

## **MINUTES**

### **CITY OF CHARLOTTESVILLE**

### **PLANNING COMMISSION**

**TUESDAY, 13 JANUARY, 2009 -- 5:30 P.M.**

### **CITY COUNCIL CHAMBERS**

#### **Commissioners present: Commissioners Not Present:**

Mr. Jason Pearson (Chairman) Mr. David Neuman, Ex-officio,  
Mr. Michael Farruggio (Vice-Chairman) UVa Office of the Architect  
Ms. Cheri Lewis  
Mr. Michael Osteen  
Ms. Genevieve Keller  
Mr. Dan Rosensweig  
Mr. Bill Emory

#### **Staff Present:**

Ms. Missy Creasy  
Mr. Brian Haluska  
Ms. Mary Joy Scala  
Ms. Ebony Walden  
Mr. Nick Rogers

#### **City Council Members Present:**

Mr. Dave Norris, Mayor  
Mr. Julian Taliaferro, Vice Mayor  
Mr. David Brown  
Ms. Holly Edwards  
Mr. Satyendra Huja

#### **Also Present:**

Mr. Richard Harris, Deputy City Attorney

## **II. REGULAR MEETING**

Mr. Pearson convened the meeting at 5:32 p.m.

### **A. COMMISSIONERS' REPORTS**

Ms. Keller stated the Community Development Block Grant Task Force was still reviewing applications and would be meeting with selected applicants over the next few weeks.

Mr. Rosensweig stated the MPO Tech Committee had met jointly with members of the rural Tech committees. Committee members also saw a timeline for the VDOT Comprehensive Route 29 Corridor Study. He also noted they had discussed who would produce a list of shovel ready projects when stimulus money comes around to localities; Mr. Rosensweig strongly encouraged the Planning Commission to be involved in the process as stewards of the Comprehensive Plan.

Mr. Farruggio stated Parks and Recreation had met; the director, Mike Spetz, was leaving. Mr. Farruggio also noted a study had been done on the tree canopy coverage of the City.

Mr. Osteen stated he had been unable to attend the December Board of Architectural Review meeting.

Ms. Lewis had nothing to report.

Mr. Emory had nothing to report.

## **B. CHAIR'S REPORT**

Mr. Pearson attended the Thomas Jefferson Planning District Commission met. They received a presentation from the Fluvanna County grant writer about approaches for securing funding for hazard mitigation. There had also been a presentation about the implications of state budget reductions on various programs within the TJPDC including reductions to the Ride Share budget, elimination of the TDM Study, reduction of DHCD contribution for fiscal year 2010, and elimination of funding for Disability Services Board for fiscal year 2010. Mr. Pearson noted a second round of advertising has been reopened for the executive director search.

Mr. Pearson noted several Commissioners had met with the applicant of the Groves Square project to view revisions to the plan that have improved the provision of bicycle facilities. Mr. Pearson commended the applicant for making those changes above and beyond their original proposal.

## **C. DEPARTMENT OF NDS/STAFF REPORTS**

Ms. Creasy stated there had been a lot of discussion about shovel ready projects. The January Work Session would involve discussions on the Planning Commission priorities. The packet for the Work Session also contained a memo on the Habitat project on North Berkshire; all Boards and Commissions, as well as City employees, are encouraged to volunteer some time on building these two houses.

## **D. ANNUAL PLANNING AWARDS -- Additional Nominations and Selections**

Ms. Creasy stated most of the nominations were in. She asked that Commissioners give her any further nominations by the end of the evening.

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

There were no matters from the public.

## **CONSENT AGENDA**

- 1. Site Plan and Subdivision approval list**
- 2. Minutes** -- October 14, 2008 -- Regular Meeting
- 3. Minutes** -- November 11, 2008 -- Regular meeting
- 4. Minutes** -- December 9, 2008 -- Pre-meeting
- 5. Minutes** -- December 9, 2008 -- Regular meeting

Mr. Pearson noted items 3 and 5 had not been received and were not part of the Consent Agenda.

**Mr. Pearson, having not received any comments or changes to the Consent Agenda, stated he would entertain a motion to pass the Consent Agenda. Mr. Farruggio so moved. Ms. Lewis seconded the motion. The motion carried unanimously.**

Mr. Pearson noted there were no other matters to be discussed prior to the Joint Public Hearings which were set to begin at 6:30 and asked if there were any issues the Commissioners would like to discuss.

Ms. Lewis wanted to encourage the Commission to think about how they engage in the deliberative process. She noted they needed to be open minded about matters so that their views could be changed by what was learned at the meeting. She felt the Commission, working together, could bring the best solutions through the deliberative process especially in the strategic level of work projects they would be taking on in the new year.

Ms. Keller expressed concern about a lack of current demographic and economic data for the City.

Mr. Emory suggested there was a need for GIS maps.

Mr. Pearson expressed concern about having the technical planning knowledge to know which decision is likely to move the Commission in the right direction.

Mr. Farruggio felt they needed more raw data to know where they stood in comparison to previous years.

Mr. Rosensweig agreed there was a need for more information about affordable housing and what models were out there which could allow the Commissioners, from a policy perspective to craft the things which were within their purview.

Ms. Lewis asked Mr. Pearson to note for the viewing public what the Commission's priorities were. Mr. Pearson complied: establishing a detailed plan for achieving 40 percent urban tree canopy including specific recommendations for Council action; density challenges in residential districts; to identify strategies to maximize the presence and value of the Rivanna River in the life of the City of Charlottesville; and to assess and improve the alignment of the Code with the intent of the Comprehensive Plan.

Mr. Pearson recessed the meeting at 6:06 p.m.

Mr. Pearson reconvened the meeting at 6:34 p.m.

### **III. JOINT PUBLIC HEARINGS**

#### **F. JOINT PUBLIC HEARINGS**

1. **ZM-08-11-40:** (Longwood Drive PUD) A petition to rezone from R-2 Residential to Planned Unit Development (PUD), with proffers, property on Longwood Drive. The application is to allow for the development of town homes and single family dwellings. These properties are further identified on City Real Property Tax Map 20 as parcels 263 through 272 and Tax Map 21A parcels 130, 131, 132, 132.1, 144, 144.1, 145 and 146 having approximately 1485 feet of frontage on Longwood Drive and containing approximately 199,504.8 square feet of land or 4.58 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two Family Residential.

Mr. Osteen recused himself from the matter as his firm was assisting the applicant.

Mr. Haluska gave the staff report. The current zoning is R-2. The applicant proposes to demolish 16 of the 34 existing structures and replace them with 43 townhouse units. The remaining 18 units would be renovated. The applicant has proposed a proffer that the density would not exceed 14 units per acre. A

proffer statement was submitted with the application; some of these are not true proffers as they are things which would normally apply under the PUD code. Specific proffers to consider are 1, 2, 3, 7, 12; items 9, 10, 11, 12, and 13 mention items that are typically put in the plan of development. Proposed proffers 4, 5, 6, and 8 are regulations which need to be followed and therefore are not proffers. Several citizens have contacted the City about this project expressing concern about the loss of affordable units in this area and where the people living in these houses will be displaced to if these residences are demolished. Others expressed support of the application in terms of improving the housing in this area. Staff feels the concept plan is good and increases the variety of housing units on the street. The central issue is the removal of existing housing that caters to middle to low-income residents of the City and the replacement of townhouse units that will be for sale and possibly will displace lower and middle income families from the City. Mr. Haluska stated the City wanted to avoid an enclave effect of income and housing types. This project would increase the diversity of housing types on this road and would possibly create a mix of incomes. Staff recommends approval.

Mr. Farruggio wanted to know if there was a way to see where the trails would go. Mr. Haluska clarified that the existing informal trail would be formalized. The applicant's representative expressed his belief there would be two trails, one of which would be put closer to Harris Road.

Mr. Emory wanted to know if the renovation of the remaining 18 units could be assured. Mr. Haluska suggested proffer 13 could be amended to formalize that.

Ms. Lewis wanted to know what the applicant had done to mitigate any concerns about increased on street parking. Mr. Haluska noted that the townhouse units at the northern edge of the development have an off street area where they would park. Each of the townhouses shown on the loop road have driveways. Mr. Haluska noted that the parking still needed to be evaluated by the Traffic Engineer.

Mr. Pearson wanted to know how many of the 16 units proposed for demolition were occupied. Mr. Haluska stated some of them were vacant, but he did not know the exact number.

Mr. Norris sought clarification of the number of affordable rental units that would be lost in total between those which would be demolished and the ones that would be renovated. Mr. Haluska stated staff and the applicant had not gone through and designated which units are currently affordable.

Mr. Norris wanted to know if there was a relocation plan for the renters that will be losing their housing. Mr. Haluska stated that had not been discussed with the applicant.

Mr. Pearson recognized the applicant.

Mr. Matthew McClellan, of 1324 Hilltop Road, explained the measures taken to address the concerns voiced by the Commissioners when they last saw this project. Twenty-three trees were being planted along the street. Enhancements were planned to existing trails to improve connectivity.

Mr. Farruggio wanted to know what percentage of units would be affordable. Mr. McClellan stated the proffer was for 15 percent.

Mr. Rosensweig wanted to know how many tenants were currently in the buildings that were going to be demolished. Mr. McClellan explained that eight of ten units on the cul-de-sac were vacant. He stated there were four other structures that contain two units that are occupied.

Mr. Pearson opened the public hearing.

Ms. Cindy Stratton, of 122-B Longwood Drive, stated she had not had enough time to give the necessary attention to the matter. She asked the Commission to consider impact prior to intent. She also asked the Commission to look at the demographics of the neighborhood to determine who these houses would be affordable for. She stated resident input, feedback, and participation in the decision making process had been dismally displayed.

Mr. Wali Zakee, of 116 Longwood Drive, expressed concern about the additional traffic and the safety hazards it would create. He also expressed concern about parking as there was already limited parking.

Ms. Victoria Scott, of 118-B Longwood Drive, expressed concern about what she would need to do to her unit to make it look like the neighborhood.

Ms. Ellen Forloines, noting that her father had developed Longwood Drive, expressed concern about the parking as there currently is none. She stated there had always been a problem with trails due to drug activity.

Mr. Paul Byer, of 660 Hunters Place, stated he was an adjoining property owner. He expressed support for the project since density must happen in Charlottesville. He stated they must prevent sprawl into outlying counties.

With no one else wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion from the Commissioners.

Ms. Lewis wished the applicant was present to address the questions his representative could not. She stated there were questions about the proffers.

Mr. Farruggio liked the idea of trying to improve the neighborhood but not at the cost of displacing residents. He stated there was not enough mitigation for the impact being caused.

Mr. Rosensweig agreed with Mr. Farruggio. He did not believe there was enough done to mitigate the loss of affordable housing therefore it was not good zoning practice nor in the interest of the general welfare of the community.

Ms. Keller expressed concern about the displacement of long term residents. She noted this proposal was not consistent with the Comprehensive Plan.

**Mr. Emory moved that they deny this petition to rezone based on the finding that the public necessity, convenience, general welfare, and good zoning practice are well served by the current zoning district classification in place on the parcels in question. Mr. Farruggio seconded the motion. Mr. Harris clarified that this was a recommendation for denial. Mr. Emory accepted the clarification. Ms. Lewis was not unconvinced multi-family was not appropriate here. Ms. Lewis thought increased density could be possible in this neighborhood. She thought this was a worthy application but wished she had more information. Mr. Pearson stated he was not as opposed to this plan as some of his colleagues. He expressed discomfort with thinking the affordability and displacement problem would be solved with asking individual applicants to make gestures that may not go very far. Ms. Creasy called the roll. The motion passed, 4-2-1; Ms. Lewis and Mr. Pearson voted against while Mr. Osteen recused himself from the matter.**

2. **ZT-08-10-37** -- (Conservation Districts) An ordinance to amend and reordain Article II Overlay Districts and 34-1200 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to add Division 2A - Historic Conservation Overlay Districts, and amending Article X Definitions, by amending the definition of "contributing structure" to reference its usage in Division 2A. (Continued from November 11, 2008 meeting.)

Ms. Scala gave the staff report. The matter was deferred from the November 11 meeting to address concerns raised in a letter received just prior to that meeting. This district focusses on new construction and demolition and is intended to protect the character and scale of the more modest historic neighborhoods which are facing increased development and tear downs without imposing excessive requirements on the current residents. Unlike in an ADC District, no BAR approval or review is required for rehabilitations of existing homes. Staff had received a letter from Piedmont Housing Alliance just prior to the November meeting, those comments were reconsidered by the PHA Board and a more supportive letter was sent to NDS in December. Remaining concerns include when the City designates historic properties, it should be done with the interests of the entire city in mind, not just one group of neighboring owners, and also everyone that deals with the planning process should make prompt and fair decisions on historic property designations and on development proposals in general. Staff agrees with PHA on both those counts. Letters of support were also received from Victoria Gardner and the Board of the Martha Jefferson Neighborhood Association. The ordinance also contains a change in the definition for contributing structure.

Mr. Farruggio sought clarification as to whether Guideline 2, Building Location, "Maintain the existing consistency of spacing between the buildings" meant that someone wanting to build into their side yard could be denied. Ms. Scala did not think so.

Mr. Rosensweig wanted to know how neighborhood consensus could be achieved for designating the neighborhood as a CD district. Ms. Scala stated that neighborhoods with a strong Neighborhood Association, a recommendation by them would be sufficient, but in the neighborhoods that don't have strong Neighborhood Associations, it would be an issue.

Mr. Pearson opened the public hearing.

Ms. Maria Chapel, of 1029 Hazel Street, was present on behalf of the Board of the Martha Jefferson Neighborhood Association. She stated the Board strongly supports this ordinance.

Ms. Lydia Brandt, of 1322 Chesapeake Street and a Board member of Preservation Piedmont, read a prepared statement in support of the proposed Conservation District ordinance.

Ms. Victoria Dunham, of 2000 Marchant Street and President of the Woolen Mills Neighborhood Association, read a prepared statement in support of the proposed Conservation District ordinance.

Mr. Aaron Wunsch, of 338 Monticello Road, an architectural historian and preservationist, read a prepared statement in favor of the Conservation District ordinance.

With no one else wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion among the Commissioners.

Ms. Keller disclosed that she met with Preservation Piedmont as a Board member on January 8 and the topic of Conservation Districts was discussed. She did not feel her attendance affected her ability to vote impartially on this matter.

Mr. Emory disclosed that he, as a member of Preservation Piedmont, attended the first 15 minutes of that meeting.

Mr. Pearson commended Ms. Scala on the quality of the report and the documentation of the process so far.

Mr. Rosensweig expressed his general support of this, but stated he still had significant concerns about some of the issues regarding consensus. He disclosed that he lived in a neighborhood which was in support of this, but noted his opinion had never been sought.

Mr. Farruggio expressed concern that a resident could run into problems with the interpretation of what they are trying to do is not fitting in enough which would make architectural costs go up.

Ms. Lewis expressed concern that there would be sufficient notice to every owner in the district before the property is designated. She expressed concern about the burden placed on homeowners who wanted to add onto their house. Even with her concerns, Ms. Lewis was supportive of adopting the Conservation Districts. She stated it was a good tool to preserve the historic fabric of subareas of the city.

Mr. Emory encouraged the public to read the ordinance on the City's website. He expressed his support for the ordinance.

**Mr. Farruggio moved to recommend approval of this zoning text amendment request to amend and reordain Article II Overlay Districts and 34-1200 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to add Division 2A -- Historic Conservation Overlay Districts, and amending Article X Definitions, by amending the definition of a contributing structure to reference its usage in Division 2A, on the basis that the change would serve the interests of the general public welfare and good zoning practice. Mr. Emory seconded the motion. Ms. Lewis suggested the guidelines should be reviewed before five years. Ms. Creasy called the roll. The motion carried unanimously.**

3. **ZT-08-09-35** -- Definition of Bed and Breakfast -- An ordinance to create Section 34-935 and amend and reordain Sections 34-420, 34-480, 34-796 and 34-1200 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to create regulations for the establishment of a Bed and Breakfast and revise the definition of Bed and Breakfast to include three definitions which outline the number of allowable guest rooms: B&B (3-8 Rooms), Homestay (1-2 Rooms), and Inn (9-15 rooms) and to address occupancy of the property owner/resident manager. The zoning use matrixes will include the three types of Bed and Breakfasts. The Homestay would be allowed in all zones by right, the B&B would be allowed in multifamily and commercial zones by right and in low density residential areas by special permit and the Inn would be allowed in commercial zones by-right and in R-2 and multifamily districts by special use permit.

Ms. Walden gave the staff report. The current definition of a bed and breakfast is a temporary lodging facility in the nature of an inn, which facility serves as the innkeeper's principal residence and wherein

breakfast is the only meal provided to guests. In September, the Planning Commission initiated the initial text amendment in response to a hotel-like establishment to primarily regulate the number of rooms that would be allowed. At the October public hearing, the Commission expressed a desire for a three tier definition. The proposed definitions, as crafted by the Planning Commission are: Bed and Breakfast -- a temporary lodging facility operated within a residential dwelling unit, which is owner occupied and managed; having no more than eight guest rooms and wherein food service shall be limited to breakfast and light fare for guests only; Bed and Breakfast Homestay -- a temporary lodging facility operated within a single family residence which is owner occupied and managed having no more than two guest rooms and wherein food service shall be limited to breakfast and light fare for guests only; Bed and Breakfast Inn -- a temporary lodging facility operated within a residential dwelling which is owner occupied and managed or having a resident manager, having no more than fifteen guest rooms and wherein food service shall be limited to breakfast and light fare for guests only. Homestays would be allowed in all residential zones by-right. Bed and Breakfasts would be allowed by Special Use Permit in R-1 & R-2 zones and by-right in all other zones. Inns would be allowed by Special Use Permit in R-2, R-3, R-UMD, UHD and MR zones and by-right in commercial and mixed use zones. All Bed and Breakfast establishments in all residential zones would be subject to the regulations in 34-935. No public comment had been received prior to the staff report; however, Mr. Ray Casey has since objected to allowing inns even by Special Use Permit in R-2 districts.

Mr. Rosensweig sought clarification of 34-935(15) would allow for more rooms. Ms. Walden stated it did not. This was meant for modifying any of Guidelines 1 through 14.

Mr. Pearson opened the public hearing.

Ms. Joyce [Last Name Unintelligible], of Guesthouse Reservation Service, stated all of her properties would fall under Bed and Breakfast -- Homestay. She expressed concern about the new definitions. She was confused about the proposed street parking regulations.

Ms. Candice DeLoach, owner of the Inn at Court Square at 410 East Jefferson Street, expressed concern that there were inns in Charlottesville that did not fall into the proposed categories.

With no one else wishing to speak to the matter, Mr. Pearson closed the public hearing.

Mr. Farruggio thought 34-935(13) should be expanded to 90 days a year. He suggested 34-935(3) should be changed from 9 p.m. to 6 p.m. He also stated he would be willing to entertain a more extensive meal service for Bed and Breakfast -- Inn.

Mr. Rosensweig stated he would like to see a little more flexibility in the ordinance.

Ms. Keller wanted to eliminate the opportunity for identification signs for the Homestay.

Ms. Walden noted for the record that her initial recommendation from October was to have one B&B definition and for it to be allowable as currently allowed; what is before the Commission for consideration is their own working. Ms. Creasy further clarified that the proposal before the Commission is what they requested at the November meeting. Ms. Walden stated she did not support the 15 rooms in anything less than R-3.

Mr. Pearson thanked Ms. Walden for her work. He thought they were close to a solution based on making a few tweaks.



Ms. Lewis expressed concern that the current practice in the City for Homestay was three bedrooms. Mr. Farruggio and Mr. Rosensweig expressed support for three rooms.

Ms. Keller expressed concern about food service.

Mr. Farruggio listed the changes he had noted during the discussion: adding the resident manager to the Bed and Breakfast; changing Bed and Breakfast -- Homestay to three bedrooms; Bed and Breakfast -- Inn shall allow food service; limiting deliveries to 6 p.m.; exterior signs reduced to one square foot instead of two; the maximum length of stay is 90 days in the year.

Mr. Rosensweig suggested removing Guideline 12. Mr. Farruggio did not know if it was legal for the Commission to do. Mr. Rosensweig withdrew that suggestion.

Mr. Rosensweig suggested the maximum length be unlimited. Mr. Rosensweig clarified Bed and Breakfast -- Inn was no longer limited to breakfast but was light fare and was for anyone. Mr. Farruggio clarified food service could be controlled by Special Use Permit.

**Mr. Farruggio moved to recommend approval of this zoning text amendment to create Section 34-935 and amend and reordain Sections 34-420, 34-480, 34-796 and 34-1200 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to create regulations for the establishment of a Bed and Breakfast, revise the definition of Bed and Breakfast and change the zoning use matrixes to include the three types of Bed and Breakfasts with the following conditions and modifications as written with the following changes: under Bed and Breakfast definitions:**

**Bed and breakfast would be a temporary lodging facility operated within a residential dwelling, which is owner occupied and managed or having a residential manager, having no more than eight guest rooms; and wherein food service shall be limited to breakfast and light fare.**

**Bed and breakfast (Homestay) -- a temporary lodging facility operated within a single family residence which is owner occupied and managed; having no more than three guest rooms and wherein food service shall be limited to breakfast and light fare for guests only.**

**Bed and breakfast (Inn) -- a temporary lodging facility operated within a residential dwelling which is owner occupied and managed or having a resident manager, having no more than 15 guest rooms and wherein food service may be provided.**

**Furthermore, under 34-935(3) -- Deliveries of supplies associated with the bed and breakfast shall occur only between the hours of 8 a.m. and 6 p.m.**

**34-935(10) -- One exterior sign, of dimensions no greater than one square foot, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence or conduct of the bed and breakfast. This sign may not be lighted. In all other respects the property from which the Bed and Breakfast is to be conducted must be in compliance with the sign regulations set forth within Division 4, sections 34-1020, et seq.**

**34-935(13) -- The guest rooms shall be offered for rent or lease by the day. The maximum length of stay is limited to 90 days in a year.**

Ms. Walden wanted to know if the Commission wanted to include that in commercial zones where restaurants are allowed, the food regulated to just breakfast or room limitations shall not apply. Mr. Farruggio modified his motion to include:

**34-935(16) -- That the intent of 34-935 Bed and Breakfast establishments shall be construed to apply to any Bed and Breakfast establishments in any zones other than residential zones.**

Mr. Rosensweig seconded the motion. Mr. Osteen noted the ordinance had come forward due to a neighborhood that was concerned about the idea that this was just another way to have students living in denser neighborhoods and their voices were not being heard in this discussion. He stated those neighbors would have a major problem with 90 days in a year or 90 days out of 180. Mr. Farruggio suggested if Mr. Osteen made a friendly amendment of 60 days, he would accept it. Mr. Osteen stated he would prefer 30 days. Mr. Rosensweig stated he would have a hard time with that. He stated he did not see that this had been abused, but did see the possibility for creating uncomfortable and unfortunate situations. Mr. Farruggio amended his motion so that the maximum length would be 90 days in 365 days. Mr. Emory suggested adding Bed and Breakfast -- Inn to R-1 as R-1 and R-2 districts were not that different. Mr. Farruggio stated he could not accept that as a friendly amendment. Mr. Pearson agreed with Mr. Emory. Ms. Lewis also agreed with Mr. Emory. Ms. Lewis offered a friendly amendment to eliminate Bed and Breakfast -- Inn from R-2. Mr. Farruggio accepted the friendly amendment. Mr. Rosensweig, as seconder, did not. He stated he could see adding it to R-1 districts by Special Use Permit but could not see taking it out of R-2. Ms. Lewis withdrew her friendly amendment. Ms. Creasy called the roll. The motion passed, 6-1; Mr. Emory voted against.

**4. ZT-08-07-28 -- Affordable Housing -- An ordinance to amend and reordain Section 34-12 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), adopting requirements for the provision of on-site or off-site "Affordable Dwelling Units" or a cash contribution to the City's affordable housing fund, in lieu of such units, as a condition of approval of a rezoning or special use application for residential or the residential portion of mixed use projects with a density equal to or greater than 1.0 FAR, or an equivalent density based on units per acre.**

Mr. Rogers gave the staff report. In March 2008, Governor Kaine signed into law HB 883 that allows the City to expand its authority for requiring affordable housing in new development. If an applicant brings a rezoning petition or Special Use Permit and if that application has a building on it that has a Floor Area Ratio of 1 or greater, he has three options. The applicant must set aside 5 percent of the gross square footage of the building above a FAR of 1 to affordable dwelling units. Affordable is defined as units committed for a 30-year term that are affordable to households making at least 60 percent or below the area median income. The second option is to take that square footage and provide it at an off site location. The third option would be to make a donation to the City's housing fund at a rate of \$2 per square foot; that formula increases each year and is indexed with the consumer price index. The zoning text amendment has been gleaned from enabling legislation passed by the General Assembly. Staff does not have a mechanism to guarantee the 30 year maintenance of affordability. Staff recommends adoption.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing.

Ms. Lewis stated her only disappointment in the ordinance is that it only provides for 60 percent AMI and the goal is to capture and create affordable dwelling units by incentive by a density bonus.

Mr. Farruggio wanted to know how increasing affordable housing without increasing other housing would affect the health and longevity of the City.

**Mr. Rosensweig moved to recommend approval of this zoning text amendment, to amend and reordain Section 34-12, 34-45, and 34-168 of the Charlottesville City Code (1990) as amended relating to requirements for affordable dwelling units on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and good zoning practice. Ms. Keller seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.**

**Ms. Lewis moved to adjourn until the second Tuesday of February. Mr. Farruggio seconded the motion. The motion carried unanimously; whereupon the meeting stood adjourned at 10:34 p.m.**