

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, June 13, 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

1. Comprehensive Plan Process Preparation

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

- A. COMMISSIONERS' REPORTS**
- B. UNIVERSITY REPORT**
- C. CHAIR'S REPORT**
- D. DEPARTMENT OF NDS**
- E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**
- F. CONSENT AGENDA**

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

1. Minutes - April 11, 2017 – Pre meeting and Regular meeting
2. Minutes - May 9, 2017 – Pre meeting and Regular meeting

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. **ZM16-00003 910, 912, 914, and 916 King Street** –Atlas Projects LLC, owner of 910, 912, and 914 King Street and the contract purchaser for 916 King Street (owned by Jeffery Marshall) has submitted an application to rezone land at 910, 912, 914, and 916 King Street (“Subject Properties”) from low-density (R-1S) Residential to Cherry Avenue Mixed Use Corridor (CH) with proffers. The Subject Properties are identified on City Real Property Tax Map 30 as Parcels 124, 125, 126, and 127 with frontage on King Street. The Subject Properties contain approximately 24,393 square feet of land or 0.56 acres. The residential uses allowed by-right in the current R-1S classification are limited to single-family detached dwellings (SFD), which may contain interior or exterior accessory dwelling units), limited to 1 SFD per 6,000 square foot lot (effective density of 7 DUA). The proposed CH Mixed Use Corridor would allow the same SFDs, at a density of 7 DUA, but would also allow two family dwellings, and single-family attached/ townhouse and multifamily dwellings (at a density of up to 21 DUA by-right, or 43 DUA by special use permit) , and mixed-use development containing any residential uses, up to 43 DUA by right. The applicant proposes to build a mixed use building with residential and commercial components, supportive parking, and other amenities on the Subject Properties. The rezoning is proposed subject to proffered development conditions including: dedication of right of way to accommodate a 5’ sidewalk; additional step back requirements abutting to low density residential; and restricting hotel use to no more than 30 rooms. The Land Use Map designation within the City’s Comprehensive Plan

identifies this property as being planned for Low Density Residential, but the Comprehensive Plan does not specify a density range. A copy of the proposed zoning map amendment, and related materials, is available for inspection at the Charlottesville Department of Neighborhood Development Services, 610 East Market Street. Persons interested in this rezoning petition my contact Matt Alfele by email (alfelem@charlottesville.org) or by telephone (434-970-3636).

IV. COMMISSION’S ACTION ITEMS

Beginning: upon conclusion of all joint public hearings
Continuing: until all action items are concluded

1. Report: Long Range Transportation Plan
2. Solar Energy Systems
3. Comprehensive Plan – Community Engagement Element
4. City Attorney Review of Zoning Ordinance

V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday, June 27, 2017 – 5:00 PM	Work Session	City Attorney Review of Zoning Ordinance
Tuesday, July 11, 2017 – 4:30 PM	Pre- Meeting	
Tuesday, July 11, 2017 – 5:30 PM	Regular Meeting	<u>Minutes</u> - April 25, 2017 – Work Session <u>Minutes</u> - May 23, 2017 – Work Session

Anticipated Items on Future Agendas

Critical Slope Waiver – Seminole Square and Pepsi Bottling
 MACAA Intergenerational Education Campus PUD Rezoning Application (TM 47; P 7.1, 8 & 11)
 Belmont Bridge Concepts – August 2017

Persons with Disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
5/1/2017 TO 5/31/2017

1. Preliminary Site Plans

2. Final Site Plans

- a. Johnson Village Utility (Installation of Ting High Speed Internet) – May 3, 2017
- b. 1248 Emmet Street North – Zaxby’s (TMP 40-2.5) - May 10, 2017
- c. 1713 JPA AXE House – New Bedrooms – May 23, 2017

3. Site Plan Amendments

4. Minor Subdivision

- a. 321 Caroline/Meade Park BLA (TMP 55-14 and 55-19) - April 25, 2017
- b. 105 Sunset Avenue (TMP 18-37 Lot 13 and part of Lot 12 (Creating lot 1 Jefferson Park)) – May 5, 2017
- c. 1726 Chesapeake Street BLA (TMP 55A-132 and 55A-133) – May 10, 2017
- d. 1140 East High Street BLA – TMP 54-56 and 54-57) – May 25, 2017

Minutes
PLANNING COMMISSION REGULAR DOCKET
Tuesday April 11, 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 Room

Members Present: Chairman Kurt Keesecker, Vice-Chair; Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, Taneaia Dowell; UVA representative: Brian Hogg

Member Absent: John Santoski

Chair Keesecker called the meeting to order at 5:15pm and provided a review of the agenda. Commissioner Keller asked if the rock wall area on the MAACA site was protected under an easement. It was noted that there is no easement.

The discussion concluded at 5:25pm.

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

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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; UVA representative: Brian Hogg

Members Absent: Taneaia Dowell

Staff: Missy Creasy, Heather Newmyer, Matt Alfele, Carolyn McCray

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

A. COMMISSIONERS' REPORTS

Jody Lahendro attended the Tree Commission meeting on April 4th where NDS staff presented a Planning 101 session on Comprehensive Planning and Zoning. This will assist the Tree Commission in finding opportunities to incorporate the preservation and planting of trees into the Comprehensive Plan, Zoning Ordinances and the Code Audit. We also discussed the need for the Tree Commission to provide input to the Planning Commission for the current Comprehensive Plan process. We had a consultant present the current results of a project to map opportunities for planting new trees on both public and private properties. The project is in the early phases and will provide us with a lot of good data information for finding new places to plant trees. It should be complete in a few months. Staff presented the integrated pest management annual report which will soon be coming to City Council. Staff also presented the result of a study to understand the cost of maintaining and watering new trees. This is based on data going back five years. The greatest effort in ensuring a healthy tree occurs in the first two years of planting and it is found that the average cost to the city per tree for two years is \$705.00. That is what the Tree Commission will use as justification for their request for the CIP. Arbor Day is on Friday, April 28th. The Tree Commission will join the Charlottesville Area Tree Stewards in celebration at 10:00 at the downtown library.

Ms. Keller – no report

Ms. Dowell – no report

Ms. Green – no report

Mr. Clayborne - arrived at 5:46 – no report

B. UNIVERSITY REPORT – Brian Hogg - no report

C. CHAIR'S REPORT – Kurt Keesecker said he attended a charrett as part of the Route 29/ Hydraulic small area plan advisory committee, facilitated by VDOT and Sal Masssaro from Kimley Horn. They worked with the group to consider a study area around the intersection of Hydraulic and 29. He said there were a series of activities they moved through as a group of 12. They also had a good discussion touching on aspirational goals that will have to be looked at a little more clearly to find out what is conceivable. It was a four hour session and it felt like it took about 30 minutes. He will report more on the outcome of that when it is online. Other representatives from the city including Ms. Galvin and Mr. Ikefuna, and myself talked a lot about walkability and those ideas were shared and were common with our colleagues from the County. The other conference he attended this afternoon was sponsored by the Thriving Cities Project. It is an outreach event for the Institute of Cultural Studies. They put together a group of experts in the realm of creative placemaking. He learned this is more fully the bringing together the people in the arts or the creative fields to help enhance both community engagement and bring people together in cities. He said he had his mind blown by some of the things that were presented. There were a number of people who were active in Richmond. Those attending the event included a gentleman who runs a storefront for design which is a community design center in Richmond, and I saw alumni from the NDS staff named Ebony Walden.

D. DEPARTMENT OF NDS – Missy Creasy - The Meadows Neighborhood be meeting tomorrow night with the consultants for the Hydraulic/29 study at the Holiday Inn at 6:30. Neighbors will have the opportunity to meet with community members and will be able to share concerns and dialogue back and forth. On Thursday night there is a Fifeville meeting at 6:30 at Tonsler Park where staff and commissioners will be meeting with community members. The next Planning Commission work session is April 25, 2017.

Commissioner Keller said there was a reference in Natasha Sienitsky letter that said I know you can't attend these meetings. She said it has never been clear because now we have the requirements about the community meetings that applicants hold whether Planning Commissioners can attend those meetings.

Ms. Creasy said commissioners can attend but there can only be two attending unless it is advertised publicly.

Commissioner Green asked about Tuesday at the Tom Tom hometown event. Will we all be in the same session or what?

Ms. Creasy said that is true. You all will be attending the conference. That was a general invitation so we will make sure it is posted.

Commissioner Keller said if something is informational or educational and we are not discussing business, why would there be a constraint on us being present.

Ms. Creasy said we just like to make sure all of our bases are cover.

Commissioner Keller said it seems to be the detriment of good government that it is necessarily elevating a conflict of interest. If we are not discussing something and interacting with the public and we all showed up at town hall meeting and never said a word, why would there be a problem.

E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA – No one was there to speak.

F. CONSENT AGENDA

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

1. Minutes - October 25, 2016 – Work Session
2. Minutes - February 28, 2017 – Work Session

Motioned by Commissioner Keller seconded Commissioner Lahendro to approve the consent agenda, motion passed 7-0.

1. Discussion

a. Planning Commission Operational Procedures

Ms. Creasy reported that back in 2006-07 the bylaws were updated and the Commission at that time adopted operating guidelines. Commissioner Keller suggested that we bring that as a talking point that the Commissioners could consider some of these items.

Chair Keesecker said pertaining to the 2006-07 guidelines, did anyone have any thoughts or comments related to those and where we might go from here.

Ms. Creasy said you all did not commit to signing anything but she didn't think you all committed to these things either. She thought the commissioners wanted to have a conversation about whether these things were appropriate.

Commissioner Green said as a Planning Commissioner, ethically, we want to uphold these guidelines but there is no enforcement mechanism once you are off the Planning Commission.

Chair Keesecker said we are just trying to be clearer in a language that is more understood by any of those that might be interested in how we conduct our business instead of having to be a state law expert. Mr. Keesecker said he only circled one paragraph in the operating guidelines that we had to review which was the second paragraph under #4 which talks about meetings that we might have as individuals outside of our formal meetings.

Ms. Creasy said that was one of the main drivers behind the guidelines back then because commission members had different stances on that and so if members decided they wanted to meet with people, they wanted to make sure that there were some guidelines for doing so. For the most part, you all follow that generally anyway and we encourage it because it helps the process. If there is a meeting with one of the commissioners, if staff is present it allows for us to be note takers and be able to share the process.

Chair Keesecker explained how this series of paragraphs has to do with what we all at different times been asked to do is to meet outside of commission meetings with applicants to either to answer their questions as we could or get a better understanding of the projects as it is presented to us.

Commissioner Keller said it seems like that is the most useful of the enumerated items here because it gives the commissioner an out if someone is really putting a lot of muscle on them to try to meet outside. We generally have a policy that we meet with staff at City Hall and it gets you out of a sticky situation.

Chair Keesecker said he noted that this paragraph says strong consideration shall be given to holding such a meeting during regular business hours at public locations such a city hall with a member of staff present, but that language does not preclude or prohibit anybody from meeting with an applicant in the coffee shop at the end of the day. He said we all have jobs, some in different places. He said he has met with applicants prior to meetings even sometimes prior to their submissions to the staff. Before anything goes in but he said his has be fairly good trying to disclose when he has had those meeting and been careful not to make any promises. For him it's a chance to get a better knowledge of what is going. He can then do research, ask questions that they might want to address when they come and talk to us.

Commissioner Clayborne said there is a time and place for it like for instance when you partnered with the applicant that was having challenges simply navigating through the process and we stepped up to the plate and help him get through the third time.

Commissioner Green said we should either do it or not which is the reason why she says there is not enforcement. She gets what they are talking about, but the discussion in the pre-meeting regarding proffers to what you can and

can't say; when you sit down to coffee and meet with them, you are still representative of the Commission. She said you are still liable.

Commissioner Keller said the stakes are higher now as of July 1 of last year than they were in 2006.

Chair Keesecker said the question is whether the language in the paragraph stating "Stronger consideration needs to be stronger" because it doesn't prohibit.

Chair Keesecker said they need to move to the Preliminary Discussion - 1025 Park Street.

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Mayor Signor called the Joint Meeting to Session

Commissioner Dowell recused herself because she is employed by MACAA

1. Preliminary Discussion - 1025 Park Street PUD (current MACAA site)

Heather Newmyer, City Planner presented the reported that Kurt Wassenaar is representing Monticello Area Community Action Agency (MACAA) and New Millennium Senior Living Communities (NMSLC), a development group based out of Roanoke, Virginia that specializes in senior housing, independent living, assisted living and nursing properties in the Mid-Atlantic and Southeast regions of the United States. The applicant plans to submit a rezoning application to rezone properties 1021, 1023 and 1025 Park Street from the existing single-family low-density residential zoning (R-1) to a Planned Unit Development (PUD). In addition to the R-1 zoning, 1025 Park Street (MACAA's current site) has a special use permit granted by City Council in 1993 for a private school/education facility (community education center) and amended in 1995 to permanently close access to 250 Bypass.

City staff has met with the applicant's representative and associated team to have preliminary discussions regarding the rezoning request and held a formal pre-application meeting per Sec. 34-41(b)(1) on March 22, 2017. The applicant has stated part of the planning process for the PUD request is to preserve and incorporate the above mentioned environmental/historic features. Staff has provided the applicant with the Streets That Work Plan and the Park Street design developed in 2015 as part of the Bicycle and Pedestrian Plan to inform their planning process for the proposed intersection design should they move forward with a formal rezoning request.

After a lengthy discussion on the zoning request, Ms. Creasy gave a detailed way the process is done stating you will be providing a packet. With a PUD, which is the zoning requested for the site, one would include all of the details you choose to put into your packet. You can memorialize some of the things you are talking about by articulating those as both in the development plan and in any sort of text.

Commissioner Lahendro said he is elated that the applicant is making this compatible to the neighborhood and to continue to work with Mary Joy Scala for historical guidance.

Commissioner Keller said you should understand that Ms. Creasy is more diplomatic than she is. Because this is an PUD which in affect is a zoning change and we either vote this up or down in our recommendation and so, the more specific it is the more certainty we are going to have in our comfort level. She said we have projects in the past both in the City and the County where there was an expectation and something happened, there was a change in ownership and that zoning went for a completely different project. The things we might like about this one may go away if they are not memorialized.

Chair Keesecker said given the footprint is what it is, the next largest footprint is the First Baptist Church and the new YMCA and in the immediate area are smaller footprint homes. He asked how can one navigate between that larger footprint scale and the immediate context and it would be hard for us to understand that from zoning

drawings. Views of this building from different points across the buildings on Park Street and other methods that might be more architectural would speak to Ms. Keller's point on helping us understand how to address the concerns he has in number six.

Chair Keesecker said the Commission looks forward to your application and it will make for a robust review if you address those concerns related to the criteria that we are obligated to look at as we evaluate your submission. Thank you for your presentation.

IV. COMMISSION'S ACTION Items

Beginning: upon conclusion of all joint public hearings

Continuing: until all action items are concluded

*ADJOURN TO NDS CONFERENCE ROOM

Ms. Creasy said we have kick-offs coming up and a lot of dates, locations and reservations and we want to see how the agenda is going to flush out so we can get some confirmations on those because the agenda will determine the space. The key item for this evening is to refine the workshop agenda so that we've got what we are going to do as a program for these workshops. We have started a kick off with attachment two that was put together by Commissioner Lahendro.

Facilitator Allison Linney: she has read the entire document and spent time with staff to brief her and she feels she is up to speed with what is on paper. She said what we are going to try to do is together to come up with an agenda and ground rules to allow us to ensure a very similar product across all four meetings.

Chair Keesecker asked about the pre-meeting that council requested of us.

Ms. Creasy said PHAR has not been able to fit us in right now. Vice-Mayor Bellamy said he would like to help set a meeting of folks able to help this process.

Chair Keesecker is concerned about the pre-meeting piece and instead of thinking of it as the fifth meeting it actually would be meeting number zero. He said he reached out to Councilor Bellamy because he wanted to understand better and it was impassioned and earnest and he wanted to make sure he understood what his thoughts were and he understood what we were all coming from with the idea many more meeting with all kind of different groups, and hopefully mixed groups. He said we would get a lot of energy if we could put the three groups together. He said it would be a lot more energetic if we could make it happen. Councilor Bellamy's concern is to have a robust engagement process. We can engage them to take some ownership and participate in the process from the very beginning if we are opened to have them give us input on how to shape those meeting details as we move forward. There may not be any practical changes once someone sees what we are trying to do with our 4 kick off meetings but the idea we would reach out and say what would make these better would be a helpful gesture for people who may decide it's just a another dog and pony show so I'll wait until the end. If we are going to have community engagement, we need to engage with them before all of this happens.

Chairman Keesecker asked what is the risk and reward of having an early conversation with someone to get their thoughts. He doesn't feel like he has the expertise to determine the absolute best way to start a conversation with groups of people in the City that he doesn't have a lot of daily interact with other than in these formal meetings that is not the best place for ideas to exchange.

Commissioner Lahendro said the challenge will be to keep those meetings on focus for our objective which is to find out how to get input from citizens. They are going to immediately go into what is wrong with form based code, what is wrong with how they are living now.

Ms. Creasy has reached out to PHAR. Councilor Bellamy is scheduling a meeting of folks able to help this process, and to kick off meeting number five. People in the neighborhoods will reach out to Councilor Bellamy

for more specific information and he was wanted it to be more one on one sessions. Everyone has been on the same page with smaller outreach groups during the summer.

Ms. Linney said you need to think about how you want to give people to influence the agenda. If you have pretty good sense that this agenda is what needs to happen, don't ask a question that you don't fully intend to take actions on the answer.

Commissioner Keller said that has been her concern all along that we could raise expectations for things that are outside of our scope that the Comprehensive Plan is not going to deal with. When we engage the community we need to be clear in what our expectation in our engagement is.

Ms. Linney said the other piece she is trusting is that you all are saying that these meetings need to be three hours because there is that much to cover in order for someone to be an informed person.

Ms. Creasy said we have booked for three hours which allows for set up and clean up.

Ms. Lenny said:

- To pick one of those to do, perfectly to go on record, see his list of because of opinion across the community, we have to move fast.
- Kurt does not want the deadline to make us not do our best.
- Don't ask a question that you are not going to act on the answer.
- Run 3 tightly run discussions
 - Listening, no opinions
 - What your concerns are.
 - Get those issues to the table.
 - As well as anyone in the public
 - One at lunchtime and one at dinner time.
 - Neighborhood of Friendship Court.
 - Representative of people from all over the community.

Mr. Haluska said he is working with Economic Development about the job portion because after the last work session the Commission had two large categories, where people live and where people are working if the city is going to continue to grow and we are all under that assumption. He has 2 questions already and one that lays out 4 different scenarios potentially for growth. One is a housing visual preference.

Commissioner Green said she didn't think we want to use the term if the City is going to grow.

Mr. Haluska will do a demographic pie chart to collect input to see who is attending and which groups we need to outreach to further.

- 30 minutes folks later or earlier
- 15 minutes presentation included portion of 1-5
- 30 minute break out what kind of report out
- 30 minute close out but a mingle questions, allow for folks earlier and later

The group got 90 second to present two most interesting thing to make sure fellow citizens want to hear what you have to say.

Commissioner Dowell said as part of the presentation say these are the places from the maps we have already done as part of our presentation and then let the community decide if they agree.

Ms. Linney said for tonight we have a high level agenda and we now know who our presenters are: Commissioner Dowell and Commissioner Lahendro. Brian and Missy will be starting the PowerPoint; and all Commissioners will be part of this and we would like for you all to react to this.

Ms. Creasy said she will be sending out the exact day and time. We will have a work session on April 25th. The Planning Commission is going to try their best to engage the public.

Adjourn 8:55 p.m.

FUTURE MEETING SCHEDULE/ADJOURN

Tuesday, April 25, 2017 – 5:00 PM Work Session Citizen Engagement for Comp Plan

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 chartrate 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

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A REZONING OF PROPERTY

JOINT CITY COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING

DATE OF HEARING: June 13, 2017
APPLICATION NUMBER: ZM16-00003

Project Planner: Matt Alfele

Date of Staff Report: May 30, 2017

Applicant: Atlas Projects, LLC

Applicants Representative: Oliver Platts-Mills with Atlas Projects, LLC

Current Property Owner: Atlas Projects, LLC (lots 910, 912, 914) & Jeffery Marshall (lot 916)

Application Information

Property Street Address: King Street Lots 910, 912, 914, & 916

Tax Map/Parcel #: Tax Map 30, Parcels 124, 125, 126, & 127

Total Square Footage/ Acreage Site: Approx. 0.56 acres (24,393 square feet)

Comprehensive Plan (General Land Use Plan): Low Density Residential

Current Zoning Classification: R-1S

Tax Status: Parcels are up to date on payment of taxes

Completeness: The application generally contains all of the information required by Zoning Ordinance (Z.O.) Sec. 34-41.

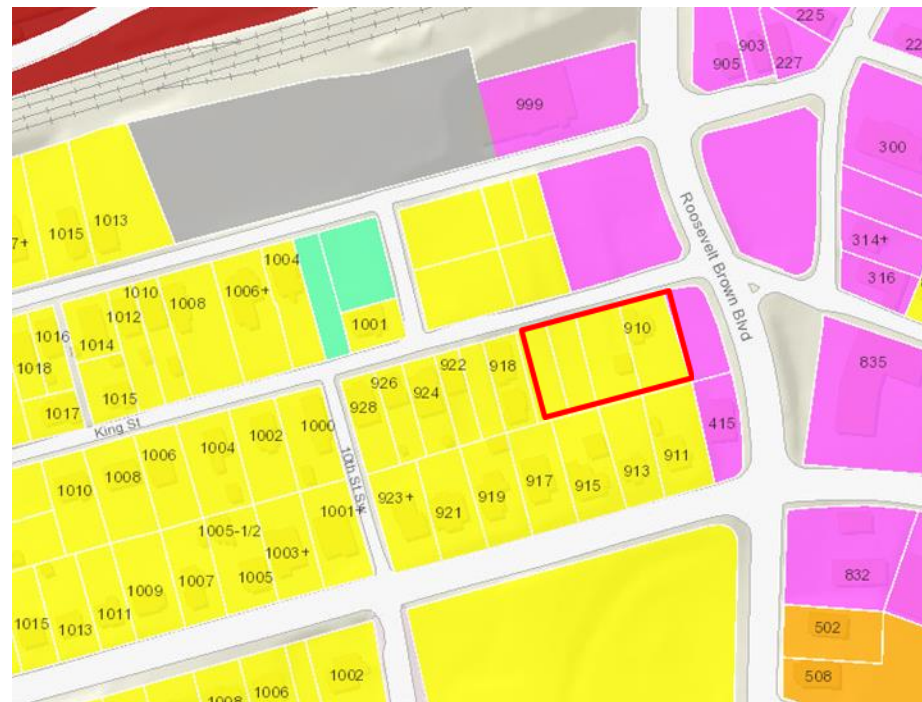
Applicant's Request (Summary)

Atlas Projects, LLC have submitted a rezoning application to rezone lots 910 – 916 King Street (Subject Properties) from the existing residential use (R-1S) to Cherry Avenue Mixed Use Corridor (CH). This rezoning is being requested to accommodate a proposed higher density mixed use development on the parcels that would not be permitted under the current zoning.

Vicinity Map

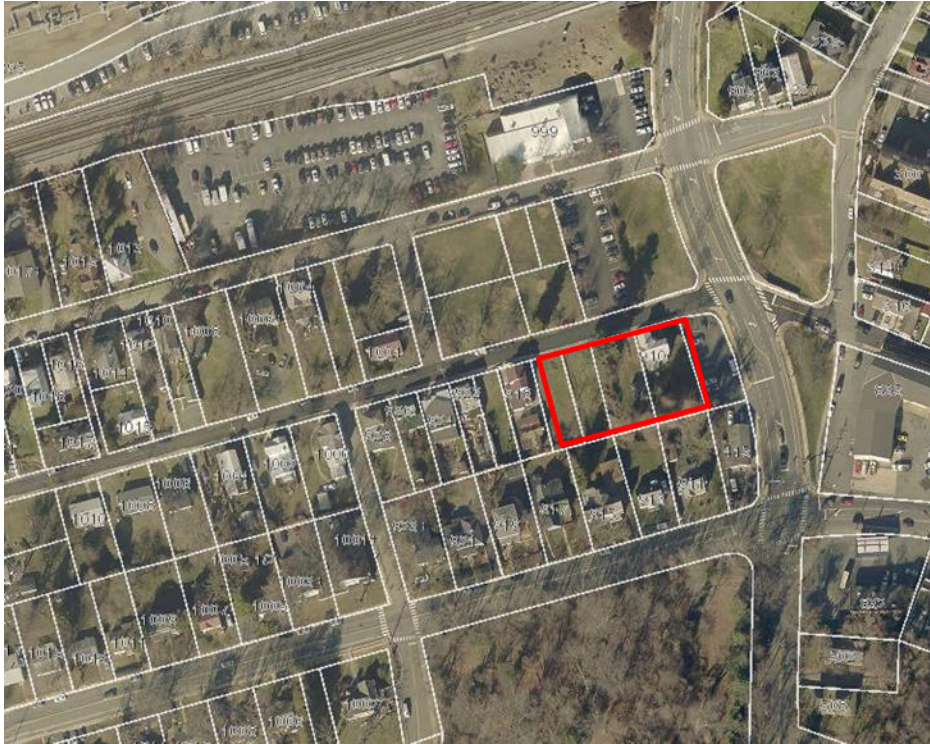


Zoning Map

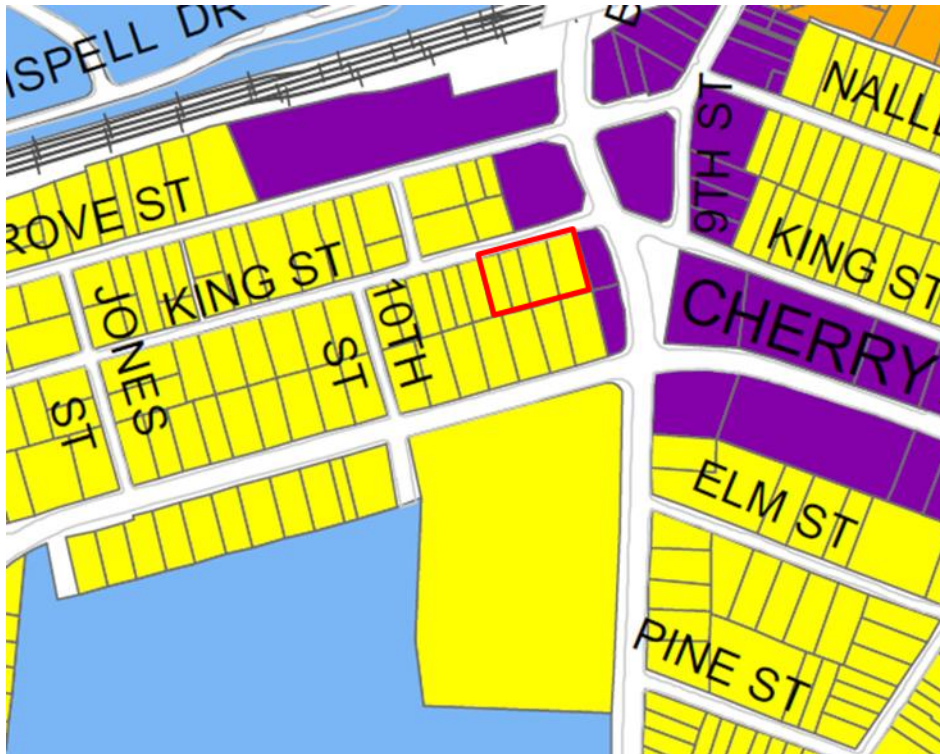


Gray: Industrial, Orange: R-2 (Two-family), Yellow: R-1S (Single-Family), Purple: Cherry Ave Mixed Use (CH)

2016 Aerial



2013 Comprehensive Plan Land Use Map



Yellow: Low Density Residential, Purple: Mixed Use, & Blue: Public or Semi-Public

Standard of Review

City Council may grant an applicant a rezoning request, giving consideration to a number of factors set forth within Z.O. Sec. 34-41. The role of the Planning Commission is and make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed rezoning based on the factors listed in Z.O. Sec. 34-41(a):

(a) All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;*
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;*
- (3) Whether there is a need and justification for the change; and*
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.*

Preliminary Analysis

Atlas Projects, LLC is currently the owner of 910, 912, & 914 King Street and holds an option to purchase 916 King Street from Jeffery Marshall. An unoccupied single family home is situated on 910 King Street. 912, 914, & 916 are all vacant lots. The applicant is proposing to combine the four (4) lots and build a mixed use development with residential units, commercial and office space, and accessible green space. Under the current zoning the four (4) parcels could accommodate four (4) single family homes with four (4) accessory units for a total of eight (8) dwelling units. If rezoned to Cherry Avenue Corridor (CH) the DUA would be:

- Development containing only townhouses or multifamily – 21 DUA by-right, 43 DUA with an SUP.
- Mixed Use Development – 43 DUA.

The mixed use development the applicant is proposing would allow a max of 24 dwelling units (.56 acres X 43 = 24.08 based on preliminary data).

Z.O. Sec. 34-42

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

a. Land Use

The applicant’s own analysis of the development’s consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application. Page 4 of the applicant’s narrative (A).

Staff Analysis

The Subject Properties are currently zoned R-1S which is the most restrictive zoning category in the City. All by-right, provisional, and special uses allowed within this zoning district are Residential and Related per §34-420 and Single-family detached is the most common of these uses. The 2013 Comprehensive Plan Land Use Map indicates the Subject Properties to remain as low-density residential. The applicant is requesting a rezoning of the Subject Properties to Cherry Avenue Corridor (CH) to accommodate a mixed-use infill development. The CH zoning district allows a wide range of by-right, provisional, and special uses per §34-796 under Residential and Related, Non-residential: General and Misc. Commercial, Non-residential Retail, and Non-residential Industrial. In the narrative the applicant is proposing a mixed use development with residential, commercial, and office components. The applicant is proposing to retain all uses permitted in CH zoning district as allowed under §34-796 with the exception of restricting Hotels/motels to no more than 30 rooms (Proffer 3).

The Subject Properties are bordered by:

Direction	Zoning District	Current Use
East	CH	Parking lot for the Korner Restaurant
South	R-1S	Single Family Homes
West	R-1S	Single Family Home
North	King Street	
North of King Street	R-1S & CH	Parking lot and undeveloped lots

The CH district requires separation and screening when adjacent to low-density residential districts per §34-658(b)(2) & §34-662(d). In addition to these requirements, the applicant is proposing an additional setback on buildings abutting low-density residential districts to help transition into the neighborhood fabric of King Street (Proffer 2).

Staff finds the proposed rezoning is not consistent with the City's future Land Use Map, but may contribute to other goals within the Land Use chapter of the Comprehensive Plan. As the subject properties are centrally located to neighborhood and commercial centers, a mixed use development with a higher residential density at the edge of the existing low-density neighborhood could contribute to Goal 2.3 in the Land Use chapter of the Comprehensive Plan provided an adequate transition is provided. Proffer 2 provides for additional requirements to help transition from CH to the adjacent R-1S properties. This added requirement may contribute to Goal 2.1 in the Land Use chapter of the Comprehensive Plan.

Although the applicant has removed large hotel/motels from the subject properties use matrix (Proffer 3), staff is concerned with the intensity of future uses encroaching into the residential fabric of the neighborhood. The applicant has worked with the City's Traffic Engineer to address this concern by reconfiguring the traffic from one-way to two-way on King Street from the western end of the development to Roosevelt Brown. This concept shall be addressed further at site plan review. Staff believes this location is well suited for a transition development that contains a high density residential component such as what the applicant is proposing. The location of the subject properties would create a block that is roughly half residential and half mixed use commercial. Staff is concerned that a change in zoning may produce a development that contains no residential component and would not transition to the residential use of the remaining block. Examples of a uses allowed in the CH district, but may be inappropriate to the fabric of the neighborhood is an auto repair center or a fast food restaurant.

b. Community Facilities

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application. Page 5 of the applicant's narrative (B).

Staff Analysis

Staff finds that the location of the subject properties would be well serviced by existing community facilities. A change in use from R-1S to CH should have no major impacts to existing community facilities.

c. Economic Sustainability

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application. Page of the applicant's narrative (C).

Staff Analysis

Staff finds that locating small commercial and retail development (with a mix of residential) at this location could contribute to Goal 3.3 in the Economic Sustainability chapter of the Comprehensive Plan.

d. Environment

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application. Page 6 of the applicant's narrative (D).

Staff Analysis

Staff finds that replacing existing single family homes on small lots with a large mixed use development and required infrastructure, such as parking, could increase impervious surface and stormwater runoff. Current stormwater regulations will prevent the subject properties from discharging additional stormwater above current levels. A majority of the subject properties are undeveloped which will require innovative design to keep stormwater at current levels. These concerns would be addressed at site plan review.

e. Housing

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application. Page 6 of the applicant's narrative (E).

Staff Analysis

Staff finds that a mixed use development on the subject properties that includes on-site affordable units could contribute to Goals 1.1, 1.2, 3.2, 3.3, 3.4, 3.5, 3.6, 7.1, 7.3, 8.1, 8.2, & 8.5 in the Housing chapter of the Comprehensive Plan. Per §34-12 the applicant shall provide on-site affordable dwelling units or contribute to the City's Affordable Housing Fund. The applicants have been in conversation with the City's Housing Program Coordinator about providing on-site affordable units, but more detail will be provided during site plan review.

f. Transportation

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application. Page of the applicant's narrative (F).

Staff Analysis

Staff finds a mixed use development on the subject properties could contribute to Goals 1.2, & 1.3 in the Transportation chapter of the Comprehensive Plan and section 4.1 of Streets that Work. To accommodate a mixed use development on a one-way local street, the applicant is working with the City's Traffic Engineer. Possible outcomes could be reconfiguring King Street from one-way to two-way from the western end of the subject properties to Roosevelt Brown Boulevard and/or providing a physical barrier to prevent vehicular traffic from turning left onto King Street out of the development. A traffic control plan will be provided and reviewed during site plan submission. The goal of any traffic control plan will be the prevention of vehicular traffic from exiting the development to the west and circulating through the single family neighborhood. To conform to Streets that Work, the applicant will provide additional right of way for a 5' sidewalk (Proffer 1).

g. Historic Preservation & Urban Design

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed rezoning application. Page 7 of the applicant's narrative (G).

Staff Analysis

Staff finds a mixed use development on the subject properties could contribute to Goals 1.3 & 1.4 in the Historic Preservation & Urban Design chapter of the Comprehensive Plan. The Fifeville- Tonsler Neighborhood is designated as a historic district on the National Register of Historic Places and the Virginia Landmarks Register. 910 King Street, built in 1900, is a contributing historic structure in that district. However, there is no corresponding local historic district in place that would provide protection to the historic building and 910 King Street would be demolished to accommodate the proposed mixed use development.

2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

The applicant's own analysis of the development's furtherance of the general welfare of the entire community is provided in the applicant's narrative statement.

Staff Analysis

Staff agrees that a mixed use development with a higher residential density could benefit the surrounding community by providing residential and commercial activities within a centralized location.

3. Whether there is a need and justification for the change;

The applicant has provided information on the factors that lead to a request to rezone the subject properties from R-1S to CH in the Narrative section of their application.

Staff Analysis

Staff finds that although increased density and commercial activities on the subject properties may be appropriate, existing mixed use parcels along Cherry Avenue and Roosevelt Brown Boulevard have yet to materialize. Caution should be given to development encroaching into the surrounding residential neighborhoods with available development space still location on the main corridors. With that in mind, a mixed use development as proposed by the applicant could stimulate additional development along the existing Cherry Avenue Corridor.

4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district,

relating to the purposes set forth at the beginning of the proposed district classification.

The location of the subject properties is currently served by existing public utilities and facilities. The applicant has provided a narrative statement on adverse effects and mitigation in their application materials.

Staff Analysis

Any development on the subject properties would be evaluated during site plan review and need to meet all current regulations related to public utilities and facilities. Due to the location and previous use of the subject properties, staff believes all public services and facilities would be adequate to support development. Staff also believes proffer 2 and 3 could mitigate adverse impacts on the surrounding properties.

Public Comments Received

Community Meeting Required by Z.O. Sec. 34-41(c)(2)

On April 8, 2017 the applicant held a community meeting at Tonsler Park. Around eight members of the neighborhood attended the meeting, along with a staff member. The attendees were mixed on supporting and opposing the development. A few attendees stated the site is underutilized and a mixed use development would help the neighborhood. Others were very opposed and thought any development would only add to gentrification of the neighborhood. The applicant has provided additional details on this meeting in their application materials.

In addition to the community meeting, the applicant has attended Fifeville Neighborhood Association meetings to give updates on the rezoning application and answer questions. Staff attended one of these meetings.

In addition to the feedback from the community and association meetings, staff received one phone call from a concerned resident regarding the project. The person expressed concerns with gentrification of the neighborhood, an increase in pedestrian traffic, and units not being affordable.

Staff Recommendation

Staff finds the proposed development, as presented with the rezoning applicant could contribute to many goals of the City's Comprehensive Plan. Staff is concerned that the proffer statement only restricts hotel/motel use over a set number of rooms. The use matrix (Z.O. Sec. 34-796) provides for a variety of uses that may not be appropriate for this location. Staff finds that the subject properties would be ideal for the type of mixed use development the applicant

references in their rezoning applicant, but is concerned the subject properties could be developed for a single use with no residential component. Staff finds the extent of the subject properties into the King Street block to be appropriate. Staff would not support extension of CH beyond the halfway point of the King Street block. If the rezoning is allowed, it would create a block that is half residential and half mixed use/commercial with proffer 2 controlling the bulk and massing of any development. This type of block is ideal for transitioning to the residential fabric of the surrounding neighborhood.

Suggested Motions

1. I move to recommend approval of this application to rezone subject properties from R-1S with proffers, on the basis that the proposal would service the interests of the general public and good zoning practice.

OR,

2. I move to recommend denial of this application to rezone subject properties from R-1S with proffers, on the basis that the proposal would not service the interests of the general public and good zoning practice.

Attachments

- A. Rezoning Application received July 26, 2016
- B. Applicant's Narrative Statement and supporting documents
- C. Signed Proffer Statement dated May 15, 2017



City of Charlottesville

Application for Rezoning

Project Name: King Street Rezoning

Address of Property: 910, 912, 914, 916 King Street

Tax Map and Parcel Number(s): _____

Current Zoning: R1-S

Proposed Zoning: CH

Comprehensive Plan Land Use Designation: _____

Applicant: Atlas Projects, LLC

Address: 600 Dice Street, Charlottesville, VA

Phone: 434-987-0760 Email: oliverpm@gmail.com

Applicant's Role in the Development (check one):

Owner Owner's Agent Contract Purchaser

Owner of Record: Atlas Projects, LLC | Jeffery A Marshall (916 King St)

Address: _____

Phone: _____ Email: _____

(1) Applicant's and (2) Owner's Signatures

(1) Signature [Signature] Print JASON ROBERTSON Date _____

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____
Other (specify): _____

(2) Signature [Signature] Print Jeffery Marshall Date 4/28/17

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____
Other (specify): owner of 916



City of Charlottesville

Pre-Application Meeting Verification

Project Name: 910-914 King St.

Pre-Application Meeting Date: July 8, 2016

Applicant's Representative: _____

Planner: Matt Alfele

Other City Officials in Attendance:

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. Development plan
2. Elevations are missing (renderings)
3. _____
4. _____
5. _____

Planner Signature: Matt Alfele



City of Charlottesville

Application Checklist

Project Name: 910-914 King St

I certify that the following documentation is ATTACHED to this application:

- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- Completed proffer statement
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature [Handwritten Signature] Print Oliver Platt-Mills Date ~~7/20~~ 7/26/2016

By Its: Manager of Atlas Projects, LLC

(For entities, specify: Officer, Member, Manager, Trustee, etc.)

RECEIVED
JUL 26 2016
NEIGHBORHOOD DEVELOPMENT SERVICES



City of Charlottesville

Community Meeting

Project Name: 910-914 King St

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Atlas Projects, LLC

By:

Signature [Handwritten Signature]

Print Oliver Platts-Mills Date 7/26/2016

Its: Manager (Officer, Member, Trustee, etc.)



City of Charlottesville

Personal Interest Statement

Project Name: 910-914 King St

I swear under oath before a notary public that:

A member of the City of Charlottesville Planning Commission (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Planning Commissioner(s): _____

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

And

A member of the City of Charlottesville City Council (identified below), or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

City Councilor(s): _____

Or

No member of the City of Charlottesville Planning Commission, or their immediate family member, has a personal interest in the property or transaction that is the subject of this application.

Applicant: Atlas Projects, LLC

By:

Signature [Signature] Print Oliver Platts-Mills Date 7/26/2016

Its: Manager (Officer, Member, Trustee, etc.)

Commonwealth of Virginia

City of Charlottesville

JILLIAN M. POWERS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2020
COMMISSION # 7671083

The foregoing instrument was subscribed and sworn before me this 26 day of July 20 16 by Jillian M Powers.

Notary Signature [Signature]

Registration #: 7671083 Expires Aug. 31 2020



City of Charlottesville

Owner's Authorizations

(Not Required)

Project Name: 910-914 King St

Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this rezoning application.

Owner: Atlas Projects, LLC Date 7/26/2016

By (sign name): [Signature] Print Name: Oliver Platts-Mills

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this rezoning, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: _____

Name of Corporate or other legal entity authorized to serve as agent: _____

Owner: _____ Date: _____

By (sign name): _____ Print Name: _____

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Project Name: King Street Rezoning

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership ("real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name [Signature] Address 600 Dix Street, City VA 22903

Name Jon Roberson Address 814 Swan Ridge Road, Charlottesville 22903

Name Jeffery Marshall Address 4132 Presidents Rd Scottsville VA 24590

Name _____ Address _____

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: Oliver Platts-mills, Atlas projects, LLC

By:

Signature [Signature] Print Oliver Platts-mills Date 5/4/2017

Its: Owner/Manager (Officer, Member, Trustee, etc.)

Attachment A



City of Charlottesville

Fee Schedule

Application Type	Quantity	Fee	Subtotal
Rezoning Application Fee		\$2000	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
TOTAL			

Office Use Only

Amount Received: 2000⁰⁰ Date Paid 7/26/16 Received By: O. Eubank

2M16-00003



ATLAS PROJECTS

OLIVER PLATTS-MILLS, NATASHA SIENITSKY & JASON ROBERSON

910, 912, 914, 916 King St
Charlottesville VA, 22903
Rezoning Application

1.0 Narrative Statement

- a. Land Use
- b. Community Facilities
- c. Economic Sustainability
- d. Environment
- e. Affordable Housing
- f. Transportation
- g. Historical Zoning

2.0 Narrative on Adverse Effects

3.0 Illustrative Narrative

4.0 Community Engagement



1.0 Narrative Statement

Conformity with the Comprehensive Plan

The current comprehensive plan articulates a vision for overlapping hubs of activity that support the social and economic needs of neighborhoods. We are requesting to rezone a .56 acre parcel (910, 912, 914 & 916 King Street) to Cherry Avenue Corridor (“CH”) to create a mixed-use infill development situated walking distance to UVA Hospital and main campus, West Main Street, Buford School, several city parks

and neighborhood commercial areas along Cherry Avenue.

The property is currently zoned R1-S, but is bordered by CH parcels--the parking lot for the Korner Restaurant and .506 acres between King & Cherry recently purchased by the University of Virginia. The University also recently purchased the .66 acre fenced in lot which is zoned R1-S but has no

Attachment B

houses and was approved for PUD which was never built. On the other side of Grove is 1.95 acres also owned by the University and is zoned a mix of light industrial and Cherry Avenue Corridor. The adjacent neighborhood includes early 1900's single-family houses, suburban style commercial buildings, apartment buildings and townhouses, and vacant lots.

The proposed zoning change would allow for mixed use, and increased residential density. Multi-family developments have been identified by the RCLCO report as an integral part of housing Charlottesville's work force who want and need to be near jobs, walkable paths, transit, hospitals, and schools. A well-designed mixed use project in this location could be a spark for a much needed resurgence of activity along the Cherry Avenue Corridor and would meet the city's goal of concentrating development in appropriate areas. Most importantly, the

project is within walking distance of the University of Virginia, the area's largest employer. In addition to the residential component, we propose including neighborhood scale commercial uses. Ideas for the commercial space include a cafe, studio space and a day care.

The proposed zoning will be harmonious with the adjacent land uses and development within the neighborhood, creating new commercial opportunities while respecting the existing neighborhood fabric. The slope and aspect of the property would allow more intensive development while maintaining appropriate scale and massing to fit with the existing adjacent residential uses to create a smooth transition into the low-scale residential part of the neighborhood.

The proposed rezoning is harmonious with the comprehensive plan as outlined below:



A.

Land Use

We envision a thriving mixed use project that respects the diverse neighborhood character of Fifeville and community vision to enhance the sense of place in the neighborhood. The parcel is located within a 5 minute walk (¼ mile) to hubs of activity including UVA Hospital, West Main Street, Buford School, Fifeville Park, and Smith Aquatic Center. A mixed use development at this location would increase opportunities for residents to “live, work, shop and play in proximity”.

Development of this parcel would increase residential density without overwhelming the

historic residential core of Fifeville. The Fifeville Neighborhood Association recently surveyed residents and found that there was significant interest in neighborhood focused commercial activity, local business development and affordable housing opportunities.

A vibrant and publically accessible green space is part of the vision for the project. We envision an interior courtyard which would be open during the day as part of the commercial component. The aim is to create a place that people want to spend

time, making a node of activity that serves the neighborhood.

2.1 When considering changes to land use regulations, respect nearby residential areas.

2.2 Encourage small businesses that enhance existing neighborhoods and employment centers.

2.3 Enhance pedestrian connections between residences, commercial centers, public facilities, amenities and green spaces.

4.3 Coordinate with the University of Virginia to take advantage of opportunities that arise from any potential future expansion of the University and in particular the University Health System.

B. Community Facilities

The availability of public facilities and services are a critical component of Charlottesville's desire to support healthy communities in a world class city. We will work with city fire and rescue and police to get their input on best practices to optimize safety of the project for residents and guests.

As Charlottesville continues to put resources into outstanding civic and recreational facilities it is equally important to continue to support development with proximity to these public resources. In addition to the proximity of civic facilities (parks & pools) the Roosevelt Brown corridor is a model with space for bicycles, separated comfortable sidewalks, well marked crosswalks and excellent lighting. The site on King Street sits within 50 feet of a city bus stop that services two bus lines and a constant stream of pedestrians making their way towards the Hospital and Main Street.

C. Economic Sustainability

A critical component to Charlottesville's continued economic sustainability is locating housing with convenient access to employment and commercial centers.

Increased commercial activity would locate more jobs in the neighborhood and create shopping and work opportunities for residents. Increased density in proximity to this corridor will enhance the attractiveness of the location to local entrepreneurs who might open a small grocery, cafes & restaurants and other customer driven retail activity.

The principals of Atlas Projects are involved in a variety of organizations promoting entrepreneurial development including the promotion and training of artisans & artists. Preliminary plans include the creation of a shared studio & office space and live-work opportunities.

3.3: Encourage the development of the City's key commercial corridors and surrounding sites
3.6: Align zoning ordinances to facilitate economic activity in new areas of commercial opportunity identified in the updated future land use map.

study at the University of Virginia and especially within the UVA Health System.

The demand for housing in proximity to the hospital has had a large impact on the rental market within the neighborhood. A large number of jobs & advanced study programs within the UVA Health System demand late hours which creates a need for convenient & affordable housing. Satisfying this demand for housing in proximity to the hospital will relieve some pressure on climbing rental rates in the Fifeville neighborhood. Projects developed along West Main cater to the student population, not to the University and city's workforce.

The aim of this project is to create mixed use, higher density, pedestrian and transit-oriented housing close to the largest employment center in Charlottesville. Appropriate mixed use and infill development is attractive to younger residents and empty nesters, two primary markets identified by the RCLCO study.

- 1.1: Consider the effect of housing decisions when considering the proximity of existing units and the effects of unit location on associated infrastructure.
- 2.1: Preserve and improve the quality and quantity of the existing housing stock through the renovation, rehabilitation and/ or expansion of existing units as a means of enhancing neighborhood stability.
- 8.3: Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes and commercial services.
- 8.5: Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity.

D. Environment

Increased residential density along transportation corridors will create the critical mass needed for transit. Neighborhood focused commercial development reduces the number of car trips needed to meet resident needs. Developing projects in areas that are walkable, bikeable and transit-supported reduces environmental impact.

We envision a mixed use development centered around a courtyard which will provide an important neighborhood destination with easy non-automobile centric access to amenities.

Green features will utilize native, drought tolerant species. Planted buffers and formal green spaces will increase tree cover and maximize bio-retention.

3.8 Plant and promote use of regionally adaptive native and drought tolerant plants with reference to the regionally specific native plants database.

E. Housing

The Fifeville Neighborhood has long been home to numerous residents who work or

F. Transportation

Roosevelt Brown is a relatively new road in Charlottesville that was created when 10th street was sent under the railroad tracks to

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connect Cherry Avenue with Main Street. The street features wide, well-lit sidewalks, a bicycle friendly roadway and is served by multiple bus routes (route 6 and 4).

The property is close to the University but also close enough to the Downtown Mall & Main Street for residents to walk or bike to these destinations. Residential and commercial units at this site would be perfectly placed within a multimodal transportation network which is not only crucial for building sustainable communities and creating place, but creating future transit opportunities.

We would maximize opportunities to encourage alternate forms of transportation by providing bike racks, ride sharing and pedestrian oriented design. The parcel is located within 50 feet of a city bus stop.

2.7: Encourage businesses to provide on-site amenities such as transit shelters and bicycle storage (racks/lockers) to promote alternative transit for their workers

G. Historical Zoning

This portion of King Street was built at the beginning of the 20th century along with a majority of the housing stock in the portion of Fifeville lying between Cherry Avenue and the railroad tracks.

At the start of the 1990's the city finished a project to improve traffic flow into the health services precinct of the University of Virginia. This project created the 9th and 10th Street Connector and transformed the main artery through the neighborhood into a

major pathway to one of Virginia's largest employer, UVA's Health System.

Over the subsequent decade, the area immediately surrounding 910-916 King Street saw considerable change as a number of historic houses were demolished, new commercial construction was built on Grove Street and a parking lot owned by the University was built between King & Grove Streets. The construction of the connector also lead to an expansion of non-residential zoning which at least pre-existed the connector on one side of the street.

The Cherry Avenue Corridor (CH) zoning includes parcels on both sides of Roosevelt Brown between the bridge & Cherry Avenue but is not uniform with respect to its penetration into the neighborhood.

The four lots on King Street are isolated geographically from the remaining residential structures (20 feet in elevation) up the hill both on King Street and along Cherry Avenue. Due to demolition, there are no longer any structures on the parcels located North of King Street from Roosevelt Brown to 10th SW. Immediately to the West of the parcel and bordering Roosevelt Brown sits a parking lot and the Korner Restaurant, both of which are zoned Cherry Avenue Corridor.

Physically unified by aspect and line of sight, both sides of King & Grove Streets west of Roosevelt Brown create a canvas for future mixed use development as envisioned by the creation of the 9th and 10th Street Connector and as laid out in the city's Comprehensive Plan.

2.0 Narrative on Adverse Effects

Addressing any potential adverse impacts, proposed measures to mitigate

Atlas Projects principals have been involved in the Fifeville Neighborhood Association and the recent efforts neighborhood driven community visioning for the corridor. There are a number of concerns that we share with the neighborhood as we, along with many residents of Charlottesville, come to grips with our city's continued growth.

The overwhelming sentiment of the neighborhood is a sense that redevelopment of the large and underutilized lots along Cherry & Roosevelt Brown is both an opportunity and a potential threat. Residents of Fifeville are concerned about encroachment into the lower scale residential heart of the neighborhood. At the same time the neighborhood is hoping for a rejuvenation of commercial activity that has been in decline for some time.

In the not so distant past, Walker Square was developed within the boundaries of Fifeville and failed to integrate with the neighborhood and failed in creating new public space through mixed use. Similarly, the William Taylor Plaza has raised concerns about increased traffic, lack of conformity with the neighborhood and loss of green

space. A wide cross-section of Fifeville residents harbor a well-earned level of suspicion of new development.

Our dream is to produce a transformational project that helps to set a high standard for future development along the Cherry Avenue Corridor. As we live and work in the Fifeville neighborhood we are especially sensitive to the concerns of our neighbors. The principals of Atlas Projects are living and raising families in Charlottesville and care deeply for the community.

We believe that the we share the following fears with our neighbors in Fifeville and believe that the available mitigating factors and measures ensure that the pros far outweigh the cons.

Impact on affordable housing

- The principals of Atlas Projects have been involved with affordable housing efforts within the city of Charlottesville both through directly providing housing and via work with local affordable housing non-profits. We subscribe to the ideal that the city of Charlottesville should provide "all types of housing for all types of people in all parts of town". To this end we recognize that the Cherry Avenue corridor is lacking in new housing stock, especially in multi-family buildings that are crucial for preserving affordability in the city.
- The recent RCLCO housing analysis (January, 2016) concluded that an increasing demand for housing within the city (and especially close to the University & Downtown) is creating a growing affordability problem. The report firmly supports increasing the housing stock regardless of income type. In the Fifeville neighborhood we see high demand from moderate income employees of the hospital. There is a very real need to provide housing for

Attachment B

these employees both to allow more to live in Charlottesville and to reduce downward pressure on the more affordable housing stock within the residential portion of the neighborhood.

- Atlas Projects has interviewed a variety of area residents including employees of the hospital. A large number of employees currently commute from Waynesboro or other outlying areas due to lack of housing within their price range. This is enforced by the RCLCO report and evidenced by heavy rush hour traffic from 5th down Cherry up Roosevelt Brown towards the University Health System. The shift change traffic from the hospital has been identified by the Fifeville Neighborhood Association as a primary concern.

Protecting existing residents

- There are currently no occupants in the derelict old house and the other three lots are empty. There are two houses on King Street before to the top of the hill where the single family portion of the neighborhood begins in earnest.
- We believe that a development that pushes the largest massing of the building towards Roosevelt Brown and that employs best practices to for planting buffers will have a minimal visual impact due to the steep gradient of King Street.
- The current abandoned and rotting house on 910 and the empty lots at 912, 914 & 916 are poorly lit and provide little aesthetically or by any other metric to the neighborhood in their current state.

Need for local economic development

- The proposed modification to the parcel will increase the economic benefit of the site for the city, improving the condition of the site and will positively impact surrounding property values as well.

- Addition of commercial spaces will bring jobs to the area.
- Increasing residential density will benefit the existing commercial entities on Cherry Ave & Roosevelt Brown and attract new businesses to the area as further mixed use projects are introduced.

Environmental concerns including the desire to maintain and develop new green space

- Noise, lights, dust control effects on the natural environment – We anticipate more light for safety. Noise and dust is not anticipated except during construction phase.
- Development plan includes vision of a green publicly accessible courtyard with significant tree cover and green space. Opportunity to replace existing deteriorating coniferous trees with more appropriate native deciduous varieties.
- Atlas Projects is committed to mitigating storm water onsite and have experience working with contractors who utilize best available practices for stormwater management.

Parking & traffic considerations

- An onsite meeting was conducted on 4/20/17 with the city traffic engineer with the following conclusions:
 - King Street is at least 20' wide and is therefore sufficiently wide to support 2 way traffic between 10th Street NW and Roosevelt Brown
 - The King Street sidewalk adjoining the property is only 4' wide. To bring it up to a Streets that Work standard, a 5' sidewalk would be preferable.
- We have had preliminary discussions with a traffic engineer who indicated that the size of the building and by-right mix of commercial and residential uses will not have a significant impact on the daily traffic to the neighborhood. It is also important to note that the expected occupants of the residential portion of the

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project are likely to be employees of the University Health System who will not be driving to and from work thus further mitigating the effect on rush-hour traffic.

- An important concern to the neighborhood is the presence of cut through traffic that adds cars to the small one-way streets of Fifeville.
 - To address this concern we've met with a traffic engineer to assess the viability of two-way traffic on the lower section of King Street. This change would allow cars from this parcel, and the mixed use parcel across the street, to avoid adding to congestion on the interior streets of the neighborhood.
 - Grove Street is open to two-way traffic all the way to the ground parking lot and includes on-street parking, whereas King Street does not have on-street parking. After meeting with the engineer, we believe that King Street is currently wide enough on this lower section to support two-way traffic and that this would largely mitigate the threat of traffic to the neighborhood.
- Any projects built on this site would need to conform to existing regulations to provide parking for both the residential & commercial activities of the project.

Building height and massing

- The aspect and slope of the property allows for a higher density development without dwarfing the nearby single-family houses.
- The area immediately to the North & East of the property is slated for significant change. The triangular lot (SOHO site) on the east side of Roosevelt Brown is approved for a large mixed use building.
- The two lots to the east, adjacent to Roosevelt Brown as well as the two lots across King Street are all zoned Cherry Avenue Corridor. By right the owners of

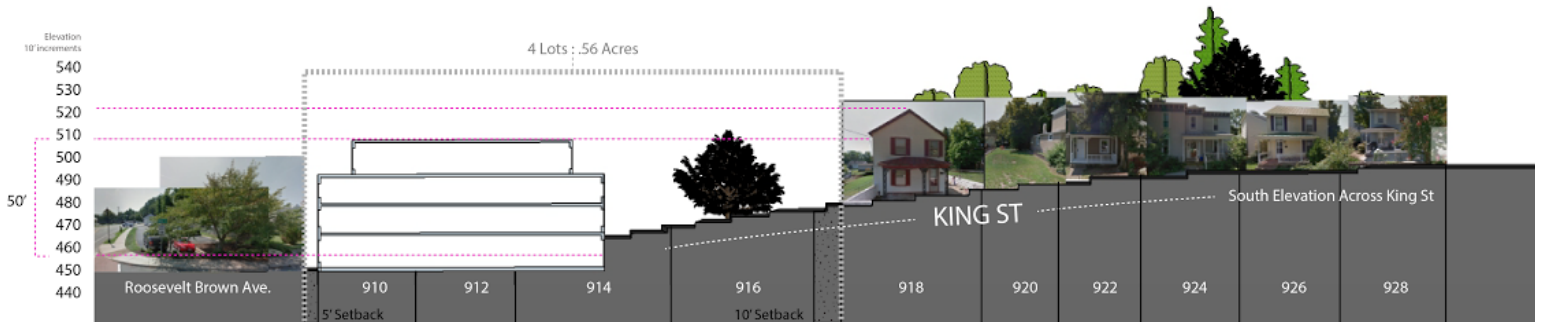
these parcels can build 50' buildings and larger by special use permit.

- We are anticipating the adoption of form-based codes and/or a small area plan the Cherry Avenue Corridor. To this end we believe that buildings should and will be required to have the largest height and massing oriented toward Roosevelt Brown and that the neighborhood should be appropriately buffered from higher intensity development.

Public utilities & amenities

- The lower end of King Street has recently been improved to include a fire hydrant placed just above the top of this parcel on King Street. The entire site is accessed by City water and sewer, gas and electrical.
- Any increase in impervious area can be mitigated on site as is required by code within the City of Charlottesville.
- Due to the requirements set forth in the city code for the Cherry Avenue Corridor the site would provide increased lighting and while maintaining and/or improving the current sidewalk system.

Atlas Projects has performed market studies to confirm the demand for housing put for in the RCLCO report. Currently in Charlottesville there is also a shortage of office space which is resulting in spiraling rental costs for an increasing number of



3.0 Illustrative Narrative

Atlas Projects sees the potential for breathing new life into a section of Charlottesville that has seen little growth in the past few decades. There are currently no coffee shops, only one restaurant and precious few places where community members might gather. In the mid-twentieth century this same neighborhood was full of small stores interspersed throughout the neighborhood (on 5th street & the corner of 7th & Dice in specific). A recent survey by the Fifeville Neighborhood Association highlighted the desire for activating community oriented commercial space.

businesses that wish to operate in the urban core of our city. The cost of office space is a significant barrier to entrepreneurship. We have held preliminary discussions with potential tenant/operators for a cafe and have reason to believe that the site would be viable for this type of activity considering the high volume of foot traffic and lack of similar businesses in the corridor.

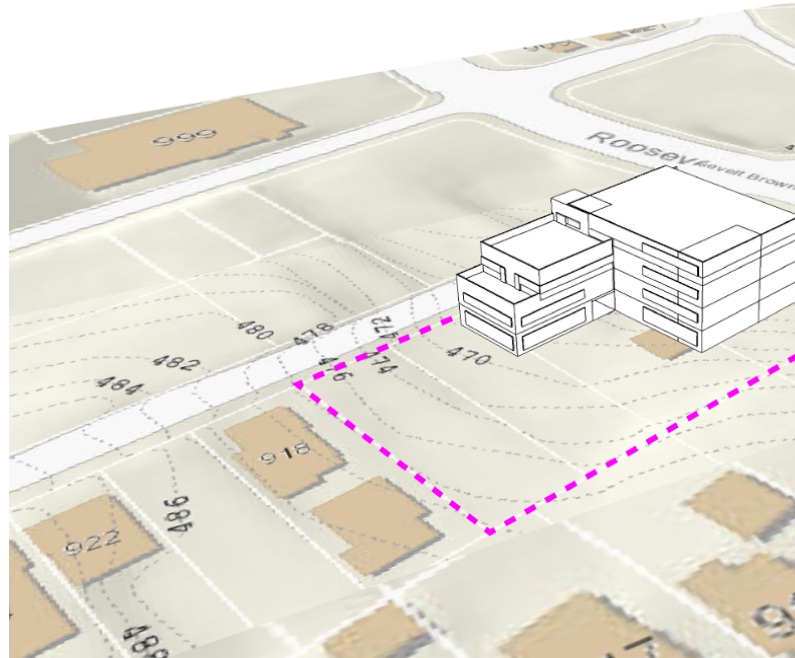
Based on our research we are anticipating and designing a mixed used building with ground-floor commercial & retail activity and a mix of office & residential on the upper floors. All of these components meet a demonstrated demand from the neighborhood and the broader Charlottesville market. Once we have obtained a rezoning we anticipate being able to move quickly with securing anchor tenants so we can submit a site plan to the city.

We believe that a mix of housing types is needed in this location, with an emphasis on

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smaller, efficiently-designed spaces. Atlas Projects have experience designing and building efficient apartments suited for housing the growing segment of Charlottesville's rental population who are without children who desire proximity to walkable amenities. Efficiently designed, smaller apartments allow for the project to provide needed density within the relatively small building size allowed within the Cherry Ave corridor.

- **Mixed-use development** blending residential, commercial and retail uses, where those functions are physically and functionally integrated, while providing a pedestrian oriented focal point for the neighborhood. A mix of residential, office and commercial space will activate the site and help spur further development.
- **Courtyard oriented design** to preserve green space and as a publicly accessible amenity for the neighborhood.
- **Exceptional connectivity** to public transportation, pedestrian corridors, job centers, public facilities, parks and schools.



- **Increased residential density** as supported by the location within the Cherry Avenue Corridor and proximity to the University of Virginia Health System.
- **Attractive design:** The principals of Atlas Projects have track records of completing projects with unique and functional design & materials with a focus on adaptive reuse, green building and an efficient use of space.

4.0

Community Engagement

A community meeting was held April 8 to elicit input from the neighborhood. Eight community members attended. Additionally, feedback was collected during the regularly scheduled Fifeville Neighborhood Association meetings.

- Top concern is affordability
- Some residents fear that building will cause congestion and cut through traffic
- Traffic is another concern, people are worried about King Street being a cut through
- Overall preference for locally based developers
- Interest in a phased approach

Individual opinions expressed:

- Charlottesville is growing but there is nothing for children, no activities for people outside of the university
- like underground parking, impressed by how they did parking at the Uncommon
- concern about affordability and gentrification
- concern that there is not demand to meet the new supply of housing in Charlottesville, some people want to pull into their garage and have a yard, many bedrooms
- concern about traffic during construction
- one resident absolutely did not want more apartment buildings and

thought that if "you build it, they will come"

- desire for pedestrian orientation
- concern for loss of fifeville character/ID
- Happy this was being pursued by local people with local perspective and interest, instead of outside NoVA or NYC investors.
- interest in proffers to exclude most intense uses

Desired uses indicated by residents:

- coffee shop
- out back play area
- taxi stand
- something for kids
- pedestrian mixed use
- consumer retail
- below grade parking
- laundrymat
- grocery store
- day care center
- park
- small home

Undesirable uses:

- parking garage
- fenced lot
- apartments/condos
- large homes
- large parking lot

Attachment C

STATEMENT OF DEVELOPMENT CONDITIONS PROFFERED BY LANDOWNER(S)

SUBJECT PROPERTY ADDRESS: 910, 912, 914 & 916 King Street

NAME OF PROPOSED SUBDIVISION OR DEVELOPMENT: King Street Rezoning

PROPERTY, TAX MAP PARCEL ID(s):

City Real Property Tax Map 30, Parcels 124(7466 SF); 125 (6890 SF) 126 (4457 SF); 127 (4795 SF) (“Property”); (collectively, approximately 24,393 SF)

ZONING MAP AMENDMENT #: ZM 16-00003

OWNER: Atlas Projects, LLC, a Virginia limited liability company, its heirs, successors and assigns (collectively, “Owner”)

Request: the above-referenced zoning map amendment (ZMA) proposes to change the zoning district classification of four lots or parcels of land from low-density residential, small lot (R-1S) to Cherry Avenue Mixed Use Corridor District. Collectively, the four lots or parcels of land that are the subject of the ZMA are referred to within this proffer statement as the “Property”.

Proffer: pursuant to Sections 34-61 et seq. of the Code of the City of Charlottesville, as amended (“City Code”) the Owner hereby voluntarily proffers certain conditions restricting the use and development of the Property, which conditions will be and become effective if the Zoning Map Amendment (ZMA) is approved by the Charlottesville City Council. These development conditions are proffered by the Owner as part of the ZMA. By its signature below, the Owner agrees, on behalf of itself and its heirs, successors and assigns that the ZMA itself gives rise to the need for the conditions and the conditions have a reasonable relation to the requested zoning map amendment.

Proffered Development Conditions:

1. *Right of Way:* At such time that any development of the property requires a site plan, the owner will execute a deed and plat that will dedicate the necessary right of way to the city on the northern border of the subject property with King Street to create a 5’ sidewalk..
2. *Additional step back requirement:* The height of a building wall adjacent to the 10' required side yard abutting low density residential on King Street shall be 35 feet maximum; above the height of 35 feet, a setback of at least 10 feet shall be provided along 80% at least of the building wall. In no case shall any building wall, above the height of 35 feet, be within 10 feet of the side lot line adjacent to King Street. In event of a landowner provides a yard in excess of the 10 feet required, then the required setback may be reduced by the amount of such excess.
3. *Restricted Uses:* No freestanding hotels with more than 30 rooms.

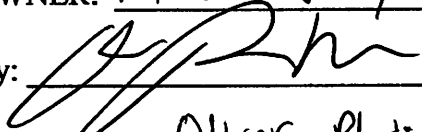
STATEMENT OF DEVELOPMENT CONDITIONS PROFFERED BY LANDOWNER(S)

SUBJECT PROPERTY ADDRESS: 910, 912, 914 & 916 King Street

NAME OF PROPOSED SUBDIVISION OR DEVELOPMENT: King Street Rezoning

The foregoing development conditions are hereby voluntarily proffered by Owner, and the Owner represents that the individual who executes this statement has authority to bind the Owner to the representations and obligations set forth herein.

OWNER: Atlas Projects LLC (Oliver Platts Mills, manager)

By:  [signature] signatures

Print Name: Oliver Platts Mills

Date: 5/15/2017

Memorandum

To: City of Charlottesville, Planning Commission
From: Will Cockrell, MPO Coordinator
Date: June 6, 2017
Reference: Update of the 2045 Long Range Transportation Plan (LRTP)

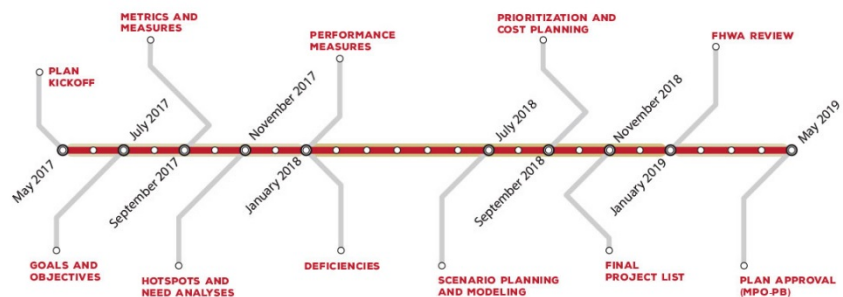
Purpose: The Charlottesville-Albemarle MPO (CA-MPO) recently initiated an update of the region's Long Range Transportation Plan (LRTP), for its 5-year update. MPO staff is presenting to the Planning Commission as a primer for upcoming involvement with the LRTP update.

Background: The CA-MPO is the official forum for cooperative transportation decision-making for the metropolitan area. It is federally designated to consider long-range regional projects that receive federal funds. One of the core responsibilities of the MPO is developing and maintaining the LRTP. This plan guides the region in creating a more efficient, responsive and environmentally-sensitive transportation system over the next 20+ years. The plan examines transportation trends/issues and offers a list of specific projects for addressing the region's mobility needs.

The MPO Policy Board, which includes representatives for the Charlottesville City Council and Albemarle Board of Supervisors, approved the most recent plan in May 2014. During the update of that plan, the MPO had greater coordination with the local planning commissions. In that process, local commissions requested that they be included earlier in the process and more often. In response to that request, staff is initiating its first contact with the City and County commissions, two years prior to adoption.

Summary: MPO staff officially kicked-off the LRTP update this past March, establishing a detailed scope of work and beginning initial steps. Just over two months later, staff completed a draft of the plan goals and objectives. Through an online survey, staff will collect early public input on transportation needs in the metro area. The MPO is also planning to collect public feedback by engaging with established groups, such as neighborhood associations and other community groups.

Action Items: This discussion is a primer for future coordination in this planning process. Later this summer, MPO staff will return to the commissions with presentations of early data analysis and finalized goals. If there are any questions or comments, please contact Will Cockrell at wcockrell@tjpd.org or (434)422-4823.



CITY OF CHARLOTTESVILLE
DEPARTMENT OF PUBLIC WORKS
ENVIRONMENTAL SUSTAINABILITY
STAFF REPORT



REQUEST FOR A ZONING TEXT AMENDMENT

ZT-17-04-02 Amendments to the Zoning Ordinance for Solar Energy Systems

Author of Staff Report: Susan Elliott, Climate Protection Program Coordinator

Date of Staff Report: June 5, 2017

Applicable City Code Provisions: Chapter 34 (Zoning Ordinance) Sections 34-1101, 34-1108 (proposed new section), 34-1146, 34-1147, 34-1200

Executive Summary

City Environmental Sustainability Division staff recommend certain revisions and the addition of a new section to the zoning ordinance to clarify allowable locations and heights for solar energy systems. The recommendations are based on national best practices, a review of the existing zoning code for structures and uses of similar sizes and forms, and input from the local solar industry. This proposal aims to clarify that solar energy systems are allowed as by-right accessory uses in all zoning districts and provide some clear guidance on how and where these systems are installed in the city. This proposal maintains that solar energy systems will remain subject to any additional design controls as applicable (e.g. entrance corridor properties and protected historic properties will continue to require review from the Planning Commission and Board of Architectural Review).

At the May 9, 2017 Planning Commission meeting, Commissioners requested some text adjustments to the proposed zoning text language and for staff to provide greater clarity about what the proposed code would allow in regards to setbacks, heights, yards, and different zoning districts. Text adjustments made to proposed Sec. 34-1101 and Sec. 34-1108 are explained in this report, and additional attachments include a table summarizing the proposed code language, birds-eye-view diagrams for “low-density residential districts” and “all other zoning districts”, images of example solar energy system installations and configurations, and further information regarding topics such as the reflectivity of solar PV panels.

Additionally at the May 9, 2017 meeting, Commissioners requested more information regarding how review by the Board of Architectural Review and the Planning Commission will be ensured for historically protected or entrance corridor properties. Reviews are ensured through both the staff implemented process for issuing permits and through authorizing code language.

Background:

This work supports the *Streets That Work* and Code Review, responds to recommendations from the 2015 *Smart Growth America* (SGA) Technical Assistance assessment, and is consistent with the cooperative MOU for Collaboration between the City and County Regarding the Environment. While City staff has received limited community concerns regarding our practices and processes for solar energy system installations, SGA described the lack of reference in the code text as a barrier due to the potential ambiguity it presents.

Furthermore, the City is participating in the national SolSmart program (SolSmart). The City has been awarded Bronze level designation as a ‘solar-friendly community’ and is pursuing Silver level, which requires that zoning code clearly allows solar energy systems as an accessory use by-right in all major zoning districts. SGA and SolSmart both recommend that solar PV be clarified in the zoning code.

Environmental Sustainability staff worked cooperatively with a SolSmart Advisor, NDS, and the City Attorney’s office to draft the proposed revisions. Considerations included:

- current conditions accepted for installations
- existing zoning code allowances for related items, such as appurtenances and accessory structures
- best practices specific to solar PV (rather than other types of mechanical equipment)
- experienced-based feedback from the local solar installation industry
- sample model codes from SolSmart and the Virginia Department of Environmental Quality
- comments from the Planning Commission meeting on May 9, 2017

Standard of Review

Per state law and Sec. 34-42 of the City Code, the planning commission is required to review this proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendments will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) Whether the amendment is required by the public necessity, convenience, general welfare or good zoning practice.

Discussion of the Proposed Ordinance Amendments

The full text of the proposed ordinance amendments is attached to this report. The specific recommended changes to the ordinance are:

Sec. 34-1101. Appurtenances

Proposed edits to this section aim to improve clarity on allowable placement of solar energy systems in relationship to building height maximums and minimum required yards. Also proposed is eliminating the use of the unclear term *appurtenance*.

Adjustments since May 9, 2017 include:

- Defined a minimum setback for solar energy systems of 5 feet from any lot line
- Stated that desired solar energy system encroachments into any required yard (front, side, rear) are subject to the provisions of Sec. 34-1108
- Removed text in 34-1101(8) referencing solar energy systems

Sec. 34-1108: Standards for solar energy systems

This is a *new* section being proposed to provide clear standards for solar energy systems, which are currently not directly addressed in the code. This section proposes height maximums, location restrictions, safety requirements, and references to other applicable codes – such as the state building and fire code – for solar energy systems.

Adjustments since May 9, 2017 include:

- Added that solar energy systems may be attached and incorporated into building façades such as roof tiles, shutters, canopies (e.g. ‘building integrated solar’)
- Added a section specifically to address solar energy system placement in front of buildings. This section is referenced by Sec. 34-1101 with provisions for required yards:
 - Solar energy systems are not allowed in any required front yard, in any zoning district, unless incorporated as part of an allowed, attached structure. Such allowed structures are already defined in Sec. 34-1101.
 - In low density residential zoning districts, solar energy systems are not allowed in any front or side yard in the area between a line extending from the front building façade and the front lot line.
 - In any zoning district – other than low density residential zoning districts – solar energy systems are allowed between the front building façade and any required front yard.

Sec. 34-1146. Nonconforming structures, permitted changes.

The proposed changes aim to clarify that solar energy systems are allowed on nonconforming buildings or structures.

Sec. 34-1147. Expansion of nonconforming uses or structures.

The proposed changes provide clarity on the consideration of solar energy systems for expansion of nonconforming uses and structures.

Sec. 34-1200. Zoning—Definitions

The definition of *Accessory building, structure, or use* currently lists common examples of accessory buildings and structures, but does not clarify examples of accessory uses. The proposed changes include adding examples of common accessory uses, which include heating, electrical and mechanical equipment, utility service lines and meters, and solar energy systems. Furthermore, a definition of *solar energy systems* is added to clarify the use of the term throughout the Zoning Ordinance.

Staff Analysis

1. Does the proposed amendment conform to the general guidelines and policies contained in the comprehensive plan?

Yes, this proposal conforms with:

- Chapter 4, Goal 5: Encourage high performance green building standards and practices
- Chapter 4, Goal 6:
 - Strategy 1: Reduce energy demand and increase energy efficiency community-wide by an average of 30% by 2050
 - Strategy 2: Pursue and promote cleaner sources of electrical energy (e.g. renewable energy strategies)
 - Strategy 4: Track greenhouse gas emissions in City operations and the community and strategically explore and implement initiatives to achieve emissions reductions
- Chapter 5, Goal 8, Strategy 7: Encourage the incorporation of green sustainable principles in all housing development to the maximum extent feasible both as a way to be more sustainable and to lower housing costs.
- Community Value 3 “Our neighborhoods retain a core historic fabric while offering housing that is affordable...” and Value 5 “... Our homes and buildings are sustainably designed and energy efficient.”

2. Does the proposed amendment further the purposes of the zoning ordinance (Chapter 34, City Code) and the general welfare of the entire community?

Pertinent purposes of the zoning ordinance are: (4) To facilitate the creation of a convenient, attractive and harmonious community,... and to protect the natural beauty and special features of the city;” and (7) To protect and enhance the character and stability of neighborhoods.

The proposed amendment furthers these purposes of the zoning ordinance and, in doing so, furthers the general welfare of the entire community.

3. Is there a need and justification for the change?

The demand for solar energy systems in the City has been growing steadily. It is estimated that there were 115 electrical permits issued for solar energy systems between June 2014 and December 2016. As the price for solar panels continues to fall and the productive lifetime of the equipment continues to lengthen, we expect that demand for onsite solar energy generation will continue to grow. Additionally, as technology improves, the potential of net-zero energy properties will likely increase, possibly fostering greater interest in maximizing property use to for solar energy generation systems. By clarifying allowable placements and heights of solar energy systems, the City can proactively address community interest.

With this increasing demand for solar energy systems, it is justified to provide clarity in the zoning code for solar energy systems.

Public Comment

Public demand for solar energy systems has been increasing. Staff has received comments

observing that its allowance is not clear in the zoning ordinance. Local solar PV industry practitioners who have aligned themselves as members of the recently-launched Charlottesville Renewable Energy Alliance (CvilleREA) reviewed the originally proposed zoning text amendment and supported the draft without concern. Staff has also incorporated comments from the public and the Planning Commissioners provided at the May 9, 2017 Planning Commission meeting.

Recommendation

Staff recommends the solar energy system zoning text amendment as submitted.

Possible Motions

1. “I move to recommend to City Council that it should amend the text of Sections 34-1101, 34-1146, 34-1147, and 34-1200 of the zoning ordinance and add Section 34-1108 to the zoning ordinance, to clarify allowances and specifications for solar energy systems, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.”

2. “I move to recommend to City Council that it should amend the text of Sections 34-1101, 34-1146, 34-1147, and 34-1200 of the zoning ordinance and add Section 34-1108 to the zoning ordinance to clarify allowances and specifications for solar energy systems, with the following adjustments
 - _____
 - _____because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.”

3. “I move to recommend to City Council that it should not amend the text of Sections 34-1101, 34-1146, 34-1147, and 34-1200 of the zoning ordinance and add Section 34-1108 to the zoning ordinance, to clarify allowances and specifications for solar energy systems, because I find that this amendment is not required by the public necessity, convenience, general welfare or good zoning practice.”

Attachment

1. Proposed Zoning Text Amendments: Solar Energy Systems – marked-up copy with ~~language to be removed~~, language to be added, and _____.
2. Proposed Zoning Text – Summary Table
3. Proposed Zoning Text – Diagrams
4. Proposed Zoning Text – Example Solar Energy Systems
5. Glare Chart – Includes Solar Energy Systems

PROPOSED ZONING TEXT AMENDMENTS: SOLAR ENERGY SYSTEMS

~~Strikeout text~~ = existing provisions proposed to be deleted

Blue font text = new provisions proposed to be added

Section 34-1200: Zoning--Definitions

Accessory building, structure or use means a building, structure or use located upon the same lot as the principal use, building, or structure, the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common residential accessory buildings and structures. **Heating, electrical and mechanical equipment, utility service lines and meters, solar energy systems, and related equipment, are all considered to be uses accessory to the use of the building, structure or use being served; for purposes of the city's zoning ordinance, they are not considered to be buildings or structures.**

Solar Energy System means **equipment used primarily for the collection and use of solar energy for water heating, space heating or cooling, or other application requiring an energy source.**

Sec. 34-1101. – Exclusions from building height and minimum yard requirements ~~Appurtenances.~~

(a) **None of the following** ~~An appurtenance to a building or structure~~ shall ~~not~~ be counted in measuring the height of a building or structure:

(1) rooftop solar energy systems, subject to the provisions of 34-1108;

~~(b)~~ **(2) rooftop heating, electrical, and mechanical equipment, and elevator returns, which are necessary for or in connection with the proper operation of a building in accordance with USBC requirements, provided that no such equipment or elevator return, as installed** ~~No rooftop appurtenance shall:~~ (i) itself measure more than eighteen (18) feet in height above the building, or (ii) cover more than twenty-five (25) percent of the roof area of a building;

(3) Telecommunications equipment, subject to the provisions of 34-1070 et seq.;

(4) Chimneys constructed or attached to the side of a building, which extend above the level of the roof deck of a building to a height required by the USBC or VSFPC;

~~(c)~~ **(5) Other equipment or structures constructed or installed above the roof deck of a building, so long as they: (i) comply with the height and area requirements set forth in paragraph (2) above, and (ii) contain no** ~~Within a rooftop appurtenance, no enclosed space~~ **that is** ~~shall be designed for or that can be~~ used as any type of habitable residential space. The provisions of this paragraph shall not preclude open-air space on a building rooftop from being used accessory to the primary use of the building.

(b)(4) Each of the following appurtenances may encroach into minimum required yards as specified:

(1) Window sills, roof overhangs, belt courses, cornices and ornamental features may encroach into a required yard by no more than twelve (12) inches.

(2) Open lattice-enclosed fire escapes, fireproof outside stairways, and the ordinary projections of chimneys and flues may encroach into a required rear yard by no more than five (5) feet.

(3) Chimneys or flues being added to an existing building may encroach into a required side yard, but not closer than five (5) feet to the side lot line.

(4) Elevator shafts, and **heating, electrical and** mechanical equipment, ~~which are~~ **if** screened in accordance with the requirements of Section 34-872, **may encroach into a required side or rear yard.**

(5) Handicapped ramps meeting ADA standards may encroach into a required yard.

(6) Solar energy systems may encroach into required front, side and rear yards, subject to the provisions of sec. 34-1108 (limitations on placement in front of buildings). No solar energy system shall be placed closer than five (5) feet to any lot line.

~~(6) Except as otherwise provided above:~~

(7) a. Uncovered and unenclosed structures (such as decks, porches, stoops, etc.) attached to a building, and appurtenances which have a maximum floor height of three (3) feet above the finished grade, may encroach into any required yard, but not closer than five (5) feet to any lot line and no more than ten (10) feet into a required front yard; however, no such **structure or improvement** appurtenance, shall occupy more than thirty (30) percent of a rear yard.

(8) b. For any single- or two-family dwelling, an unenclosed structure attached to the façade of the dwelling, and having a height greater than three (3) feet above finished grade, may encroach into a required front yard by up to ten (10) feet, but no closer than five (5) feet to a front lot line. ~~;~~ **however, Any such structure such appurtenance shall comply** ~~be in compliance with the applicable side yard setback(s).~~ **A solar energy system may be incorporated as part of any such structure.** ~~(moved to other section)~~

(c) e. No enclosed **structure that is attached to any building** appurtenance, regardless of height (including but not limited to a screened-in porch), shall encroach into any required yard.

NEW Sec. 34-1108. Standards for solar energy systems

The following requirements apply to solar energy systems:

(1) Solar energy systems shall be installed in compliance with applicable provisions of the USBC and the VSFPC.

(2) A solar energy system may be installed on the roof of any building or structure, whether principal or accessory.

(i). The height of a solar energy system installed on the roof of a single- or two-family dwelling, or on the roof of an accessory building or structure on the same lot as such dwelling, may extend up to five (5) feet above the highest point of the roof of the building or structure on which it is installed.

(ii). Except as limited by subparagraph (i), above, a rooftop solar energy system may extend up to fifteen (15) feet above the highest point of the roof of the building or structure on which it is installed.

(3) A solar energy system may be attached and incorporated as part of any building façade (for example: roof tiles, window shutters, canopies, etc.).

(4) Placement in front of buildings:

(i) *Within required front yards*-- Within a required front yard, a solar energy system may be incorporated as part of any structure allowed by Sec. 34-1101(b)(7) and Sec. 34-1101(b)(8). Otherwise, no solar energy system shall be located within a required front yard.

(ii) *Within other areas forward of the front building façade*— Within a low-density residential zoning district, except as provided in subparagraph (i), above, no solar energy system may be located forward of an imaginary line extending along the exterior façade of a residential building, parallel to the front lot line and extending between the side lot lines. In all other zoning districts, a solar energy system may be located in an area between the front building façade and the required front yard.

(5) Except as provided in paragraph (2)(i), above, a solar energy system, together with its support, shall not itself exceed a height of fifteen (15) feet unless otherwise required by the USBC or VSFPC for a specific use.

Sec. 34-1146. Nonconforming structures, permitted changes.

(a) A nonconforming structure may be changed, altered, repaired, restored, replaced, relocated or expanded only in accordance with the provisions of this section **and of sec. 34-1147**, and subject to all approvals required by law.....

...(e) A solar energy system may be placed on or attached to on a nonconforming building or structure.

Sec. 34-1147. - Expansion of nonconforming uses or structures.

(a) Nonconforming uses or structures may expand only in accordance with the provisions of this section. Whenever a percentage limitation is placed on expansion, that limitation shall be the total expansion allowed, in increments of any size that add up to the total, or all at once. All expansion shall occur on the lot occupied by the nonconforming use or structure, inclusive of any permitted consolidations or re-subdivisions.

(b) Nonconforming uses, other than structures, may be expanded on an area of a lot not originally devoted to the nonconforming use, provided such expansion meets all current requirements of this chapter applicable only to the expansion. **The placement or installation of a solar energy system on a building or lot shall not be deemed an expansion of a nonconforming use.**

(c) Nonconforming structures.

(1) Nonconforming single-family dwelling. The structure may be expanded as provided within this subsection. New or expanded residential accessory structures (such as storage sheds, garages, swimming pools, etc.) may be permitted. Expansion of the dwelling, and new or expanded accessory structures, shall meet all zoning ordinance requirements, including height, yard and setbacks, for the zoning district in which located; except that extension of an existing front porch that encroaches into a front yard required by this ordinance shall be permitted to the side yard(s), so long as such extension will not result in an increase in the front yard encroachment. A single-family detached dwelling that is nonconforming because it encroaches into any required yard(s) may be expanded as long as the expansion will not result in an increase in the yard encroachment(s). However, expansions in height to existing nonconforming single-family dwellings, which do not meet current setback requirements, shall be permitted only if: (i) the dwelling is only being increased in height, and (ii) the footprint of the dwelling will remain unchanged by the proposed expansion in height. Such expansion will not required to meet more restrictive setbacks enacted since the date the dwelling became nonconforming; however, all other zoning regulations for the district in which the dwelling is located shall apply.

(2) Nonconforming structures, other than single-family dwellings. Where the use of a nonconforming structure is permitted by right, or with a special use or provisional use permit, in the zoning district in which the structure is located, then expansion of a nonconforming structure may be approved provided that: (i) yard, setback, screening and buffering, and height standards applicable to the proposed expansion are met; (ii) all applicable sign regulations are met, and (iii) such expansion does not exceed twenty-five (25) percent of the gross floor area of the existing structure. For any proposed expansion exceeding

twenty-five (25) percent of the gross floor area of the existing structure, all development standards applicable to the property as a whole shall be met.

(3) The placement or installation of a solar energy system on a building or lot shall not be deemed an expansion of a nonconforming building or structure, and the area occupied by any such system shall not be included within the calculation of percentages of expansion pursuant to paragraphs (c)(2) or (e) of this section.

(4) Where a nonconforming structure is utilized for or in connection with a nonconforming use, then no expansion of the nonconforming structure shall be approved unless the zoning administrator certifies that:
(i) expansion of the nonconforming structure would not result in expansion of the nonconforming use, or
(ii) expansion of the nonconforming structure would result in expansion of the nonconforming use, but expansion of the nonconforming use would meet the requirements of section 34-1147(b), above.

(5) ~~(4)~~ Prior to the approval of any expansion of a nonconforming use or structure, nonconforming status shall be verified by the zoning administrator.

(d) In the event of any permitted expansion of a nonconforming structure, all signs located on the property shall be brought into full compliance with current zoning ordinance requirements.

(e) Permitted expansions for nonresidential, nonconforming uses that require special or provisional use permits are required to obtain special or provisional use permits only when such expansions exceed twenty-five (25) percent of the gross floor area of the existing structure.

Solar Energy Systems – Zoning Text Amendment – Summary Chart


General Provisions for All Solar Energy Systems:			
Defined as:	<p>Uses accessory to the use of the building, structure or use being served; for purposes of the city's zoning ordinance, they are not considered to be buildings or structures.</p> <p>Solar Energy System means equipment used primarily for the collection and use of solar energy for water heating, space heating or cooling, or other application requiring an energy source.</p>	Sec. 34-1200	
Shall be:	Installed in compliance with applicable provisions of the Uniform Statewide Building Code (USBC) and the Virginia Statewide Fire Prevention Code (VSFPC).	Sec. 34-1108(1)	

Rooftop Systems:			
	May be installed on the roof of any building or structure, whether principal or accessory	Sec. 34-1108(2)	
Height:	<p><i>Single- or two-family dwellings:</i> May extend up to five (5) feet above the highest point of the roof of the building or structure on which it is installed</p> <p><i>All other uses:</i> May extend up to fifteen (15) feet above the highest point of the roof of the building or structure on which it is installed ...</p>	Sec. 34-1108(2)	<p>Example: Angled solar installation on single- or two-family dwellings with flat roofs</p> <p>Examples: Parking garage solar canopies and rooftop canopy on commercial flat roof</p>
	... unless otherwise required by the USBC or VSFPC for a specific use.	Sec. 34-1108(5)	
	Excluded from measuring the height of a building or structure, subject to the provisions of Sec. 34-1108	Sec. 34-1101(a)(1)	
Perimeter Setback:	<p><i>Non-residential buildings:</i> A minimum 6-foot-wide clear perimeter around the edges of the roof. Or, where either axis of the buildings is 250 feet or less, there shall be a minimum 4-foot-wide clear perimeter around the edges of the roof (VSFPC 605.11.3)</p>	Sec. 34-1108(1) – via reference to USBC and VSFPC	

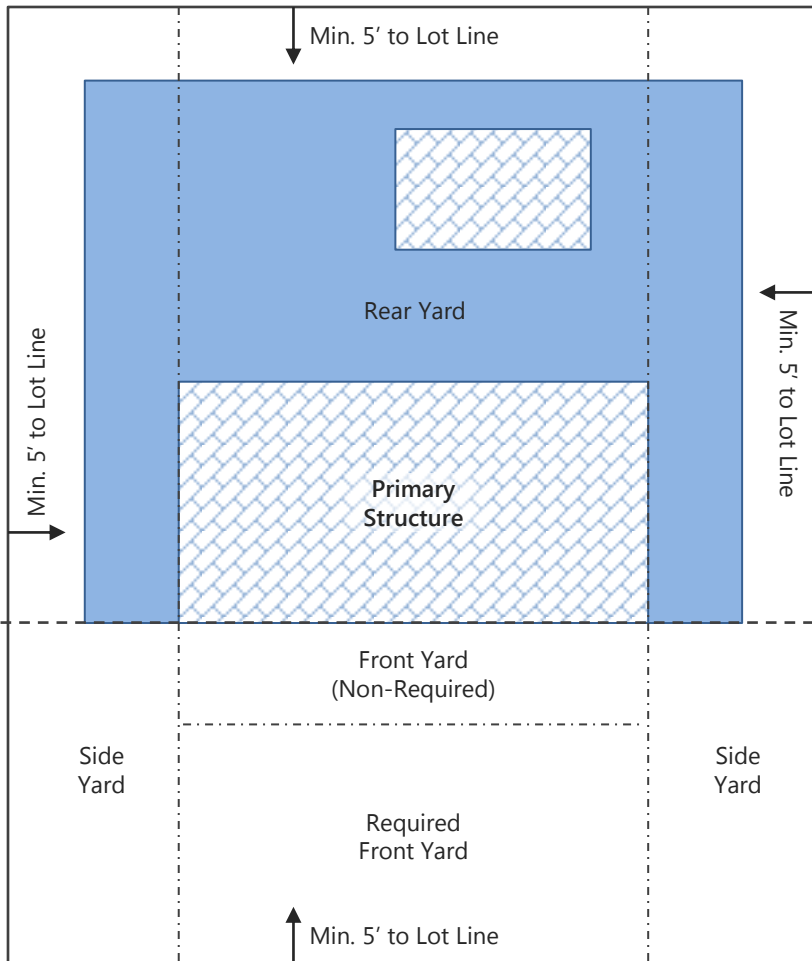
Non-Rooftop Systems (e.g. systems that are ground-mounted or incorporated into a building or structure):			
	May be attached and incorporated as part of any building façade	Sec. 34-1108(3) <i>* New Addition</i>	Examples: roof tiles, window shutters, canopies
Setbacks:	Min. 5 feet from any lot line	Sec. 34-1101(b)(6) <i>* New Addition</i>	
	A clear, brush-free area of 10 feet shall be required for ground-mounted photovoltaic arrays. (VSFPC 605.11.4)	Sec. 34-1108(1) – via reference to USBC and VSFPC	
Height:	Together with its support, shall not itself exceed a height of fifteen (15) feet unless otherwise required by the USBC or VSFPC for a specific use	Sec. 34-1108(5)	Examples: parking canopies, pole-mounted solar panels, outdoor seating canopies, incorporated in decks and porches
Placement in Yards:	May encroach into required front, side, and rear yards, subject to the provisions of Sec. 34-1108	Sec. 34-1101(b)(6) <i>* Adjusted to reference Sec. 34-1108 for all yard provisions</i>	
	<p><i>Required Front Yards:</i> May be located within a required front yard only when incorporated as part of an allowed structure per Sec. 34-1101(b)(7) and Sec. 34-1101(b)(8).</p> <p><i>Note: Attached and unenclosed structures that are allowed in required front yards are defined in Sec. 34-1101(b)(7) and Sec. 34-1101(b)(8). No adjustments to these sections are included in this proposal.</i></p> <p><i>Low-Density Residential Zoning Districts:</i> Not allowed in any front or side yard between the line of the front building façade and the front lot line, unless incorporated as part of an allowed structure as defined in Sec. 34-1101(b)(7) and Sec. 34-1101(b)(8).</p> <p><i>All Other Zoning Districts:</i> Allowed between the front building façade and the required front yard.</p>	Sec. 34-1108(4) <i>* New Addition</i>	

Low-Density Residential Districts

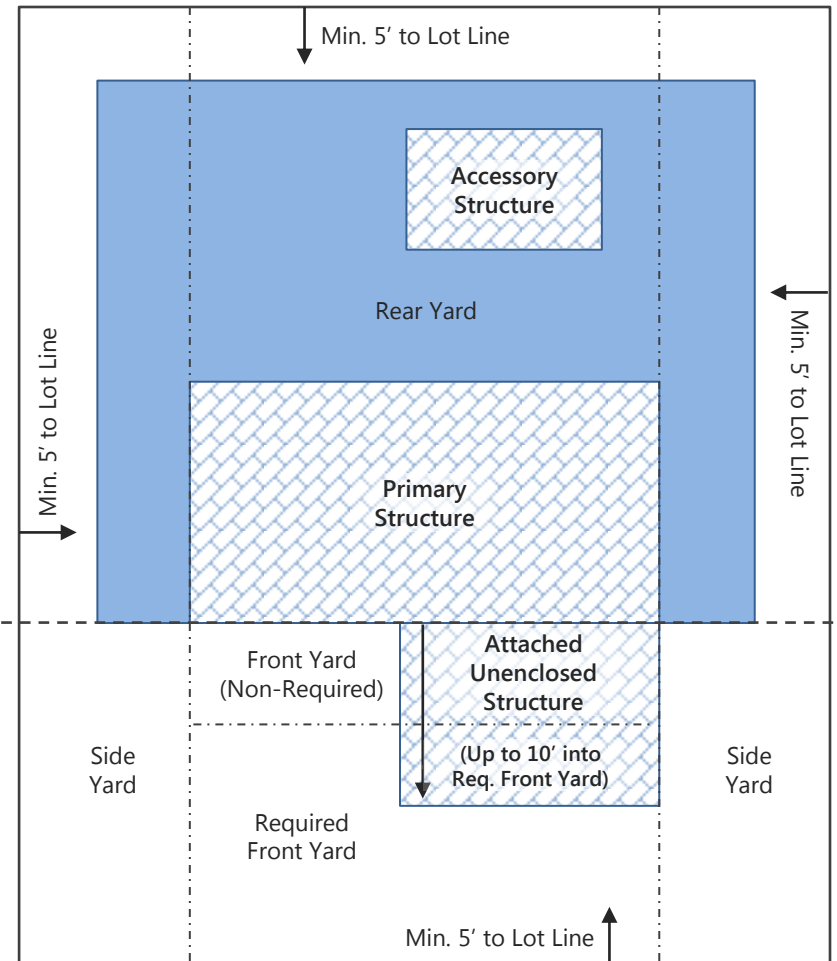
 Solar Energy Systems Allowed

 Solar Energy Systems Allowed on Structures

Without an Allowed, Unenclosed Structure in Front Yard



With an Allowed, Unenclosed Structure in Front Yard




Diagrams Show: Proposed Sec. 34-1101(b)(6) and Sec. 34-1108(4)

Existing Sec. 34-1101(b)(7) and Sec. 34-1101(b)(8)

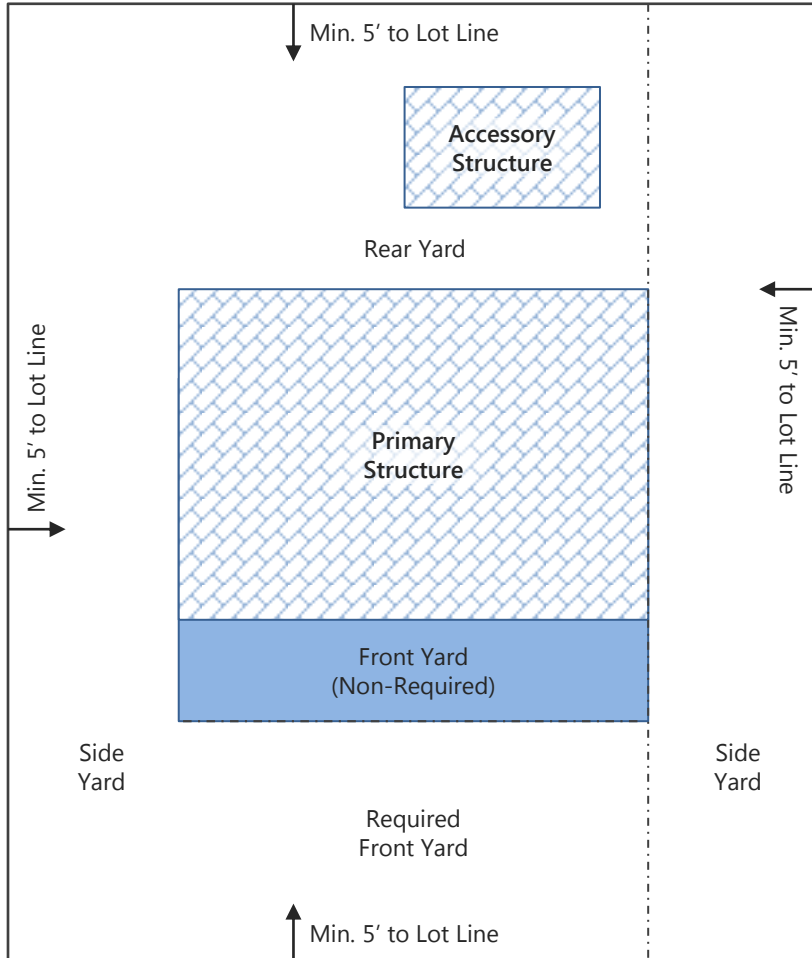
All Other Zoning Districts: Front Yard

(Commercial, Mixed Use, etc. Does not include Low-Density Residential.)

 Solar Energy Systems Allowed

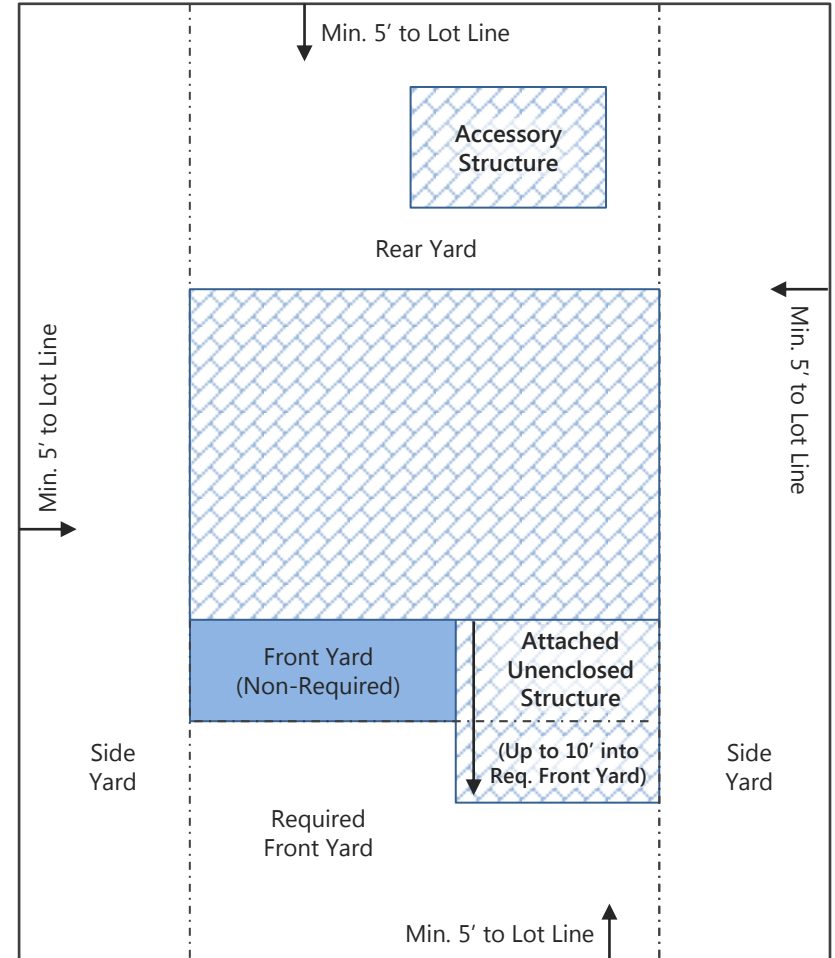
 Solar Energy Systems Allowed on Structures

Without an Allowed, Unenclosed Structure in Front Yard



Diagrams Show: Proposed Sec. 34-1101(b)(6) and Sec. 34-1108(4)

With an Allowed, Unenclosed Structure in Front Yard




Existing Sec. 34-1101(b)(7) and Sec. 34-1101(b)(8)

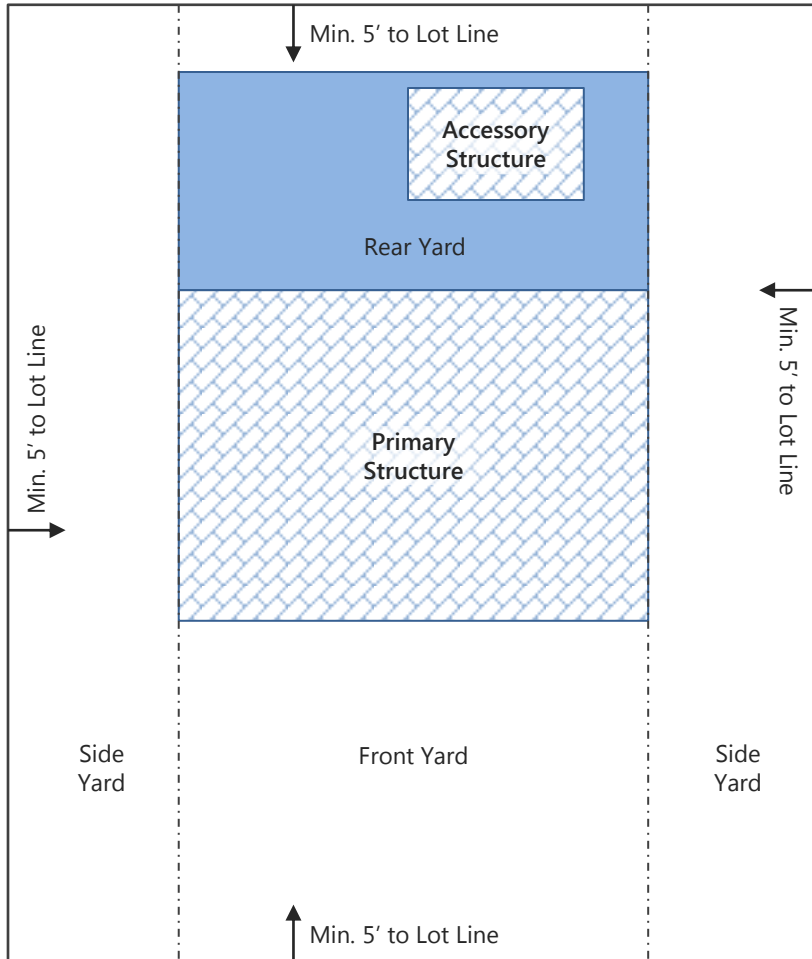
All Other Zoning Districts: Side & Rear Yards

(Commercial, Mixed Use, etc. Does not include Low-Density Residential.)

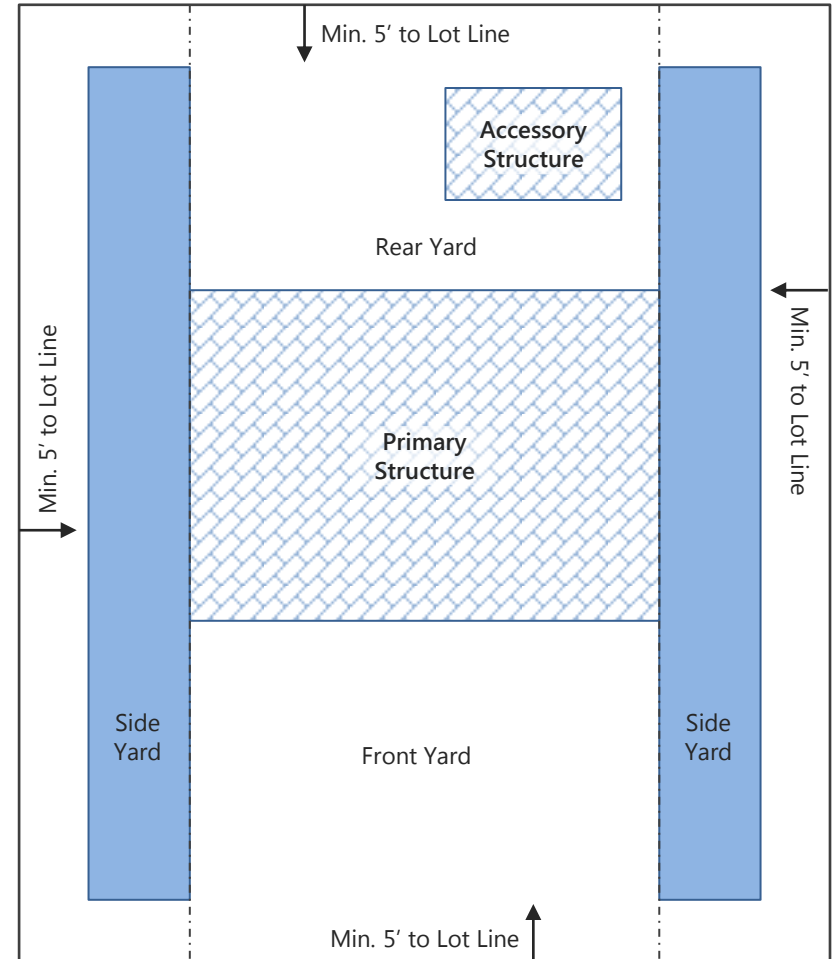
 Solar Energy Systems Allowed

 Solar Energy Systems Allowed on Structures

REAR YARD



SIDE YARD



Diagrams Show: Proposed Sec. 34-1101(b)(6) and Sec. 34-1108(4)

Examples of allowable rooftop solar energy systems on accessory structures



Mounted on garages and sheds



Section 34-1108(2)(i)

Applies only single-and two-family dwellings

Examples of allowable rooftop solar energy systems up to 5 feet in height above highest point of the roof

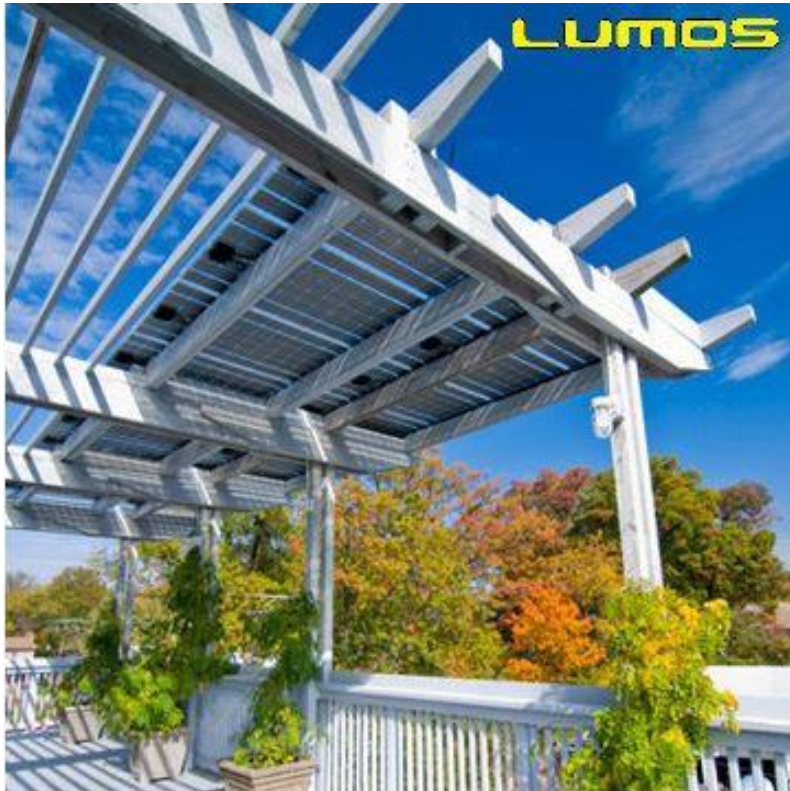


Tilted solar energy systems on sloped or flat roofs

Section 34-1108(2)(ii)

Applies to all except single-and two-family dwellings

Examples of allowable rooftop solar energy systems
up to 15 feet in height above highest point of the roof



Rooftop Canopies

**Examples of allowable rooftop solar energy systems
up to 15 feet in height above highest point of the roof**



Parking Garage Canopies

Examples of allowable solar energy systems incorporated into building facade



Building-integrated solar energy systems in residential districts

Examples of allowable solar energy systems incorporated into building facade



Building-integrated solar energy systems in non-residential districts



Examples of allowable solar energy systems incorporated into building facade



Building-Integrated Solar Energy Systems in non-residential districts

Section 34-1108(4)(i-ii)

Applies to all zoning districts, including low-density residential districts

Examples of allowable solar energy systems mounted on an attached, unenclosed structure that is allowed to encroach into the required front yard



Mounted on unenclosed, attached porches



Example of solar energy system that is **NOT ALLOWED** between building setback line and the adjacent front lot line



Examples of allowable solar energy systems up to 15 feet in height



Ground-mounted solar energy systems in residential districts



Examples of allowable solar energy systems up to 15 feet in height



ConnectTables are installed at UVA and Albemarle High School



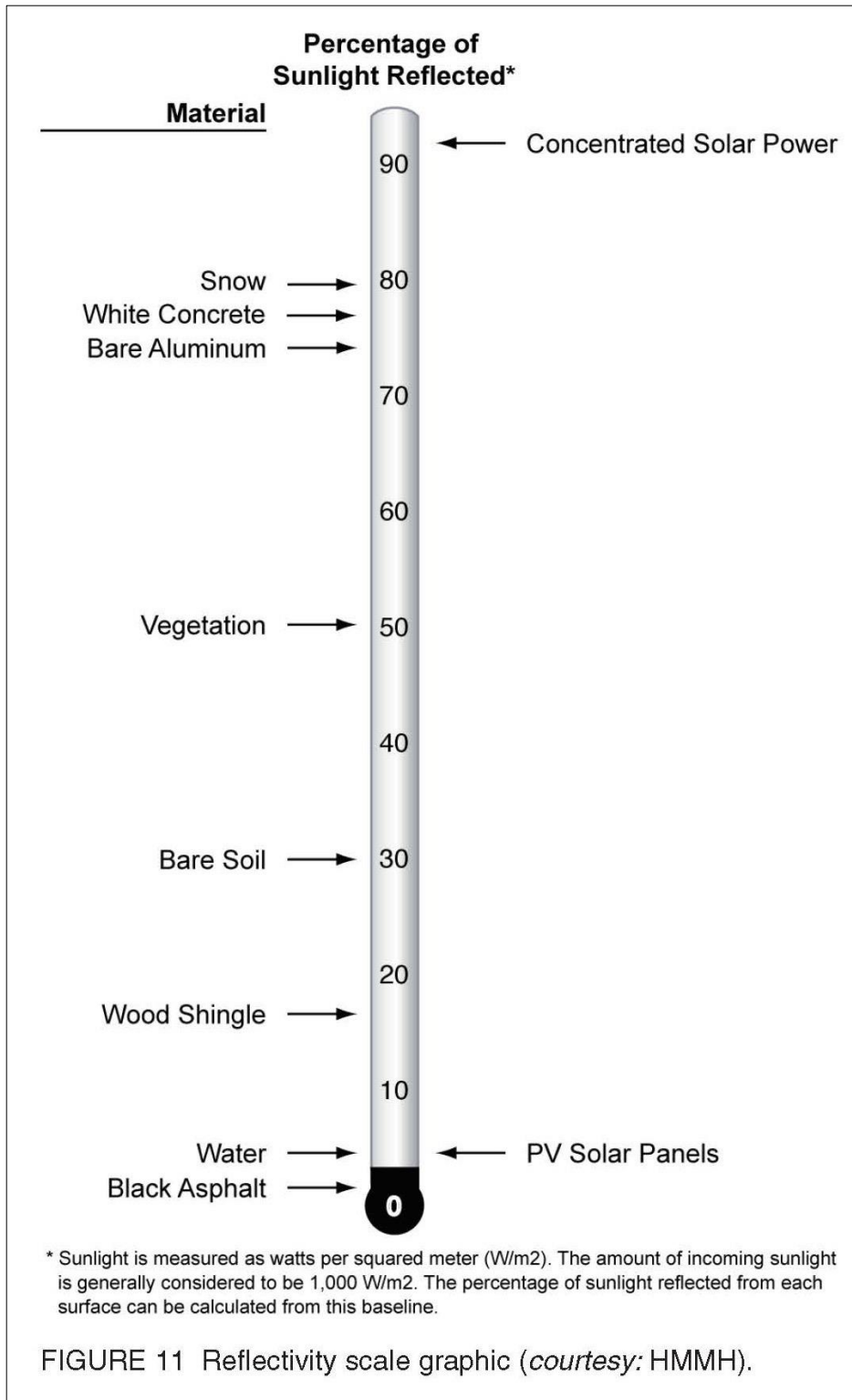
Two pole-mounted solar energy systems are installed at Charlottesville High School

Examples of allowable solar energy systems up to 15 feet in height



Ground-mounted solar energy systems in non-residential districts

REFLECTIVITY OF PHOTOVOLTAIC SOLAR PANELS COMPARED TO OTHER BUILDING MATERIALS



CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES



MEMORANDUM

To: Charlottesville Planning Commission
From: Missy Creasy, Assistant Director
Date: June 5, 2017
Re: 2018 Comprehensive Plan – Community Engagement Chapter

The Planning Commission expressed interest in the inclusion of a community engagement chapter in the 2018 Comprehensive Plan update. Commissioners requested this be an agenda item for further discussion.

Commissioner Keller provided an example of a Community Engagement chapter and that has been attached for review.

Chapter 2: Community Involvement

What is this chapter about?

The goals and policies in this chapter convey the City's intent to:

- Provide a wide range of opportunities for involvement in planning and investment decisions, with targeted access and inclusion in decision making for those who potentially will be adversely affected by the results of those decisions.
- Foster ongoing positive relationships between communities and the City to support accountability for improving community well-being and inclusion.
- Recognize that the City has a responsibility to plan for the needs of, and engage with, under-served and under-represented communities to achieve greater equity.
- Expand opportunities for meaningful community engagement in planning and investment processes, from issue identification and project scoping through implementation, monitoring, evaluation, accountability, and enforcement.
- Promote civic responsibility both within communities and at an individual level.
- Require transparent, well-designed, thoughtful, culturally-specific, relevant, representative, and responsive public processes for planning and investment decisions, implementation, and monitoring.
- Build community capacity to increase the community's meaningful participation and leadership in planning and investment decisions.
- Promote thoughtful consideration of and responses to public comment on planning and investment decisions.

Why is this important?

The results are better — more durable, equitable, and accountable — when a diversity of Portlanders are involved in the scoping, development, implementation, monitoring, and evaluation of plans and investment projects. No one person, agency, organization, or business can provide all things Portland’s diverse communities need. Collaborative partnerships and inclusive community participation in planning and investment decision making are essential to creating and sustaining a prosperous, healthy, equitable, and resilient Portland.

Portland has a long history of community involvement that gained strength and power in the 1970s, which forms the foundation of today’s neighborhood system. As the city grows, diversifies, and works to advance equity, it is essential that all community members’ needs and concerns are considered. Particular efforts must be made to improve services for, and participation by, people of color, immigrant and refugee communities, people with disabilities, renters, low-income Portlanders, older adults, youth, and the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community.

It is the City’s responsibility to promote deep and inclusive community involvement in planning and investment decisions. A new paradigm of community involvement and engagement — one that supports intercultural organizing, recognizes that diversity is an advantage, and works to achieve equitable outcomes — must be embraced and paired with Portland’s neighborhood organizations to create a robust and inclusive community involvement system.

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COMMUNITY INVOLVEMENT

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Goals

Goal 2.A: Community involvement as a partnership

The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, Neighborhood Associations, Business Associations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions. Partnerships with historically under-served and under-represented communities must be paired with the City's neighborhood organizations to create a robust and inclusive community involvement system.

Goal 2.B: Social justice and equity

The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

Goal 2.C: Value community wisdom and participation

Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

Goal 2.D: Transparency and accountability

City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is taken into account. Accountability includes monitoring and reporting outcomes.

Goal 2.E: Meaningful participation

Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

COMMUNITY INVOLVEMENT

Goal 2.F: Accessible and effective participation

City planning and investment decision-making processes are designed to be accessible and effective, and responsive to the needs of all communities and cultures. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-responsive, and robust community involvement.

Goal 2.G: Strong civic infrastructure

Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.

Policies

Ongoing community involvement practices, procedures, and programs are a necessary foundation for project-specific community involvement efforts. Many of the policies in this chapter are intended to build on community wisdom, expand community knowledge, and improve City staff capacity to work effectively with an increasingly diverse and growing Portland population.

Partners in decision making

Portland benefits when community members are meaningfully involved in planning and investment decisions. By building and maintaining partnerships with individuals and a wide range of formal and informal organizations that represent a variety of interests, the City of Portland government will have a better understanding of various communities' diverse needs and concerns. These policies support building and maintaining strong and supportive relationships with an increasingly diverse and growing Portland population.

Policy 2.1 Partnerships and coordination. Maintain partnerships and coordinate land use engagement with:

2.1.a. Individual community members.

2.1.b. Communities of color (including those whose families have been in this area for generations such as Native Americans, African Americans, and descendants of immigrants), low-income populations, Limited English Proficient (LEP) communities, Native American communities, immigrants and refugees, and other under-served and under-represented communities.

2.1.c. District coalitions, Neighborhood Associations, watershed councils, and business district associations as local experts and communication channels for place-based projects.

2.1.d. Businesses, unions, employees, and related organizations that reflect Portland's diversity as the center of regional economic and cultural activity.

2.1.e. Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.

2.1.f. People experiencing disabilities.

2.1.g. Institutions, governments, and Sovereign tribes.

Policy 2.2 Broaden partnerships. Work with district coalitions, Neighborhood Associations, and business district associations to increase participation and to help them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions,

COMMUNITY INVOLVEMENT

Neighborhood Associations, business district associations, culturally-specific organizations, and community-based organizations.

Environmental justice

Environmental justice is the equitable treatment and meaningful involvement of all people in public decision making, as it applies to the development, implementation, and enforcement of laws, regulations, and policies that govern the uses of air, water, and land; and therefore the effects of those laws, regulations, and policies on the health and quality of life where people live, work, learn, play, and practice spirituality.

Environmental justice supports the equitable distribution of the benefits and burdens of decisions, considering historical injustice and context of local decision-making, and ensures that those most impacted from decisions have an opportunity to meaningfully participate.

Environmental justice is borne from the recognition that communities of color, low-income communities, Limited English Proficient (LEP) communities, and Sovereign tribes have been disproportionately impacted from public and private decision-making, including planning, development, monitoring and enforcement, while often being excluded from those decisions themselves.

Environmental justice serves to build capacity within overburdened communities to support greater political, socioeconomic, and cultural self-determination.

Policies throughout this chapter support environmental justice by providing a framework for meaningful involvement in public decisions.

Policy 2.3 **Extend benefits.** Ensure plans and investments promote environmental justice by extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.

Policy 2.4 **Eliminate burdens.** Ensure plans and investments eliminate associated disproportionate burdens (e.g. adverse environmental, economic, or community impacts) for communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision.

2.4.a. Minimize or mitigate disproportionate burdens in cases where they cannot be eliminated.

2.4.b. Use plans and investments to address disproportionate burdens of previous decisions.

Invest in education and training

Both the community and City representatives must have the capacity to work together as effective partners. Ongoing investment in education and training leads to better informed community members who then have increased capacity to participate effectively.

Community involvement-focused professional development training helps improve City staff's ability to work with and learn from community members. These policies support both community and agency capacity building.

Policy 2.5 **Community capacity building.** Enhance the ability of community members, particularly those in under-served and/or under-represented groups, to develop the relationships, knowledge, and skills to effectively participate in plan and investment processes.

Policy 2.6 **Land use literacy.** Provide training and educational opportunities to build the public's understanding of land use, transportation, housing, and related topics, and increase capacity for meaningful participation in planning and investment processes.

Policy 2.7 **Agency capacity building.** Increase City staff's capacity, tools, and skills to design and implement processes that engage a broad diversity of affected and interested communities, including under-served and under-represented communities, in meaningful and appropriate ways.

Community assessment

City staff must build and maintain their understanding of community demographics, trends, and needs. Community members should have opportunities to share how conditions and needs affect them. The following policies support effective two-way communication between City government and communities and encourage community-level data gathering and information sharing in planning and investment processes.

Policy 2.8 **Channels of communication.** Maintain two-way channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.

Policy 2.9 **Community analysis.** Collect and evaluate data, including community-validated population data and information, to understand the needs, priorities, and trends and historical context affecting different communities in Portland.

Policy 2.10 **Community participation in data collection.** Provide meaningful opportunities for individuals and communities to be involved in inventories, mapping, data analysis, and the development of alternatives.

COMMUNITY INVOLVEMENT

Policy 2.11 Open Data. Ensure planning and investment decisions are a collaboration among stakeholders, including those listed in Policy 2.1. Where appropriate, encourage publication, accessibility, and wide-spread sharing of data collected and generated by the City.

Transparency and accountability

The City is committed to improving transparency in community involvement processes related to planning and investment decisions. When community members have a better understanding of a process, they are better able to participate effectively. Improved transparency and communication allows the City to better understand community opinions and needs, resulting in improved decisions.

The following policies articulate how and when planning and investment decisions are made; the community's role in decision-making processes; and what the community can expect from the City of Portland.

Policy 2.12 Roles and responsibilities. Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.

Policy 2.13 Project scope. Establish clear expectations about land use project sponsorship, purpose, design, and how decision makers will use the process results.

Policy 2.14 Community influence. At each stage of the process, identify which elements of a planning and investment process can be influenced or changed through community involvement. Clarify the extent to which those elements can be influenced or changed.

Policy 2.15 Documentation and feedback. Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.

Community involvement program

Much has changed in Portland in the 35 years since the adoption of the 1980 Comprehensive Plan. Much more will likely change between the adoption of this Plan and the next one. The following policies challenge City staff and elected officials to assess current practices and develop new tools through ongoing process evaluation and

improvement, and direct the City to develop, maintain, and update a manual that details current best practices for community involvement.

Policy 2.16 Community Involvement Program. Maintain a Community Involvement Program that supports community involvement as an integral and meaningful part of the planning and investment decision-making process.

Policy 2.17 Community engagement manual. Create, maintain, and actively implement a community engagement manual that details how to conduct community involvement for planning and investment projects and decisions.

Policy 2.18 Best practices engagement methods. Utilize community engagement methods, tools, and technologies that are recognized as best practices.

Policy 2.19 Community Involvement Committee. The Community Involvement Committee (CIC), an independent advisory body, will evaluate and provide feedback to City staff on community involvement processes for individual planning and associated investment projects, before, during, and at the conclusion of these processes.

Policy 2.20 Review bodies. Maintain review bodies, such as the Planning and Sustainability Commission (PSC), Design Commission, Historic Landmarks Commission, and Adjustment Committee, to provide an opportunity for community involvement and provide leadership and expertise for specialized topic areas.

Policy 2.21 Program evaluation. Periodically evaluate the effectiveness of the Community Involvement Program and recommend and advocate for program and policy improvements. The Community Involvement Committee (CIC) will advise City staff regarding this evaluation.

Policy 2.22 Shared engagement methods. Coordinate and share methods, tools, and technologies that lead to successful engagement practices with both government and community partners and solicit engagement methods from the community.

Policy 2.23 Adequate funding and human resources. Provide a level of funding and human resources allocated to the Community Involvement Program sufficient to make community involvement an integral part of the planning, policy, investment and development process.

Process design and evaluation

The policies in this section guide the design of project-specific community involvement processes. They help ensure that community involvement processes for planning and investment projects fit the scope, character, and impact of the decision. These policies also promote full representation in planning and investment processes and actively involve under-served and under-represented communities. Representation can help ensure that City decisions do not further reinforce the disadvantaged position of under-served and under-represented groups and do not narrowly benefit privileged groups.

Policy 2.24 Representation. Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.

Policy 2.25 Early involvement. Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.

Policy 2.26 Verifying data. Use data, including community-validated population data, to guide planning and investment processes and priority setting and to shape community involvement and decision-making efforts.

Policy 2.27 Demographics. Identify the demographics of potentially affected communities when initiating a planning or investment project.

Policy 2.28 Historical understanding. To better understand concerns and conditions when initiating a project, research the history, culture, past plans, and other needs of the affected community, particularly under-represented and under-served groups, and persons with limited English proficiency (LEP). Review preliminary findings with members of the community who have institutional and historical knowledge.

Policy 2.29 Project-specific needs. Customize community involvement processes to meet the needs of those potentially affected by the planning or investment project. Use community involvement techniques that fit the scope, character, and potential impact of the planning or investment decision under consideration.

Policy 2.30 Culturally-appropriate processes. Consult with communities to design culturally-appropriate processes to meet the needs of those affected by a planning or investment project. Evaluate, use, and document creative and

culturally-appropriate methods, tools, technologies, and spaces to inform and engage people from under-served and under-represented groups about planning or investment projects.

- Policy 2.31 Innovative engagement methods.** Develop and document innovative methods, tools, and technologies for community involvement processes for plan and investment projects.
- Policy 2.32 Inclusive participation beyond Portland residents.** Design public processes for planning and investment projects to engage affected and interested people who may not live in Portland such as property owners, employees, employers, and students, among others, as practicable.
- Policy 2.33 Inclusive participation in Central City planning.** Design public processes for the Central City that recognize its unique role as the region’s center. Engage a wide range of stakeholders from the Central City and throughout the region including employees, employers, social service providers, students, and visitors, as well as regional tourism, institutional, recreation, transportation, and local/regional government representatives, as appropriate.
- Policy 2.34 Accessibility.** Ensure that community involvement processes for planning and investment projects are broadly accessible in terms of location, time, and language, and that they support the engagement of individuals with a variety of abilities and limitations on participation.
- Policy 2.35 Participation monitoring.** Evaluate and document participant demographics throughout planning and investment processes to assess whether participation reflects the demographics of affected communities. Adapt involvement practices and activities accordingly to increase effectiveness at reaching targeted audiences.
- Policy 2.36 Adaptability.** Adapt community involvement processes for planning and investment projects as appropriate to flexibly respond to changes in the scope and priority of the issues, needs, and other factors that may affect the process.
- Policy 2.37 Process evaluation.** Evaluate each community involvement process for planning or investment projects from both the City staff and participants’ perspectives, and consider feedback and lessons learned to enhance future involvement efforts.

Information design and notification

These policies will help improve notification procedures for administrative and quasi-judicial reviews, as well as legislative land use decisions and the community's access to processes and technical information related to planning and investment decisions. The City of Portland's Civil Rights Title VI Plan requires that information is available to the public, with assistance provided as requested to interpret and effectively use technical information. Additionally, the City of Portland must ensure that limited English proficient (LEP) individuals have meaningful access to City land use-related activities.

Policy 2.38 Accommodation. Ensure accommodations to let individuals with disabilities participate in administrative, quasi-judicial, and legislative land use decisions, consistent with or exceeding federal regulations.

Policy 2.39 Notification. Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.

Policy 2.40 Tools for effective participation. Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.

Policy 2.41 Limited English Proficiency (LEP). Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.