

Minutes
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, May 9, 2017 – 5:30 P.M.
CITY COUNCIL CHAMBERS

I. Commission Work Session (Agenda discussion(s))

Beginning: 4:30 p.m.

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Kurt Keesecker Vice-Chair; Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, John Santoski, and Corey Clayborne;

Members Absent: Taneaia Dowell

Chair Keesecker called the meeting to order at 5:00pm and provided a review of the agenda. Mr. Hogg expressed concern about solar arrays in historic districts. Commissioner Keller asked how solar allowances would affect ERB reviews?

Ms. Robertson provided additional background noting that we have solar installations in these areas currently and the code would provide for clarity on the allowances. Overlay district review would not change with these additions.

Commissioner Keller asked what would happen if no ordinance were put into place and staff noted that there it would remain unclear on areas where solar would be appropriate. The Commission asked about the classification of solar energy systems as accessory rather than as an appurtenance. Staff provided background on this question.

The Commission clarified that we would add a question to the Comp Plan Kick off meetings on a separate sheet of paper in the handout materials.

Staff provided basic context on the legal review and the Commission noted that during the meeting they would determine steps moving forward.

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

Members Present: Chairman Kurt Keesecker Vice-Chair; Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, John Santoski, and Corey Clayborne;

Members Absent: Taneaia Dowell

City Council Members: Councilors Kristin Szakos, Kathy Galvin, and Mayor Mike Signor

Staff: Missy Creasy, Carolyn McCray

Call to Order: The meeting was called to order by Chairman Keesecker at 5:30 pm

A. COMMISSIONERS' REPORTS

Commissioner Lahendro: said he met with the Tree Commission on May 2nd. During the discussion of the annual work plan we decided to establish three committees: 1) a tree planting committee which will be looking for locations to add trees and implement planting, 2) metrics and performance standards committee to document the numbers, types, locations of trees planted and

how many we are losing; and the net addition to the canopy, and the 3) code development committee will investigate how trees can be better safe-guarded within the existing regulatory reviews and ordinances of the city.

We are waiting for Charlottesville Redevelopment Housing Authority's response to a Tree Commission proposal to plant 40 trees at Michie Drive and the Westhaven communities this fall. We are starting to study tree ordinances in other cities to better understand what is possible to protect the increase of Charlottesville's trees. The Planning and Coordination Council Technical Committee met several weeks ago. Will Cockrell with the TJPDC made a presentation on regional transportation planning and the members gave updates of development projects in the City, County and University.

Commissioner Keller: said thanks to the City and the Tom Tom Festival for making space available for city officials and staff to attend the Home Town Summit. The sessions she attended were very interesting and related to much of the work we do, and certainly our upcoming Comp Plan. She was very grateful for that.

The PLACE Task Force met in April and discussed community engagement in terms of the Comp Plan. They would like to have Chairman Keesecker come to a meeting to give an update to where that process is. The TJPDC has asked her to chair the commission for next year and she will be doing that along with Rick Randolph from Albemarle as Vice-Chair and Keith Smith from Fluvanna as the Treasurer.

Commissioner Green: no report

Commissioner Santoski: The Belmont Bridge steering committee has another meeting coming up. The plans are moving ahead just as the design group and the citizens have heard and talked about to this point, so keep watching and attending. There is an opportunity for the BAR and PLACE to be talking with the design team on June 2nd.

Commissioner Clayborne: no report

UNIVERSITY REPORT – Brian Hogg: no report

CHAIR'S REPORT – Congratulations to Corey Clayborne, for taking the new position as Executive Vice-President & CEO of AIA Virginia in Richmond. He said it is a diverse role working with the local chapters, fundraising, working with the general assembly, attending education seminars, statewide symposiums, working with the universities and making sure students can transfer into the real world effectively. He said his schedule will normalize, so he will definitely be around much more.

We had the pleasure of having Professor Barbara Brown-Wilson join us at one of our work sessions to give us an hour of introduction to the whole spectrum of what community engagement could mean and she had mentioned that she was teaching a class in community engagement and invited any of us to come. He and Commissioner Keller went to make a pitch to their class to see if they would (not required) take on any subject in the city as part of their class project year in study, (no binding relationship), but basically trying to align two worlds. Out of the four groups all of them picked efforts in the city but three picked some efforts directly related to work that we have been talking about and considering. He said Commissioner Lahendro and I had the pleasure of attending their final last class discussion and the four projects they presented to the class and were able to give some comments as we felt appropriate to try to help them with their projects.

Commissioner Lahendro said we enjoyed it and learned a lot of new things from it as well. One group addressed affordable housing issues in the city and they did that through some additional educational tools. A game was invented to talk about different ways density could appear on your street and some cards that explained some zoning terms. The second group tried to explain some issues related to places and what makes a certain area special and a community mapping directly applicable to some of activity we have had in our kick-off workshop the other day. The third group worked with youth engagement and targeted people under 20 years old and they had a lot of interest from middle schools particularly an after school group. They got very engaged with a group from Walker School and had some interesting tools to encourage the youth to express their vision. The last group really blew him away in terms of their graphics and presentation quality. This was a group that had developed with International Rescue Committee as their client/ sponsor but they developed a welcome box for refugees to understand how to get a bank account and how to register for different services in the city. It was well-done and explained well.

Commissioner Lahendro: said another thing that caught his attention because of the Comprehensive Plan engagement, was the places presentation handing out disposal camera giving them out and getting people to take pictures. They then returned them back to see where they took pictures, the particular perspectives and to see the places that attracted them. They also had a community led walk which was related to Jane's walk. It was a very enlightening couple of hours.

Chairman Keesecker: said he attended the Hydraulic Small Area Plan: Route 29 and Hydraulic meeting which is being led by VDOT extensively and a co-operative effort with TJPDC, the County, the City and some other advisors. We had a charrate not too long ago to talk about some basic ideas on how that intersection around it is impacted with land use decisions and that conversation led to a more formal discussion in our last meeting. We meet every two weeks and the last session was trying to come up with a vision statement. We started out with a paragraph and a half. We were able to shrink it down into all of its essence after about 30-45 minutes of discussion. This copy has not been formally adopted by the group so this will be the draft we are reviewing by Thursday's meeting. At some point we will share some of the ideas that group is coming up with and how it directly applies with discussions we have had in the past around the City that makes a big impact with the County.

DEPARTMENT OF NDS - Missy Creasy: We had our first daytime kick off meeting yesterday between 3 and 5 pm at Carver Recreational Center. Everyone got to learn and grow from our first experience. We will be working to improve and enhance as we go forward. We have a number of scheduled kick off meetings that are still remaining and our next one is Thursday, at Venable Elementary in the gymnasium from 5-7 pm. We encourage people to come out. We have been trying to get the word out in a lot of different ways this time. It has worked really well including Chairman Keesecker going on the news providing an overview of what is going on. We are hopeful as we keep going through the process that the word will get out. We have gotten some good feedback from folks and we have gotten some constructive criticism from ourselves to try to improve. The next meeting is going to be with a group that Councilor Bellamy is getting together at Tonsler Park on the 18th of May.

MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

Bill Emory: Good evening Planning Commissioners. Yesterday I was able to participate in the kickoff community engagement workshop for the 2018 Comprehensive Plan Update at Carver Rec. It was a productive event. I am sanguine that the process we have embarked on will result in an excellent 5 year revision of the Comp Plan.

Looking back, I like the 2013 Comp Plan. It is short, to the point and contains a strong idea, Goal 1, in the environment chapter says: Value the Rivanna River as a major asset in the life of our city and region and restore it to a healthy condition within our ecosystem in order to improve habitat, watershed health and water quality.

Goal 1.1 was to: “Develop a Rivanna River Corridor Plan in conjunction with Albemarle County and other watershed localities.”

The Planning Commission works hard developing Comprehensive Plans. They are roadmaps for our community. But, it is not clear who reads the Plans, or who acts on the plans. I’d like to encourage you all to consider acting as authorized under Chapter 34-41 Amendments to the zoning ordinance:

We have two decades worth of recommendations regarding the Rivanna starting with the Rivanna River Basin project in 1998, the Torti Gallas corridor study in 2001, the 2008 Planning Commission work item, “the River Thing”, the aforementioned 2013 Comp Plan, the 2013 Livability study agreements, the 2015 Rivanna Renaissance Committee recommendations, the 2016 City-County Environmental MOU.

Under 34-41, by a motion of the Planning Commission, steps in Rivanna Corridor Planning could begin. Certainly, we want to plan with the County for this joint asset but there are preliminary steps we could take that wouldn’t require an entire corridor study, and wouldn’t require a large capital outlay.

I’ve emailed you Los Angeles 10 page “River Design Guidelines”. I don’t know if a river corridor zoning overlay is enabled in Virginia but LA’s five objectives seem like a common sense place to start for our side of the Rivanna;

OBJECTIVE 1: Consider River Context, Visibility, and Access in Building and Site Design

OBJECTIVE 2: Employ High Quality, Attractive and Distinguishable Architecture Adjacent to the River

OBJECTIVE 3: Maximize Access to, and Awareness of, the River and its Relationship to the Community

OBJECTIVE 4: Minimize the Quantity and Appearance of Parking and Loading Areas

OBJECTIVE 5: Utilize Public Right-of-Ways to Capture and Treat Stormwater

Neil Williamson: the Executive Director and President of the Free Enterprise stated the Free Enterprise Forum often speaks of unintended consequences of proposed legislation. We believe staff’s current recommendation regarding regulations around forgiving developer fees heads Charlottesville in the wrong direction.

Please let me explain. In 2003, fourteen years ago, the US Department of Housing and Urban Development said: Most housing professionals agree that concentrating assisted-housing for low- and very low-income Americans in dense, urban areas is not an effective use of scarce affordable housing resources. Over the past decade, professionals in the affordable housing industry have turned increasingly to mixed-income housing as an alternative to traditional assisted-housing initiatives. Mixed-income housing is an attractive option because, in addition to creating housing units for occupancy by low-income households, it also contributes to the diversity and stability of American communities. There have been numerous successful mixed-income developments nationwide. State and local governments have developed incentive programs and initiatives to

promote such housing. In practice I have seen Charlottesville intentionally moving toward more mixed income housing.

Why then would staff recommend the following in the May 1st memo in your packet? To ensure the affordable units are actually provided in new developments, staff recommends no Certificates of Occupancy be issued until the City confirms the affordable units have been developed and the developer has entered into an agreement with the City that these units will remain affordable for a specified period of time. While this may look good on paper, the reality is that by demanding the developer build the affordable units prior to building the market rate units virtually guarantees the affordable units will not be mixed with market rate units rather they will be concentrated in one portion of the project. Further, by positioning the affordable units first in the pipeline this well intentioned requirement would create significant financing challenges for the project as a whole. The Free Enterprise Forum requests that you strike this language and move forward with the concept of development fee forgiveness to positively impact affordable housing.

Nicole Scro: 3000 City Walk Way said she is a new land use attorney and she is representing the Charlottesville Area Development Roundtable (CADRe) which is a real estate & economic development advocacy group partnered with the Charlottesville Regional Chamber of Commerce. We are about 300 design and development professionals who wish to be partners with the Charlottesville government professionals, staff and citizens to create our areas next great space. She said the birth of the code audit was conceived in 2013, following the Charlottesville Planning Commission's review of the Eton Place Planned Unit Development (PUD) in the Fry's Spring Neighborhood to provide some flexibility for some more contact subsidy and sustainable design elements that the zoning ordinance did not allow. Since then it has been delayed because of Streets that Work initiative and others that have been very successful but it's been kind of drawn out and the code audit has been put on the back burner and has become a Legal Review. It is a change in the definition of the building height from being measured in feet to stories. The measurement and determination of building height has long been a struggle for both city staff and the development community. Staff suggests amending the code to only measure building height in stories versus feet and CADRe says this suggestion only creates new problems, given the primary issues revolving around topography and multiple frontages. The draft potentially increases private parking requirements for existing developments, a negative impact to business growth in the city. The Legal Review also suggests the reintroduction of percentage requirement for Mixed Use developments and Mixed Use buildings. The City can and should craft codes that promote our collective vision and CADRe is ready and willing to offer ideas and solutions to these types of conundrums.

Morgan Butler: Southern Environmental Law Center, SELC: We wanted to provide some thoughts on how to approach the Legal Review of the Zoning Code.

First, we wanted to thank the City Attorney's office for letting us know the drafts were posted, for inviting us to raise questions and concerns, and for meeting with us a couple of weeks ago to go over a number of questions we had on the first several sections we reviewed.

Overall, we share the general observation that quite a few changes are proposed. Much of it is certainly technical in nature, but there are also a number of substantive changes. I think it's important to point out that some of those are issues that Council has specifically asked be addressed as part of this legal review and where clarification is very much needed, such as the definition of "mixed use," and shared parking arrangements. The longer those issues remain out there mired in ambiguity, the more challenges they are going to create.

As you consider how best to approach the legal review, we urge you to adopt a thorough and careful approach. You are the body that Council relies on for your expertise on land use and planning

issues, so please don't rush your review, and please make sure there are ample opportunities for public input. If you find that you will need more than the 100 days referenced in the resolution of intent, we urge you to ask Council for some additional time. And as you proceed, if you come across substantive issues that are not particularly urgent and which would benefit from being addressed as the Comp Plan is being updated or even after it is complete, then you could pull those out and flag them as part of your recommendations to Council.

In short, though there are some issues that, once you look at them, you may decide are better addressed as part of the second phase of the Code Audit, we don't think you need to pause this entire effort while the Comp Plan effort moves forward, but we do think you should be sure to devote to it the time and attention it deserves.

CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Minutes - March 14, 2017 – Pre meeting and Regular meeting
2. Minutes - March 28, 2017 – Work Session

Motion by Commissioner, Keller, Seconded by Commissioner Santoski to approve the Consent Agenda, motion passes 6-0.

Mayor Signor called the Council to order - a quorum of three.

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. ZT-17-04-02: Solar Energy Systems: A proposed amendment to the text of the City's Zoning Ordinance, Sections 34-1101, 34-1108, 34-1146, 34-1147 and 34-1200 of the Code of the City of Charlottesville (1990), as amended and a new section 34-1108 to provide provisions for solar energy systems. Section 34-1101 is proposed to be renamed to "Exclusions from building height and minimum yard requirements" and provide clarity in measuring the height of a building/structure and what may encroach into minimum required yards. Revision to Sec 34-1146, Nonconforming structures, permitted changes to state that solar energy systems can be placed on nonconforming structures and revision to Sec. 34-1147. Expansion of nonconforming uses or structures to state that solar energy systems are not considered an expansion of nonconformity. Additions will be made to Section 34-1200: Zoning—Definitions to the definition of Accessory Building, structure or use to include heating, electrical and mechanical equipment, utility service lines and meters, solar energy systems, and related equipment and a new definition provided for Solar Energy System. A new section Sec. 34-1108 will provide standards for solar energy systems.

Open the Public Hearing

Mark Rylander: 607 Lexington Ave. His concerns have to do with the zoning ordinance and he thinks that a submission like this warrants some level of graphic representation that would help everyone understand the dimensional issues. He has worked with solar and designed buildings with solar on them and understands there are a lot of issues related to topography and orientation that come into play in deciding whether or not it is appropriate and he doesn't believe that it is the Planning Commission or Council's role to serve as a kind of consumer protection bureau advising an owner that a tree may grow and cause their new solar system not to function. He does think that

placing solar panels in tree lined neighborhoods can be problematic in that the panels often don't work if they are in shade or don't have the proper orientation. That leaves him some concern that since the suggestion is that they can rise five feet above a roof and have large arrays in the neighborhood of satellite dishes or that kind of thing sitting on top of roofs that certainly could compromise historic districts or he supposes those would be subject to a site review. The other thing he saw that was curious was about front yards because solar panels other than being a surface, or a reflective surface that can project reflections in neighboring buildings, and it is also a kind of appliance. So he thought if you can put a solar panel in your front yard, can I put a washing machine in my front yard. If you are allowed to move your solar panel in your front yard it doesn't seem appropriate and needs to be regulated with specific dimensions. He would like to see the zoning ordinance move toward the specific numbers for things and not proportional.

Morgan Butler: Southern Environmental Law Center, SELC is excited to see this effort by the City to clarify that the zoning ordinance allows solar energy systems as an accessory use, and to spell out the rules that apply to them. As we've worked with different zoning provisions in the city and in the county over the years, we've often found that ambiguity about what uses are allowed, and where, can create frustration for everyone involved and ultimately generate backlash against even good things. So we applaud the City and the groups who initiated this effort, and we are speaking to voice our support and raise a couple of additional points for consideration.

Our first point relates to setbacks next to adjacent properties. As we understand the draft, ground-mounted solar facilities could be built right up to the edge of the property lines with an adjacent parcel, subject to one exception: there is a reasonable setback required for ground-mounted systems encroaching into front yards in low-density residential districts.

We wonder whether it might make sense in those same residential districts to also require a small setback—say 5 feet—between a ground-mounted system and a side or rear lot line. For instance, the current draft would allow ground-mounted systems up to 15 feet tall to be built right along the side or back edge of the parcel, and we could see that potentially causing concerns for the adjacent property owner. Maintaining a 5-foot setback from the side and rear property lines may be worth considering as a way to help minimize this potential issue. Of note, under the current zoning code, a similar 5-foot setback for rear and side yards applies to accessory structures in residential zoning districts, so having solar facilities comply with the same setback requirement seems reasonable.

Second, what is the extent to which these proposals are going to require review if they are in an entrance corridor or an architectural design control district. As we understand it because this ordinance would explicitly state that the solar facilities are not buildings or structures for purposes of the zoning ordinance, we don't think that a stand-alone solar facility that is being installed after the house has already been built would require review in one of those design control districts because it's not a building or structure and it's buildings or structures that triggers a review. Similarly if a particular facility does not require a building permit it is not clear that it would trigger a review in an entrance corridor overlay district. To be clear, most of the time we are not going to want these things to have to go through an extensive design review process but I can think of situations where it can be quite useful, for example installing a 15 foot ground-mounted solar facility in the front yard of a historic structure along West Main Street. He thinks it is important to get a little more clarity about when the design reviews would be necessary and to make sure we all understand that before we move forward with this. It's all about trying to getting it right the first time. Again, we're excited to see this initiative moving forward, we support the effort to clarify how the zoning code addresses solar, and we raise these two points for your consideration.

Closed the Public Hearing:

Commissioner Green: a point of clarification, it does say 5 feet to any lot line.

Ms. Roberson, City Attorney: that language only applies to the front yard not to side or the rear.

Commissioner Green: it says but no closer than 5 feet to ANY lot line.

Ms. Robertson: that paragraph is 34-11.08 paragraph 4, i, solar energy less than 5 feet in height may encroach in a required front yard by up to 10 feet but no closer than 5 feet in a lot line. This special regulation only deals with front yard encroachments. If you look over in 34-11.01, solar energy systems may encroach in the required yard subject to the provisions of paragraph 8 following below which allows them to be incorporated onto something like a front porch that is allowed on a two family dwelling and for the provisions of 34-11.08 which are a list of general standards that would apply and in 34-11.08 the only one that deals with setbacks and lot lines is paragraph 4 and that only deals with front yards.

Commissioner Green: that is unclear to her because it does say any lot line.

Ms. Robertson: As the speaker was saying, as we read this, it could use some clarification that there isn't a lot line regulation that generally applies to side and rear yards and that one only applies to the front yard.

Commissioner Keller: said her reading of this one would indicate than if you are not in a low residential zoning district that you could exceed 5 feet, you could go up to 15 feet. Let's say High Street which is not a residential district, you could have solar structures up to 15 feet on the roof or on the ground.

Ms. Robertson: correct.

Commissioner Santoski: does that mean in high density areas along JPA than you could have 15 foot tall in the front of those building there or on top of those buildings?

Commissioner Keller: said I think so, or that is how she is interpreting it.

Ms. Robertson: we are trying to mirror regulations that apply to other things as well so unless you were not talking about solar energy facilities, we know that the residential districts are especially protected so these provisions that are referencing the height on a roof of a single family dwelling or what can happen in the front yard. Those were intended to mirror porches that already exist in your low density residential districts because those areas have special protections already built in for other things in the front yard for instance no parking in the front yard, things like that. That is not necessarily generally the case for all of your other zoning districts. That's not to say you can't consider something specifically for solar energy systems but that didn't get in this draft because we haven't really regulated other things in the front yard outside of residential zoning districts.

Commissioner Keller: does that mean she could have her exterior air conditioning unit in my front yard.

Chair Keesecker: stated mechanical units on the ground have to be screened.

Ms. Robertson: said look at 34-1101, paragraph b4, allows encroachments into minimum required yards. HVAC equipment is allowed if they are screened in accordance with requirements. Currently those things are not limited to the front yard because it doesn't say that. The blue language is suggesting that those things be limited to side yards and maybe there are certain types of

solar facilities that you would like to do the same thing with but right now all that is required is it be screened.

Mr. Hogg: you are putting this as an appurtenance in some cases or what he thinks is a stair bulk-head or air conditioning on the roof of a larger building. He wonders if there are some kind of qualitative difference between a solar array and the things that we already define as appurtenances. Given on a large building the cooling towers occupy relatively small portion of a flat roof and a stair bulk head or elevator override less. At UVA, we have three solar arrays on large flat roof buildings, parking garage, School of Education and the Clemons Library. Those are arrays that occupy every single square inch of the roof to maximize the value of the installation. It is a perfectly logical choice, but doesn't that have a very different effect on the building and its appearance than would be customarily be recognized as an appurtenance. He wonders if there isn't a greater effect from this assignment of this in these categories that might seem at first passage, understanding why you have made that.

Chair Keesecker: said it would be good to have the diagram you started to model for yourself because in a way it boils down to a diagram that is related to low density residential and then there is a diagram that relates to mixed use zones just generally and then the design control districts; we just need to make sure the triggers and the language view and the guidelines are working in concert and not contradictory between BAR, entrance corridor and historic conservation districts which is relatively not easy to check. There might have to be some adjustments to that and he trusts those bodies to be able to do the appropriate review but the two basic things we are dealing with are low density residential versus other non-regulated. Maybe we can talk a little bit about if height is one thing on top of the building, front yard is another, generally setbacks on the side yard and the rear as it relates to these pieces in either of those districts. Those might be helpful as we are kind of moving ahead, are there any consensus among the commissioners.

Commissioner Santoski: asked when talking about solar devices, the height and width, he thinks of them more like panels setting on things but there may be other designs and he is not quite sure would they be a 15 foot structure that could go up for whatever reason or in a front yard would it be the size of a small automobile. He said he was thinking about the different types of solar equipment that somebody could use to capture what we want and what we don't want.

Ms. Elliott: said yes it would be panels and it's how you would configure or connect the panels together would end up creating what it is you are asking about. For example, you can have rows where they are angled and there are some configurations where they start to stack them but in terms to your reference to a small car, if it's on the ground there's going to be some type of side inclusion for protection of the electrical equipment and safety requirements but not someone filling them like a concrete bunker or something.

Commissioner Santoski: said if you have a neighborhoods with big old oak trees that are providing that canopy cover and someone wants to put solar panels on my house so I am going to cut down all of these trees in order to do that which of course they can do, here we are struggling on one hand, and Mr. Lahendro is an advocate for our tree canopy, yet we want to allow solar which may in fact cause us to lose much of that canopy if we really jump into it 5 or 10 years down the road.

Commissioner Lahendro: said and ironically create a need for more energy because you are taking away the shading from the house.

Ms. Elliott: we are very aware of that relationship and what you are doing for tree canopy and the natural shading that comes to the energy efficiency there as well as the need for the solar for the panels. In no way is this ordinance trying to tell people to go and cut down their trees to put solar in. If a property owner chooses to do that we don't have any regulatory authority to tell them they can't do that and definitely the messaging from our office is not encouraging that.

Commissioner Santoski: said he is thinking about some of the new developments for instance the Huntley development which happens to be in his neighborhood and there are new homes going up and if people wanted to put solar on there they could. They are also planting trees to replace all of the trees that they cut down and he can see where already in the last 4-5 years the trees in the first part of the property that has been developed is growing up and over the top of some of those homes. How do you work with developers that are putting in new things and say I would like to put solar in and now we only want to put in small trees because we never want them to grow over the height of the house when again what we are looking for is that tree canopy.

Ms. Elliott: there are ways you can talk about where you putting the trees and the types of trees you are planting. Small or medium size trees can still cool a building if you place them in the right place to co-inside with the building while you have solar on the roof and depending on how dense you put them they can feed into the overall tree canopy and those environmental nodes that you have in the city.

Ms. Creasy: someone could come in tomorrow and do exactly what is being noted.

Commissioner Lahendro: asked what can be gained energy wise for a single family detached residence for putting some solar panels on. He said he looked into putting some photo cells on his garage so he could get a light fixture inside and it was going to cost way more than if I just put an electrical line from my house to it. Is it just fashion?

Ms. Elliott: said it is not fashion. The economics is very much there. She said at her house she saves about 80% cost by having solar energy.

Chair Keesecker: the issue of reflectivity in the neighborhood would need to be somewhat addressed.

Commissioner Lahendro: do they make a non-reflective surface to the canvas?

Ms. Elliott: would have to ask some other people in the solar industry about solar reflective surface

Tish Shavon, 221 Huntley Avenue said she is the SolSmart Advisor for the City of Charlottesville and Albemarle County and here is due to a grant from the Department of Energy through the Solar Foundation to help the City and the County achieve SolSmart designation which we successful did right before Earth Day. We are still working to get Silver designation which this zoning code law will help us to do. As far as your question regarding reflectance this is a common concern that people have regarding solar panels and the common answer she has heard is that the FFA allows big solar panels in solar fields near airports. If you think of solar panels as needing to absorb energy they are not necessarily reflecting it so they are losing it their ability to create electricity so they are generally trying to absorb not reflect so the manufacturures don't want higher reflectance they want lower reflectance. If you look at FFA regulations, big solar fields are allowed near airports because pilots definitely don't want high reflectance as they are trying to land in an airport. If those are

allowed where pilots are landing than she would think the reflectance in your neighborhood would not be very high either.

Commissioner Keller: said in the beginning she thought this was a slam dunk and we want to encourage this and based on the preliminary presentation a few weeks ago, I thought we were all taken care of in terms of BAR and ECR. When she got into this it raised more questions than it did answers. She said if we are going to have the ordinance, it should address all of the possibilities that are likely to come up but I think we've had enough concerns among the group of us that it merits some more thought and we shouldn't sit here and try to craft and come up with the mistakes because few of us are experts on solar installations. Mr. Hogg, Commissioner Lahendro, Chair Keesecker and Commissioner Clayborne may have some experience. She said she could write guidelines for an historic district but she doesn't understand the technical aspects enough to address that. She feels strongly, if no more than a courtesy to consult the BAR because that is where you will want to give the most attention and if there is a definition of structure or what triggers a building permit, she would feel better if the BAR had an opportunity to discuss that and make any suggestions for revisions because they have a public responsibility and if something comes in and there is a public out-cry they're the ones that are going to get hit with it so why did you allow that and then they will say the ordinance doesn't even bring us into this so she would like to take enough time so it could get on the BAR agenda and we could have their comments and inform what Ms. Elliott is going to present to us next time. She would also like for Mr. Rylander's comments and Mr. Butler's comments to be addressed. Including some of the specific things we have talked about tonight for instance the front yard, clarifying the setbacks, heights, and have some diagrams and the frequently asked questions addressed for us. May be they could go on the City's website that would not be part of an ordinance but would help to inform this and serve an educational purpose and hope that it comes across that this is something we would want to facilitate and we want to encourage in the City. We are not trying to stop it we are just trying to do it in the best possible way.

Ms. Creasy outlined points noted during the discussion:

1. Front yards
2. Setbacks seeing the visuals
3. Height – 15 foot tall structure, would require enough support where a building permit is needed or in a historic district
4. Send to the BAR for input as to what they would like to review in major historic districts and conservation districts and have that information come back to the Planning Commission
5. The Entrance Corridor COA is does require a building permit which would include some of the solar energy systems
7. Wireless communication conflicts

Ms. Creasy: said she is hopeful there is an interim period in there because we anticipated this was phase one of a multi-phase process to try and get something memorialized for what we are already doing. The things we are talking about someone could come in tomorrow with an application that may fit into some of these realms and it may be okay and we are trying to memorialize some basics. So we are hopeful that we can look to some of those future routes. We know that it would be super helpful for the BAR and EC to have more specific guidelines and talk about what they should be looking for in those reviews more specifically. That is a much longer conversation

Ms. Robertson: said we can put something together for the Commission to look at next time.

Commissioner Green moved for a deferral so the staff has an opportunity for more clarification of all the setbacks and all heights, and reviews by Entrance Corridor and BAR, as well as provide clarifying diagrams for the ordinance seconded by Commissioner Santoski, motion passes 6-0.

Break at 7:21 – 7:35

IV. COMMISSION'S ACTION ITEMS

Beginning: upon conclusion of all joint public hearings

Continuing: until all action items are concluded

Stacey Pethia, Housing Study Report: Charlottesville Housing Coordinator returned with more information about prioritized recommendations from the RCLCO study.

Stacy Pethia started with one of the biggest questions the Commission had asked in terms of developer fee waivers to encourage affordable housing development and what those would look like. Ms. Pethia said she looked at the fee schedule for Neighborhood Development Services and looked at waiving the building permit and site plan review fees because they are the largest fees associated with the process. Ms. Pethia said the City can already offer to waive connection fees to water and sewer. If they were combined, that would come out to be about \$5,000 per unit.

Ms. Pethia said another recommendation from the HAC was to use \$900,000 from the Charlottesville Affordable Housing Fund to help the Charlottesville Redevelopment and Housing Authority create its own voucher program similar to Section 8 housing paid for by the U.S. Department of Housing and Urban Development.

She stated they currently have about 133 vouchers that they are unable to issue each year due to the limited amount of federal funding and it is hard to find out how many additional families the \$900,000 would be able to help cover. She confirmed how difficult that number is to figure out because you really don't know who is on the waiting list and the voucher payments that the housing authority would make really depends on income a family has and what size unit they would be moving into.

Ms. Pethia said another complication is that localities are not allowed to mix local funds with federal funds for the voucher program. The city would have to create its own rental assistance program that CRHA could manage and draw people from their waiting list. She said there is no limit to who can apply for vouchers but when it comes to qualifying they can go up to 80 percent of the area median income but housing authorities tend to choose the families most in need.

Commissioner Santoski, the Executive Director of ARC of the Piedmont, said Virginia is currently transitioning away from providing institutional placements for the disabled and those with special needs. There's a real push on providing alternative housing types for those individuals so there's a push at the state level to go back to localities and find out what priorities the elderly and disabled are for accessing Section 8 and housing choice vouchers.

Ms. Pethia said she did not believe there was a priority for those demographics but there could be with political will. The housing authority would just need to amend its administrative plan. She said if the city creates its own voucher rental assistance program, we would have the opportunity to determine our own priorities, so current city residents could be one of those.

Another recommendation is to create an overlay district in the zoning code to create incentives for affordable units. You would choose areas within the city that you wanted to focus affordable housing development on. Ms. Pethia said we would prefer some mixed-income simply because you don't want to end up with a concentration of low income households in one area. It couldn't be that you came in and built 51 units with only one affordable unit.

Commissioner Santoski noted it seems to me that we just have an affordability crisis in the whole city and it's not just low-income. At this point we haven't really seen any real affordable units built whenever a new development comes before us, mainly because the developer is going to make more by paying into the affordable housing fund and then pocketing what they make on the other units. He asked if the city could pay the developer the difference between market rate and units that would be affordable within a certain price range.

Ms. Pethia said she would be open to the idea but would have to figure out how to make it work. The housing fund cannot be used for private developers so we would have to create some partnerships between private developers and nonprofit organizations and one way to do that might be to set-up a low-interest revolving loan fund.

Commissioner Green said city residents would be concerned about subsidizing private development, but Santoski said the current system is not working.

Commissioner Santoski said we're just going to keep seeing developments come in and they're going to pay in to the affordable housing fund but we're not going to get affordable units built.

He also commented that the city needs to hold itself to a high standard. In 2009, Council agreed to sell two city-owned parcels on Ridge Street to Southern Development to create the so-called William Taylor Plaza. One section of the property will now be a hotel and the other will hold a 27-unit apartment complex at market-rate.

Commissioner Santoski specified that here's a perfect opportunity in a planned unit development that we approved to put mixed-income units into that property and if that's all market-rate housing, then this was our opportunity. That was city-owned land that could have had something different done on it, but we blew it.

Commissioner Keller said she wanted the two groups to communicate with each other. She really wish the HAC would engage the planning commission more in recommendations that affect land use and zoning and feels it's really critical that message get delivered to Council. We should have an informed recommendation that we send to them.

Legal Review

Lisa Robertson City Attorney: The Legal Audit has been on the city's website since the end of February and people are starting to notice it. She said you all have required for a number of years something known as the code audit and it doesn't look like what you may recall now. In September of last year City Council was disappointed that the code audit had not progressed and the SIA implementation had not begun. They gave us a work plan and we all have been working on that work plan. She said her task was to prepare a legal review.

The legal review is a very large document along the lines of the outline she handed out last November. She said we need to sit down together so she can walk you through what is in this document. The first legal review meeting date is May 23, 2017, 5-7 pm.

Planning Commission Operational Procedures

Ms. Creasy said the schedule has been very busy so we have been moving it forward as a potential consideration.

Commissioner Keller had 3 suggestions:

- To make #8 to #1
- To illuminate the existing #1
- #4 insert – members shall strive to be fully informed

Chair Keesecker said if emails are going to make him know what is going on it's not going to work because he does not read 50 emails a day. Ms. Robertson said you are allowed to have that kind of dialogue and everybody uses email that way and if you are using it in a way that you should have a public meeting, she will jump in and tell you.

Commissioner Green motioned to accept the operational guidelines with changes submitted by Commissioner Keller, seconded by Commissioner Santoski, motion passes 6-0.

Commissioner Clayborne motion to adjourn until the second Tuesday in June, Seconded Commissioner Santoski, motion passes 6-0. Adjourn at 9:10 pm