

### **CITY OF ASHEVILLE TECHNICAL ASSISTANCE PANEL REPORT**

ASHEVILLE, NC | SPRING 2020









### Charlotte

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### Contents

Introduction3
Technical Assistance Panel (TAP) Program 4
Acknowledgements5
Assignment Overview 6
Questions for the Panel
The TAP Process
List of Stakeholders 11
Stakeholder Input 12
Public Input 13
Hotel Market Performance 19
Key Findings 24
TAP Recommendations 25
Policy and Design
Strategic Community Investment 30
Collaboration 31
Phased Implementation 32
Answers to Questions for the Panel 34
Appendix

## Introduction

The Urban Land Institute (ULI) The Urban Land Institute (ULI) was established in 1936 and has more than 40,000 members from more than 80 countries. ULI is one of America's most respected sources of information and knowledge on urban planning, growth and development.

ULI is a nonprofit research and educational organization. Its mission is to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide. To encourage an open exchange of ideas and sharing of experiences, ULI membership crosses a variety of backgrounds and professions representing the entire spectrum of land-use and development disciplines in private enterprise and public service. Among the members are developers, builders, property owners, investors, architects, public officials, planners, brokers, appraisers, attorneys, engineers, financiers, academics and students.

**ULI Charlotte** is a District Council of the Urban Land Institute. The District Council offers ULI services and benefits at a regional level. The mission of ULI Charlotte is to complete the ULI experience at a local and regional level through education, research and the exchange of ideas and experiences.

One service provided by ULI Charlotte is the Technical Assistance Panel (TAP) program. TAP panelists are volunteer members who seek to further the objectives of ULI and make authoritative information available to those seeking knowledge regarding the long-term use of urban land.

<u>Client/Sponsor</u> ULI Charlotte was engaged for this TAP program by leaders from the City of Asheville (the sponsor). The city is governed by a seven-person elected city council, which includes the mayor. A city manager implements the council's policies and manages day-to-day operations.

**The Technical Assistance Panel (TAP)** program is offered by ULI Charlotte to provide local municipalities and community-based nonprofits objective and responsible advice on land-use planning, development and redevelopment issues.

#### **Program Description**

The District Council TAP is a service offered as part of ULI's national Advisory Services program. Since 1947, the Advisory Services program has assisted communities by bringing together real estate, planning and development experts to provide unbiased, pragmatic advice for addressing complex land-use planning and development issues.

The ULI Charlotte TAP program provides similar services to local governments, private developers, community development corporations, and many other organizations. Once a project is designated for a TAP, ULI Charlotte's District Council assembles a panel of volunteers with expertise in areas necessary to focus on the sponsor's problem or issues.

Because of the District Council members' diverse expertise, a broad array of issues can be evaluated. Members' expertise includes commercial retail, office, industrial, residential, and mixed-land uses in a multiplicity of urban forms.

Under ideal circumstances, a TAP will focus on issues surrounding a particular site or topic impacting a larger study area or jurisdiction. Analysis will typically be organized around defining characteristics and limitations, identifying and assessing community and neighborhood goals, considering alternative land-use strategies in the context of preliminary feasibility analysis, and making recommendations for next steps.

The sponsoring organization is responsible for gathering the background information necessary to understand the project and presenting it to the panel. TAP members typically spend a day and a half developing an understanding of the problem, coming up with recommendations, and presenting those findings and recommendations to the sponsoring organization.

## Acknowledgments

#### **Committee Chair**

ULI Charlotte's TAP Committee is chaired by **Dave Malcolm** of **The McAdams Company**. The committee is responsible for the marketing, review and implementation of the Technical Assistance Panels. When a TAP is engaged, the committee selects volunteer members of ULI that most appropriately fit the engagement objectives.

#### **TAP Panelists**

Members of ULI were selected to provide a wide variety of experiences. Full biographical sketches are included in the appendix to this report. Panelists for the City of Asheville study were:

### Panel Chair

Keith MacVean Land Use and Zoning Consultant Moore & Van Allen

**Panelists** 

**Randy Goddard, PE Transportation/Traffic Engineer** 

Senior Principal **Design Resource Group** 

**Charlie Johnson** President and CEO Johnson Consulting

**Amy Barrett Executive Director ULI South Carolina** 

Jessica Rossi Planner Kimley-Horn and Associates, Inc.

### **Program Support**

**Theresa Salmen Executive Director UII** Charlotte

Frank Warren

Land Use and Zoning Consultant

**Real Estate and Hospitality Consultant** 

**Urban Planner** 

**Economist; Real Estate Market Strategist** 

**Program Manager** 

**Contract Writer** 

## **Assignment Overview**

#### **Scope of Project**

The City of Asheville asked the ULI Charlotte District Council to conduct a TAP to assist city leaders in addressing a surge of hotel development and associated visitors, particularly in the downtown area. The city responded to complaints over hotel design and the impacts of general growth of tourism by implementing a citywide one-year moratorium on hotel construction. The moratorium was approved on September 24, 2019. The TAP panelists were asked to provide guidance and strategies that the city could use to respond to new hotel development proposals post-moratorium.

#### **Recent Community Recognition**

It is important to understand that Asheville has attracted significant hotel development over the last five years in response to its rapid rise as a national destination. This transformation is illustrated by the recent rankings below:

- Named one of the Top 50 Best Places to Travel in 2020 *Travel* + *Leisure, 2020*
- Named the "Prettiest Town" in North Carolina The Daily Meal, 2019
- Ranked 4th in the Top Places to Retire in the US U.S. News and World Report, 2019
- Ranked one of the Top 15 "Best Places for Business and Careers" Forbes.com, 2019
- Named one of the Top 50 Small Cities to Start a Business WalletHub.com, 2019

#### The Issues

As outlined in the Briefing Book provided to the TAP panelists by the City of Asheville, the primary issues for residents, elected officials and city staff are as follows:

- Geographic clustering of hotels
- Design and quality of construction
- Effects on the land-use mix
- Physical topography, affecting where development can happen
- Impacts to City of Asheville infrastructure
- General unrest about impacts of tourism

The city lacks concrete policies, strategies and tools to effectively manage or regulate hotel development. The lack of clear direction in the Asheville City Code and Living Asheville Comprehensive Plan has resulted in uncertainty for developers, staff and the community. This uncertainty is at the heart of the discussion. Hotel development is subject to negotiated Conditional Zoning approvals by the city council, with no binding standards in place for location, design or parking. The result has been a proliferation of resident complaints about inconsistent agreements between the city and developers, and the continued negative impact of new hotels on the downtown skyline and streetscape.

Other than property tax revenue, the city has limited funding to address the infrastructure and service impacts of new hotels. A 6% occupancy tax is collected on gross hotel receipts in Buncombe County. Legislatively, the State of North Carolina allows up to 75% to be spent on tourism-related marketing, while the remaining 25% goes to local projects approved by the Buncombe County Tourism Development Authority (TDA). Legislation from the State of North Carolina is unlikely for any new local taxing authority.

The increase in hotel room rates in Asheville over the last five years has not only resulted in a surge of new hotel development, it has also exacerbated an already-existing housing shortage, particularly for low- and moderate-wage employees in tourism-related businesses. Housing units that would otherwise be occupied by Asheville residents are now being marketed as short-term vacation rentals (STVR), with stays of less than one month, through websites such as Airbnb and VRBO. The city has a Homestay policy that allows for the rental of up to two bedrooms in homes occupied by the owner/proprietor, but the homes must be registered for compliance. No other STVRs are allowed, but enforcement has proven difficult. Asheville is not the only city facing this issue as it is a national and international phenomenon, with issues reported in places such as Iceland and Bali.

## **Questions for the Panel**

The ULI panel was asked to consider the following:

- 1. What is the **appropriate balance of hotels relative to other uses** in Downtown Asheville and in the city overall?
- 2. Should the city consider **special requirements for hotel development** in certain areas, and if so, where and what might those requirements be?
- 3. How can the city work with hoteliers, tourism-related partners, the hospitality industry and other stakeholders to **reduce negative impacts and better integrate hotels into the community?**
- 4. How can Asheville **leverage hotel development to meet city goals**, such as affordable housing, public infrastructure and facilities, a thriving local economy, and a well-planned and equitable community?



## The TAP Process

#### **Sponsor and Panel Introductions**

The ULI panelists assembled Monday, January 9, in the Buncombe County Administration Building at 200 College Street in downtown Asheville, for brief introductions to city staff.

#### **Driving and Walking Tours**

Panelists were taken on a driving tour through East Asheville (Tunnel Road), Biltmore Village, the River Arts District and West Asheville. City staff pointed out notable new developments, including hotels. The group discussed research in the Briefing Book provided in advance to the panelists.

The sponsor and panelists took a walking tour of downtown Asheville, stopping to see the exteriors of hotels added over the last five years. They visited pending developments, such as the renovation of the former Bank of America building on Patton Avenue. They also discussed the city-owned 2.4-acre site at Haywood Street and Page Avenue, and how a planned development would fill a high-profile gap in the downtown framework. The city's tourism infrastructure needs, including the aging convention center, also were reviewed.

#### **Stakeholder Interviews**

After lunch, panelists convened in the Buncombe County Administration Building for two stakeholder meetings. Both sessions were attended by city staff, elected officials, business owners, residents, neighborhood leaders, developers, and representatives of organizations related to tourism, all of whom volunteered to provide input. A summary of comments is included in the appendix.

#### **Public Listening Session**

Following the stakeholder sessions, the panel attended a public listening session at The Collider in the Wells Fargo Building at 1 Haywood Street. More than 100 community members were introduced to the panel and provided input through table discussions. Findings were recorded by a representative at each table.

#### **Panel Work Session**

The panel members conferred amongst themselves on the morning of January 10, at Asheville City Hall, to review what had been heard the day and evening before, collaborate on potential strategies, assign tasks, and review the timeline leading up to the January 30 presentation and report.

#### **Panel Work Session and Presentation**

The panel gathered the afternoon of January 30 at the U.S. Cellular Banquet Hall at 87 Haywood Street to finalize the key findings and recommendations for the summary presentation. At 5:30 pm, the public presentation began, with an estimated 100 people in attendance. After presenting their findings and recommendations, panelists fielded questions and comments.

#### **Report Preparation and Release**

This TAP report was prepared under the leadership of ULI Charlotte and offers a summary of the activities during the program, key findings and panel recommendations.







# List of Stakeholders

The panel conducted two sets of stakeholder input sessions the afternoon of January 9, 2020. Invitations to stakeholders were extended and arranged through the sponsor. Interviewees included city staff, elected officials, residents, business owners, developers, community leaders and representatives of the tourism industry. A broad spectrum of community interests and perspectives were represented in the two groups, including those for and against the hotel moratorium. All attendees were recognized and given a few minutes to state their issues or concerns, and general discussion in a roundtable format followed.

The sessions were held at the Buncombe County Administration Building at 200 College Street.

#### List of Stakeholders Interviewed

Meghan Rogers Asheville Downtown Association Asheville Downtown Commission Sage Turner Franzi Charen Asheville Grown Jane Anderson Asheville Independent Restaurant Association (AIR) Asheville Lodging Association John Muth Bhupen Patel **BPR** Properties Savannah Gibson **Buncombe County** Kim Rooney Citizen/East West Neighborhood City of Asheville/Community Development Paul D'Angelo Dana Frankel City of Asheville/Downtown Specialist Scott Burnett City of Asheville/Fire City of Asheville/Fire Kelly Klope Amber Weaver City of Asheville/Office of Sustainability Todd Okolichany City of Asheville/Planning Stacy Merten City of Asheville/Planning City of Asheville/Public Works Greg Shuler Stephanie Monson Dahl City of Asheville/Strategic Development Office Jessica Morris City of Asheville/Transportation Warren Sugg **Civil Design Concepts** Pam Winkler Downtown Asheville Neighborhood Association (DARN) Helen Hyatt French **Broad Neighborhood Association Emma Hutchins** Just Economics Esther Manheimer Mayor - City of Asheville Wes Townson McKibbon Hospitality Peter Alberice **MHAworks** John Beatty NC Restaurant and Lodging Association Joel Atyas Oakhurst Laura Hudson **Planning & Zoning Commission Craig Jeffries** South Slope Association

# Stakeholder Input

Interviews with the two stakeholder groups provided ULI panelists with valuable insights. The primary issues raised by participants are listed below. A summary of unattributed comments for each issue or topic is presented in the appendix.

#### **Key Issues Indentified by Stakeholders**

- Hotel Development Approval Process Needs More Predictability and Transparency
- Hotel Design Can Be Regulated Per Community-Driven Standards
- $\succ$ Infrastructure Is Struggling with Increased Visitation
- AAA Funding Sources for Infrastructure Improvements Can Be Implemented Locally
- Tourism Management Is Essential for Long-Term Solutions and Success
- Wages and Workforce Housing Are Corollary Needs That Deserve Separate Study
- $\triangleright$ Economic and Land Use Diversification Are Regional Goals That Deserve Separate Study



# Public Input

Attendees of the public listening session January 9 provided input through table discussions centered around five questions. One person at each table recorded comments and answers to each question, and those are summarized below.

### Question 1: What are some of the challenges with hotel development in Asheville?

- Affordable Housing
  - Hotels take space from affordable housing; too expensive to live in Asheville; brings cohesiveness to community if people live here; shortterm vacation rentals blamed for lack of affordable housing; gentrification
- Growth
  - Needs to be managed; lack of green trees/green space; stress on infrastructure and resources; overcrowding; reduces tree canopy
  - Public safety Stress on police/fire departments
- Design
  - Lack of quality design; can't make profit and bring good design; downtown commission does not have design review power; quality of architecture is low/not compatible with surroundings; hotel design has destroyed Asheville's character/cultural character; increase in generic, cookie-cutter buildings; poor construction quality
  - Hotels create "heat islands," pollution
- Economic Impacts
  - Not a wage-growth industry; this is a place for developers and local gentry; in recession mindset; hotels bring low wages – not minimum wage; don't need any more low-wage jobs here; rising commercial rents; interruption of business during construction; corporate vs local business ownership; increase in taxes; loss of local businesses; occupancy tax not benefitting residents; create shallow economy
- Occupancy Tax

• Tourism Development Authority (TDA) not allowed to use funds to support what we need; focus is on driving tourism economy; too many tourists; funds not addressing the negative impacts; money goes to advertising hotels and not the city

- Congestion
  - Will need to require parking for hotels even in CBD; too much loading on the street
  - People who work in service industry can't afford to live in the city and cause increased traffic; increased traffic from tourists; pedestrian safety

#### • Land Use

- Can't do inclusionary zoning in North Carolina, so we're trying to look at alternatives that are creative but still within the law; hotels offer up things to get zoning approval – seen as bribery; not sure hotels fit into fabric of downtown/ CBD
- Hotels take away land from other developments/businesses/affordable spaces
- Don't want to lose historic buildings
- Hotels are only industry here; our infrastructure is better for small to medium manufacturing; no flat land for big buildings for manufacturing; lack of regional planning
- Need balance of homestays, hotels and short-term vacation rentals; losing use of downtown for locals
- Not much retail space



### Question 2: Was there a specific hotel development proposal or development that triggered your concerns regarding hotel growth?

- Flatiron could have been used for something else
- Indigo
- Marriott
- Foundry
- Aloft
- Embassy Suites
- Arras
- Element
- Create 72 Broadway

#### Question 3: What are the impacts of additional hotel growth that are a concern?

- Zoning must grow smartly
- Traffic
- Design losing city's charm; developers not using local designers
- Parking
- Infrastructure overuse of infrastructure; stress on infrastructure; additional use of electricity/sewage/water
- Construction disrupts business and traffic
- Viewshed interferes with view of mountains; reduces tree canopy
- Lack of affordable commercial space need to keep local businesses; need more public incentives/funding to assist small businesses
- Affordable housing lack of affordable housing; hotel developments drive up home values
- Economic impact no economic variation; tax increases; economy is not diverse enough; local businesses/artists being driven out
- Oversaturation too many hotels already
- Public safety stress on police and fire dept
- Greenspace hotels take space away from potential greenspaces and parks; reduces tree canopy
- Government involvement demand is market driven and it's not appropriate for city government to get involved in this
- Tourism Development Authority (TDA) not supporting Asheville will result in undesirable environment and turn people away

- Cost hotel rooms are too expensive
- Lack of trust in elected officials to consider impact on residents
- Climate increased pollution

### Question 4: From your perspective, what would be a good solution to hotel growth in Asheville?

- Design better design standards and requirements
- Parking required parking
- Economic impact living wages should be required; property owner incentives; need ability to charge food and beverage tax; money going back into the community for affordable housing, transit, and infrastructure; provide jobs; opportunities for small business
- Short-term vacation rental allow locals to use residential areas as short-term vacation rentals
- Greenspace purchase land for parks/greenspace instead of hotels; green roofs
- Design implement design restrictions; update development/design standards
- Tax dollars use hotel tax to cover needs; create food and beverage tax; reallocate hotel tax to mitigate impact
- Stop hotel growth
- Live/work mixed-use space
- Regulations needs to be clear regulations; require new hotels to replace old ones; r require mixed use; require all projects to provide community benefits
- Affordable housing require developers to contribute to a housing fund (like in Portland, ME)
- Zoning transparency and predictability in the process
- Viewshed should implement height restrictions
- Hotel sites build downtown instead of on mountains to preserve the views and natural space surrounding us; encourage building further out
- Infrastructure improve infrastructure; need some of the hotel tax revenue
- Transportation provide more transportation options; concentration of hotels in CBD; overall trips by tourists are reduced or trips by car are shorter
- Unified Development Ordinance (UDO) revisit or re-create with deep citizen input

#### Question 5: Are there elements of hotel development that can be considered positive?

- Most of our hotels are locally owned
- Offer living wages
- Bringing community together to discuss solutions
- Tourism brings money to the community (local businesses and restaurants); tourism dollars; tourists who are business owners may consider moving to Asheville and bringing their business or expand them here
- Hotels are better managed than short-term vacation rentals
- Supports arts and crafts
- Lower infrastructure costs
- Hotel developments help other professions
- Renovation of historic buildings for hotel use
- Has helped resuscitate a dying downtown

#### **Additional Input**

- Does gentrification or hotel development decrease affordable housing options?
- Locals are frustrated but it's not just hotels. We are a regional hub, and we have a significant number of short-term vacation rentals. The growth of room nights in hotels has incrementally grown, but short-term vacation rentals are a huge part of this.
- How much land is really being taken up by hotels vs chain restaurants?
- Need to be careful. Once you start to exclude or target one industry, it's easy or tempting to attack another; "watch out, who's next?"
- Hotels and tourism are attracted to Asheville's assets (clean water, clean air, access to outdoors, scenic mountain views, arts & culture).
- We should make sure that any hotel tax revenues are focused where the impact from tourists is greatest (and not just added to the general fund).
- Strong design standards may push out brand hotels that have formulaic design requirements. This can be good (i.e. better design) but also bad (i.e. negatively impact property tax growth).
- Hotel issue is predominantly downtown, but will it become an issue elsewhere?

#### **SUMMARY**

During the listening sessions of the research, the panelists heard some common themes. The word cloud visually expresses thoughts and concerts that are representative of some of the bigger issues coming with hotel development.

### Congestion Comunity.Benefits Economic.Impacts Land.Use Design Short-Term.Rentals Affordable.Housing Growth Occupancy.Tax

In the word cloud, congestion refers to both vehicular crowding and the crowding of people, especially in the downtown area. It was heard that residents desire defined community benefits from the hotels. This quote resonated with the panel during the public meeting – "hotels are a proxy for a lot of other … concerns" that Asheville is seeing. Community change is hard, but the panel believes Asheville has the skill and passion to see it through, together.

## **Hotel Market Performance**

Using occupancy to represent general market health, hotels in Buncombe County (including the City of Asheville) remain strong and show no signs of saturation. The overall occupancy in Buncombe County averaged 73.9% for the first 11 months of 2019. Typically, a measure over 70% indicates a strong market. In fact, occupancies have increased simultaneous to new room deliveries.



New Room Deliveries and Occupancy Rate, Buncombe County, 2016-2019 Source: STR Global



Comparison of Occupancy Rate by Area, Buncombe County, 2016-2019 Source: STR Global To help demonstrate the strength of the Asheville hotel market, it was compared to a series of "peer" markets across the Southeast. The peer communities have significant tourism components to their economies. Asheville/Buncombe County reported a 76% occupancy rate in November 2019, the highest measure among all the peer markets. The Central Business District of Richmond, VA, was the only other peer market to have an occupancy rate above 70%. Occupancy rates ranged from 76% in Buncombe County to 43% in Williamsburg, VA, and Myrtle Beach, SC (impacted in part by seasonality).



Comparison of Occupancy Rates in Peer Markets, November 2019 Source: STR Global

The average daily rate (ADR) is the average rental rate for a single room and is another indicator of hotel market performance. Markets with high occupancy rates typically have strong ADR's as well. In November 2019, Buncombe County had an ADR of approximately \$180 per room per night, the highest of any of the peer communities. Charleston, SC, had the next highest ADR of \$140, which was 22.2% lower than the measure for Buncombe County.

Consistent with the occupancy rate comparison, the peer markets had wide ranges of ADR's, from \$180 per night in Buncombe County to \$84 in Myrtle Beach (again impacted by seasonality).



Comparison of Avg Daily Rates in Peer Markets, November 2019 Source: STR Global

#### Land Use Mix

Based on tax parcel data provided by Buncombe County, residential land uses, including single-family and multi-family homes, comprise approximately 46.5% of the acreage in the City of Asheville. Vacant land (20.7%) and civic uses (15.0%) represent the next two most common land uses.

Hotel acreage accounts for only 1.6% of land citywide. This share does not appear to be out of balance relative to other uses, particularly considering the impact of tourism on the local Asheville economy.



Share of Land Uses by Type, City of Asheville, 2020\* \*Source: Buncombe County

The impact of tourism in Asheville is most pronounced and visible in downtown. A similar land-use analysis was conducted for downtown. Civic land uses comprise the largest share of total acreage downtown, driven by the presence of Buncombe County and the City of Asheville government functions. Vacant land (23.4%) and office space (17.2%) represent the next two largest land-use categories.

Hotel uses represent 5.6% of total acreage downtown. While this is higher than the 1.6% share citywide, it still falls in line with a reasonable mix.



Share of Land Uses by Type, Downtown Asheville, 2020\* \*Source: Buncombe County

# Key Findings

After an in-depth review of the sponsor Briefing Book, stakeholder and public input, and its own observations and research, the panel identified six key findings. These findings provided a framework for the TAP recommendations and suggestions for phased implementation:

- Asheville's "hotel problem" is discrete/narrow and manageable.
- The predominant sentiment among residents is that "hotels are a proxy for a lot of other political concerns," including infrastructure needs, wages, affordable/ workforce housing, economic diversity and taxes.
- The 12-month hotel development moratorium was appropriate given the recent sharp increase in rooms and resulting resident concerns.
- Policy and regulatory tools can be enacted to manage hotel development approvals.
- City leadership is passionate, residents are highly engaged, and staff is talented and sophisticated.
- Tourism is one of the primary economic drivers of Asheville, and the city needs a new strategy to manage it.

This will be a dynamic process requiring periodic modification and adaptation as circumstances change. The city must address not only the specific issues of hotels, but how the community manages and learns to live in a tourism environment. People love to visit Asheville, and while it may be daunting, it is a reality. Management of tourism is different than land-use policies. The community can use other tools to consider the tourism impacts to the city. Some resources have been highlighted in the appendix, for further reference.



### **TAP Recommendations**

Strategic Community Investment Policy and Design Collaboration

# Policy and Design

Policies and visioning documents offer guidance for the community. They should be updated regularly and used to help determine the mix of land uses in the community. During those periodic updates, it helps the community identify policies to attract under-represented uses and further alignment with economic development goals.

- Community Benefit Agreements (CBA). Require CBAs between the city and hotel developer as part of the approval process (see following section for CBA detail).
- Design guidelines. Evaluate existing design guidelines, develop new criteria where necessary, and determine new oversight and compliance mechanisms (example of 20 square feet of event space/room).
- Overlay zoning. Consider establishing an accommodations or hotel overlay zone, such as the one in Charleston, SC, that limits hotels to a specific geography (you can limit number of rooms and establish additional criteria such as height).
- Historic district. Reconsider a historic district designation for downtown.
- Short-term vacation rental enforcement. Strengthen enforcement of short-term vacation rental rules and independent operators.
- Traffic Impact Analysis (TIA). Within the approval process, reduce the trigger to require a TIA based on number of hotel rooms.
- Incentivize. Do not penalize first/second floor supplemental uses for traffic and parking impacts
- Right-of-way leases. Require a lease of any city right-of-way needed during hotel construction (generates revenue for city).
- Transit. Help fund transit such as a circulator bus among key attractions.
- Parking. Implement and enforce valet parking regulations and standards.



Design Guidelines may be developed to guide the preferred hotel designs to best fit the community.

#### Tool Highlights: Hospitality/Accommodations Overlay Zone

In 1987, Charleston implemented an Accommodations Overly Zone, which limited where new hotels could be developed. It also established design criteria within the zone. The size of the zone and the design criteria have been revised over time as the hotel market and city have changed. As shown below, the amount of land where hotels can be developed has decreased since 1987, consistent with city goals to preserve uses and historic buildings in adjoining blocks and neighborhoods.



#### **Hospitality Community Benefits Agreement**

Community Benefits Agreements (CBAs) are binding contracts between developers of real estate projects and communities. Developers enter these agreements because they need or want community support for a development proposal and want to neutralize resident opposition to the project.

The most common elements in Community Benefits Agreements are hiring preferences for residents, affordability requirements for housing incorporated into the development, requirements to pay prevailing wages during construction, and measures for keeping residents informed about the development.

Subjects addressed in these agreements are broad and include specifics of the development project. These agreements may also address what the community sees as its most important issues and desires.

Some CBAs incorporate statements of principles to be followed during the development process and sometimes for as long as 30 years after project completion. Others zero in on specific actions developers will take. The agreements tend to be heavily tilted toward mandating what the developer will do.

Categories of items addressed in CBA's include:

- > Types of tenants or brand standards
- Environmental requirements
- Job training for neighborhood residents
- Traffic impacts of the development
- Installation, upgrades or maintenance of community meeting spaces, outdoor community gathering spaces such as plazas and amphitheaters, or other art installations
- Provide for historic properties or monuments, build a childcare center, provide free meeting rooms for community groups that are parties to the agreement, or provide residents with free or discounted goods or services
- Capital improvements for the neighborhood, such as new street lighting, parks, benches, street trees and sidewalks
- Construction materials, height and other details that often are the subject of municipal development agreements
- Provide periodic reports about items in the contract

Community Benefits Agreements can be a way for neighborhood groups to gain substantial leverage with a developer. Such agreements are justified when:

- 1. There is not widespread support for the development. This works best when the community has real leverage with the developer, because without the agreement, the developer faces a substantial amount of public opposition from the neighborhood and government.
- 2. Either the neighborhood partner in the agreement is widely recognized as a powerful entity, or the neighborhood can convince two or more organizations to work as a coalition in negotiating the CBA.
- 3. The city government will negotiate the agreement with transparency, and it is enforced.
- 4. The parties share in the cost of negotiating the agreement, so both have investment in the outcome.

#### **Right-of-Way Lease**

A right-of-way lease is an excellent tool to general revenue for the city, and it encourages timely use of the right-of-way. The agreements are between the city and developers or contractors that need to occupy a portion of the city's right-of-way for an extended period during a construction project. Requests may be evaluated on a case-by-case basis to ensure that closures are necessary and safe, and that the public's best interest has been considered. An example of an agreement plan appears in the appendix.

## Strategic Community Investment

Asheville has a great opportunity to enhance the community while using tourism to bring Asheville residents together. Research by the convention and visitor's bureau notes that 10% of Asheville business is related to tourism. The city can strengthen and supplement those resource capabilities to recognize tourism as a pillar of the economy. Such a move would enable the city to be more responsive toward some of the policy issues being addressed today. Some of the tools that are important to consider:

- Working with the TDA and the North Carolina Legislature to renegotiate the hotel occupancy tax split from 75%/25% to 67%/33%, as allowed by law. This can be done now, without compromise to destination marketing.
- Implementing the Business Improvement District (BID) that was never funded. BIDs can be used to fund such items as trash removal and security.
- Exploring a local food and beverage tax, which could have a minimum spending threshold. We recognize the potential sensitivity to this tax due to equity concerns; however, if structured and deployed correctly, it can be a great resource for city funds, and could offer more flexibility to deploy funds in the community.
- Investing in cultural and community assets for both residents and tourists.
- Encouraging residents to support the downtown area with incentives such as parking fees and/or meal discounts one night per week.

## Collaboration

This TAP program was originated to address hotels, but it is about more than that. Asheville and the residents must come to terms with being a thriving destination for tourism and find a way to live a quality of life that is up to their standards. The panel recommends that Asheville:

- Consider a new department or committee with the City of Asheville to articulate the impact of hotel development from various perspectives. This department or standing committee would meet regularly and be staffed with tourism economic development skills, similar to the Department of Livability and Tourism in Charleston, SC. It would be an avenue to regularly communicate and problem solve with input from various perspectives.
- Tap into the pride and compassion of Asheville. Asheville residents love their city and welcome all kinds of people. Leverage that passion and spirit to guide community discussions.
- Build upon the pride and conversations to strengthen partnerships and build trust through courageous conversations. The values that Asheville is known for can build a stronger community.
- Equip all stakeholders with consistent facts. Build upon the trust to help the community move forward together.



# **Phased Implementation**

#### Phase One – Hotel Development Approval Policy and Design

The hotel development moratorium will sunset on September 24, 2020. To meet this pending deadline, the city must establish a more proactive, transparent and consistent hotel development approval process. In the downtown area, specific policies and guidelines can be put in place, such as allowing hotels in certain zones, limiting size and height, requiring a certain amount of retail along the street, constructing sidewalks of defined widths, and providing a minimum number of off-site parking spaces that can be shared at non-peak times.

#### Phase Two – Local Project Funding Mechanisms

Collaboration between local government and the TDA is essential to funding needed infrastructure. The sentiment heard by the panel is one of distrust by the general public of the City of Asheville, Buncombe County, and the TDA. Common goals must be identified, particularly if local leaders approach the North Carolina Legislature to seek an increase from 25% to 33% in the share of occupancy tax that can be dedicated to local projects.

The city should implement a policy that requires each hotel development proposal to have a Community Benefits Agreement that outlines contributions and improvements it will bring to residents and visitors.

The city should also consider activating the existing Business Improvement District (BID) in the downtown area. Many cities use BID's to fund infrastructure.

#### **Phase Three – Tourism Management**

Beyond the need to mitigate "over-development of hotels" is the need to create systems, processes and organizational structures that allow the city and residents to better manage the ongoing work of living in a market heavily influenced by tourism. Asheville should recognize and celebrate tourism's importance in the local economy.

A tourism management plan drafted through a transparent process with multiple community stakeholders would be an important tool for guiding Asheville forward. The plan would put quality of life for residents at the forefront of an agreed-upon strategy to accommodate visitors. Implementing and managing a plan could be the charge of a new high-level city department, similar to the Department of Livability and Tourism in Charleston, SC, which has improved the community benefits leveraged from a tourism-based economy.

Successful management of destination cities such as Asheville requires hard work and intentional partnerships to ensure that tourism augments the city's authenticity and sense of place, and positively impacts residents' quality of life. What Asheville faces is much more than a hotel problem. It is about managing tourism as an important facet of the local economy and preserving the city's quality of life amid a vibrant hospitality sector. In a successful city, this work is always evolving to respond to changing market conditions.



33 | Urban Land Institute | City of Asheville - Asheville, NC

### **Answers to Questions**

- 1. What is the **appropriate balance of hotels relative to other uses** in downtown Asheville and in the city overall?
  - There is no "golden" standard that communities rely on to suggest a balanced, or healthy, mixture of land uses. This measure is highly unique to a community and is primarily driven by the local economy, real estate market forces, and community-driven visioning and prioritization processes.
  - The local real estate market also has a role in determining whether the balance of uses is out of line. In Asheville, the hotel market shows no signs of saturation despite new development.
  - If other uses such as office space are desired in downtown, the city first must understand the challenges of attracting and supporting it, then address barriers with tools at the city's disposal.
- 2. Should the city consider **special requirements for hotel development** in certain areas, and if so, where and what might those requirements be?
  - Discontinue the politically charged conditional approvals by city council and establish criteria for hotels, including those for chains with prescribed designs. Many chains will be flexible for the right location. Define a downtown hotel overlay zone and enforce it.
  - > Consider height and/or massing limits in the hotel overlay zone.
- 3. How can the city work with hoteliers, tourism-related partners, the hospitality industry and other stakeholders to **reduce negative impacts and better integrate hotels into the community?** 
  - Create a new city department to implement and oversee a Tourism Management Plan.
  - Cluster hotels to reduce traffic, if parking is placed internally and valet is regulated.
  - Create an Architectural Review Board to ensure better integration of hotels into the character of the street and/or neighborhood.

- 4. How can Asheville **leverage hotel development to meet city goals**, such as affordable housing, public infrastructure and facilities, a thriving local economy, and a well-planned and equitable community?
  - Require a Community Benefits Agreement to be submitted with each hotel development application.
  - Start funding the existing Business Improvement District.
  - Implement a food and beverage tax, with a minimum threshold of spending per meal to help lower-income residents.
  - Pursue a shift in the allocation of the occupancy tax from 75%/25% to 67%/33% to make more funds available for infrastructure projects.
  - If conditional approvals continue, ask developers to construct specific infrastructure improvements directly or pay a self-imposed occupancy tax to the city to cover costs.



# Appendix - Panelists

### Panel Chair



Keith MacVean Land Use and Zoning Consultant Moore & Van Allen

Keith MacVean joined the Charlotte office of Moore & Van Allen as a land-use and zoning consultant in 2013. His primary role at the firm is to help clients navigate various regulatory environments associated with entitlement and permitting processes, including rezoning efforts, subdivision compliance, land-use ordinance and planning projects, and transportation and master planning matters.

Before joining MVA, MacVean spent five years at King & Spalding assisting clients on entitlement, land-use and real estate matters, preceded by his position of 24 years at the City of Charlotte Planning Department.

While with the planning department, MacVean led and developed a wide variety of city and county planning initiatives and processes. His primary and day-to-day responsibilities were focused on current planning and development. He oversaw the rezoning process and worked extensively with every aspect of city/county zoning regulations, including the creation of new zoning districts and the development of new land-use plans for the fast growing Charlotte region. He also played a significant role in the interpretation of zoning regulations and assisted internal and external groups with the resolution of a variety of issues associated with zoning regulations. MacVean also served as interim zoning administrator for one year.

During his time with the Charlotte-Mecklenburg Planning Commission, MacVean was highly regarded as a land-use professional with a cooperative demeanor and keen understanding of planning and development matters. His work earned high praise from both the planning and development communities.
## Panelists



**Randy Goddard, PE** Transportation/Traffic Engineer Senior Principal Design Resource Group

Randy E. Goddard, PE is the principal in charge of traffic engineering and transportation planning. He has been a senior principal of the firm for 11 years and has 35 years of traffic engineering and transportation planning experience in both the public and private sectors. His efforts and relationships with agencies such as CDOT, NCDOT, the City of Charlotte and the surrounding communities has resulted in overwhelming value for his clients.

Education:

University of Colorado, Bachelor of Science in Civil Engineering, 1983 Professional Associations and Activities: Urban Land Institute (ULI) Institute of Transportation Engineers (ITE) Fellow and Congress for New Urbanism (CNU)



**Charlie Johnson, IV** Real Estate and Hospitality Consultant President and CEO Johnson Consulting

Charles H. Johnson is the founder of Johnson Consulting and a nationally recognized real estate consultant with more than 35 years of experience focused on hospitality, mixed-use, conference, convention, and sports consulting fields. He has led the work on more than 2,000 real estate consulting assignments in the U.S. and abroad, including work for several university and government clients. His participation in various aspects of real estate and hospitality development has enabled him to develop an extensive knowledge of the market and demand requirements for appropriate substantiation for funding and operations of a wide array of projects. His widespread experiences provide him with knowledge of industry best practices as well as case studies to draw from when analyzing projected market performance and holistic returns from developer solicitations for university, government, and private market sectors. This has earned him an international reputation among higher education institutions, not-for-profits, associations, government entities, developers and real estate professionals.

Johnson frequently shares his experience and industry knowledge at industry association events across the world, including the recent Academic Impressions Conference and the national P3 conference. He is actively involved in Destination Marketing Association International, Urban Land Institute, and the International Association of Venue Managers.

Prior to forming Johnson Consulting, Johnson was director of KPMG Peat Marwick's Convention, Sports and Leisure Consulting practice. He worked with Laventhol and Horwath's real estate consulting division and was an employee at two other real estate development firms. He regularly serves on Urban Land Institute advisory panels related to mixed-use, hospitality, and convention/ conference center projects across the country and internationally.



Amy Barrett Planner Executive Director ULI South Carolina

Amy Barrett has been the executive director of ULI South Carolina since September 2016. She is responsible for directing the South Carolina District Council's program of work, retaining and expanding membership and sponsorships and fostering opportunities to promote industry best practices that positively impact local and regional land-use policies.

Before joining ULI, Barrett served as the director of Business and Neighborhood Services for the City of Charleston, where she headed various economic development initiatives under former Mayor Joe Riley and current Mayor John Tecklenburg. Before her work at the city, Barrett directed research and feasibility studies for a variety of high-profile projects and clients throughout the southeast, both as an independent consultant and as vice president at Permar Inc., a real estate advisory services firm in Charleston, South Carolina. Barrett has more than 20 years of experience in land-use planning and real estate development. She has a master's degree in urban and environmental planning from the University of Virginia and an undergraduate degree in political science and urban studies from Furman University in Greenville, South Carolina. She has served on several ULI advisory services panels, both locally and nationally, and has held positions on various boards and nonprofits. She is a former Peace Corps volunteer. She currently serves on the board of the Charleston Local Development Corporation and on the Deans Advisory Panel at the University of Virginia's School of Architecture. She lives in Charleston, South Carolina.



Jessica Rossi, AICP Planner - Economist Kimley-Horn and Associates, Inc.

With more than 13 years of planning, economic development, and real estate experience, Jessica Rossi brings a comprehensive perspective to all consulting assignments. Her involvement provides clients with detailed insights into demographic and development trends, as well as the fiscal implications of different growth scenarios. Rossi works on a wide variety of comprehensive planning and economic development assignments for local governments and regional agencies. Developer and investor clients also rely on Rossi's insight to determine demand for commercial and residential projects and to choose specific concepts to maximize marketability and value. As a national resource for Kimley-Horn, Rossi participates in assignments across the United States.

**Professional Credentials** 

- Master of Arts, Community and Regional Planning, University of Rhode Island, 2005
- Bachelor of Arts, Environmental Studies and Political Science, Alfred University, 2002
- American Institute of Certified Planners
- Professional Affiliations
- Commercial Real Estate Women Charlotte 2018 Immediate Past-President
- Urban Land Institute (ULI)

# **Appendix - Key Issues for Stakeholders**

Specific stakeholder commentary is provided below by issue or topic. It should be noted that some comments contradict others within each topic.

- Hotel Development Approval Process Needs More Predictability and Transparency
  - Set clear expectations for the community
  - Need transparency in development approval process
  - Create a more level playing field so hotel developers and members of the community understand rules
  - Developers need predictability of entitlement and review process before investing heavily in upfront costs
  - Should approve a hotel based on its merit alone, not because of the amount of charitable contributions by the developer
  - Developers are challenged to invest a lot and then not get approved; plus, construction costs are higher in Asheville due to terrain and limited labor, and the supply of land is limited
  - Cities in North Carolina can't control much except for zoning
  - Form-based code implemented just prior to downtown hotel boom, then changed rules so hotels needed zoning approval
  - Look for commitment from developers to not put chain restaurants in hotels
- Hotel Design Can Be Regulated Per Community-Driven Standards
  - Many hotels don't look good on the skyline
  - Need conversation about how each hotel "flag" has certain design requirements
  - Moratorium gives time to decide what development should look like so city can be proactive, not just reactionary to proposals
  - Community should establish benchmarks and measure progress against stated goals

Infrastructure Is Struggling with Increased Visitation

- Biggest challenge is Asheville being the hub of western North Carolina for work, play and shopping; this creates large infrastructure needs
- Pursue method to upgrade infrastructure with new hotels
- Build infrastructure for visitors AND residents (sidewalks and transit)
- Hotel development has contributed to better sidewalks and parking

- Funding Sources for Infrastructure Improvements Can Be Implemented Locally
  - TDA money not being spent correctly; should be improving infrastructure
  - Residents need relief from tax burden to pay for services for visitors

Tourism Management Is Essential for Long-Term Solutions and Success

- Hotels are a proxy for a lot of political concerns
- Residents want to see tangible benefits from tourism
- Opportunity for independent retail and restaurants would not exist without visitors
- City should be glad to have this problem as opposed to the 1970s when there was very little business activity
- Tourism has been lightening rod for lots of discussions about growth
- Stay aware of unintended consequences of trying to curtail growth
- Address short-term vacation rental phenomenon as residents see high rates at hotels
- Hotel rates remain high despite new development
- Short-term vacation rentals are a huge problem
- Asheville is becoming Gatlinburg, and that is not a good thing
- Hotels can help areas other than downtown, especially River Arts District
- Most hotel owners are local and contribute to the community
- Moratorium is a veneer; hotels and tourists are not the problem
- Places that have lost their soul, taste and feel lose the reason for people to visit
- These are good problems to have with lots of people on the sidewalk and parking decks full
- Asheville Fire Department has double the call volume of similar-size cities

- Wages and Workforce Housing Are Corollary Needs That Deserve Separate Study
  - Majority of people are not invited to participate in economic prosperity
  - Need young people to have a vibrant city, and need a living wage for young people
  - Young people can't afford to stay here and start a business
  - Average rent in Asheville requires income of \$46,000 per year; mismatch of wages and housing costs keeps getting worse
  - Hotel works generally fall between 60% and 90% of Area Median Income (AMI), and there isn't much rental housing supply serving that income level
- Economic and Land Use Diversification Are Regional Goals That Deserve Separate Study
  - Expand businesses that aren't travel-related
  - Downtown needs diversity of uses, not just restaurants and hotels for tourists
  - Nothing in place to protect locally owned businesses
  - Consider land-use pattern that is balanced
  - Look at public/private partnerships
  - Great potential for mixed-use buildings
  - If land use is tipping too far in one direction, with restaurants paying higher rent, then it makes it difficult to create balance of uses

# Appendix - Selected Readings with Links

Compiled February 2020 by Joan Campbell, ULI Research Librarian

<u>Airbnb as a Tool for Inclusive Tourism?</u> Tourism Geographies | 2019 *Examines the extent Airbnb short-term rentals is fostering more inclusive tourism development.* 

Airbnb, Buy-to-Let Investment and Tourism-Driven Displacement: A Case Study in Lisbon Environment and Planning A: Economy and Space | 2019 Explores whether short-term rental platforms, such as Airbnb, channel investment in residential real estate and the way in which the local community is affected by the proliferation of apartments rented to visitors.

Airbnb Faces Outcry from Europe's Top Tourist Cities

C|net.com | June 21, 2019

Addresses a joint statement to the European Union issued in June 2019 by representatives of 10 major European cities that asked them to do more in helping them regulate Airbnb. The cities said the short-term rentals advertised on Airbnb's site are harming their housing markets and driving up the cost of rent.

Can US Cities Get Smart about Tourism Before It's Too Late Smart Cities Dive | July 30, 2019 Addresses how US cities can reap the benefits of tourism in a responsible and sustainable way.

<u>Coping with Success: Managing Overcrowding in Tourism Destinations</u> McKinsey & Company and World Travel & Tourism Council | December 2017

**Related Video:** 

Tackling Overtourism at Destinations: Best Practice Solutions: Setting Quotas, Pricing, High Tech

ITBBerlin (<u>www.itb-convention.com</u>) | March 10, 2018

Identifies the challenges accompanying overcrowding, offers best practices for tourism management, and outlines tactics for addressing the issue.

In the related video, speakers at the ITB Convention present the findings of a McKinsey study (commissioned by the World Travel & Tourism Council). The study looks at affected tourism regions and provides recommendations for actions.

### Destination 2030: Global Cities' Readiness for Tourism Growth

World Travel & Tourism Council (WTTC) and JLL | June 2019 In this report, WTTC and JLL produce an assessment of 50 global cities' readiness for tourism growth. The work evaluates more than 75 indicators looking first at current status and offering of the city tourism market and then at measures of urban readiness including economic fundamentals, city infrastructure and business environment which impact the Travel & Tourism economy.

### 'Fairbnb' Wants to Be the Unproblematic Alternative to Airbnb

CityLab | May 17, 2019 Describes how Fairbnb, a tourism project based in Amsterdam, is to refashion the home-sharing model so that short-stay apartment rentals can enrich the amenities and housing choices of the communities that host them.

Hit by a Tourist Boom, Cities Wonder When to Stop Self-Promotion

CityLab | July 5, 2019 Focuses on Vancouver's challenges with overcrowding and explores how they can best manage their tourism flow.

#### How Airbnb Took Over the World

The Guardian | May 5, 2019 Despite Airbnb's extraordinary success, critics say it has come at a huge cost to urban life. This article describes those challenges and explores ways to mitigate the problem.

#### How Cities around the World Are Fighting Overtourism

Forbes | May 26, 2019 Outlines how major cities, such as Venice, Italy, have taken strict countermeasures against the overcrowding caused by tourism.

<u>Is Airbnb Ameliorating – or Exacerbating – Inequality in Cities</u> U.S. News & World Report | May 2, 2019 Describes how Airbnb has impacted the hospitality sector in major cities around the world and gives criticism by experts who say it displaces tenants and puts pressure on tight housing markets.

#### <u>Is Overtourism Overused? Understanding the Impact of Tourism in a City Context</u> Sustainability | November 2018

This paper provides more clarity about what overtourism entails by placing the concept in a historical context and presenting results from a qualitative investigation among 80 stakeholders in 13 European cities. Results highlight that overtourism describes an issue that is multidimensional and complex. Managing Tourism Growth in Europe: The ECM Toolbox European Cities Marketing and Toposophy | June 2018 Outlines the causes and consequences of tourism growth in European cities and provides 10 tools for managing tourism.

Overtourism in 2019: How Can Popular Cities Cope with Tourist Hordes? Traveller | 2019 Describes what some European cities are doing to mitigate overcrowding caused by tourism.

<u>Overtourism Is a Problem; Here's What We Can Do</u> Adventure Travel News | June 10, 2019 *Outlines new long-term strategies a few tourist destinations have launched that demonstrate smart approaches to managing tourism growth for a healthy future.* 

<u>Over-Tourism Is Becoming a Global Problem. How Can Cities Tackle It?</u> The Conversation | July 18, 2018 *Takes an in-depth look at what overcrowding – or "overtourism" – looks like and how some cities are dealing with it.* 

<u>'Overtourism'? Understanding and Managing Urban Tourism Growth Beyond Perceptions</u> (Executive Summary) (Order Form) U.N. World Tourism Organization | September 2018 *This report takes a close look at the perception of tourism by residents in European cities and proposes a set of 68 measures to manage and promote dispersal of tourism flows in urban areas.* 

<u>'Overtourism'? Understanding and Managing Urban Tourism Growth Beyond Perceptions,</u> <u>Volume 2: Case Studies</u> (Order Form)

U.N. World Tourism Organization | March 2019

This report includes 18 case studies across the Americas, Asia and the Pacific, and Europe – Amsterdam, Antwerp, Barcelona, Berlin, Besalú, Cambridge, Dubrovnik, Edinburgh, Ghent, Hangzhou, London, Lucerne, Macao (China), New York, Lisbon, Seoul, Porto, Prague and Venice – on how cities are implementing 11 strategies to mitigate overtourism.

<u>Proposing Solutions to Overtourism in Popular Destinations: A Skift Framework</u> Skift | October 23, 2017 Identifies five solutions to overtourism, drawing from what destinations have done successfully to limit the influx of tourists. <u>Research: When Airbnb Listings in a City Increase, So Do Rent Prices</u> Harvard Business Review | April 17, 2019 *Outlines a study that describes how an increase in Airbnb listings in a city leads to an increase in rent prices*.

<u>The AirBnB Phenomenon: What's the Impact on Cities?</u> Smart Cities Dive Describes the impact that the rise in Airbnb listings has on cities' tourism industries.

### Understanding and Managing Visitor Pressure in Urban Tourism

Celth Centre of Expertise | 2018

This report provides an overview of the issues related to visitor pressure, as well as ways of dealing with it in six major European cities: Amsterdam, Barcelona, Berlin, Copenhagen, Lisbon, Munich.

#### What's It Like to Live in an Over-Touristed City?

BBC.com | August 29, 2019

This article gives the perspectives of residents in 5 major tourist cities on how the influx of travelers in recent years has affected them, how authorities are responding, and how visitors can remain respectful of the people who live there year-round.

#### Wish You Weren't Here: What Can We Do About Over-Tourism?

World Economic Forum | September 19, 2017

While the tourism industry has driven growth, created jobs, reduced poverty, and fostered development and tolerance, one downside has been overcrowding. This article calls for government, businesses and individuals alike to take responsibility for overcrowding and to develop sustainable solutions to the problem.



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