aims to address this and related problems in several ways:

- 1. Public input remains the cornerstone of the proposed process and would be enhanced by it. Most importantly, developers of projects 50,000sf and larger would be required to hold a community meeting at the outset of their proposal process (community meetings are also recommended for smaller projects). Experience nationwide demonstrates that early conversations like this -- before the developer has committed significant funds to design and engineering of a specific concept -- provide the most productive opportunity for developers and the public to discuss the proposal and work toward a mutually agreeable proposal. The plan also calls for improved advertisement of public input opportunities, and incorporation of public comment into the written record, at all review stages.**
- 2. City Council would retain ultimate authority over the development approval process by approving the master plan recommendations as governing policy. This policy would be applied objectively and consistently for all development proposals through the actions of city staff, the Downtown Commission, Planning and Zoning Commission, and other designated agencies. This is a typical approach followed by cities like Asheville that see development activity complex and extensive enough that its review demands more time and specialized expertise than a city council is often able to provide. The current practice of project-by-project review by City Council was suitable when major development projects were simpler and less frequent, but is strained with the greater amount of development demand evident in recent years.**
- 3. Although the Planning and Zoning Commission is not elected, it is appointed by council and thus has indirect political accountability. As such it is an appropriate final decision-making board for intermediate scale projects (Level II, recommended to be expanded down and up from the current 35,000-100,000sf range to 20,000-175,000sf). The planning team agrees that P&Z makeup should reflect a diversity of perspectives, including downtown stakeholders other than developers.**
- 4. The largest projects with significant visual/character impacts (Level III, recommended to be over 175,000sf or 145') would still go before Council. Council would also conduct design review for projects rejected by the Downtown Commission for not meeting recommended (non-mandatory) standards.**
- 5. The Conditional Use Permit process, as defined in state law, is not primarily intended to address issues other than use variance (Asheville is unique in using it this way), and its 7 conditions alone do not provide sufficient guidance for evaluation of complex projects. When a use variance is requested, the CUP process should occur in parallel with the recommended development review process.**

3 The "MANDATORY REVIEW, VOLUNTARY COMPLIANCE" design-review flaw -- which has allowed developers of buildings such as Staples to get approval for one plan and then build a different one, and which was the impetus in the first place for the Downtown Commission to seek a new Downtown Master Plan -- remains unchanged. Review would still be mandatory ... and compliance would still be voluntary.

As noted in summary point 4 below, mandatory compliance with design review is not supported by state law. The proposed plan adds important incentives for compliance with design guidelines by:

1. requiring projects that fail Downtown Commission design review to undergo design review by city council;
2. clarifying what is required and recommended in the design guidelines, so developers, architects, reviewers, and the public all understand the criteria; and
3. affirming a single design review judgment by the Downtown Commission in place of the mixed messages that developers sometimes receive from different bodies now.

In no case may a developer receive approval for one plan and then build another – the city has the responsibility to enforce that the approved plan is the only one that would get built.

4 The one mechanism that state law provides cities such as Asheville to enforce mandatory compliance -- LOCAL HISTORIC DISTRICTS -- is cursorily dismissed without any examination or analysis, apparently because developers feel it's too restrictive. Instead, preservation of our historic downtown buildings would be, not enforced, but merely encouraged -- largely by selling off the buildings' "air rights" to new developments next door.

The plan affirms the great success of downtown's existing National Register Historic District in helping protect landmarks and encourage their rehabilitation. The National Register district status has helped spur approximately \$100 million in investment downtown since the 1980's. The plan recommends expanding the district's purview to include buildings built in the 1929-1958 period (currently, only buildings predating 1929 are considered).

Creating a *local* historic district, which is different from a National Register district (difference explained at <http://www.hpo.ncdcr.gov/compare.htm>), has legitimate advantages and disadvantages that should be explored further, as the plan recommends. A current analysis suggests that it could have more negative than positive impact on downtown, though this is not definitive. Local historic districts often tend to suppress development and redevelopment – this has been a desirable outcome in the predominantly residential Montford neighborhood, but could unduly restrict downtown's opportunities to grow or even hold its place as the region's economic engine. The plan embraces the idea that downtown's character benefits from being a place BOTH of historic treasures AND creative innovation, in architecture and urban design as well as other arts. The enhanced design guidelines proposed in the Plan would help ensure that new buildings relate well to historic ones by sharing common elements of material, scale etc., as compatibility of new with old is essential to maintaining downtown's great character. Currently, downtown contains successful examples of historic tall buildings next to low ones (i.e. Jackson Building), and the suggested guidelines would allow this pattern to continue.

Regarding the idea of employing the Historic Resources Commission as a mandatory design review mechanism, the HRC would need significant expansion of mission and resources to undertake design review of all Level II-III downtown development. This is conceptually possible, but the Plan's emphasis on the Planning & Zoning Commission, Downtown Commission and Technical Review Commission in project review is proposed as a more feasible solution, building on successful elements of established roles. The Plan's point in suggesting diversifying the HRC's membership is to enhance its ability to protect historic buildings through its current powers by adding more members with professional experience in restoration.

Market-based mechanisms of supporting building preservation can be as effective as additional regulation, while offering more opportunities to create value downtown. Sale of side step-back air rights to adjacent development parcels would offer historic properties more value in the form of cash or greater development potential; it also would help retain open space for daylight and views between taller buildings.

5 Remember how eloquent the Goody Clancy planners waxed last summer about requiring tall buildings to be slender instead of massive so they wouldn't CAST SHADOWS on nearby neighbors and streets? Remember their inspiring proposals and maps about mandating preservation of the VIEW CORRIDORS to the mountains that help make downtown Asheville such a pleasant place to live? All that is now tossed out the window as "unnecessary restriction."

Retaining views and daylight downtown is critically important, and the plan recommends several design requirements supporting this. The plan would limit the extent to which new development can cast shadows on public parks and plazas (no more than 2 hours on any given point between 10-2 on the equinox, a standard with many precedents). This would impose real envelope limits on parcels directly south of downtown parks, including the city's RFP site B ("Parkside"), the proposed performing arts center, and parcels between Pritchard Park and Commercial St.

A similar proposed restriction on shadows on private parcels has indeed been dropped, because further study demonstrated the excessive impact it would have on development throughout downtown (would essentially impose a 45 degree envelope plane rising from 45' upward to the south). While this is a reasonable standard in suburban locations without attached buildings, and within comprehensively planned developments, it fundamentally conflicts with the character of small-lot incremental urban-style development that is downtown's hallmark. A breed of new buildings with the upper floors stepped like a pyramid would appear out of place among Asheville's historic buildings that rise straight and slender. These include treasured landmarks like the Jackson, Public Service and Battery Park buildings. The plan advocates slender, vertical proportions.

The idea of creating no-build view corridors was studied and rejected because of the practical inequities it raises; while there are important general views in certain directions, especially the northwest and southwest, choosing specific view axes toward these would result in very disproportionate impacts on certain parcels. Instead, the plan would require improved rendering and model representation of proposals in designated public view corridors for consideration by the Downtown Commission and general public according to these criteria:

- 1. Deliberate attention paid to an architecturally attractive cap that is distinctly of Asheville**
- 2. Slender building proportions – no broad slabs blocking a major portion of the view**
- 3. Success in preserving and framing significant views**
- 4. Contribution to the overall downtown skyline**

6 In the long term, development decisions for city-owned land would be delegated to a non-elected entity, the ADD (ASHEVILLE DOWNTOWN DISTRICT), that would start innocuously small by handling matters like graffiti cleanup and marketing downtown. But it's intended to morph eventually into a mammoth centralized bureaucracy for buying and selling city land, development rights, etc

The modest start focused on clean/safe/green is correct. Downtown Community Improvement Districts (CID) are commonplace in other cities, and simple, standard good practices for choosing their board members and staff prevent them being "petri dishes for corruption." A potential further option (if desired by city and by downtown stakeholders), common and successful in many other cities, is to give the CID a direct role in promoting strategic development that supports community interests. Such development authorities are typically small and lean operations that can provide significant benefit; there is no point to or likelihood of creating a large powerful bureaucracy as is alleged below.

Deliberate sale to developers of surplus municipal land, or of strategic parcels acquired by the development authority, with specific development community-based conditions/guidelines attached is one of the most practical and effective tools available to positively shape downtown's future. The city, of course, can also do this currently; the question is whether a downtown CID could do this more deliberately, efficiently and objectively. Many other downtowns have answered 'yes' to this; it is a long-term question that city officials and downtown stakeholders should

consider together. In no case would the CID be responsible for project review, and in no case would its powers "rival those of City Council" as has been alleged. The comments below are absolutely correct in stating that a repeat of the 1960's-1970's era urban renewal that obliterated the Valley Street neighborhood must be avoided at all costs. Any major redevelopment activity by a CID would need to remain subject to City Council approval.

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DISCUSSION OF PROBLEMS:

***1* HEIGHT RESTRICTIONS:**

The maximum height allowable would be "265 feet (27 stories)... (similar to the Ellington and Battery Park proposals)" (DMP Draft, p.56). Mostly this height would be allowed only in the lower-elevation areas that citizens generally agreed were appropriate for tall buildings, along with some "gateway" areas such as the Patton Ave. entrance to downtown. The downtown core would be limited to 145 feet (15 stories), "the intermediate height threshold defined by the community's favorite 1920s structures: the Jackson, Battery Park Hotel, County building and City Hall." (ibid.)

So far, that looks very much like what the community told the planners it wanted last summer -- keep the big skyscrapers out of our downtown center, and put them on the South Slope and other less sensitive areas.

But wait -- what's this in the Appendix?

"Building height and density:

"[A] Substantial height and density are a traditional hallmark of downtown streets and should continue to be encouraged to support property value, intensity of activity and urban design character.

"[B] The intermediate 145' height threshold applies to much of the district to reinforce the prevailing scale of tall traditional buildings like the Jackson Building, and to reduce shadow impacts on narrow streets.

"[C] The taller 265' height threshold applies to Battery Hill and previously redeveloped area between Woodfin, and College, and Spruce, to bring additional value and activity to these areas and augment the skyline at high points in downtown."

(DMP Appendix, pg. S3-4)

"Substantial height and density" may be hallmarks in Atlanta or Boston -- but the whole point of the big-building issue is that this is Asheville. This statement in the Appendix completely contradicts the Draft.

Why the exceptions for "Battery Hill" and the area between "Woodfin and College and Spruce"? A reference in the Draft, pg. 21, makes it clear that "Battery Hill" refers to Haywood Park -- Tony Fraga's giant skyscraper that City Council has rejected as way out of scale with the area. How did Fraga get special treatment from Goody-Clancy? Is this the "bad old way" of making special deals with powerful insiders?

This deference to a well-connected developer sets the tone for all the other problematic areas in the DMP.

As for Woodfin and College and Spruce, I'm not sure who's planning what enormous building there -- but it's uncomfortably close to the County Courthouse and City Hall. Despite the ad-agency language about "additional value" and "augment[ing] the skyline," allowing a Haywood Park-size building there would dwarf these signature downtown buildings and contradict the Draft's claimed intent of preserving Asheville's character.

2 DEVELOPMENT-REVIEW PROCESS:

The UDO divides development proposals according to their size into Levels I, II and III. Levels I and II are currently subject to final approval by the Technical Review Committee, which is composed of city staff representatives. Level III -- building projects of 100,000 square feet or larger -- are subject to final approval by City Council.

No one likes this arrangement. The public doesn't like the way TRC seems to rubber-stamp large, controversial buildings such as Parkside or Haywood Park, with TRC staffers claiming that their hands are tied by their narrow mandate to look only at their particular technical piece of the elephant -- fire safety, traffic, etc. When the developer of Parkside, for example, saw that he was not going to win approval from City Council, he dropped just enough square footage from his design to shift it from Level III to Level II, and the TRC approved it.

Developers, on the other hand, don't like having their proposals routinely OK'd all the way through the process till they get to City Council, where they can be scotched by a loud enough public outcry.

The subject reportedly raised a great deal of ire at the Advisory Committee meetings. One member, a co-founder of the local pro-business lobby CIBO, reportedly stomped around the room, proclaiming that he would only support City Council's having final approval "if you can promise me no hippies, no artists, no activists, no mamas with babies on their hips will get up at City Council and stop developments" that are already approved at lower levels.

So Goody-Clancy's plan considerably reduces the amount of say City Council will have. Although the DMP would have Council retain final approval for Level III proposals, the threshold for Level III would be raised considerably, from 100,000 to 175,000 square feet.

That means elected officials accountable to the public would have final say over far fewer proposals.

The much-expanded Level II would, under the plan, be subject to final approval by the Planning and Zoning board instead of TRC. Currently, P&Z is allowed to examine larger, non-technical issues such as building scale and appropriateness (indeed, it was the first body in the review process to fail to approve Parkside), but its rulings are only advisory to City Council. Under the DMP proposal, however, its authority would be enormously expanded.

But P&Z members are appointed, not elected -- and therefore insulated from public accountability. Appointments to the 7-member P&Z board have always been the subject of intense lobbying of City Council by the development community. How much more intense will the lobbying become when P&Z is given final say over most large developments?

The DMP says nothing about the makeup of this much-more-powerful P&Z -- the word is that won't be discussed till just before the plan goes to City Council. I'm sure it's safe to predict that the rationale for stocking the board with members of the development industry rather than representatives of the larger public will be the same it's always been -- developers have the "expertise" to judge projects by their fellow developers. Government watchdogs have another name for this classic rationale -- the "revolving door," or, "you scratch my back now, I'll scratch yours when I'm on the board."

In response to developer demands for eliminating City Council approval, the Goody Clancy consultants also noted in the PTR (ref. no. 9): "Limited use of the Conditional Use Permit process will also reduce city council role and permit more structured review process." The new plan would make Level III approval subject to conditional-use permits only when conditional land uses actually apply -- which at first seems sensible, but here is what this means: Currently, whenever a Level III proposal goes to City Council for final review, Council is required by the UDO to handle it as a "conditional use," even if there are no actual special conditions involved. This compels Council to hold the review hearing as a "quasi-judicial hearing" - as if they were judges in a court case. Like judges, they are banned from receiving information about the proposal before the hearing. Council members complain that this process prevents them from learning any more about a proposal than they are told at the hearing.

But as bizarre as it may seem to hold conditional-use hearings when there are no conditional uses, this does have the political advantage of shielding City Council from lobbying by either side before the review hearing. Before we junk this peculiar way of doing things, shouldn't we find out if there was a good reason for instituting it?

It may be that this process was instituted because it is the only legal way to deny approval of a project based on design standards -- the Seven Conditional Use Standards outlined in the UDO, Sec. 7-16-2 part (c). Wouldn't it have been wise for the consultants to investigate whether this or something similar is the case before recommending its dismantling?

***3* MANDATORY REVIEW, VOLUNTARY COMPLIANCE:**

At the Advisory Committee meeting I crashed last Monday morning, Downtown Commission chair Pat Whalen acknowledged that the draft plan still does not mandate compliance with design standards, which the Downtown Commission and the general public had insisted last summer should be a key element of any new plan. Instead, the plan would introduce what he called a "carrot and stick": All Level II and Level III projects would be subject to design review by the Downtown Commission, as well as Planning and Zoning. If the DTC or P&Z denies approval, the developer could appeal to City Council.

I guess the "stick" here is the fear of those mamas with babies on their hips mobbing a City Council hearing. But that's not exactly guaranteed to make someone like Staples, Inc. shake in their wingtips.

The plan would give developers the right to appeal a denial at any level in the process to the next level up (DMP Draft, pg. 71). It seems that it would be much more of a stick -- and much more fair -- if the appeals went both ways. A group of affected citizens should, conversely, be able to appeal an approval to the next level up.

The Draft makes a big deal about instituting public input at each step of the design-review process -- without mentioning that the public already has the opportunity to comment at each step. The one innovation it does introduce is that developers of large projects would be required to meet and discuss their plans with the public before beginning the review process -- which the UDO currently encourages but does not require.

The reason there is no mandatory compliance in the plan is because downtown developers object to *4*.

***4* LOCAL HISTORIC DISTRICTS:**

At the last public meeting Goody Clancy held last summer, one of its consultants told me the draft would include a table showing a number of possible restructurings of the design-review process and their consequences. Included among these options would be the only one that would, under North Carolina law, allow for mandatory compliance: designating downtown as a Local Historic District, which would put final approval for design review in the hands of the Historic Resources Commission.

There is no such grid of options in this draft -- only the flat recommendation of expanding P&Z's authority, etc. as discussed in *2* above. Maybe \$170,000 wasn't enough to buy us an options grid.

And instead of an objective investigation of how an LHD might or might not be advantageous, it is treated like an afterthought and then summarily dismissed: "In addition, explore the pros and cons of designating a local historic district. (Note that local historic district designation could excessively restrict the ongoing investment that downtown needs to thrive by establishing stringent restoration standards without adequate financial support to help meet them.) (DMP Draft, page 30-31)

The last statement is the viewpoint that was presented to the Advisory Committee by a single historic-preservation consultant who is employed by a downtown-development company. It is not the view of most local or state preservationists, and it is certainly not supported by the well-known study conducted by Dr. Pamela Nickless of UNCA in 1997 on "Economic Development and Historic Preservation" (summarized at <http://www.psabc.org/news/econ.htm>). Nickless -- whose study Goody Clancy was informed about, but apparently ignored -- demonstrated the enormous jump in investment in the Montford district after it was designated a local historic district.

The DMP draft simply recycles many developers' prejudices against local historic districts -- which restrict them from demolishing historic buildings at will, and compel them to make historically appropriate alterations to their buildings instead of whatever suits their whims or costs the least -- and marginalizes preservation by continuing to overlook the central role our historic buildings play in the character and desirability of downtown.

Worse, it encourages the development of massive buildings right next to historic properties by advocating the sale of the historic property's "air rights" (DMP Draft, page 31). Developers could dodge the DMP's proposed 20-foot side step-backs from adjacent buildings by buying the rights to the step-backs from the adjacent building's owners -- which would seem to defeat the DMP's own stated purpose of requiring side step-backs, which is to minimize shadows and the depressing "slab" effect of overcrowded buildings.

Finally, it seems imbalanced, at least, for the plan to dismiss Local Historic Districts on the one hand, and on the other hand to advocate: "Diversify the Asheville-Buncombe Historic Resources Commission to include Asheville Downtown Commission members, design professionals (including urban designers), sympathetic developers, construction professionals, and members with similar backgrounds." (DMP Draft, page 32) What would be the point of this if the HRC is given no power to enforce downtown historic-design requirements?

5 SHADOWS & VIEW CORRIDORS:

This may be the clearest example of how readily Goody Clancy backed off from its "livable" and "human-scale" design-requirement proposals when these met resistance from developers.

The problem of massive new buildings overshadowing smaller existing ones was in the forefront of public concern twice last year: The Coalition of Asheville Neighborhoods opposed the Horizons proposal's large condo tower at the old Deal property on Merrimon Ave. because it would have cast the residential neighborhoods next to it in continual shadow, interfering (among other concerns) with residents' solar-cell panels. And the Parkside condos would have cast a daily shadow over City Hall, as well as over City-County Plaza.

Preserving downtown residents' and visitors' views of the surrounding mountains from encroachment by massive buildings was also a frequently expressed concern. Again, Parkside highlighted this issue -- one of the Pack Square Conservancy's objections to the proposal was that it would block a traditionally admired view of the mountains from City-County Plaza.

The consultants told us we could prevent these problems by requiring tall buildings to be tapered, decreasing their mass as they rise (like the Jackson Building); by imposing restrictions on shadows; and by designating view corridors in which tall buildings would not be allowed.

Here's what happened to those ideas in the back room. (It may be mere coincidence that the owner of the Horizons/Deal property, Chris Peterson, is also the most outspoken developer on the Advisory Committee.)

In the Planning Team Response document, the consultants answer an objection -- perhaps from a non-developer on the committee -- that "More height regulation [is] needed" (ref. no. 26):

"We did not feel additional height controls were necessary compared to previous drafts, and have in fact removed some regulations that we feel imposed unnecessary restriction:

"[A] Removed requirement that building floor length gradually decrease (by 2' per floor) about 75'. This unnecessarily restricts upper floors; the 150' maximum will still ensure reasonable building size; we did not want to force tapered building forms that would be out of place with traditional sheer vertical buildings in downtown.

[Which 'sheer vertical buildings' are those -- the BB&T? The Wachovia?? -- S.R.]

"[B] Removed restrictions on new buildings casting shadows on private development parcels (restrictions on casting shadows on public parks remain). Further model study revealed that restricting shadows on private parcels dramatically crimps development envelope and forces tapered building forms out of character with downtown (precedent shadow ordinances we had invoked turned out to be geared to more suburban conditions). While removing these restrictions will impact private parcel access to direct sunlight, we feel this is a reasonable trade-off to maintain other important urban qualities and parcel value. Other sites out of downtown are better suited for solar power generation. The floorplate area and length restrictions and front step-backs that remain for taller buildings will help ensure that a reasonable amount of daylight and views remain among taller buildings.

[This strikes me as utterly arrogant, and contemptuous of the nearby residents whose access to sunlight would be "traded off" for "parcel value." -- S.R.]

"[C] New development is no longer restricted from designated public view corridors, but rather must provide photomontages illustrating how it would be compatible with important views. Curtailing development in view corridors would be overly restrictive, and lead to some very disproportionate impacts on certain parcels. Public review of clear before/after illustrations of the proposal will enable thoughtful accommodation of views and development through good architectural design and site planning."

[If you allow a tall building to jut up into a view corridor, it's hard to see how it will "thoughtfully accommodate" views for anyone except the residents of its penthouse. -- S.R.]

6 ADD (ASHEVILLE DOWNTOWN DISTRICT):

A good description of this is in David Forbes' Jan. 6 article in the Mountain Xpress, "Asheville Downtown Master Plan draft lays out potential future," at http://www.mountainx.com/news/2008/downtown_master_plan_draft.

Gordon Smith of Scrutiny Hooligans has aptly described this entity -- in the form the plan envisions it eventually taking as an all-powerful, independent controller of downtown -- as a "Petri dish for corruption." Huge amounts of money and power would be controlled by appointed -- not elected -- officials who would be subject to no effective oversight.

Asheville has experienced this sort of Soviet-style central planning before -- in the 1960s and 70s, when autocratic City Manager Weldon Weir and his successors demolished large parts of the city's downtown (including its African-American section at what's now South Charlotte Street) in the name of urban

renewal. We don't need to delegate away what little power would remain with elected officials after the DMP strips City Council of its design-review function (see *2*, above).

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CONCLUSION:

In sum, the Downtown Master Plan, which began with such a breath-of-fresh-air flourish of public input and citizen control over Asheville's destiny, seems now to be degenerating into an undemocratic delegation of power into the hands of appointed, insulated boards that well-connected developers have plenty of experience in controlling. Although it is packed with excellent, far-sighted recommendations, these are made hollow by the plan's weak requirements.

The public needs to resist the inevitable rush to implement the plan's developer-friendly rule changes, and to avoid being swayed by arguments that "everyone has to compromise" and "we can't delay any longer." The fact is, Goody Clancy was right the first time -- we DON'T have to compromise our quality-of-life standards to suit the demands of a few developers who want to continue putting up ugly, oversized cubes.

Historic preservation and renovation -- not new development -- has been the driving force behind downtown Asheville's economic revival. This will prove even more true as the present recession deepens, since historic restoration is cheaper and greener and creates more local jobs than new development.

The organizers of the DMP process made one fundamental mistake in closing off the process to the public and moving it to a developer-dominated back room. They made another in repeatedly failing to provide a due proportion of seats at the table for the historic-preservation community.

It's not too late to reverse these mistakes. The DMP is still only a draft. The planners could:

- * Make a concerted effort with preservationists to research and discuss Local Historic Districts, the one tool that can give us "mandatory review, mandatory compliance."

- * Retain City Council review for all Level III projects over the old threshold, 100,000 feet.

- * Investigate the consequences of dropping the Conditional Use Permit process.

- * Consider how to diversify the membership of the Planning and Zoning board beyond the developer community, and how to insulate its appointments from special-interest lobbying.

- * Restore the design requirements it has weakened.

- * Fully include the public in all of its discussions and findings.

In its present form, however, this Downtown Master Plan should NOT be adopted by City Council.

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