

# Hudson Todd LLC

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4 Cross Street, Beacon, NY 12508  
jDonovan@HudsonTodd.com

646-284-3118

October 29, 2019

Chairman John Gunn  
and Members of the Planning Board  
City of Beacon Planning Board  
1 Municipal Place  
Beacon, NY 12508

Re: Hudson Todd—Two Cross Street Project—submission for November 13, 2019 meeting

Dear Chairman Gunn and Members of the Planning Board,

Enclosed herewith are the following updated materials (5 hard copies and an electronic copy) for the November 13, 2019 Planning Board meeting:

- Updated Site Plan set (6 sheets) with architectural and civil drawings (19 sheets) [5 copies of each]
- EAF, updated through 10/29/19
- Letter responding to Comments from Lanc & Tully and John Clarke
- I&I Report dated August 27, 2019 prepared by Hudson Land Design

Two Cross Street will adaptively use two existing buildings at 172 Main Street and 4 Cross Street and integrate them with sensitively designed new construction on the now-vacant lot at the corner of Main and Cross Street to create a single mixed-use structure with retail uses on the first floor, residential (affordable senior) uses on the second floor, and office uses on the third floor. The portion of the building within the CMS District will have a fourth floor, for office use. The project includes a public plaza at the corner of Main and Cross Streets featuring landscaping and decorative hardscape. Parking to be provided on site and off-site in locations designated on project plans.

The majority of the property is in the CMS (Central Main Street) District and also in the HDLO and PO (Parking Overlay) Districts. The small portion of the property formerly known as 4 Cross Street is in the PB (Business Off-Street Parking) zoning District.<sup>1</sup> This parcel is presently being proposed by the City Council for inclusion in the HDLO (Historic District and Landmark Overlay). A map showing the zoning of the project site is included with drawing sheet A-3 of the submission.

The building at 4 Cross Street is a 2-1/2 story masonry structure, constructed for commercial purposes and used in recent decades as a two-unit rental residence. The building at 172 Main Street is a late 19<sup>th</sup> C 2-story structure with a retail ground floor and apartments upstairs.

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<sup>1</sup> This parcel was in the CB district prior to the Council's 2018 rezoning.

The mixed commercial/residential use continues today. The project integrates 172 Main into the completed building preserving the storefront and street facade. The vacant corner of the property was previously occupied by a 19<sup>th</sup> C frame building (last in use as a pizza parlor), destroyed by fire in the late 20<sup>th</sup> C.

Immediately adjoining the building at 172 Main Street to the east on Main Street is the 1800's 'Dondero Block', a once-empty building that underwent a renovation in 2001 by the Community Preservation Corporation and is now a vibrant part of the West End downtown, containing affordable residential apartments, art galleries, and professional studios. Adjoining the property to the north on Cross Street is a 2 story single-family home, also in the PB zoning district.

Located on the opposite (south) side of Main Street across from the project site are a series of 2-story and 3-story mixed-use masonry 19<sup>th</sup> C buildings, largely in their historic form. The projecting bays of 171-173 Main Street were removed in the late 20<sup>th</sup> C.

Located on the opposite (west) side of Cross Street is the stately landmark Tompkins Hose Building, now the home of Hudson Beach Glass ("HBG"). The 1-story east wing of the HBG building was formerly a 3-story masonry structure, demolished in the late 20<sup>th</sup> C. Adjoining and to the rear of that wing along Cross Street is a municipal parking lot. The parking lot was formerly occupied by commercial and industrial businesses in three row-style 2 and 3-story masonry buildings, demolished in the mid-20<sup>th</sup> C.

Neighborhood maps showing the location and approximate heights of nearby buildings (both current conditions and historical buildings demolished in the 20<sup>th</sup> C) are shown on drawing sheet A-13.

#### **DESCRIPTION OF PROPOSED PROJECT:**

The proposed project is located at the western end of Main Street, at the western entry to Beacon's commercial core on Main Street. The now-vacant corner parcel historically contained a building (Sheet A-13), a building that was demolished in the second half of the 20th century. The existing vacant lot now forms a disappointing gap in the streetscape on the north side of the street, just beyond the stately HBG building.

This project proposes to fill this gap in the streetscape with sensitively designed new construction to preserve, expand, and integrate the two existing buildings at 172 Main Street and 4 Cross Street into a single mixed-use structure with a program of Office, Retail, and Residential uses. The completed project will comprise approximately 26,600 Gross Square Feet, in a building which is 4 stories tall within the CMS District, and 3 stories tall within the PB District. The project was initially described in a conceptual design study presented at City Council Workshop Meeting in April 2019. This application continues to include the mixed program of Office, Retail, and Residential uses.

A key feature of the new building is the public plaza at the corner of Main and Cross Streets, which features plantings, seating decorative paving and other landscape amenities ("proposed public plaza").

The majority of the street-level space will be devoted to retail use facing Main Street. The east end of this floor provides a through-lobby, accessible from both Main Street and the rear-

yard parking. The first floor of the existing 4 Cross building will be devoted to either residential or professional-office use.<sup>2</sup>

The second floor of the proposed project will provide nine-residential apartments for modest-income seniors (55+) who will receive incidental support from the sponsoring agency (Hudson River Housing). The apartments will not function as a nursing home, nor require on-site medical services nor frequent emergency services, but simply function as residences for citizens fully engaged in the life of Beacon's Main Street. Amenities on the second floor include a common room with a balcony overlooking the proposed public plaza, and an office space for the sponsoring organization (Hudson River Housing). The residential use has the further advantage of keeping the building in use 24-7.

The proposed third and fourth floors in the CMS portions of the property will be devoted to high-quality flexible office space, which will be marketed to creative-industry professionals. The building shell and core are designed to provide flexible space, accommodating the needs of an anchor tenant and/or multiple professionals and small businesses. As noted in the Comprehensive Plan, "Beacon residents want to encourage the development of a balanced local economy that provides good jobs, not just goods and services for residents and weekend visitors. Workshop participants also commented that encouraging more businesses in the City could reduce the municipal tax burden on residences." Two Cross Street will do this. To provide a viable office use, it is essential to create a critical mass of rental space to have the flexibility for tenant space demands. The need for this critical mass of space is the reason for the request for two stories of office use, thus requiring a fourth story, and also for the request that the 4<sup>th</sup> story not lose the essential square footage that would be lost with the conventional step back. The applicant has addressed visual and community character issues by designing a building height that is no higher than the Dondero building, and no higher than a conforming 3-story building with a permitted as-of-right cornice. (see discussion on page 6-8 below).

The building on the PB portion of the property is conforming as to height (in feet) but will require a half-story variance to authorize the proposed 3 story height. If the parcel is rezoned to CMS, no height variance would be required. A green roof is proposed above the third floor at the north side of the building, with limited access from the fourth floor corridor of the adjoining building, and is included in the project for its environmental benefits and as a visual amenity for occupants of the building.

#### **BASIS OF DESIGN: CONSISTENCY WITH COMPREHENSIVE PLAN GOALS:**

"While a comprehensive plan is not in itself a law or a regulation, it sets the stage for laws and regulations affecting a City's development by examining current conditions, existing regulations, and recommending regulatory changes. It helps to ensure that land use controls are based upon a factual understanding of a community's needs."

The Two Cross Street Project has been designed as a response to the needs of the Beacon community expressed in its Comprehensive Plan. The Project meets the goals of the Plan, particularly through its mixed-use character and its ability to bring a critical mass of office

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<sup>2</sup> 4 Cross Street is presently in the PB Zoning District which does not allow office or multi-family use. The City Council is now proposing to include the property within the HDLO District, which would allow office or multi-family use subject to City Council Special Permit. The public hearing on this inclusionary designation is set to continue on December 2, 2019. There is also ongoing consideration of modifying the regulations in the PB district, and even of changing the zoning of this parcel to CMS, in light of its proximity to CMS zoned property. The Applicant prefers to use the PB zoned property for office and multi-family, but will modify the proposed uses as needed to comply with zoning. The parcel has an existing non-conforming use of 2 residential units.

space to this section of Main Street. A brief overview is provided below and a full copy of the Comprehensive Plan's "highest priority goals" is attached at the end of this letter.

- Maintain neighborhood character and develop the Central Business District. Two Cross Street, and, in particular, the four-story design with its mix of uses inside and a cornice height matching its neighbors, will develop and strengthen the Central Business District, while respecting and reflecting the scale, texture, palette and uses of historic buildings found in this vibrant neighborhood. The members of this owner/designer/builder team have extensive experience in the sensitive restoration, rehabilitation and alteration of historic structures, including major civic landmarks - and the team looks forward to working with the Planning Board in refining the project design.
- Maintain housing opportunities accessible to a wide variety of income levels. This project provides supportive and affordable housing for seniors, administered by Hudson River Housing (HRH) under the NYS Empire State Supportive Housing Initiative (ESSHI).
- Preserve the existing density and pattern of established neighborhood. Two Cross Street restores the historical development density found on the west end of Main Street, by constructing a new building on a long-vacant lot. The building blends with the overall pattern of its neighbors and helps restore the established street building pattern.
- Encourage housing at relatively greater density within the Central Business District. The project includes nine apartments, committed to the ESSHI program for 30 years.
- Ensure diversity (racial, ethnic, age, economic) through a range of housing choices. The ESSHI demographic is particularly well served by the specific location of Two Cross Street, and there is no comparable housing available along Beacon's Main Street. HRH is a not-for-profit dedicated to affordable and supportive housing, and to homelessness-prevention services.
- Encourage a vibrant business community in harmony with existing areas. In addition to street-facing retail, this project brings high quality, flexible layout, office workspace to Main Street, bringing additional employment opportunities to Beacon residents and weekday customers to local retail and service businesses.
- Develop an integrated and efficient transportation system. Two Cross Street is ideally positioned to encourage use of public transit, pedestrian and bicycle modes by its residents, workforce, visitors and customers.
- Encourage high environmental standards for development. The owner/designer/builder team are professionals committed to innovative green design. Key project goals include exemplary energy performance for Two Cross, in both in the embodied-energy of its structure and in operations over a full life-cycle. The project will meet 'Passive-House' standards in envelope design, source local and regional suppliers for materials and equipment, include high-performance heat-pumps for all HVAC systems, and promote healthy occupancy with such simple measures as stairway design, access to landscaped terraces and operable windows. Together with its transit-friendly location, these features help the project meet appropriately high standards for environmental performance.
- Develop recreational open space to meet a complete range of needs for people. The proposed public plaza provided by this project will be a green 'resting' place at a prominent intersection, conveniently located where the uphill walk from the riverfront

meets the level heart of Main Street. Such public resting spaces encourage walking and community engagement, key contributors to public health.

- Support sustainable development improving connections to the train station. Increased economic vibrancy on the west end of Main Street (and on West Main Street) encourages the integration of Beacon's commercial core with its waterfront and its major transit asset, making the pedestrian connection more vibrant and attractive.

#### **ZONING COMPLIANCE: PERMITS REQUIRED TO IMPLEMENT PROJECT:**

- Planning Board Site Plan approval for all uses.
- Planning Board Certificate of Appropriateness for all proposed construction in HDLO (134-7) [2 Cross Street and 172 Main Street are within the HDLO, and the designation of 4 Cross Street is now being proposed by the City Council]
- Planning Board Architectural Review under 86-5. [CMS District is theoretically exempt from Chapter 86 Architectural review 223-41.18.J.1, but Applicant welcomes any input from the committee]
- Planning Board determination of appropriate amount of parking under 223-41.18.G.3
- [upon inclusion of 4 Cross Street in HDLO], City Council Special Permit for multi-family and office use in PB District (4 Cross Street), and permission to exceed 4 residences and 10 employees. 223-24.7. This special permit requires review of HDLO standards. The need for these special permits would be obviated if the Council changes the zoning of 4 Cross Street to CMS.
- City Council Special Permit for 4<sup>th</sup> floor on CMS buildings, which also requires review of HDLO standards. The applicant believes that the City Council has the inherent authority to approve a 4<sup>th</sup> story that does not have a stepback, without the need for a ZBA variance. The Council is currently considering changes in the provisions relating to 4<sup>th</sup> story construction in the CMS District.
- [unless the Zoning classification of 4 Cross Street is changed to CMS], a height variance (area variance) from the ZBA to add the ½ story to 4 Cross Street to be 3 stories tall. The proposed height in feet is zoning compliant. A change in zoning to CMS would obviate the need for this area variance.
- The applicant does not believe that a formal lot consolidation/subdivision is necessary, as the lots have already been consolidated (see above Property Description)

#### **DISCUSSION OF REVIEW STANDARDS:**

The discussion below is intended to supplement the graphic information by describing consistency with the applicable zoning standards for key elements of the project. We look forward to continued discussion with the Planning Board as it considers the various elements of the project during the review process:

**Special permit for 4<sup>th</sup> story in CMS District: in particular for a fourth story without setback**

The application proposes a fourth floor on the CMS zoned properties. The project meets all of the criteria (a through d) defined in 223.18.B(1) as requirements for issuance of a special use permit, and the additional requirements established in 223-41.18.E.(7)(b) for permits in the CMS District:

*(a) The location and size of the use, the nature and intensity of the operations .... will be in harmony with the appropriate and orderly development of the district in which it is located.*

The property is an integral part of Beacon's Main Street. The retail, office and residential occupants of the building (and the landscaped plaza outside) will strengthen the civic and commercial life of this neighborhood, 24-7. The location and size of the use will be in harmony with the existing development of the district. The building will maintain the extend the street wall established by its neighbors and its height (+/- 42 ft) will complement that of existing structures of similar and greater heights on nearby parcels. The fourth floor provides much needed office space, and two floors of such space provide the critical mass needed.

*(b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.*

The development of Two Cross Street will complete the development of this immediate neighborhood (excluding the municipal parking lot immediately opposite the project on Cross St, which parking lot is located within the CMS Zone), compatible with existing uses in nearby buildings.

The office uses can only be successful if enough rental space is provided, and the two stories proposed will comprise approximately 10,000 SF, a number we consider essential to accommodate a variable mix of individual professionals and small-to-medium businesses. To provide this sufficient quantity of office space, while retaining the mixed use character of the building with the second floor residential space, the applicant is requesting a special permit for a fourth floor.

A fourth floor which provided a 15 feet setback would reduce the usable dimensions of the 4<sup>th</sup> story space to a configuration that does not provide a viable floorplate for rental office space. Accordingly, this application requests that the 4<sup>th</sup> story be allowed without the setback. We have studied the potential effects of the proposed 4<sup>th</sup> story, and submit that, in this unique context, the 4<sup>th</sup> story does not cause any adverse impacts that require amelioration by a setback (see discussion below and drawing sheet A-12). In addition, public benefits are proposed as consideration for the proposed 4<sup>th</sup> story, including a public plaza at the corner of Main and Cross, with seating and landscaping open to the public.

*(c) Operations .... will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.*

The proposed retail, residential and office uses are all allowed (indeed encouraged) in the CMS District, and their operations complement those of nearby properties. The special permit will allow an adequate amount of office space, on two floors, to make the project feasible.

**(d)** *Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.*

Parking provided will meet the needs of the Project. Existing facilities at Cross and Church Streets will be improved and expanded, to achieve maximum safety while increasing capacity, and the parking areas will be landscaped to suitably screen the parking spaces from adjoining residential properties. See discussion below, page 10.

**223-41.18.E (7)(b)** In addition to the factors above, the Council must find that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted by the City Council or in the Comprehensive Plan and that new building be compatible with the historic character of adjacent buildings.

*Effect on shadows:* The proposed building will create no detrimental effects on shadows. The building has the same cornice elevations as a three story building of code-compliant height in the same location, and consequently will have the same shadow impacts at the rear/north as would a three-story building at this location. The corner plaza allows improved sightlines at the intersection and a reduced shadow impact on the Cross Street sidewalk.

*Effect on parking:* There will be no adverse impact, because of the location of the office space in an area that allows for significant pedestrian/bike travel

*Effect on traffic:* For the same reasons, there is no substantial detrimental effect on traffic.

*Effect on views* adopted by the City Council or in the Comprehensive Plan: No views described in the Plan or adopted by the City Council are affected by this project.

*Compatibility with the historic character of adjacent buildings:* Two Cross responds sensitively to its 19<sup>th</sup> century neighbors, matching their height and incorporating traditional materials, patterns and details. Additional design details will be provided in subsequent submissions on the materials and systems to be incorporated, including specifics regarding such systems as lintels, jambs and sills at masonry openings, sculpted cornices at roofline and above the storefronts, full-thickness masonry exterior walls, and high-performance operable windows in traditional vertical proportions compliant with CMS and HDLO guidelines.

**223-41.18.E. (7)(b)** also provides that “although not required .... below-market housing .... commercial uses on upper floors .... extra sidewalk width, plaza space, or green space accessible to the public may be a *positive factor* for consideration during the special permit review process.

Two Cross includes all of these positive factors. The Project includes 2 stories of office use on the third and fourth stories. It includes below market-rate housing

on the second floor. It includes a plaza open to the public at an important Gateway to the commercial core of the City. Details for plantings, seating, pavements, lighting, artwork and other amenities in the plaza will be developed in consultation with the Planning Board and its Architectural Review Committee.

### **Special Permit for multi-family and office use in PB District**

This Special Permit applies only to the PB zoned portion of the property, upon its inclusion in the HDLO. This Special Permit would not be required if the Council changes the zoning of 4 Cross Street to CMS.

The project meets all of the criteria (a through d) defined in 223.18.B(1) as requirements for issuance of a special use permit. In particular, for multi-family and office use in the PB zone:

*(a) The location and size of the use, the nature and intensity of the operations .... will be in harmony with the appropriate and orderly development of the district in which it is located.*

The size, use, nature and intensity of Two Cross Street operations will be in harmony with PB District intent to support the vitality of Main Street. The mixed use character of the building is a unique positive contribution to the neighborhood, helping restore the density and vitality that were this neighborhood's heritage ... when the municipal parking lot was occupied by three-story commercial buildings and the 4 Cross Street property itself was in commercial use.

*(b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.*

The development of Two Cross Street will not hinder, but rather complete the development of this immediate neighborhood (excluding the municipal parking lot immediately opposite the project on Cross St, which parking lot is located within the CMS Zone), compatible with existing uses in nearby buildings. The height of this portion of the building, within the PB District, will provide a transition in height from the CMS District buildings on Main street, and a link to the context of the existing houses and multi-family buildings on both sides of Cross Street.

*(c) Operations .... will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.*

The proposed uses (residential and office) are quiet uses that do not produce noise, fumes, vibration or other similar characteristics, and are consistent with nearby properties and their operations will not be more objectionable than would be the operations of permitted uses in the PB district.

*(d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.*

Parking provided (on site and on nearby properties) will meet the parking needs of the Project. Existing entrance and exit drives at Cross and Church Streets will be improved to achieve maximum safety, and the parking areas will be



landscaped to suitably screen the parking spaces from adjoining residential properties.

**Planning Board determination of appropriate amount of Parking under 223-41.18.G.3**

The project includes 6 parking spaces at the rear of the building served by the existing Cross Street driveway at the north; 4 parking spaces on the Two Cross Street site, and 2 parking spaces in the rear of the 174 Main Street (Dondero) building. An additional 23 parking spaces are provided nearby on the west side of Cross Street, as described in drawing sheets A-3 and C-2. The total parking provided is thus 29 spaces.

Parking requirements within the CMS district are set forth in section 223-41.18.G.

- Residential/Senior: 2 spaces per 3 units per 223-26F
- Office: two spaces per 1,000 sf of floor area
- Retail and personal services: 2 spaces per 1,000 sf of floor area
- Other uses: as determined by the Planning Board.

Under these calculations the required amount of parking is 36 spaces. However, Section 223-41.18.G.3 allows the Planning Board to modify parking standards based on proof of certain criteria. The applicant believes that several of the relevant criteria apply in this case. The operational characteristics of the building will provide complementary parking demand for the retail and office uses, on the one hand, and other demand in the city for parking for residential uses and restaurant uses in the evening. The housing element of the project will produce virtually no parking demand, other than for visitors. The project is so located that many of its office workers and retail customers will walk or ride bikes to work. The proposed site plan provides bike racks for their use. The project sponsor has parking available near the site for patron use, as shown on the site plans.

Based on all these considerations, the Applicant requests that the Planning Board exercise its authority to approve the proposed 29 off-street shared-use parking spaces. Please see Sheet A-3 for detailed Off-Street Parking analysis.

**CONCLUSION:**

We appreciate the Board's consideration of the submitted materials, and we look forward to discussion with the Planning Board at the November 13, 2019 meeting . At the conclusion of the discussion on the 13<sup>th</sup>, we intend to request that the Planning Board circulate for lead agency status.

With thanks,

Joseph Donovan  
Hudson Todd LLC

Attached: Pages 23-25 2017 City of Beacon Comprehensive Plan Update  
Cc: D. Buckley, Building Inspector; J.Gray, Esq., Planning Board

## 2017 COMPREHENSIVE PLAN GOALS

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### ***Land Use (Section 2.0)***

- Maintain the character of established neighborhoods, protect and preserve sensitive ecological areas and encourage the development of the Central Business District, the Waterfront/Train Station area and underutilized industrial sites along Fishkill Creek.

### ***Population and Residential Development (Section 3.0):***

The City, through its zoning and other policies should:

- Strive to maintain a variety of housing opportunities that are accessible to a wide variety of income levels;
- Preserve the existing density and settlement pattern of established neighborhoods;
- Encourage housing development at relatively greater densities within and adjacent to the central business district and the Waterfront/Train Station area;
- Encourage residential development of vacant and underutilized former industrial sites;
- Encourage redevelopment of vacant and underutilized industrial sites;
- Ensure continued racial, ethnic, age and economic diversity of the population through encouraging a wide range of housing choices.

### ***Commercial, Office and Industrial Development (Section 4.0):***

- Encourage a vibrant business community in harmony with existing commercial and industrial areas throughout the community. Employ all available mechanisms to meet the City's objectives for economic development.

### ***Transportation (Section 5.0):***

- Develop an integrated and efficient transportation system consistent with City land use patterns and objectives and the regional transportation plan to assure the effective and economic movement of people and goods within and through Beacon, including public transportation, pedestrian and bicycle systems.

***Water Supply and Sewage Treatment Goals (Section 6.0):***

- Maintain and improve City utilities, emphasizing environmental protection, health and safety. Work cooperatively with area municipalities to maintain and improve water and sewer utilities. Comply with the State’s Stormwater Management Program.

***Environmental Resource Goals (Section 7.0):***

- Preserve environmentally significant features and create an open space system of sufficient size to reserve adequate areas for the protection of water related resources, wildlife, and land forms of particular environmental value. The rare assets of the City, such as the Hudson River and Fishkill Creek, should be protected, as should the Hudson Highlands on the slopes of Mount Beacon.
- Encourage high environmental standards for development and infrastructure, develop sources of renewable energy and improve the environmental performance of City-owned property.

***Historic Resources (Section 8.0)***

- Encourage the preservation of historically and culturally significant buildings, landscapes, and neighborhoods.

***Recreation and Community Facilities (Section 9.0):***

- Provide community services for all age groups should be provided consistent with the economic growth of the City and its available resources. Encourage regional facilities to locate in the City.
- Develop a recreational open space system of sufficient size and locational qualities to meet the complete range of recreational needs for the people.

***Waterfront and Train Station Area (Section 10.0):***

- Support sustainable development that will enhance the City while providing an improved connection to the train station (see Section 10 for additional goals and recommendations).

***Public Awareness and Participation***

- Continue meaningful public participation in local decision making through broad dissemination of clear and pertinent information.
- Support constructive citizen participation and involvement in the planning and implementation process and foster leadership for all groups. The City should be an open and welcoming place for people of diverse backgrounds, experiences and perspectives. Diversity is central to our civic strength. We strive to support all members of our community against intolerance and discrimination.