

PLANNING COMMISSION REGULAR MEETING
August 9, 2022 – 5:30 P.M.
Hybrid Meeting

I. COMMISSION PRE-MEETING (Agenda discussion(s))

Beginning: 5:00 PM

Location: Hybrid Meeting

Members Present: Commissioner Lahendro, Commissioner Stolzenberg, Chairman Solla-Yates, Commissioner Habbab, Commissioner Russell, Commissioner Mitchell

Members Absent: Commissioner Dowell

Staff Present: Patrick Cory, Missy Creasy, James Freas, Remy Trail, Rob Hubbard, Sam Sanders

Chair Solla-Yates called the meeting to order at 5:00pm and began by asking for questions concerning agenda items. Commissioner Lahendro asked about the format for the meeting and overview was provided. Chair Solla-Yates asked if there were any comments on the minutes and there were none. Commissioner Stolzenberg asked for the schedule for moving forward with the diagnostic report and that was provided. No additional comments were provided in the premeeting after 5:20.

II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman.

Beginning: 5:30 PM

Location: City Space

A. COMMISSIONER’S REPORT

Commissioner Lahendro – The Board of Architectural Review met July 19th. We had a very busy meeting. We had 9 Certificates of Appropriateness to review. We approved all of them. We also approved a motion recommending that City Council approve the Individual Property designation for the former Trinity Episcopal Church, which is now owned by Dairy Holdings. That will hopefully be moving forward. The Tree Commission met August 2nd. Tim Beatley, a professor in the Department of Urban and Environmental Planning at UVA gave a very good presentation on innovative tree conservation and cities. A couple of things came out to me that existing mature trees are exponentially more important to the environment and human health than replacing them with new trees. Several US cities have ordinances that allow relief from zoning requirements to preserve existing trees when they’re important. I have a list of those cities if it would be helpful. Krystal Riddervolt, manager of the city’s environmental sustainability division made a presentation on her department’s responsibilities and current projects. An RFP for the Mall tree study has been reviewed by the Tree Commission and will soon be issued. The RELEAF/Cville Committee part of the Tree Commission has been working with Charlottesville High School to create a volunteer student group to assist in tree planting efforts in the city; a way of getting better participation by city residents to start planting trees. They also had a tree education booth recently at the African American Cultural Arts Festival in Washington Park. New nominations for tree conservation designation of street trees will be going soon to City Council.

Commissioner Mitchell – No Report

Commissioner Stolzenberg – No Report

Commissioner Russell – No Report

Commissioner Habbab – The Citizen Transportation Advisory Committee met on July 20th. We went over 3 things. The first being an update on the smart scale applications. What was presented to us, except the Fifth Street Station, that we decided to take out for further exploration. We looked at an interactive map that VDOT had. You can go online and check potential safety improvements across the area. We had an update on the Regional Transit Vision Plan. The follow-up from that is that the Charlottesville MPO is putting together a 2050 long-range Transit Vision Plan technical working group. I believe a commissioner is going to be a part of that working group.

B. UNIVERSITY REPORT

No University Report

C. CHAIR'S REPORT

Chairman Solla-Yates – I would like to discuss our annual appointment of a nomination committee to consider a new chair and vice-chair. Considering the tenure of who we have, I believe the best choices would be Commissioner Mitchell and Commissioner Stolzenberg.

i. Appointment of Nominating Committee

Commissioners Stolzenberg and Mitchell were nominated to name the new Chair and Vice-Chair.

ii. Member Resolutions

Resolutions for Commissioners Dowell and Lahendro from Charlottesville City Council and Charlottesville Planning Commission were read into the record by Chairman Solla-Yates.

D. DEPARTMENT OF NDS

Missy Creasy, NDS Deputy Director – I will give the highlights of some of the meetings that are coming up. We will have more to come for the rest of the meeting. We have our regular September meeting that will be on the 13th. On September 27th, that is a joint work session with City Council where we will be discussing the diagnostic report. At that point, we will have the public comments that have been received by the end of August. That will be combined into a report. The goal of that meeting will be to work on moving forward to the drafting step of the project. We also have a steering committee meeting on August 29th. I know that Commissioner Stolzenberg noted that he might be available for that. If not, I am sure we can find a commissioner that will be able to support that meeting. (Commissioner Lahendro volunteered to continue going to the steering committee meeting). We have a couple of milestones going on with that. We also have a ‘road show’ on this report that is going to different groups. That is another way that we’re getting out the word and gathering comments, in addition to what people submit. We understand at this point that we will be maintaining this meeting type status into the Fall. Plan on the next couple of meetings being in this similar format.

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

Genevieve Keller – I came for 3 reasons tonight. The first and most important was to join you in honoring my former colleagues Mr. Lahendro and Ms. Dowell. For several years, I sat between them. What was said tonight about the both of them is so true. I ask you to not forget their legacy and their wisdom and things that they said. You have exceptional people joining you, they won’t be Ms. Dowell and Mr. Lahendro. Sometimes in the past, we have lost the wisdom of former commissioners. We need to have that collective wisdom. I haven’t finished

my review of the diagnostics and I appreciate you for being where you are now. I would like to ask you to look at how you're trying to streamline slopes and entrance corridors. I know that there is a real need and desire to streamline what staff does. I am sympathetic to that. I also think there is a role for the public. Sometimes the entrance corridor or slopes are the only ways that the public gets to know about a project. I would ask to try to think of ways to keep the public involved. I don't know if that means putting it on the Consent Agenda or having a small committee of 2 of you that are working with staff. There are times when I let down on the slope ordinance, particularly for the firehouse. I felt there was a community need for the firehouse. People like Kay Slaughter spoke about the need for a slope ordinance. Slopes are more than managing water. We live in the Virginia Piedmont. It is part of our identity. It is not aesthetics. We don't want to be retaining walls. Think of some ways to keep this going.

Bill Emory – With removing critical slopes reviewed from the zoning ordinance and making it technical staff reviews, I believe it is very important the continued involvement of the Planning Commission and Council. It keeps those affected (residents of Charlottesville), who elected councilors, in the loop. Critical slopes are more than technical staff review of stormwater. If you look at the ordinance, there are things other than water that can be considered by Council when granting a waiver, like large stands of trees, rock outcroppings, slopes greater than 60 percent. You want to continue to incorporate those things. There are several undisclosed environmental 'superstars' that work for the city of Charlottesville. There are those people out there. It is my observation that the culture of city management does not support the environment and views topography as a nuisance. The fire station needed to be built. I made a motion to approve it October 13, 2009. My motion included conditions with finding another 237 feet somewhere in the Moores Creek watershed and daylight streams and pipes. That 237 feet doesn't need to be contiguous and doesn't need to be on the property. The CEO of Charlottesville argued against me. The lawyer of Charlottesville argued against me. Engineering staff belittled me. It is important to make this a place that is worth caring about. Part of that is to be able to walk on the street from Woolen Mills to Downtown and not be in the sun the whole time. We had a plan for that in 1975. Where are the networks, the green ring, the biphilic city that supports the residents?

F. CONSENT AGENDA

1. Minutes – July 12, 2022 – Regular Meeting

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

**Motion to Approve the Consent Agenda – Commissioner Russell – Second by Commissioner Stolzenberg.
Motion passes 6-0.**

III. JOINT MEETING OF COMMISSION AND COUNCIL

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

Format: (i) Staff Report, (ii) Applicant Presentation (iii) Hearing, (iv) Commission Discussion and Recommendation

None Scheduled for This Meeting

IV. COMMISSION'S ACTION ITEMS

Continuing: until all actions items are concluded

1. Charlottesville Zoning and Diagnostic Report – Discussion

Staff Report and Presentation

James Freas, NDS Director –

Next Slide – Agenda

We're going to introduce the overall topic again. We will go through the draft report. We will talk about our engagement process, and we will move into discussion. What I am looking for tonight from members of the Planning Commission and from Council is guidance. What are your remaining questions? Where are the things that we need to clarify? Where are the things we could expand upon? The public comment period is going to run through the end of the month. We're going to be moving to update this draft report into a final draft to take to the Planning Commission and Council. What we hear from you and the public is going to be reflected in that final draft going forward.

Next Slide

This is the third step in the Cville Plans Together process. We have the Affordable Housing Plan that was adopted in March 2021, the Comprehensive Plan from November 2021. We are now moving into our updated zoning ordinance.

Next Slide – What is Zoning

Everybody here has a good idea. Zoning is the set of regulations and tools that define the buildings that can be built, building space as opposed to open space, and how land can be used. Can we have brickyards in residential neighborhoods? It is one of the initial questions that zoning asks for us.

Next Slide – Comp Plan and Zoning Relationship

Our Comprehensive Plan, small area plans, and affordable housing plan are under the umbrella of the Comprehensive Plan. The zoning ordinance is intended to implement those planning documents. It is one of our primary tools for that purpose, along with our budget, our CIP budget, and other actions that the city takes.

Next Slide – What does it mean to 'rewrite' zoning?

There are 3 major things that we are looking to get out of this. The first thing is supporting the Comprehensive Plan for implementation and the other plans that we have. It is also addressing various challenges and problems that we have identified over time with this existing zoning ordinance. This is creating a new zoning ordinance that is easier to read and apply. That is true for everyone and staff. Most importantly, it is true for the public. We want a zoning ordinance that is going to be a document someone can readily refer to and understand what they can do with their property or what could possibly happen in their neighborhood or at the end of the street. Some sections of the zoning ordinance will be completely rewritten. With some sections, we might adapt or utilize existing text and bring that forward. When we come forward for the adoption of the plan, we will be considering potential changes to the land use map as well as we go through this learning and engagement process. Are there changes that make sense within the Comprehensive Plan that we would bring forward in conjunction with the zoning ordinance? I should note there may also be changes to other ordinances that make sense when we get to that stage. That would be parallel and complimentary to this new zoning ordinance.

Next Slide – Land Use Vision from Comp Plan

When we talk about implementing the Comprehensive Plan, we're talking about the vision from the Comprehensive Plan. We're talking about affordable housing, addressing inequities, walkable, people-focused, protecting the natural environment, and working with our existing urban design, historic preservation in pursuit of these other goals.

Next Slide – Land Use Chapter

When we look at the goals and the strategies of the plan, there are a lot of words that need to be highlighted: walkability, climate change, context sensitive design, transitions, scale, and use, reducing approval times. These

are all key words from the strategies that make up the Land Use Chapter and all things that should be reflected in the zoning ordinance as we move forward.

Next Slides – Zoning Process: Overview

We are approaching the end of the first part of this, which is identifying the zoning ordinance changes that are needed to be consistent with implementing our Comprehensive Plan and proposing an approach to getting there. We did some of the building modeling. Housing market outcomes is coming, along with an inclusionary zoning ordinance. We should have that report available for the public next week.

Following September, we're going to move into drafting the zoning ordinance itself. We are aiming to maintain this schedule shown here of having a public version of that draft zoning ordinance available in early 2023. Depending on where we get, we may release it in 3 pieces: One being the districts and uses, two being the standards, and three being process and procedures. We will move into the adoption phase. We are aiming for Spring 2023. I will note that Spring runs through June 21st.

Next Slide – Timeline

This is the graphic of the overall schedule.

Next Slide – Diagnostic and Approach Report Overview

This is the overview of the report. As noted, the document identifies issues with the current zoning ordinance and our proposed approach. Notably, we don't have a draft zoning map. We don't have a draft zoning text. The first body of response that we are getting is through this high level, conceptual plan of the zoning ordinance. Our comment period is going to end at the end of this month. We will then be preparing for the meeting at end of September.

Next Slide – Document Outline

I am going to highlight the 3 main parts of the report. We have the affordable housing section, residential district testing section, and better zoning standards section.

Next Slides – Zone for More Affordable Housing

There are significant housing challenges within the city. There are some quotes from the Affordable Housing Plan and the Comprehensive Plan that speak to what we need to do within the zoning ordinance towards addressing these issues.

The core ideas that are presented in this report are allowing more units on every lot, creating, or allowing more rental and ownership options within what you can do on a lot. We are talking about different building types and different configurations of ownership and land. We're talking about creating zoning incentives and adoption of an inclusionary zoning policy and creating a toolkit to avoid displacing at-risk communities. There have been several comments when we talk about protecting this or preventing displacement as construing that as somehow protecting these vulnerable communities from change. That is not what we are talking about. There will be opportunities for redevelopment in these communities. How do we protect the people who live within that neighborhood from displacement? How do we create opportunities for the people who live in that neighborhood to continue to live in that neighborhood? We know that experiencing gentrification is what happens when people are pushed out. They no longer can afford to live within the community. That is the issue we are trying to address. This is not about preventing development or redevelopment in those neighborhoods. It is about making sure there is an opportunity for the people who live in a given neighborhood to be able to stay in that neighborhood.

Next Slide – Zone for More Affordable Housing

Inclusionary zoning is an aspect or a part of our zoning ordinance that would require projects meeting a certain threshold of size to include affordable units within the project. Part of the report that we will be releasing next week is digging deep into real estate market conditions so we can understand what the extent of public benefit is because the affordable units are essentially public benefit. What is the extent of public benefit that we can extract from these projects without effectively ‘killing’ the projects themselves? We are seeking the greatest level of affordability that is market viable. We are aiming for 60 percent AMI. That is what we want to get to. We must see what the market can support. The financial analysis is being conducted and will be released next week. Two other principles that I want to highlight here are the bottom two. One is ensuring that our program aligns with fair housing principles. That is one of the things that we hear a lot. How do we ensure where there might be disparities in the rental of market rate units in terms of biases and how decisions are made as to who to rent to? We don’t want those biases to exist in any units. We want to make sure that they don’t exist within the affordable units. In the affordable units, there is an opportunity to take a stronger hand in ensuring that there is no bias in who gets to live in a household. The other key thing that we are aiming for here is to ensure that the units that are created through this program are affordable as long as possible into perpetuity if we can get to it. That will be a big change from where we are today. That is to ensure that we are always adding, not trying to make up for lost units in the past. You can think about inclusionary zoning in some respects as a bunch of ‘knobs and dials,’ where you require greater affordability. You might need to drop something else to get there. That is the balancing act that we will see when this comes forward.

Next Slides – Residential District Testing

What that section is looking at is what is the maximum development potential of lots that represent essentially typical lots across the city with a note about the suburban curvilinear street lots. What we want to emphasize though is not necessarily the likely development on each one of these lots. What we are trying to understand with this: What is the maximum potential? What does that teach us about what these standards potentially need to be as we are considering the building types and the standards that would be applied within the zoning ordinance. What is important to remember is that each lot is unique. It is going to be a lot of characteristics that drive the development potential of a given lot. One of the reasons that we didn’t look at near streets to a certain extent was recognizing that is another site condition, which in many cases is going to limit what can be developed on the site or might enhance what can be developed on the site. Mostly, we are focused on these standard lots and what could be done there. All these factors limit what can happen. There are financial considerations. That is the topic of the report that we are releasing next week.

This is an example of one of the pages, showing a maximum development potential on a corner lot.

Next Slide – Better Zoning Standards

This gets into a lot of real technical zoning details. The zoning districts section of this chapter are the recommended changes around consolidating the number of zoning districts and improving how the ordinance handles issues like height, setbacks, lot size, and similar standards. We had some questions about those things. We will dive into some of those specifics later. What we are aiming for is a consistent set of standards that also offers a degree of flexibility. How can we consolidate the uses that we have within our existing ordinance? Simplify the uses defined and consider more modern uses, which our ordinance is missing a few. The site standards are a recommended set of changes to address our goals within the Comprehensive Plan around historic preservation and environmental protection. This includes incentives for keeping existing buildings, tree protection, bicycle parking, and what I expect will be an in-depth conversation around reducing or eliminating car parking requirements. Our administration section has recommended changes to improve and expedite the review process, particularity around the clarity of the review criteria. What does it take to get something approved? Are we being clear about what that means and what it takes? The idea of more by right development is addressed in this section and updating the ordinance to reflect changes in state law. We received several recommended changes, around including more illustrations, more tables, and graphics, using plain language drafting so that the ordinance is understandable to your everyday resident of the city.

Next Slide – Objectives of the Engagement Process

Much of this was already covered. We are following the goals and objectives of the Comprehensive Plan in our Community Engagement Chapter.

Next Slide – Outreach & Engagement

We are using a variety of engagement methods. We have received a great deal of virtual engagement in the last couple of weeks. We are expanding our in-person engagement. We have done 2 popup tables at events this summer. We have several presentations to neighborhood associations and groups coming up over the next several weeks, and email, social media available. This is our event at the Ting Pavilion. We had approximately 200 people come through, which was a pretty good turnout for late June. It was a very good event. I know that there were a lot of good conversations.

Next Slide – Share Your Comments

Here are some of the ways that people can engage with this process going forward. We are closing out the comment period on this document on August 31st. This process isn't going to end. At the end of the summer, there will be plenty of opportunities for continued comments. We will continue to accept comments. Getting them in by the end of August 31st means that they are more likely to be read and potentially reflected within the finalized report.

Commissioner Stolzenberg – In determining what is in scope and what is out of scope for these tangentially related things, in the diagnostic report, it seems that some things were separate from zoning but seemed in scope. In the appendix and layer, it seemed less in scope. If we were to make changes to the critical slopes ordinance and put stuff into the water protection ordinance, I would hope that we would make those additions at the same time.

Mr. Freas – We would need to do that simultaneously.

Commissioner Stolzenberg – With the SADM (Standards & Design Manual) stuff, would that be in scope? Is that separate?

Mr. Freas – That is a good question. I am not sure of the answer. That is something we should investigate.

Commissioner Stolzenberg – With subdivision, we talk about zoning lots versus legal lots, is it safe to assume that those changes will be made at the same time?

Mr. Freas – That is correct.

In your packets, there was a memo. The goal of this memo was to answer some of the questions that we received from commissioners in the month of July. As I was looking at this today, I purposely did not include your questions in this memo. I thought I would itemize it and group things together. Some of the answers seem like they imply that there is a question everyone can see. I apologize for that. There were questions raised around the entrance corridor rules. The proposal that is in the report is not to get rid of the entrance corridor rules outright, but to incorporate them into the base zoning requirements and remove the review process that you guys engage in currently. There is no proposed change to the BAR (Board of Architectural Review) process.

Commissioner Mitchell – It looks like you are attempting to remove some of these discretions that the ECRB would have on these. It would be a more technical review. The entrance corridor review is a review of not just whether a window meets the proper tint, but it is also a review of whether this is consistent with our culture, the

aesthetics of our culture, if it is consistent with the politics of our city. Is it consistent with Jeffersonian architecture? I worry that if we begin leaning on, moving towards black and white, we lose some of the aesthetic concerns that the architects here suggested that we ought to have. Maybe a compromise that the architects here recommended was that taking it away from the ECRB is that you at least show us the math and put it in the Consent Agenda so that we can review it. People who are smart about that stuff see something that might be inconsistent with the cultural aesthetics, they can bring it up for review. We can review that as a board.

Commissioner Lahendro – One of my concerns is staff being overworked. It is maybe the result of the last couple of years when staff was overworked. What I experienced in the Tree Commission and site plan reviews, that things were being missed and just handled administratively and finding out later there were problems. I don't want that to get to the point where we're not able to second guess a decision made by staff. We do represent the opportunity for the public. I am looking for transparency. I want there to be transparency and the opportunity to still question the decision made by the staff. However, we can build that into the administrative review process, let us see in a Consent Agenda, let the public see it in a Consent Agenda through the packet materials ahead of time. Give the opportunity for someone to say, 'wait a minute.'

Commissioner Habbab – I completely agree. The opportunity for public comment is an important one as part of the ERB. Does the BAR not want to do it? Why is that not being considered?

Ms. Creasy – One of the comments that has been made to that effect. The BAR works with different guidelines. It would be a shift in mindset, which the Commission already must do to go from ERB to Planning Commission. It is a similar concern.

Commissioner Mitchell – I will give an example of one of the debates that we had over an entrance corridor review. There was Emmet Street and University Boulevard and the hotel that burned down. There was a raging debate on that because of the technical components. It was an aesthetic question. It was whether we needed to have something more Jeffersonian or something more contemporary. These are the kinds of debates that you can't make technical debates. These are the kinds of debates that people who are closer to the people who talk to us every day, who are advising the politicians. This is the kind of input that we must provide you guys with.

Commissioner Stolzenberg – If you were to codify the guidelines, what stays and what is lost? Something like that, as I recall, was red brick versus black brick. They came to us. You could do either. We had a whole argument about whether to be Jeffersonian or modern. How does that work at a staff level? I am assuming that something as extremely just aesthetic as red versus black would be either set in advance and never vary or you discard that choice entirely.

Mr. Freas – You would have to have a set of identified design guidelines for the corridor.

Commissioner Stolzenberg – That could be a set of potentially allowed colors.

Commissioner Mitchell – The thing that I could get comfortable with is that we must recommend what the set of guidelines would be for that corridor. If we must do that and you would agree to the guidelines that we recommend, I could easily get comfortable with that.

Commissioner Lahendro – I know from experience with the BAR and those guidelines that there are a lot of gray areas. There is a lot of gray area that is contextual. It is evaluated in context of what else is on that block. What else is on that corner? That is something that architects deal with all the time. It changes from one block to another because the context changes. There is a lot of gray area. I don't see what the issue is that the BAR can't also do corridor reviews. It is a different set of guidelines. They are smart enough to use the other guidelines. I don't think that is a huge hangup.

Commissioner Mitchell – We are in the middle of making significant changes. Why not add this to the list of changes?

Commissioner Lahendro – They are used to dealing with contextual gray areas. I see that as a strong possibility.

Commissioner Stolzenberg – I feel that if we're going to keep discretionary review, it should be the BAR's problem. I think that they are capable of putting on different hats, just as much as we are capable of different hats. They are more capable of evaluating aesthetic concerns.

Commissioner Habbab – I agree with that. Part of reviewing ERB applications is that you end up with these possibilities for interesting open spaces in reaction to some of our comments of trying to make it scale appropriate or material appropriate. You might lose out on all these intricacies by making this just technical.

Commissioner Lahendro – Materials change, techniques change, and the architectural principles change over time. If you have a set of guidelines, you are stuck in one place that does not allow any gray area.

Commissioner Stolzenberg – There is some advantage or disadvantage to having discretionary review in everything. It becomes a 'crapshoot' of: Will they like my red or black? Will it be a gray area? Will they see no gray at all? It does create a lot of ambiguity when you say, 'here is a design.' People, for completely aesthetic reasons, say 'no, I don't like that,' or 'change this, change that.' It can create this long feedback cycle. How many times does the BAR defer something on average until they come to an agreement?

Commissioner Lahendro – It happens with the BAR where personal opinions start coming into it when you don't have a guideline that is defending or backing it up. We must remind each other of that. It is not black and white. The BAR is used to working with that. It must be a defensible position that has some basis in the guidelines.

Mr. Freas – What Commissioner Stolzenberg is getting at is that the reason this appears is not a question around who does it, so much as that discretionary review creates another degree of uncertainty and another length of time and process delay. That is the issue that this is raising,

Commissioner Stolzenberg – In terms of that gray aesthetic area stuff, would Jeff Werner (Preservation Planner) be able to make aesthetic judgments and require changes like that? I trust him as much as BAR does. At least, you are not so deep into the letter of the rule or guideline. There needs to be some way for the public to act to do something if they think they are wrong. I wonder if the appropriate mechanism would be something like the current BAR appeal process where if either the project proposer or a member of the community doesn't like the BAR decision, they can make an appeal to Council. You can imagine a system where people would be notified that an entrance corridor determination was made by staff. If they thought it was wrong, they could appeal it to the ECRB or Council.

Commissioner Lahendro – It could depend on an administrative review. What typically happens now is that Mr. Werner gives on the Consent Agenda the administrative reviews that he has done, what the issues were, how he reviewed it, and what his decisions were, and gives the BAR the opportunity to pull it from the Consent Agenda if they have issues with it. If the applicant is saying 'no I don't agree with Mr. Werner's opinion,' the BAR could look at it. There is always the appeal process after that.

Commissioner Stolzenberg – A problem with the idea of the Consent Agenda is that the Consent Agenda doesn't mean anything. To pull something from the Consent Agenda, anyone can do it and it becomes a regular

agenda item. It is not creating a presumption of correctness. Maybe that sort of thing would be enough. When somebody appeals a BAR decision to Council, it is up to the appellant to say that the BAR was wrong and didn't comply with the guidelines to get a determination in their favor. If the staff made a determination, the BAR could pull it from the Consent Agenda and reject the determination. The onus would be on saying that staff was wrong.

Commissioner Lahendro – We have never hesitated to pull something from the Consent Agenda.

Commissioner Stolzenberg – It doesn't make the whole thing less ambiguous, less likely to result in a whole cycle.

Commissioner Lahendro – There is transparency, which I have been fighting for.

Commissioner Russell – I have been looking through the Comprehensive Plan. In terms of public transparency, the Comprehensive Plan articulates an entrance corridor process existing and those entrance corridors being things we value. I am hesitant about taking it out of any kind of discretionary review. I have always maintained that it is more appropriate to go through the BAR, and not the Planning Commission as the entrance corridor review board. Whether it is on the Consent Agenda or not, I don't know if it saves staff any time. They are still doing the reports and they are still making the staff recommendations. There is subjectivity that should be discussed.

Mayor Snook – I am dubious of Council's skill in architecture. I tend to defer to people who know more than I do. That is one of the reasons why I value the opinions of many of you. I am not anxious to have more things come to Council.

Commissioner Mitchell – Do the ECRB rulings go to Council? Is it only a discussion of the ECRB?

Ms. Creasy – The current process is that it comes to the Planning Commission.

Commissioner Mitchell – We can rewrite it so that it goes to the BAR. The BAR's decision is it, as it is now with us. It comes to us, and our decision is the decision.

Ms. Creasy – Potentially. That part doesn't have an appeal. A BAR application does have an appeal process.

Commissioner Mitchell – We can just transfer the rules as it exists for us over to the BAR, as someone has suggested.

Chairman Solla-Yates – In terms of streamlining in greater clarity, which I think is a good thing, something that I have seen Mr. Werner produce in the past is a palette of good ideas. It could be materials or color. That sort of resource could be helpful, either to guide staff, the applicant, and to inform the public. This is what is considered acceptable. That can be debated. Maybe we will agree that nothing is acceptable. I suspect that with some basic ideas, we can find broad agreement. That might be helpful.

Commissioner Stolzenberg – My worry with pushing this to the BAR, as it is now, is that it effectively makes every entrance corridor just as rigorous an architectural review district as all the current architectural review districts. Maybe the BAR is more likely to litigate a lot of those small details and take several meetings, months, and months to issue a certificate of appropriateness. We, with our lack of aesthetic expertise, is less likely to be hung up on a lot of those sorts of things.

Commissioner Russell – Why have them if we can't evaluate them?

Commissioner Stolzenberg – That is the point. Entrance corridors themselves are watered down review districts. That’s why they don’t go to the BAR. If we move them to the BAR, there needs to be some change in the onus of what needs to be decided. If there is an assumption that staff was right in making their recommendation and there needs to be some significant problem to override that, it could be as simple as maybe a super-majority of the BAR to reject the CoA. It could be something like an appeal process to send it to the BAR in the first place that someone must say ‘wait a second, this isn’t good.’ You could get community members potentially appealing everything. We don’t see that from BAR to Council right now. When something is appealed from the BAR to Council, Council says ‘we’re not the architecture experts. We assume the BAR is right. You better have a good reason to come to us and they are wrong.’ If you had something like that step, from staff to BAR, that would make me feel like we are still streamlining the process while still allowing for that subjective, aesthetic judgment where it is needed.

Mr. Freas – We will make some changes. You guys can judge where we landed.

At its root, the concern around critical slopes is that the analysis that we are asked to do on the waivers is very much a technical stormwater analysis. That is the direction that waiver process takes us. My limited experience of critical slopes, in the time that I have been here, what I have frequently heard from engineering is that we’re not at that stage yet. We’re at an earlier stage of the review process. The developer hasn’t done the analysis necessary to do this kind of work. Engineering doesn’t provide a comment, we move on, and you guys provide a recommendation to Council. An interesting comment was made earlier about the non-technical aspect of critical slopes. We all inherently recognize the value of protecting critical slopes. That is not what is an issue here. At what stage in the development process does it make sense to do this review? Our argument to date has been that the stage of the development process where this makes sense is during the stormwater review because of the nature of that waiver process. An interesting comment was made about the nature of critical slopes in terms of how the alternative might be a lot of retaining walls around town. That is a different ‘character’ for the community. There is some role played by this ordinance to prevent that. Frankly, I need to investigate that more and understand it. What fundamentally changes for me though is the nature of the waiver process in any event. The waiver process that we have right now is out of step with the point at which a development is when it comes to you guys and to City Council for a special permit. I know that critical slope is referred to as a waiver. It functions like a special permit. That is at the point most development projects bring that waiver request forward.

Commissioner Mitchell – I am a stickler for protecting these slopes and protecting these streams at the base. A couple of things that immediately come to mind. The fire station was one. The other is the work that we did on South First Street for affordable housing. I wasn’t around for the fire station. I was in the middle of South First Street. We were not ready to grant the waiver based on the technical review. It was not where it needed to be. They had to get a LI HTC approval. The importance of doing that outweighed the potential danger that we could not come to terms with the developer. It is important that the politicians and the public, with our recommendations, remain involved in making that decision, making the political trade-off. Do we protect the streams, critical slopes? I desperately want to do that. I want to make certain that the low-income people have a place to live, and we continue to support public housing. Is there a way to make this discretionary, but make it discretionary at the stormwater management decision point?

Mr. Freas – I was thinking of going the other way. The critical slope waiver, as written, asks you to make that balancing act. The language of the sections asks you to balance other public benefits against the potential damage to the slope. It then asks you to do this technical analysis as part of that decision. What I am currently wondering is to strip out the technical analysis. We are hardly using it. Maybe it is a values judgment.

Commissioner Mitchell – If we do that, how do we protect these slopes?

Mr. Freas – We already have the stormwater requirements. They already require that stormwater be managed. That is built into our stormwater ordinance. I don't know the history. I don't know when the critical slopes ordinance was adopted. It predates the stormwater ordinance. At the time we adopted the critical slope with that requirement, we didn't have a stormwater ordinance that provided that protection. We now have a stormwater ordinance that provides that protection that you are speaking about. Maybe what we are really talking about is stepping back the critical slopes decision to one that is more balancing values.

Commissioner Russell – You could have a project meet all the stormwater requirements. If it has massive retaining walls that make the streetscape uninviting and it is not a place that you want to be, I don't think that is a decision that is fair to put on engineering staff.

Commissioner Habbab – That makes sense to me. You're basically taking out what we already recommend every time we get a staff report about all the recommendations on what to do with the super-fence all that stuff. We disturb the critical slopes based on that give-and-take between what it takes away and what the project provides.

Commissioner Stolzenberg – You're suggesting that we do the same review that we do now, except skipping the part where we add conditions.

Mr. Freas – There might still be conditions. We have also rolled this in so that it looks like a typical special permit. We treat it like a special permit, but we call it a waiver. It brings that all together. There might be conditions attached to it. I don't know what they would be. I am going on something that I just started thinking about.

Commissioner Stolzenberg – The retaining wall is a good point. I feel like it is a problem that is broader than critical slopes. You can have a slope that is not close to a waterway and then it is not critical. If you look at that JPA project, there is that giant retaining wall that is 12 feet tall and half a block long. It is not because of a slope. I wonder if that needs to be addressed in some other kind of guideline development rule.

Mr. Freas – Right now, above a certain height of a retaining wall triggers a building permit. Could there be additional zoning regulations strictly speaking about retaining walls?

Commissioner Russell – To what degree do steep slopes also protect our tree cover? That is not part of a discretionary review. Is that at risk?

Commissioner Stolzenberg – It is one of those standard conditions.

Commissioner Mitchell – We look at what happens to the canopy when looking at the critical slopes. That is always a part of the discussion.

Commissioner Stolzenberg – We always require 3-to-1 tree replacement on the slope. What is that discretionary decision become if it is not how we protect our waterways? Is this adequate? Is the value of this important?

Commissioner Lahendro – I have been on 64. I see what they are doing in Albemarle County on Pantops Mountain with these incredible retaining walls and what they did with that 5th Street Center development. Just because you can does not mean that you should. They are awful that they changed the whole nature of the topography, of the land. They created these artificial environments. You could do the same thing for managing

stormwater on a site. It is expensive. Maybe the development should be more attuned to the site and be more responsive to the site. I don't know what that looks like in a regulation.

Commissioner Stolzenberg – That almost makes it sound like it should be an aesthetic review for projects with some significant amount of grading. It seems like what we are looking for or what we seem to be talking about is aesthetic review. You need to be late enough to have a rendering at that point and somehow hold them to it.

Mr. Freas – There is also the environmental values that you are going to be balancing as well. What we are stripping out is that technical analysis of stormwater flow and how you're going to capture/treat.

Mayor Snook – In the 2.5 years I have been on City Council, there have been several times when critical slope waivers have come before us. I can't remember more than 5 minutes total discussion of the merits of the issues. I think we tend to defer to those who have looked at it before. It sounds like it is important that someone who knows what they are doing be the arbiter of these kinds of things. I have yet to see one that said that City Council needed to be the arbiter.

Chairman Solla-Yates – I would like to encourage a focus on health and safety as we talk about this as an issue. It is complex and there are many issues. We're strongest when we stand on health and safety. We often talk about trails at this step. Often, there is a connection to trails plan and that conversation happens then. That linkage is important. Having trails as part of the conversation is important. I am concerned that this might be duplicative with other forms of aesthetic review or better addressed with other forms of aesthetic review. It might be helpful to look at that.

Commissioner Habbab – It makes sense pushing that technical stuff back. When you think of a design process, they might come to us earlier in the process to make sure that they can disturb the critical slopes. It makes sense to do that. We don't want to wait until they have the stormwater done, when it is too late to change things. I don't know if it is an aesthetic process. It takes into consideration environmental. Conditioning not just massing and height.

Commissioner Russell – I am having some concern with everything with aesthetic being this blanket thing and being a bad thing that someone else should be worried about. There are things like with health and safety in good design and environmental protection that are more than just aesthetic.

Commissioner Stolzenberg – Are our designated critical slopes up to date? I assume that when we first did this, we did some sort of topographic analysis to make sure.

Mr. Freas – That would need to be part of looking at critical slopes again. The other place where there is a lot of time spent is in contesting whether something is a critical slope.

Ms. Creasy – There are 2 different definitions between the subdivision and the zoning ordinance. We must maintain 2 separate maps. We must evaluate both. There could be some assistance there.

Mr. Freas – There were a few questions from commissioners around height. It is a complex topic. There is some information on pages 63 and 64 on different mechanisms for measuring height. One of the ideas that is proposed is to essentially have a contextual requirement built in that would say that the district might allow a height of a certain number of stories and feet. If the neighboring buildings are lower, there would be a reset down closer to that lower height. An example I give is that this height standard might be 50 feet. If the buildings around average out at 30 feet, the height requirement might drop down to 40 feet. That raises issues of measuring those other buildings. You might need to do it by story and then assign the feet. There are technical

complications around that. This is about creating essentially an automated mechanism within the zoning ordinance that addresses contextual consistency with the surrounding context.

Commissioner Habbab – Would that change over time if the neighborhood builds up? You can then just go back and build up more.

Mr. Freas – That is why you set it higher. You don't set it to match. You set it higher so that you have now created a mechanism that also allows that to evolve. It regulates the pace of evolution.

Commissioner Habbab – My only concern is that we have this ambitious Comprehensive Plan of increasing all this housing. I don't know what that would do to that.

Commissioner Russell – It would balance some of the fear that residents have that there is going to be massive structures popping up, moving over neighbors. That is a helpful tool. Sometimes, we are looking at a project and saying 'well this does really seem too high for this neighborhood. The zoning allows for it. I guess that it is Ok.' That idea makes a lot of sense.

Commissioner Lahendro – On the surface, it makes a lot of sense. I can see the complications coming quick. What is the context? Is it within 50 feet, 100 feet? Is it right on the street? Is it going to be back from the street? When one goes 10 feet higher, how soon before you can build the next one 10 feet higher than that?

Commissioner Stolzenberg – I see some value in contextual heights. I agree with Commissioner Habbab that we need to do it carefully so as not to essentially override all other height recommendations. On our mixed-use corridors, most of those are very thin corridors that we are hoping to put the bulk of the new housing on to minimize disruption within neighborhoods. The more you put there, the less pressure there is within neighborhoods. If you force that to be too contextual to the differently designated neighborhoods next door, you lose that. There is value in things like bulk planes. At the same time, I look at 600 West Main Street that was built around 2 preserved historic houses on one lot. Next door, 600 West Main Street, Phase II, that we approved, how that is shaping up in the BAR. It is subject to the post 2015 contextual zoning that we put in on West Main. It is going to be fewer units, even though it is a bigger lot with no preserved houses. It should just be a big rectangle. It is shorter, it has weird step-backs in the back. Step-backs have their purpose aesthetically at times. They also are bad from a climate change perspective. It means more heat loss. It means you have more walls and joints for rain to come in. In that case, it is facing the railroad track and a neighborhood beyond that. I like the concept of bulk planes in general. Depending on how you implement it can be problematic.

Mr. Freas – I should note that between zoning districts, there is proposed language about transitions. This contextual rule would be within zoning districts. Everything you said about bulk planes potentially applies in that conversation about what those rules look like that manage transitions.

Commissioner Stolzenberg – If you have a medium-intensity zone that is current 2-story houses, you are effectively saying that nobody can redevelop that into what we recommended as the height limit of 4 stories until someone does a 3-story first, which is likely to not be economically viable because you are barely increasing the intensity on the site.

Mayor Snook – The one thought that I had is consistent with what Commissioner Stolzenberg just said. I haven't studied it in sufficient detail to have anything more. I am thinking about what is likely to happen with what our new zoning is going to look like. It is going to be more intense than what we have now. We want to keep it with some sense of scale and how that is worded. I share the concern that I am not sure how we get from where we are now economically to where we think we probably want to be. I want to make sure that the pros in this draft and ordinance is sufficiently flexible that gets us there.

Chairman Solla-Yates – I have a couple of concerns on this item. Height is a huge issue in terms of aesthetics and in terms of affordability. If you want to raise prices, reduce height. It is extremely powerful. I am concerned about the friction between our affordable housing goals, equity goals, and additional height regulations. Any way we can consider that tradeoff critically in context. There might be a useful difference between different kinds of frontages. A frontage on a busy road or busy corridor could be different than a frontage of a utility corridor or a railroad track. If we are a little more precise in what kinds of frontages we care about, that might be helpful and give us a more useful result. There has been a lot of discussion about frontage on public housing and rear frontage on public housing in West Haven. That has inspired a lot of this conversation. We have many kinds of places in Charlottesville. I am thinking about the Rt. 29 area. How do we want to consider those relationships? Is that a priority of preservation? Is that an area where we can be a little more open and flexible? I would encourage taking a context sensitive approach when we think about these rules.

Commissioner Stolzenberg – Are we moving on from height or moving on from contextual height? With contextual height, Austin has notoriously onerous context requirements. In the few places that they do have high density zoning, if it is like 150 feet from a single-family house, even if that single-family house is zoned high density, it limits the height to something extremely low. Contextual height can make sense. It is easy to do poorly. It undermines the whole idea. I feel strongly that when we're talking about height. We're regulating it because of its impacts on other people, on other properties, and people walking by. I do not see that health and safety benefit, or any sort of externality related to number of floors. If we have a 50-foot building and it has 5 floors or 3 floors, that seems to have the same impacts visually on everyone else. Where this really becomes something, I am skeptical of is within General Residential. That 2.5-story limit we were talking about is still 35 feet when we discussed it last year. 2.5 stories at 35 feet means 14-foot ceiling heights.

Mr. Freas – You are not required to build 14-foot ceilings.

Commissioner Stolzenberg – You should either reduce the height limit to be a normal size 2.5-story building. I would say ‘why are we reducing our height limits in the middle of the housing crisis?’ If we're going to leave it 35 feet, particularly if you add affordability, you should be allowed to have 3 or 3.5 stories, which would fit with 10-foot ceiling heights. In the text, it says the building code lets you down to 7-foot, eight.

Ms. Creasy – It is going to depend on what the definition of height is because where you take height on houses or is the midpoint peak of the roof. Everyone already gets a bonus. That is another step to that must be considered.

Commissioner Stolzenberg – That is a good point. I will depend on that. If we're going to do both, let's not end up in a scenario where your height limit is so much more than your floor limit that you're either telling people that your height limit is lower, or you need to have soaring ceiling heights.

Mr. Freas – The height limit is affordable. It is saying that you can build 4 stories or up to a certain number of feet. You are capped by both. You could choose to do a 2-story building. You could choose to do a 4-story building within something less than whatever the height requirement is on that section.

Commissioner Stolzenberg – I get that you could build a shorter building with normal ceiling heights. I don't know why we benefit from the idea of allowing that extra height but only if you do it by increasing your ceiling heights.

Mr. Freas – I see what you mean. What it is offering is flexibility to the developer to decide what kind of project they want to build. If you just do stories, you now must define story. How do you account for atriums and these kinds of spaces that people can create within their space that could lead to buildings that are taller

than what people are anticipating or expecting in a 4-story building. That is why it is helpful to have the absolute height cap in feet. What I like about stories, is that it is predictable for the public, and it is easily measurable by the public. They said that they are going to build a 4-story building. I can look at it and it is a 4-story building. I can't verify that is 40 or 45 feet. When we just set a height cap, we might inadvertently be creating an incentive to cram to try to put more floors in. That maybe a good thing. In a mixed-use district, I want that first floor retail space to be at least 15 feet. What I have seen is a developer, who doesn't want to put in retail on the first floor, build that as a 10-foot-tall space. They then say 'I am just not able to rent it out. Can I convert it over to residential?'

Commissioner Stolzenberg – That is a good point. I would suggest that we should directly regulate the nature of ground floor spaces in mixed-use areas, especially if we are going to allow residential. I would say that if cramming is a good thing. That means you can get more floor area, units, and habitable space for people to live in in the same building. If I am the person next door, their concern about height is the shadow that is going to fall on them, or their view being blocked. That is the same no matter how many floors there are. Separately, they might have a concern about density. That is separately addressed in our plan. Within that height, I would suggest that more habitable space is a good thing. Your point about the ground floor is very well taken.

Mr. Freas – In modern construction, we tend to build to the use that we're building to right now. I like to think about the longevity of buildings and their convertibility. Modern office space requires higher floor to ceiling heights than residential because you must introduce it into that inner floor space all the network connectivity. If you are looking at lab space, you're talking about major space between floors. I like to think about the longevity of these buildings. I don't want to mandate a floor height. The buildings can convert between uses over the course of a 100-year lifespan.

With density, we are talking about removing strict dwelling unit per acre requirements. It is more about defining the box. You get to figure out how many units you put in the box. In that instance, thinking about floor heights and number of stories becomes more important. We might not want to throw that one out if we are getting rid of dwelling units per acre.

Chairman Solla-Yates – I am recalling that in the 2018 process, a big reason why we started talking about heights was inspired by the bonus height assessment, which found that the first 3 stories very affordable, 4th story pretty affordable. Anything above a 5th story is concrete and expensive.

Mr. Freas – That is right. You're changing materials as you go up. It is very rare to see buildings that are 7 or 8 stories because your material cost has skyrocketed. Your return on that cost hasn't skyrocketed sufficiently to cover it. That is how it has been explained to me.

Commissioner Lahendro – I would argue that is changing daily.

Commissioner Stolzenberg – I think what you're saying is let's make sure we 'play' to those building code affordability drivers. If it is something like a 45-foot height limit, we want to allow that 4th story that you can still do with wood. Fewer means more expensive.

Mr. Freas – The question that was asked here was whether we could find further ways of illustrating the challenges and tradeoffs with parking. We will investigate that. There are various exercises that you can do. Taking a typical lot and being tasked with laying out a building and then providing the parking for it according to some requirement and recognizing that you don't have sufficient land area to work with. We all know that parking can end up being a greater limiting factor on the number of units that a lot can accommodate than the zoning otherwise would indicate. We're looking at reducing parking requirements as a starting point. We want to continue to be open to and considering the notion of even eliminating minimum parking requirements. It is

always important to note when we say that we're not eliminating parking. We're not saying that you can't do parking. Most developers will do parking. We know that the Downtown district has no minimum parking requirement. Each of these buildings has been constructed with some degree of parking. We also know that when you have a conversation about eliminating the minimum parking requirement, that means that you also need to think about having a more robust parking management program. Managing on-street parking or other available public parking resources in a more active way, whether that is with pricing or time or both together in some configuration.

Commissioner Mitchell – I am not as worried about residential parking as I am about public parking. We want Charlottesville to be a destination, a place that people from Crozet drive into. We want the people from Crozet to drive to the Downtown Mall. The county is beginning to develop nodes where they are going to have their own little downtown mall scenarios where people don't have to drive into Charlottesville. One of the reasons that people don't want to drive into Charlottesville is because parking is difficult. Parking management is going to be important for bringing people into Charlottesville. I would ask you to think about parking management so we can keep people coming in from outside the city.

Mr. Freas – The rule of thumb with parking management is that you're aiming for 80 percent occupancy. At 80 percent occupancy, you are making good use of your investment in parking. You're making good use of all the money you're spending with your maintenance of that parking lot. There is always going to be availability. At 80 percent occupancy, that means you have 20 percent available. When people come, they're always going to find a space. Parking is one of those hot-button issues because there is a perception of parking availability that doesn't always match the reality of parking availability.

Commissioner Habbab – I agree with trying to find ways to reduce parking. What is our parking occupancy?

Mr. Freas – I don't know.

Commissioner Stolzenberg – I support eliminating parking requirements. I don't have illusions that will end up in some massive reduction in how much parking is built. Developers are going to fit as much parking as they possibly can. The more we can explore creative ways to help them get that parking in a tighter space while reducing impervious surface, the better. I was happy to see transit parking in here and learn that it is allowed right now, just doesn't count towards the minimums. If there are no minimums or if they are much lower then, it doesn't matter if they count or not. If you have a 2-bedroom apartment and you both have cars, a tandem parking spot isn't that inconvenient. The convenience falls on you privately and not the public. If there are other things like that that we could add into the ordinance to make it easier to cram that stuff in more and not have extra asphalt, that would be great.

Mayor Snook – I shared Commissioner Mitchell's dichotomy between the residential and the downtown as 2 different problems. When we get around to drawing zoning maps, we need to keep in mind where we are going to be running transit lines. That must be a part of the decision of where to put greater density.

Chairman Solla-Yates – A lot of people talk to me about parking. The main concerns I am hearing about are impacts on how the sensitive areas, equity impacts, and how this is going to interface with affordable housing development. My hope is that we will allow more affordable housing development. Clarity on that would be helpful. If we could get some revenue for parking, it would be lovely.

Mr. Freas – One of the popular ideas that is out there in this space is about reducing or eliminating parking minimums and parking benefit districts, which is the notion that once you require people to pay for parking, that is how you put a residential parking permit in the neighborhood. You're now regulating the number of cars that can park on the street. You try and match that to the number of available spaces. The parking benefit district

part of that is that people pay for that residential parking pass is rolled back into the district. It is used to pay for sidewalk improvements, street trees, and the things that make for a nice walking environment within the neighborhood. You're taking that money and you're rolling it back into the neighborhood to support the walkability of the neighborhood.

Commissioner Stolzenberg – In thinking about parking permit areas, our ordinance is about commuter parking. Is that idea of rethinking those in scope here?

Mr. Freas – Potentially. This becomes one of those questions. If we feel that the only way to move forward in what we are proposing is if we address this, then yes.

Commissioner Stolzenberg – In the past, we have heard from the Starr Hill Neighborhood Association that they did not want residential parking permits, even though they have a real commuter parking problem because it is so onerous to get the permits themselves. I have heard from 10th & Page that people are spilling over from Dairy Central, who are going to the market there and want to avoid that lot where they have plenty of parking. Unless there is some way to fix the problem on residential streets, people have real concerns.

Mr. Freas – As noted, they have exceeded the minimum parking requirement on that site. In my experience in going there, I have never not been able to find a parking space in the lot. I have seen that people are parking on the side streets. A minimum parking requirement doesn't necessarily solve the problem of people parking on the side streets. That is demonstrable repeatedly because we don't control where people go.

The only other thing on this section is the EV parking. We are proposing to require conduits to be installed. The other part of doing EV parking is that you must provide the electrical infrastructure. We can't require that. There are many good reasons to not do it as well. That is a building code issue. Our belief is that it is covered under the building code. If it is in the building code, it can't be in the zoning.

With frontages, we didn't know what your question was (Chairman Solla-Yates). We responded that they are highly variable downtown. We recognize that one of the issues that needs to be greater consistency and predictability around what the frontage requirements are. Homes behind homes is something that we're talking about allowing within this zoning ordinance. That is an important idea. It creates more opportunities for more types of ownership.

There was a question about aging in place. We believe that the proposals in this zoning ordinance promote the idea of aging in place. As we diversify the housing types available within our array of neighborhoods, we're creating more opportunities for somebody who wishes to downsize or move to single-floor living to be able to stay within the neighborhood and move into a new home that meets their needs at whatever age they are at. I think that is an idea most of you are familiar with.

Commissioner Stolzenberg – With frontage maximums, The Standard and The Flats have very long frontages. We have tried to break up the massing architecturally. I think that some cities have explored just limiting the frontage of your lot. Maybe part of the problem with that is we already have these large lots. If we put in a subdivision ordinance, it really doesn't help. They are already assembled. Is that something you have thought about?

Mr. Freas – Not in the context of this ordinance. It is something I have worked on in previous ordinances. We can look at that.

We are proposing to include an amenity space requirement. We propose that over 4 units.

Commissioner Stolzenberg – As currently constituted in the code, those amenity space requirements are very onerous, specifically in R-3. It makes R-3 impossible to do anything that isn't a very large apartment building. The worst part is that there is probably some requirement for indoor. If there are 2-bedroom units or more, there is child-space requirements. If you are building a 4-plex, where are you putting an indoor playroom? From a project perspective, when you add those requirements, you are making things more expensive by requiring this shared space or a yard. From a public morals perspective (that part of our charge), you are encouraging people to turn inward into these private spaces rather than going out and using parks and public amenities and supporting the development of those. In the diagnostic, it went back and forth. In places, it talked about a pedestrian or public amenity requirement. It does make sense probably for larger projects that are larger than house scale. If it is amenities that are private and directed at people who live there, I feel that should be up to the market to provide how much people want those on-site amenities.

Mr. Freas – With residential testing, the sense that I got back was that we didn't necessarily need to look at lots on curvilinear streets in a more suburban setting. For the purposes of this testing, we had done what we needed to do. What I need to hear from this commission is whether it would be helpful to you to see an example on a curvilinear street.

Commissioner Lahendro – It would. It is only for perception. When you look through the draft and see every lot a grid lot, you think that this doesn't have anything to do with my neighborhood, my lot form. You make up your own reason why. In my opinion, it hasn't been tested. It hasn't been looked at. When it talks about on grid patterns, putting 11 cars on the street for getting this percentage of coverage, and putting 11 cars on a street in these neighborhoods with curvilinear streets and narrow streets, it is not feasible. I am wondering if it needs to be tested. Should it be included? Should it be looked at for a perception issue?

Commissioner Stolzenberg – How onerous would that be for you guys to add?

Mr. Freas – I will need to check.

Commissioner Mitchell – What do you think? I read through it. Do you agree or disagree?

Mr. Freas – There is something to be said for the perception aspect of this, the notion that those neighborhoods of the city aren't somehow included or analyzed. I don't think they haven't been analyzed. We haven't done a test lot in that nature. I am going to find out what it would take to do a couple test cases looking at medium and large lots. I don't there are any that would qualify in the small lot category. I don't want to do too many test conditions. I don't want to do outside the curve/inside the curve. We will look at it and find out what kind of time factor we are looking at to do it.

I will note that based on public comments, here are some of the things we are already looking at doing. One of the things that I want to clarify is that on the Future Land Use Map, it references the General Residential and the Medium Intensity Residential being house-scaled buildings. We are not abandoning that principle. I think it was word choice in this document that suggested there would be a house-scaled set of districts or zoning district and a medium intensity zoning district. They were struggling to come up with names. It also suggests the idea of doing more to define what we mean by house scale. That is something that we are going to take up in the future editing of the document. Tree preservation is an important issue. I am all about trees and the value that they bring. That is not even a question mark for me. We need to do some more discussion. We need to devote some more work column inches on that document, on that topic. It is the same thing with climate change. It was pointed that the word 'climate change' doesn't show up in the report. It is prominently in the Comprehensive Plan. It is clearly an important issue. We need to refer to that as well. There still seems to be a lot of expectation in the comments that we were getting that we were proposing to change or remove the BAR process. We are not making any changes to the BAR review process. There were a lot of comments about stormwater. That is

reiterating the point that it is a separate section of the ordinance. Currently, we are not proposing any changes to those stormwater provisions. That is what we currently have.

Commissioner Habbab – I know that we talk about tree preservation. We might not have the legal ability, could we add trees instead of just preserve? Is there a way to encourage that? I know from the canopy studies that we do; the canopy is continually shrinking. Instead of keeping it where it is, start to build back up where we were.

Mr. Freas – That is more than a zoning issue. It is a challenging topic. One of the places where we are losing a lot of canopies is on the remaining large undeveloped parcels that have a lot of trees. That is part of where we are losing canopy. We had a meeting this morning where staff and I had a conversation around trees and what the issues are. Amongst the things that we noted is that we have a lot of standards for trees that could be updated. Right now, we are operating under the state enabling legislation as to what we are allowed to do for preservation or requirements of tree canopy on any given site that is subject to a site plan review. We have already ‘maxed’ out what we are allowed to do under the state requirement. We can do more to define how a tree that is being preserved is protected during the construction and ultimately the building on the site. We have some standards that give canopy credit to things like boxwoods and other shrubs that shouldn’t be in there. There are a lot of things that parallel to zoning as part of our development review process that we can look at. Outside of zoning is what investments do we have the capacity to make on planting street trees or planting more trees on public land? We can control the fate of the trees.

Chairman Solla-Yates – Is there any way we can spend money to solve problems? Can we preserve slopes? Can we protect trees by spending money? If the zoning is trying to preserve these things, why don’t we buy them?

Commissioner Stolzenberg – At the intersection of zoning, SADM, and Streets That Work, I am thinking about east-west streets in Belmont that have wide rights of way. Can we require that the trees be added to the right-of-way just as we would require that sidewalks be built rather than street trees within the parcel, potentially including changes to that right-of-way where you dig bulb out of asphalt and put a tree in there. That gets tricky where you would be potentially removing parking. There are streets where there would still be room for parking even on the outside of the bulb out. I think developers would not love the idea of having to pay for the bulb out but be happy to save that land within their parcel. The tree is dedicated to us, we get to keep it, and maintain it. It provides shade on the sidewalk if it is on the north sidewalk since it is on the street side.

Commissioner Lahendro – How feasible is it, in terms of my recommendation/suggestion? How many of those lots, developed 60 to 73 percent lot coverage, will it take before we start losing more tree canopy? I know that is an incredibly difficult question to answer because how many trees are on a lot to begin with. I am thinking about these areas with large lots and where we have the most tree coverage in the city. We started allowing that kind of coverage to happen. I don’t want to depend upon the goodwill of the landowners to save the trees. They are looking for the best financial return for developing that lot 73 percent.

Mr. Freas – It is not just developers. The part of the issue is the ability to control what people do with the trees on their property. We know that people take down trees all the time irrespective of development.

Commissioner Lahendro – When we allow 73 percent coverage to start happening, everyone can now do that. How long before the tree canopy starts disappearing even more? That concerns me; the unexpected collateral effects of looking for the greatest density. I would rather go up than out to protect the number of trees, to protect the separation.

Mr. Freas – One of the other ideas we have talked about is also giving a little more flexibility on things like setbacks where somebody is doing that to protect a tree. To protect an existing tree on a site, you need to protect the space all the way out to the drip line. That is a big land area. If I have a setback on the other side of the building that is forcing me this way and I don't have any flexibility on that, we need to have the ability to prioritize our values. We can go a couple of feet this way and get out of the drip line of this tree. If can have that kind of space, that is helpful.

Commissioner Lahendro – In the presentation, the Tree Commission saw the zoning ordinance allowing some flexibility to keep the large canopy trees. I would love to see something like that be in the ordinance.

Commissioner Stolzenberg –There is also an interesting intersection with parking stuff there. If you look at the 73 percent lot coverage, most of that lot coverage isn't the buildings. It is the parking and driveways to get to the parking. I wonder if there becomes a point where we start to think about parking maximums or tree cover requirements that are superior to and above any parking requirements that we keep. We say you can't just cover your whole lot with asphalt because there needs to be some trees. At the very least, you need to put a canopy tree in the middle of it and shade the parking.

Public Comments

Martha Smysmer (Rutledge Avenue) – On the subject of the tree coverage, I have seen throughout town in different places where trees have grown big and gorgeous. They are pushing up sidewalks and corrupting the roadway. I don't know the answer to that. It needs some careful thought and evaluation. I don't know if we are allowed to have ordinances to limit what homeowners cut down. I was curious what was considered a small lot. In the zoning overall, I would hope that we would find ways to discourage these big developer projects from taking over neighborhoods. There is nothing in the concept of the FLUM that does that. That is a grave exposure for our city, which we value for its beauty and its charm. I am in favor of affordable housing. I have written letters for using city property in many places to do that. It is an important consideration. I love the idea of testing the concepts. People I have been talking to are concerned that there are few illustrations of what some of these major changes would look like. The testing can get us one step closer to having those illustrations. It seemed to me with the changes or the questions of existing processes that it would be to flowchart those. The last thing was the aging in place. We are oversimplifying the experience of the seniors in the community.

Vicki Metcalf (Tree Commission) – We would be very concerned about any changes that would weaken critical slopes protection. A waiver decision involves weighing the public benefits of the undisturbed slope. That would include tree canopy. It is not just a technical decision to be made by staff. It should be made by the Planning Commission with public notice and an opportunity for public input.

Bill Emory – The Tree Commission has been advocating, educating, and advising regarding the necessity of tree canopy since 2011. Despite the commission's faithful and relentless work, the canopy coverage is decreasing at a time when we have an ever-increasing need for the services the trees provide. The actions of leadership and departments have failed to stem the continued loss of tree canopy. We must adopt additional strategies. I have 2 recommendations that I hope you will consider. Incentivize property owners to create tree canopy. Provide a credit to property owners based on their parcel's canopy coverage. Credit can be used to reduce the stormwater utility fee on that same property. This recommendation would need to be balanced so that the water resources protection plan continues to receive the funding stream necessary to do its work. Strengthen code items related to the establishment, maintenance, and extension of the urban forest. This is an important quality of life issue. For example, require 50 percent canopy coverage. It makes sense. I understand that the diagnostic and approach report first step towards a new draft zoning ordinance is coverage of urban forestry management issues. Additions must be contemplated and incorporated. I would recommend that you listen to the tree commission.

Benjamin Heller – It is great to reduce the amount of parking required. That reduces costs, construction. Our affordable housing problems have a lot to do with the cost of housing production. We want to reduce car ownership. If you reduce parking requirements and you don't reduce car ownership, you're giving up the environmental benefits and you are externalizing costs onto streets. I hope that whatever you do with respect to parking recognizes that risk of externalizing the cost to neighborhoods by moving cars onto streets. That is dealing with it through residential parking permit programs. It is an important thing to consider. We don't want to have the same number of cars, same amount of driving moved from behind a building to on the street.

K. Bishop – It is hard to address a comment to the diagnostic report without knowing the consensus is around this question. In R-1 zoning, there is a resident requirement to exploit increased density/units. When the zoning rewrite happens, is the thought process that General Residential sensitive will continue to have those residency requirements from a homeowner?

V. ADJOURNMENT

The meeting was adjourned at 8:00 PM