

Final Agenda

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

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

Beginning: 4:30 p.m.

Location: City Hall, 2nd Floor, NDS Conference

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

D. DEPARTMENT OF NDS

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

F. CONSENT AGENDA

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

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

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

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

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

The proposed zoning text amendments and related materials are available for inspection at the Charlottesville Dept. of Public Works, Environmental Sustainability, 305 4th Street NW, Charlottesville, 22903 Tel. 434-970-3506 or the Department of NDS, 610 East Market Street, Charlottesville, 22902. Tel. 434-970-3182. Staff contact: Susan Elliott, Climate Protection Program Coordinator, elliottse@charlottesville.org and Missy Creasy, Planning Manager, Email: creasym@charlottesville.org.

IV. COMMISSION’S ACTION ITEMS

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

1. RCLCO Housing Study Report
2. Legal Review
3. Planning Commission Operational Procedures

V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday, May 23, 2017 – 5:00 PM	Work Session	No meeting - Comp Plan Kick Off meetings are underway
Tuesday, June 13, 2017 – 4:30 PM	Pre- Meeting	
Tuesday, June 13, 2017 – 5:30 PM	Regular Meeting	Rezoning - King Street Minutes – April 11, 2017 - Pre meeting and Regular meeting

Anticipated Items on Future Agendas

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

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

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

LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
4/1/2017 TO 4/30/2017

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
 - a. 1300 Emmet Street N – Aqua Car Wash (TM40-P4-F) – April 12, 2017
- 3. Site Plan Amendments**
 - a. 152-156 Carlton Road Parking Lot – April 3, 2017
 - b. YMCA Amendment (TM41 P5) – April 5, 2017
- 4. Minor Subdivision**
 - a. Clarke Court Apartment (TM 17.91.1 through .93 (Cochran House Project by Jefferson Scholar Foundation) - boundary line adjustment – April 12, 2017

Agenda
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, March 14, 2017 – 5:30 P.M.
CITY COUNCIL CHAMBERS

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

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

City Council Members: Councilors Bob Fenwick, Kathy Galvin, and Mayor Mike Signor

Staff: Missy Creasy, Matt Alfele, Carrie Rainey, Mary Joy Scala, Heather Newmyer, Carolyn McCray

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

A. COMMISSIONERS' REPORTS

Commissioner Lahendro reported attending the Housing Advisory Committee meeting on February 15th and the focus of discussion were concerns from the joint City and County Planning Commission meeting where the Housing Advisory Committee RCLCO Housing Study report recommendations were presented. This meeting format only allowed for a brief presentation of the major recommendations with no allowance for substantial discussion. It was a surprise to him to find out later that the Planning Commission was to make recommendations to City Council based upon this presentation. In response to that, at the February 15th meeting HAC created a sub-committee to identify the recommendations that solely required City Council actions thus expediting their implementation. He serves on the sub-committee that was created. The committee met on March 2nd to draft priority recommendations for Council and will meet again tomorrow to hopefully finalize that document. The intention is to take forward to Council the RCLCO recommendations that are outside of zoning land use issues that require Planning Commission consultation. He attended the Tree Commission meeting on March 7th. The tree planting sub-committee reported on its survey of public housing sites; identifying five sites that are particularly promising where as many as 50 new trees are possible. The committee will meet with the CRHA director and board members to gauge their interest and discuss the next step in getting the trees planted. Commission members are greatly disappointed that the City manager's proposed budget allocates only \$50,000 for maintenance and expansion of city trees instead of \$125,000 recommended by this board. We discussed strategies for increasing this allocation during Council's public hearing on the budget. He attended the Fifeville Neighborhood Association meeting last week with Matt Alfele. They were interested in the Small Area Plan. Cherry Avenue has been selected as the first Small Area Plan and he has volunteered to attend next month's meeting to give them an update of that process.

Commissioner Keller reported attending the PLACE Task Force this week and the discussion was focused on the City adding the additional position that has been referred to in the past as a city architect. We all agreed that wasn't the best title because it implied duties that that position would not necessarily take on and that the position might ultimately be filled by someone who was not an actual registered architect. There might be another design professional. We did come to consensus that there probably was a need for a person with a design background and design thinking at higher levels in city government and that position could serve a purpose and be a liaison and coordinate with other departments in the City and external bodies as well. It occurred to her after that this might be another one of those things the Planning Commission hasn't been asked

to weigh-in on and in many ways it might affect what we do as much as any other body. It might make sense for us to send some thoughts to Council and the City Manager about how that might be of benefit or not to the Planning Commission since much of what we do does relate to design and that we also sit in a design review capacity as the Entrance Corridor Review Board. That might be something we could schedule later. She was not able to attend the TJPDC meeting this month due to a conflict but she did want to bring up something else as a follow-up to our joint meeting with the County that we both endorsed the Rivanna River process that had been staffed by the Planning District which she became aware after speaking with the NDS Director, Alex Ikefuna. We didn't request any funds in the budget for starting the Rivanna River process. She wondered if we might have some correspondence with the City Manager's office and with Council for some modest funding as a kick start that would be the comprehensive mapping that Chip Boyles described to us. She thinks that should be something jointly funded by the City and County. Her proposal would be if the County was going to come up with a match, the City could do the same so that that process could get underway and the map would be a logical place to start.

Chairman Keesecker asked about the position of the City design/architect; what department would that person be sitting in, City Manager or NDS?

Commissioner Keller said that would be at the will of Council and the City Manager. If we wanted to make a recommendation, we could address that but ultimately that is their preview.

Chairman Keesecker said on the question of the funds for the river study, he recalls the evening they talked about it and there was some discussion we had about recommending in our resolution that phase one would move ahead, and a supervisor from the crowd said just ask for the whole thing (funds) and we all were kind of rambling and said let's do it. So that wasn't officially enough in that evening to do what Mr. Ikefuna asked.

Commissioner Keller said it wasn't because it wasn't in the annual request from the Planning District that they make to all of their member organizations during the year and I want to make it clear that this is of my own initiative. I have not been asked to do that but because of the result of our meeting she asked Mr. Ikefuna if it was part of the package and he said he forwarded the entire request but because it wasn't in the request and it wasn't part of that. It's considered something extra so that is why since we had as a body endorsed it that it might be appropriate for us to try to shepherd it through and not be yet another year. It might be something we want to reflect in the CIP but would like to see us move it forward.

Commissioner Green reported she did not attend the Citizen's Transportation Advisory Commission meeting on March 1, 2017 and the next meeting is May 3, 2017 at 7:00pm at the Water's Street Center.

Commissioner Santoski reported he attended the 1st meeting of the Belmont Bridge Steering Committee which was well attended. He will be forwarding items to commissioners so you will be aware of what is happening with the Steering Committee and you might have questions because it's such an interesting project with a lot of community participation. The next meeting of the steering committee is March 29th in the NDS conference room. There is a design charrett scheduled for April 17-19th. Also there is a webpage linked to the City website as well as a survey that will be online. He encourages people to read that and take the survey and participate with the people who have been hired to re-construct the Belmont Bridge. He also attended the Parks and Recreation Committee in February with a lot of updates from previous meetings. There will be another Parks and Recreation Advisory meeting tomorrow and he will be attending. There is an MPO Tech meeting scheduled for March 24th and he will have more to report at the next meeting.

Commissioner Green asked about the Belmont Bridge meeting on Saturday March 11th. Several people called her and asked about the possibility of repairing the bridge, but from the engineers standpoint the bridge is beyond repair.

Commissioner Santoski said that repair has not been 100% ruled out but because of what they have seen, they are pretty much certain. The people were pretty clear that we have X amount of dollars to do this bridge and we have to come up with a design that is going to work. The bridge was not something that was going to be repaired. They are working with the City and the large technical committee.

Commissioner Clayborne said he attended the Board of Architecture Review on February 22, 2017. He spoke on the historic restoration of a home on Park Street and adding a small addition. The designer and the builder presented plans very tastefully and he showed how to re-create certain details. It was a great example of how historic restoration should be treated in the City. The next BAR meeting is Tuesday March 21, 2017.

CHAIR'S REPORT – Kurt Keesecker said Chip Boyles from TJPDC, mentioned to us that there would be an advisory committee and he was asked to be on it to discuss the work at Hydraulic and 29th. This project will be along the same lines as some of the work that was done for the Rio interchange but this time the process is going to involve land use planning for phase one and then move into an overlap with transportation planning. This advisory committee is formed to bring together both City and County and the adjacent primary land owners. He noted how the process would work, along with TJPDC bringing a lot of community engagement. The facilitator Phillip Shuchet made it very clear that there were no pre-conceived notions of what the final answer would be in that area and that brought everybody's attention to the table to try to understand what could be best. Since that time, Missy Creasy, Councilor Galvin, and I met with representatives from the Meadows neighborhood and they expressed some concerns, hopes, and dreams about how this process could help link their neighborhood more directly to both the other side of 29 and the City proper. The advisory committee will meet every two weeks for months so it is an aggressive and active schedule.

DEPARTMENT OF NDS – Missy Creasy, extended congratulations to Corey Clayborne for receiving honors from the AIA. She said there is a budget workshop tomorrow evening and a specific discussion on the CIP for a budget work session on Thursday from 5-7 pm. The next Planning Commission work session is on March 28, 2017, and you will be reviewing the RCLCO Housing report at the work session and a de-briefing from the March 20th meeting we will have with Council on presenting the Community Engagement Plan.

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

Susan Elliott - 2712 Jefferson Park Ave, **Climate Protection Coordinator** introduced a solar friendly community status that is recognized by achieving designation through a program called SolSmart. SolSmart is a program funded by the US Department of Energy, and it aims to increase installation of solar PV by helping local governments enact policies and procedures that lower the soft costs of solar PV projects. SolSmart provides a roadmap of 'solar-supportive' best practices and policies from which localities can choose actions to complete. All the actions pertain to local government activities such as permitting, planning/zoning, inspection, community outreach, and community partnerships. Each completed action has a number of points associated with it; localities earn different tiers of designation – Bronze, Silver, Gold – based on the total number of points they earn. The City's SolSmart participation supports the Streets That Work, Code Audit, responds to recommendations from the Smart Growth America assessment, and is consistent with the cooperative MOU for Collaboration between the City and County Regarding the Environment. The City submitted a joint application with the County requesting technical assistance to assist both localities to become SolSmart designated. We have been successful and have been awarded an on-site consultant for a period of up to 6 months. She said they will likely pursue a Zoning Text Amendment to address the recommendations from SGA, and to contribute to the STW Code Audit, and to help the city achieve the SolSmart Silver designation.

Rebecca Quinn, 104 4th Street said she recently watched one of the meetings on Channel 10 and she suggested to commissioner members to please use the microphones. Mr. Chair needs to remind the speakers on the floor to use the microphones as well. She asked if some property owners try to avoid steep slopes. She wanted to know from staff if the applicants respond to suggestions to modify their proposals to avoid steep slopes or have we fallen into a pattern of always granting waivers. She also asked have you ever tried to track down an SUP because according to her experience you can't do it. It is not included in the NDS permit system. She said an NDS Planner said sometimes they had to go to the clerk's office to find an approved SUP. She said Neighborhood Associations are unable to have access to it so how can they check whether those conditions are being complied with. She is asking NDS to make SUP's available on their online searchable property address tool.

Missy Creasy commented on the effort made by NDS to have the SUP information on the website. It is not live yet but we are getting close so in the future you go on our GIS system and click on a property which will note SUP and conditions, dates, and information associated with that SUP that can take you to more specific documents. We realize that record keeping is very important and we are trying to do better with it.

Kendall Young - 2512 Woodland Drive noted she and her brother are in support of the steep slope waiver for Baylor Lane. We understand it has been a recent change that all of the other homes did not fall under this particular waiver and some change has been made in the last year. We are in support of the waiver of the steep slope. It is adjacent to some land on Hartman Mills Road that she and her brother plan to donate to the City to expand Jordan Park so they would like to see this happen.

Mark Kavitt 400 Altamont Street commented on the commissioner's speaking into the microphone because watching from the television he has no idea what is going on. He said on Franklin Street there is dumping taking place on some land that backs up to the marsh land. He said there is a state law that if land is wet a certain number of months and you are not allowed to fill in the area.

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

1. Minutes – February 14, 2017 – Pre Meeting and Regular meeting
Commissioner Keller motion to approve the consent agenda, seconded by Commissioner Clayborne, motion passes 6-0.

JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m. Continuing: until all public hearings are completed

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

1. Community Development Block Grant (CDBG) and HOME Funding— 5th Year Action Plan, FY 17-18: The Planning Commission and City Council are considering projects to be undertaken in the 5th Year Action Plan of the multi-year Consolidated Plan utilizing CDBG & HOME funds for the City of Charlottesville. In Fiscal Year 17-18 it is expected that the City of Charlottesville will receive about \$371,309 in Community Development Block Grant funds and about \$58,520 in HOME funds from the Department of Housing and Urban Development HUD. CDBG funds will be used in the City to conduct pedestrian improvements in 10th and Page, Economic Development activities, and several public service projects that benefit low and moderate income citizens. HOME funds will be used to support the housing needs of low and moderate income citizens through down payment assistance. Report prepared by Tierra Howard, Grants Coordinator.

The CDBG program total has an estimated \$371,309 for the 2017-2018 program year. The CDBG grand total reflects the \$371,309 Entitlement (EN) Grant, \$42,268.31 in Reprogramming,

and \$0 in previous years' entitlement available after program income has been applied. The HOME total consists of an estimated \$58,520 which is the City's portion of the Consortium's appropriation, in addition to \$14,630 for the City's 25% required match, \$0 in Reprogramming and \$20,000 in program income. Minutes from the meetings are attached which outline the recommendations made. It is important to note that all projects went through an extensive review by the CDBG/HOME Task Force as a result of an RFP process.

Commissioner Keller commented on the City owned lot at 8th and Page; a few years ago we recommended a sidewalk waiver to facilitate the City of Promise moving in and trying to keep on schedule and be able to have their program in the right neighborhood. She has been at that intersection and she's glad we did it to get the City of Promise in but she feels a bit guilty knowing that there are children and families traversing in that area and she was wondering if any of the funding would be available for pedestrian amenities and improvements at that intersection or would it all be for site beautification. She also noted the sewer line that impeded that.

Ms. Howard said we just had a meeting with Parks and Recreation to talk about what can be done at this initial stage but assured us it will be part of the discussion. Ms. Howard said she would make note of the sewer line as well.

Open the Public Hearing

Closed the Public Hearing (no speakers)

Commissioner Santoski said in his role with Arc of the Piedmont we owned a home that was purchased (years ago) using HUD dollars and continue to operate under HUD requirements. Recently we were recipient of some CDBG money which helped us to renovate a home that four women with severe intellectual and physical disabilities live in and without those types of programs these are people who would not be able to afford to live in the city of Charlottesville and it would make it very difficult for an organization like ourselves to keep up with all of these properties and homes. It has been real critical to us and disheartening to hear that there will be a cut back, reduction or an elimination of all of these funds because in many ways every dollar that the community gets allows people who can't afford to be in the city, helps us meet goals for affordable housing and allows for more diversity within our community. It's really disheartened to see things going in this direction and he hopes there are other alternatives in the future.

Ms. Creasy said Council will hear this at next Monday's hearing, a resolution concerning funding changes going on at the federal level. As to the details, Tierra will provide a report. We do have some idea about how things can be addressed and feel we are in a better position than most counties because our community puts a lot of resources into housing activities.

Commissioner Green asks when we will know the status of funding.

Ms. Howard said HUD does not know.

Commissioner Keller moved to approve fiscal year 2017/2018 CDBG & HOME Budget Allocations as recommended by the CDBG Task Force and Strategic Action Team as outlined in the Planning Commission Packet for March 14, 2017, Seconded by Commissioner Santoski with the following conditions:

- The City adjust for actual CDBG entitlement amounts as received from HUD in which funding allocations will be increased/reduced at the same pro-rated percentage actual entitlement to be estimated and no agency will increase more than their initial funding request.
- For HOME, if less funding is available, funding is to be deducted from PHA's funding allocation and if more funding is available, that it be added to PHA's funding allocation (so that Habitat is fully funded), motion passes 6-0.

2. ZT-17-01-01 - (Historic Conservation District Ordinance Amendments) – Proposed amendment to the text of the City’s Zoning Ordinance, Sections 34-340 through 34-349 of the Code of the City of Charlottesville, 1990, as amended (Conservation Districts), relating to the requirements for review and approval of a certificate of appropriateness (COA) for certain construction within a Historic Conservation Overlay District. The amendments clarify when accessory buildings, fences and walls, and rear building additions require BAR review; which types of demolitions require review; clarify that a COA is required prior to painting unpainted brick, eliminates review of paint colors; and codifies a process for administrative approval of certain changes. The text of the proposed zoning ordinance amendments and related materials are available for inspection at the Charlottesville Dept. of Neighborhood Development Services, 610 East Market Street, Charlottesville, 22902.

Open the Public Hearing

Mark Rylander 607 Lexington Ave., said you were copied on a letter from John McLaren, the Martha Jefferson Neighborhood Association President regarding approval by the BAR of a project in our neighborhood under this ordinance. He said the MJNA was surprised and disappointed that the overlay district did not afford the neighborhood more protection regarding mass, scale, and context for new construction than the existing city wide zoning ordinances. From our perspective the project failed those tests. He would like to suggest that even though the proposed amendment seems to be a reasonable clarification about when a project requires a COA, it does not address a fundamental lack of coordination with the zoning ordinance, especially with respect to sections on accessory apartments and specifically section 34-3421 which says the review will determine whether the form, height, scale, mass, and placement of the proposed construction are visually and architecturally compatible. He said those terms lose meaning in the face of the mathematics from the zoning ordinance that deal with percentages for lot area and what is allowed to be built. Looking toward the future we are asking you to discuss how zoning might be addressed to avoid mega-mansions syndrome that is affecting many major cities. Thirty percent of back yards is the maximum size of an accessory structure; so if you have a big backyard you can have an enormous accessory structure. If you have a small back yard you are at a disadvantage. So conversely, the accessory apartment section is confusing to the public. An accessory apartment can be 40% of the footprint of the main house, but if you have a small house you can’t have a reasonably sized accessory apartment and those owners may need them the most. The Neighborhood Association hopes they may be included and copied on applications. Currently neighborhoods and adjacent neighbors feel the neighborhood associations should be added to that list.

Mark Kavitt commented that he agreed with everything Mr. Rylander said. He said he found out about this item on the agenda about 3:30 today. He said this item should be postponed. Last month a letter was given to City Council in which there were some items not being addressed regarding this and form based code. A meeting has been set up with Maurice Jones and Economic Development to discuss these concerns. He feels this item needs to be postponed until after that meeting takes place. Quite a few of the neighborhood leaders will be attending. He is concerned about the lack of notification to neighborhood leaders concerning this particular item as well as other items in general. As for this item, I just had a chance to briefly look at it. Some items under administrative review concern me because they should be tightened regarding what will be allowed and what not will be allowed. He said there should be more detail on painting. He said if someone wants to paint their house hot pink they should be able to do so and put polka dots on it if they want too. He said fences need to be addressed so appropriate types of fences fit the neighborhoods. He said he opposes putting houses in specific neighborhoods that don’t belong there.

Eric Hurt 1502 E. Market Street, said he is speaking about the Woolen Mills District poll that was sent out and how it confused a lot of people. Fast forward to 6 months ago, several folks in the neighborhood really started to turn people off, instead of a poll, a house to house petition, still trying to track down folk in the district that are home at least agrees, received the paper work from the Council members. Very confusing fences, various

things, two questions, alter in the Woolen Mill district, not to approve the proposed district, house to house, neighbor to neighbor. They don't want to put rules on their neighbors.

Barry Berger 1710 E. Market said he agrees with everything Eric Hurt said and it is very important to speak in person and explain some of the ramifications of what may happen. The compromise solution, on one hand may, seems like it would not stop work for everybody, but on the other hand there is an arbitrary overlay in the first place and many places are not on it. The two houses beside me and two houses behind me are almost identical houses; two of them are in and two of them are out. The logic behind a lot of it I can't see. An opt out would still give people the right to have control of their properties.

Rebecca Quinn 104 4th Street, said Ms. Scala indicated that the ordinance is primarily related to demolition, she agrees with Mr. Kavit about types of fences, she understands the exemptions from the COA but there are no guidelines on colors. She gave an example of a Pink House where she once lived. She said no oversight of colors; she doesn't know about polka dots but definitely shocking pink has been done. She asked if the Planning Commission would consider paint color and wondered if someone could chose within a palette because we do need to protect the character of our neighborhoods.

Bill Emory 1604 E. Market Street, stated since the first application, October 2010 for the Martha Jefferson neighborhood, the conservation district ordinance has been administered in a manner consistent with its purpose and intent. The ordinance has helped historic neighborhoods through a required review of proposed demolition and new construction. The review is achieved without imposing an undo financial or design restraint on residents remodeling existing houses or building new homes or structures. The Historic Conservation District Overlay is currently the only zoning tool available to moderate the pace of the tear downs and construction of appropriately sized new buildings in humble historic neighborhoods. He deeply appreciates the work by staff and BAR refining the language for the conservation district and response to community input.

John Frazee 1404 E Market Street, said he appreciates the effort of the Planning Commission, Mary Joy, BAR, and City Council for undertaking this and especially to the commission being responsive to the voices in the neighborhood who looked for increased clarity in the ordinance. The Neighborhood Association has held numerous public meetings and invited the entire neighborhood. The first meeting took place with Mary Joy present, and she explained the ordinance at that time and many of the neighbors had a strong interest in it. Other neighbors with, very keen eyes (lawyers), found the ordinance had some irregularities and needed clarification. We had another meeting with Mary Joy, BAR, and members of the Planning Commission. The meeting was a constructive exchange of questions and ideas. He was glad that Mary Joy, BAR, and the Planning Commission worked on making changes to address people's questions about the regulations. He felt comfortable in having some type of protection from new construction and demolition and an understanding of how changes planned or proposed to their homes would be effected. People opposed to the Overlay clearly do not want more regulations on their houses and that is totally understandable. As far as the Neighborhood Association is concerned, we are very interested in having a neighborhood that retains its unique character and still gives homeowners the ability to make the kinds of changes to their houses that are harmonious to the neighborhood as a whole. He appreciates all of your efforts and is waiting to see how all of this turns out.

Closed the Public Hearing

Commissioner Keller commented that she is concerned about proposals for any kind of opt out because it speaks to our ordinance as a whole and an overlay district is just another form of zoning. She would be hesitant for the Planning Commission to be moving down a road where they would be thinking of opt out zoning and voluntary zoning. This is an issue that comes up occasionally, statewide in terms of enabling legislation. She wanted to make this point before Council left.

Commissioner Green said a polka dotted house has happened in North Dakota.

Councilor Galvin said she wanted to acknowledge the referenced to the fact that we are looking at the underlining zoning as a problem, and having multiple layers of overlay districts will not work if the underlining zoning ordinance is not dealing with the community's needs. She appreciates the comments that were made that the under-lying zoning is something we must fundamentally deal with. The code audit is moving in that direction and she appreciates everyone's comments.

Commissioner Keller asked do we have the authority for you or a person in your position, to be able to make administrative decisions about certain things?

Ms. Scala said the idea is if something is significant, you want the public body to review it rather than have it reviewed administratively. If BAR has already reviewed it and some questions or clarification comes up later she can circulate that by email. She said she would not want to take responsibility for approving any major change and would prefer it goes through the public process.

Ms. Scala said guidelines regarding bright pink would only be appropriate in certain situations but really there are no requirements in the ordinance to review paint colors. The only time BAR reviews paint colors now is for new buildings. We want to make sure buildings are preserved and we want to make sure new buildings meet the scale and character of the area as much as possible. She said paint color is very minor.

Commissioner Keller said if it doesn't require a building permit, like paint and some type of fences it would fall under administrative review, other things could be added later. In general if it is something significantly BAR would review.

Ms. Scala said no, a fence does not require a building permit. There is no requirement in the ordinance to review paint colors. Even in the ADC district the homeowner is allowed to pick paint colors.

Commissioner Keller said the ordinance could theoretically be amended for administratively approval so people would not have to wait for a review process so other things could be added to that.

Commissioner Santoski said as one of the people was talking about demolition, construction, and remodeling, he became curious. In the very beginning the talk was about demolition and new construction and not imposing requirements on current residents who want to remodel their homes. But in 34-336(4), it says a COA must be approved in accordance with alteration or improvements as follows. You are telling people that it is just for demolition and new construction and we are not going to put excessive requirements on them, but you have to get a COA if you want to do alterations and alterations could be almost anything.

Chairman Keesecker said alterations that require a building permit.

Lisa Robertson, City attorney said additions can be an alteration of an existing building. It says as follows. The language that is in the general paragraph that proceeds paragraph A comes out of enabling legislation. This is where you are allowed to regulate. It lists the following types of alterations, construction, etc. that are regulated. That is how it evolved in terms of the language.

Commissioner Lahendro said we heard in the public hearing from people who wanted more regulation than what the conservation district is proposing. We have heard some people wanting new regulations which tell them that this is right, and we are not going to please everyone. This is an architectural design control district on training wheels. This is just basically making sure the fundamental character of a historic district doesn't

change and we don't start tearing down existing houses and putting back huge houses on the same lot and start to create anomalies within a block. He attended the Woolen Mills session with Mary Joy and heard the comments there and understood how Mary Joy got to the point of believing this needed to be tightened up. This does a great job and he is all for this and supports it.

Commissioner Santoski said he thought it was interesting that two different conversations were going on during the public hearing. One was the zoning text amendment, and the other was whether Woolen Mills should be designation as a conservation district. He feels that it is entirely up to the neighborhood to figure out and present that to City Council.

Commissioner Lahendro said a lot of what is happening in Woolen Mills is them disagreeing with each other about the process not necessarily the conservation code but the process that the neighborhood association took it through.

Commissioner Santoski stated that he agreed that this has almost everything right and there are things that some of us disagree about. The issue about the painting makes me stop but I wouldn't want to go so far as to say no you couldn't paint your house pink if you wanted too. He said you are right it is historic district on training wheels and sometimes you have to give people a certain amount of training wheels. He said Mary Joy expressed that very well.

Commissioner Lahendro Mary Joy presented was in general a consensus to her credit over the years of administrating these ordinances really well through her good judgment and should be memorialized into the ordinance in some way.

Commissioner Keller said maybe this is for Ms. Creasy or Ms. Robertson to answer: what is it within our preview to make suggestions for language changes that were with the original ordinance that are not underlined or stricken through here

Ms. Creasy said if you want to present something, it could be considered.

Commissioner Keller said yes, it's just for our discussion that works with the noticing that happened.

Ms. Creasy said the noticing is the general areas that are being addressed.

Commissioner Keller said 1) is the notability of individual buildings and it uses the word "renowned architect" and she wondered if "significant" might be a more easily understood term because significant is something that has some standing in the preservation world. It is in section 34-336, item 4: Whether the buildings, structures or areas are associated with an historic person or event or with a renowned architect or master craftsman, or have special public value because of notable features relating to the cultural or artistic heritage of the Charlottesville community; 2) She was confused about why we have a five year review of the guidelines and a fifteen year review of what is a contributing building or structure, contributing and non-contributing. If it is being reviewed every five years shouldn't the contributing and non-contributing be reviewed on the same cycle.

Ms. Scala said the guidelines are reviewed fairly often because for instance you get new techniques, materials like synthetic materials that you may or may not want to include. So the guidelines tend to need more updates. She said reviewing the entire district will require hiring a consultant and is a much bigger deal.

Commissioner Keller said it is section 34-339, Before an area is designated as a conservation district, each structure shall be determined to be either "contributing" or "non-contributing." Thereafter, at least once every fifteen (15) years, this determination shall be reconfirmed.

Ms. Scala said she doesn't know why the exact number was picked but she thinks it was thought of as a big deal instead of something we could do in house.

Commissioner Green said because she does not see the non-crazy stuff during the day, she said eventually we are going to have something and we should have added paint to this.

Mr. Santoski said he supports Ms. Keller on her comment about opting out and said we can't stress that to Council that either we adopt the ordinance to include a neighborhood or someone in a historic conservation area or we don't. There shouldn't be an opportunity for people to choose when to opt in or opt out then we will see it all over the City any time we want any type of zoning change.

Commissioner Lahendro moved to recommend to City Council that it should amend the text of Sections 34-340 through 34-349 of the zoning ordinance, to clarify and adjust the ordinance language as presented, changing renowned to significant and add masonry to the brick, I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice, seconded by Commissioner Clayborne, motion passes 6-0.

IV. COMMISSION'S ACTION ITEMS

Beginning: upon conclusion of all joint public hearings

Continuing: until all action items are concluded

1. Critical Slope Waiver

a. 162 Baylor Lane – Carrie Rainey

The City of Charlottesville Parks and Recreation Department is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the establishment of a buildable lot for a single family residence in compliance with the covenants of the Carter's View Subdivision.

The applicable definition of "critical slope" is as follows: Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway.

Critical slopes cover 0.7 acres or 50.3% of the project site. The waiver request specifies 0.01 acres will be disturbed, which is 7.1% of the site area.

Improvement areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slope Exhibit (Attachment B) and include a single family residence.

Staff recommends approval with conditions.

Commissioner Green move to recommend approval of the critical slope waiver for Tax Map 26, Parcel 45.001 based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per City Code 34-1120(b)(6)(d.i) with the following conditions:

1. The builder obtains an Agreement in Lieu of an Erosion and Sediment Control Plan even if the site does not exceed 6,000 square feet of land disturbance.
2. Roof drains are piped into the existing stormwater system unless otherwise directed by the engineering department.

3. Land disturbing activities shall be limited to the front 2/3 of the site and only disturb the minimal critical slopes necessary to build the single family residence.
4. A pedestrian access easement be preserved in the same location as the platted public drainage easement on the 10 foot portion of the easement. These easements will be concurrent.

Seconded by Commissioner Clayborne, motion passes 6-0.

BREAK 7:33

b. **Seminole Square Shopping Center – David Mitchell**, Great Eastern Management Scott Collins, Collins Engineering. Report by Heather Newmyer, Staff Planner

Staff would only recommend approval if approved with following conditions (detailed staff conditions found on p. 8-9 of staff report):

- Existing stormwater easement created in 1985 is vacated
- Detailed survey by licensed professional be provided following construction to capture any deviation from approved plans, where stormwater routing analysis is verified using as-built data.
- The improvements on Concept Plan shall be incorporated in the site plan amendment submitted for future redevelopment of the site and reflect staff's recommended modifications (mentioned earlier) prior to site plan approval
- Construction begins after Hillsdale Road extension is complete.

Commissioner Lahendro said both of these projects (Seminole and Pepsi) intrude upon what is an existing 100 foot wide forested stream that has sloped sides and runs to meadow creek to the east. Meadow Creek Brook is paralleled by the Rivanna Trails circumferential trail system around the City of Charlottesville which also connects with the residential areas to the east of Seminole Square. He sees this as an incredibly sad lost opportunity to create a pedestrian walkway that would be a very pleasant experience between the residential areas. We should be including this in the planning for Seminole Square and the new Hillsdale Drive which is going to cross this stream bed and is going to be planted with trees and become a greener more inviting pedestrian friendly place. He said this is really poor planning. He said politically and ownership wise the City doesn't own all of the property and any one owner doesn't own all of the property but he thinks this is really bad planning and he can't vote for it just because he knows it is going to further reduce and further damage the opportunity of that ever happening.

Chairman Keesecker asked do you have a sense of where Hillsdale Drive traverses this stream bed and how far above one's head that crossing will be.

Mr. Collins said it is about 35 to 40 feet from the bottom of the stream up to the road surface.

Mr. Lahendro said he sees what is being proposed as damaging to an amenity. It is a forested stream that is actually very attractive.

Commissioner Keller said she is inclined to agree with Mr. Lahendro. This is an environmental trade-off in a very 20th century kind of way and we are trying to move toward 21st century goals. We just approved a slope waiver because it would creation access to more Park land. The City was doing hand stands to get the trail connection behind Emmet Street and that pales to the kind of natural area and potential amenity we have here. There is a potential for connectivity and the only benefit approving the waiver is for parking. She does not see this waiver forwarding any of the City's goal. She said she does not see the same degree of merit in either of these two proposals at the present time.

Commissioner Green said we had a discussion about trees, landscaping, and the addition, but there is no timeline for that to actually happen.

Commissioner Santoski said he thought it was interesting that staff felt it was all about parking. The owners want to restore parking back to pre-Hillsdale conditions. What it really comes down to is they just want additional parking and he agrees with Ms. Green that there is no timetable to tell us when that would happen. He said what is going to be given up by the critical slopes waiver for additional parking spots is an interesting trade off.

Commissioner Clayborne asked why these additional parking spaces are needed if the existing capacity already exceeds the City requirements.

David Mitchell, Great Management said we are asking to get back to where we were before, but there are two things you have to understand about the physical characteristics of our parking. We don't have enough parking relative to the square footage of the north wing. We have a plethora of parking in front of Big Lots, etc. The problem is parking is not in the right spot. Hillsdale took away the parking in front of the north wing and that is why we are asking to have parking put back there. The buildings that are shown are to be built in the future and will take up more parking and do what the City wants, which is new construction up on the road. We will add buildings along the front of the parking lots and it will end up looking like Barracks Road. We need to replace the parking after Hillsdale especially for the restaurants and bounce and play. The retail shops are not an immediate problem and that is why we need it over there.

Commissioner Lahendro move to recommend denial of the steep slope waiver for Tax Map 41C, Parcel 3.1 Seminole Square Shopping Center, and Seconded by Commissioner Green motion passes 4-2 for denial Commissioners Santoski and Chairman Keesecker voted no.

c. Pepsi Bottling – Scott Collins

Staff Recommendation: Because Engineering staff confirmed the retaining wall will not adversely impact the functionality of the stormwater management facility AND that the applicant is providing additional erosion and sediment control measures to protect the stream, staff is able to consider whether there is a public benefit in Finding #1. Staff believes the following factors present a stronger argument for a public benefit in Finding #1 than the original submission in January 2013:

- Vacation of the existing stormwater management easement would serve as a public benefit to the City by taking the maintenance burden of a private facility off of the public tax dollar
- The applicant proposes to modify the stormwater management's existing outlet structure which will provide improved stormwater detention

Staff would only recommend approval if approved with following conditions (detailed staff conditions found on p. 8-9 of staff report):

- Existing stormwater easement created in 1985 is vacated
- Detailed survey by licensed professional be provided following construction to capture any deviation from approved plans, where stormwater routing analysis is verified using as-built data
- Construction begins after Hillsdale Road extension is complete

Commissioner Lahendro moved to recommend denial of the critical slope waiver for Tax Map 41C, Parcel 3, Pepsi Bottling Plant, Seconded by Commissioner Green, motion passes 4-2. Commissioners Santoski and Chairman Keesecker voted no.

Chair Keesecker Gaveled out of Planning Commission to the Entrance Corridor Review Board

A. Entrance Corridor Review – 1170 Emmet Street –CVS – Rebkee Co, Ashley Davies, Williams Mullen
Report by Mary Joy Scala

Commissioner Green stated her appreciation to Williams-Mullen for all they have done.
Commissioner Clayborne said great job!

Staff Recommendations

The ERB may have additional comments on the design, which is generally appropriate. The following conditions of approval are recommended:

1. All lighting should be mounted at 12' maximum height and pole lights mounted horizontally to conform with the City's dark-sky requirements;
2. The signage may be red during the day but it should be perforated type design that appear lit white at night;
3. The rooftop screening should be installed so that all rooftop mechanical equipment is screened from all streets;
4. The ERB should confirm that the color of the proposed brick in a larger sample is appropriate.

Commissioner Keller move to approve with staff's recommended conditions the Entrance Corridor Certificate of Appropriateness application for the new CVS pharmacy at 1170 Emmet Street, seconded by Commissioner Clayborne, motion passes 6-0.

Gaveled out of Entrance Corridor Review

1. **Preliminary Discussion - King Street Rezoning** - Oliver Platts-Mill and Jason Roberson with Atlas Projects, LLC have submitted a rezoning application to rezone lots 910 – 916 King Street from the existing residential use (R-1S) to Cherry Avenue Mixed Use Corridor (CH).

This rezoning is being requested to accommodate a proposed higher density mixed use development on the parcels that would not be permitted under the current zoning. The properties are further identified on City Real Property Tax Map 30, Parcels 124, 125, 126, & 127. The sites are zoned Single-family (R-1S) with road frontage on King Street. The parcels are a total of .56 acres or 24,393 square feet.

The City of Charlottesville has yet to begin a small-area plan for Cherry Avenue, but one developer is seeking a rezoning to help turn the street into more than just a way to get to the University of Virginia Medical Center.

Oliver Platts-Mill with Atlas Projects said this area is calling out for small apartments to meet the needs of the hospital staff, such as nurses and technicians. There is a massive demand for housing in our neighborhood.

Atlas Projects is seeking a rezoning for four properties on King Street from single-family residential to the city's Cherry Avenue zoning district.

Mr. Alfele said there is a single-family home on one of the parcels, and the other three are vacant. He stated the applicant is proposing to combine the four parcels and build a mixed-use development with residential units, commercial, and office space, as well as an accessible green space. Under the existing zoning, Atlas Projects could build four single-family homes and four accessory dwelling units. He said if rezoned to Cherry Avenue Corridor, the dwelling units per acre would be 21 DUA by-right and 43 DUA through a special-use permit. Mr.

Alfele said Atlas has submitted an application but has not yet held its mandated meeting with the community. They sought initial comments from the Planning Commission before doing so.

Mr. Platts-Mill and his wife, Natasha Sienitsky, are residents of the Fifeville neighborhood. Ms. Sienitsky served on the Planning Commission from 2011 to 2014. We've been attending Fifeville Neighborhood Association meetings for the past 12 years, and the neighborhood would desperately like to see more activity developed in the corridor. Rezoning would allow for both sides to be the same zoning. According to them, the neighborhood association has asked for the city to conduct a small-area plan to guide redevelopment of a road that has several vacant parcels. The Planning Commission has endorsed the idea, but City Council has not yet determined where the city's next study area will be. The council has set aside \$50,000 in the current fiscal year to conduct such a plan, and another \$250,000 is anticipated to be entered into the fund over the next five years.

Mr. Platts-Mill said the neighborhood also is concerned by the lack of affordable living choices as well as a shifting identity. He said there's concern about the preservation of Fifeville's identity as a residential neighborhood and about outside pressure and that's been seen in the development of the William Taylor Plaza as a hotel which people view as not part of the neighborhood.

Commissioner Santoski said he found Platts-Mill's project interesting. Mr. Santoski said the fear he has is that development along Cherry Avenue is something that is going to start happening that we don't know what it will be; but this seemed to be something that fits in really nicely. It worries him more what the university is going to do with their property.

Mr. Platts-Mill said the rezoning would make it more likely for more affordable housing to be built near the medical center. He said that without the zoning, he would likely be able to build four houses and sell them for more than \$400,000 each. That's not affordable housing but he said the apartments would likely rent at a cost that could be afforded by people making between 80 and 120 percent of the area's annual median income.

Commissioner Keller asked if there would be effort to save the existing structure and noted it was included in the application for the neighborhood's historic district.

Mr. Platts-Mill said when Roosevelt Brown was built through this area and then subsequently the neighborhood was put up for a historic district, we counted 14 houses that were taken down over 20 years, and this is the last house left and has been vacant for several years and has not received any improvements for much longer than that and is in very poor shape. We would certainly preserve any materials that we are able to salvage from the house and reuse them as we could.

Mr. Platts-Mill said we're not really contemplating having weekend use and Airbnb, but we do know there is a lot of demand at the hospital for traveling nurses who come for three months. We're seeing a lot of people who want to lease close to the hospital. They don't necessarily have cars. Most apartments would be one-bedroom units, but some could have two bedrooms. It really has to do with the demand. We've been renting apartments in this area, and if you have something that is affordable for one person to live in, you get a lot of calls.

RE: Comprehensive Plan Survey

As a part of the proposed community engagement strategy for the upcoming revision to the City Comprehensive Plan, the Planning Commission has included the possibility of completing a survey of residents of the City.

Nearing the end of the very late meeting only four commissioners remained and a short discussion was held on the surveys.

Ms. Creasy said we can go through Monday with that high estimate in there and if they say yes, then we go forward to our next step and that will be to define what this is. We need further clarification from the Commission on the content and intent of the survey in order to refine the cost of such an effort.

Commissioner Santoski said if they give us \$50,000 then so be it.

1. What content does the commission need public input via the survey?
2. What is the form of the desire survey?
3. Professional Assistance

Commissioner Lahendro asked where do you think density and growth should happen for commercial, residential, and office.

Chair Keesecker said one of the questions should be do you live in Charlottesville and what keeps you here.

Commissioner Keller said we have the demographics to see who is not participating and who is participating.

Chair Keesecker said he was trying to look into a visual to capture the many meetings, and all the work around the proposed conversation from all of the meetings, and combined the two or three things Ms. Creasy had already prepared. Pictures he thought might be a little easier to put on the wall.

Commissioner Santoski asked when Kurt is presenting this, is Council signing off on something similar to this but might it be subject to change depending on what further information we gather.

Ms. Creasy said Council will accept this plan as is or provide the direction and if it is veering in another direction to provide us with time to be able to develop that because we are working off the time frame they gave us, which is tight.

Adjourn at 11:12 pm

Planning Commission Work Session

March 28, 2017 5:00 - 7:00

NDS Conference Room

Members Present: Chairman Kurt Keesecker, Vice-Chair Lisa Green, Jody Lahendro, Gennie Keller, John Santoski, Brian Hogg, Corey Clayborne

Member Absent: Taneaia Dowell

Staff Present: Stacy Pethia, Brian Haluska, Alex Ikefuna

Call to Order: by Chair Keesecker 5:05

Introduction – Brian Haluska, Principle Planner

RCLCO housing report – Stacy Pethia, Charlottesville's Housing Coordinator

Charlottesville will soon double the amount of taxpayer funds used to support the creation of affordable housing units, and on Tuesday the city's Planning Commission was asked to weigh in on several recommendations on how that funding might be used.

Stacy Pethia, Charlottesville's Housing Coordinator said the City Council has a Comprehensive Plan goal of increasing the number of supported affordable units to 15 percent of the housing stock by 2025, and the city is currently supporting about 10 percent of the units that are affordable to families making less than 80 percent of the annual area median income.

Also, attending the meeting was Phil d'Oronzio, the Chairman of the Housing Advisory Committee.

Ms. Pethia stated that the median household income in Charlottesville is \$63,918, according to the U.S. Census Bureau. Last year, the City Council received a housing study from the Robert Charles Lesser Company that made several recommendations about how the city could amend its rules and regulations to increase the housing stock within the 10.4 square miles of Charlottesville. Councilors turned to the Housing Advisory Committee to prioritize the recommendations.

Commissioner Keller said we already know we have a housing shortage at all price points for all people, and we have a university that is growing. We have retirees that aren't going to leave and we have new people coming in that will have to live somewhere.

Stacy Pethia said the primary responsibility of the Housing Advisory Committee is to advise City Council on anything having to do with affordable housing.

She said on their first pass, the HAC came up with a spreadsheet with about 40 recommendations. Councilors asked them to further streamline the list.

Mr. d'Oronzio explained the idea was to come up with immediate things that would have immediate results that are immediately within the authority of Council. Mr. d'Oronzio said one recommendation is already in the works. City Council has agreed to double the amount of funding that goes to the Charlottesville Affordable Housing Fund and Council has contributed \$7.8 million to the fund over the past five years and the proposed budget for the next five would increase that contribution to \$16 million.

Ms. Pethia expressed how another of the immediate recommendations would create a landlord risk reduction fund to help cover the costs of wear-and-tear that would ordinarily be covered by a security deposit. She said one of the barriers to a low-income family renting an affordable housing unit is the security deposit. She said residents may have the \$1,100 to rent a two-bedroom apartment, but they don't have the \$1,100 to secure the unit.

Another recommendation brought was to initiate a waiver for developer fees for projects that include affordable housing but Commissioners wanted more information on both the fiscal impact and potential zoning consequences that would come with that change.

Commissioner Santoski asked why the city doesn't acquire land for affordable housing if we're acquiring land for parking. It was suggested the City Manager identify city-owned properties that could be used to build affordable units, as well as existing properties that could be purchased by the city.

Lisa Robertson, Deputy City Attorney, said we are not supposed to be in the business of acquiring property and developing it and added that sometimes surplus land acquired for other purposes can be sold off by the city.

She explained that Charlottesville Redevelopment and Housing Authority (CRHA) is a separate political entity from the city but could purchase land to build more dwelling units in collaboration with local government.

Ms. Pethia also said CRHA is our partner in all of this, but they're not at the point where they are ready and able to begin redevelopment.

The majority of the commission's discussion regarded possible zoning changes that might encourage developers to build affordable units.

Commissioner Green asked what mechanism do we have in place to incentivize developers to put affordable housing into the housing stock and to keep them affordable.

Commissioner Keller added they might only be affordable for five years, and they turn back into market-rate units.

Ms. Robertson said that if the city choose to sell some of its surplus land for the purpose of building affordable units, deed restrictions could be put in place to require their affordability in perpetuity.

She said when you have the most control is when you own it and you have the ability to deed restrict and place conditions. However, she added that many nonprofit housing organizations avoid deed restrictions because they can be seen as too limiting.

Commissioner Keller said she was concerned that increasing the supply of housing through higher-residential densities might not lead to increased affordability. This sense of urgency that we have to rezone, and we have to have more density, does not convince me that that's going to get us the product that we want and that we need and that's not necessarily what a good portion of the public is asking us for.

Commissioner Green noted that none of the new developments on West Main Street come with affordable housing units on site. Instead, developers paid into the housing fund.

Commissioner Santoski commented that there were no recommendations to help boost the amount of workforce housing. That term refers to housing for families with household incomes between 80 and 120 percent of the annual area median income.

Ms. Robertson said federal and state guidelines do not allow money in the city's housing fund to be used for that demographic.

Councilors have asked that the recommendations come before them by July to help inform how the affordable housing fund will be used in the next fiscal year. The Planning Commission will revisit the issue at a future meeting.

Community Engagement

Chairman Keesecker said there is power in a weird way to where the conversation is even held. Choosing a good location is important.

Commissioner Green said people are angry because they are not at the table. What Wes is saying is we are not reaching everyone and even the community engagement plan we have, while we are trying to go out and do different things, other groups are already getting together meeting saying this is a bad thing. They are against form based code noting that it is going to make the housing go away while we may or may not agree with that, the thing we have to do, if we want to do proper community engagement is reach out to those people. People don't trust us no matter how much

pizza you give them. The people want to be heard. We have got to build that trust. If we get them at the table, they will go back to their list and then people will show up.

Commissioner Clayborne said he thought the city already had a task force where we could hand pick people to be advocates.

Commissioner Green said no, we have to build that advocate base before we go out and have these 4 large community meetings.

Lisa Robertson said you will have to define sooner rather than later, what will you be talking about. This is not your year to re-do the whole Comp Plan. You are looking at very specific things, how can we re-do the Comp Plan that will help us with affordable housing, what we do in the Comp Plan to address our neighborhoods, particular ones that backup against ones who want to develop. Define what you are going to talk about before your four community meetings. First of all you guys are not doing form based code. She said we need to update our ordinances: affordable housing, how to get places to look how we want them to look and you need to define what you want to talk about before you have these meetings.

Alex Ikefuna said he is working with Councilor Wes Bellamy who is planning a meeting for the the African American community to discuss the comprehensive plan update and what it is. The meeting in the African American community will be held in their neighborhood on May 11, and Wes Bellamy will be responsible for coordinating that.

Chair Keesecker said two things he remembered from the last meeting were that the four meetings were to be an equalizer, informative, generally and the first round of listening was our intent. We thought we had constructed a vehicle to do that which is fair to everybody.

Brian Haluska talked about everyone having a smart phone so we could give everyone the web link and they can do the survey themselves because there is no way we can do these centralized meetings in enough places. We've got to think of other decentralized ways to reach the community.

Commissioner Clayborne said we need to go out to the people at Friendship Court Community Center and Westhaven center. He said we need to go out to them which would be more effective.

Lisa Robertson said there's a whole another community, look how Rose Hill turned out for the one zoning issue that was really important to them and that was kind of a density/development issue. There are other parts of the community that could legitimately affect the entire city, even segments like a low density neighborhood which

we know are the ones with the most opportunity. She said you need to decide what kind of meeting to have.

Commissioner Keller said we are worried about how is it go to function.

Commission Santoski said the main thing is affordability across the whole city but sometimes when we are looking at those things we don't see those things, Council does. It depends on what Council has in place. Do we need to change it or do we do something differently.

Mr. Ikefuna also said that Council appropriated \$100,000 dollars for the Planning Commission to accomplish this task.

Commissioner Keller wants to put housing in the Comp Plan not just affordable housing.

Chair Keesecker said we want to get back to community engagement which is going to try to be place based and the survey being more narrative. If we go with the idea that there are these places around town that we have started to identify could we give people online and meeting in a box; a tool that says a series of maps similar to what the Belmont Bridge survey did.

1. Outcome needed: groups/individuals to contact for the pre meetings
2. Advance planning will allow for these outcomes to be achieved so we can keep moving forward.
3. Here are some issues: density and housing are the two main issues.

Brian Haluska said the survey used in Austin TX used an actual mile of paper for its distribution.

Commission Clayborne said he would be happy to work with developing questions now that we have our themes.

1. Housing
2. Density (Height)
3. Mixed use area
4. Jobs

Meeting Adjourned at 7pm.

**CITY OF CHARLOTTESVILLE
DEPARTMENT OF PUBLIC WORKS
ENVIRONMENTAL SUSTAINABILITY
STAFF REPORT**



REQUEST FOR A ZONING TEXT AMENDMENT

**PLANNING COMMISSION AND CITY COUNCIL
JOINT PUBLIC HEARING: MAY 9, 2017**

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

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

Date of Staff Report: April 19, 2017

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

Executive Summary

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

Background:

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

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

clarified in the zoning code.

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

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

Standard of Review

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

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

Discussion of the Proposed Ordinance Amendments

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

Sec. 34-1101. Appurtenances

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

Sec. 34-1108: Standards for solar energy systems

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

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

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

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

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

Sec. 34-1200. Zoning—Definitions

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

Staff Analysis

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

Yes, this proposal conforms with:

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

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

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

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

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

The demand for solar energy systems in the City has been growing steadily. It is estimated that

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

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

Public Comment

Public demand for solar energy systems has been increasing. Staff has received comments observing that its allowance is not clear in the zoning ordinance. Local solar PV industry practitioners who have aligned themselves as members of the recently-launched Charlottesville Renewable Energy Alliance (CvilleREA) have reviewed the proposed zoning text amendment and supported the current draft without concern.

Recommendation

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

Possible Motions

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

Attachment

Proposed Zoning Text Amendments: Solar Energy Systems – marked-up copy with ~~language to be removed~~ and language to be added

PROPOSED ZONING TEXT AMENDMENTS: SOLAR ENERGY SYSTEMS

Section 34-1200: Zoning--Definitions

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

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

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

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

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

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

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

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

~~(c)~~ **(5) Other equipment or structures constructed or installed above the roof deck, so long as they: (i) comply with the height and area requirements set forth in paragraph (1) above, and (ii) contain no** ~~Within a rooftop appurtenance, no enclosed space that is shall be designed for or that can be used as any type of habitable residential space. The provisions of this paragraph shall not preclude open-air space on a building rooftop from being used accessory to the primary use of the building.~~

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

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

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

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

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

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

(6) Solar energy systems may encroach into a required yard, subject to the provisions of paragraph (8), following below, and the provisions of sec. 34-1108.

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

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

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

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

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

The following requirements apply to solar energy systems:

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

- (2) A solar energy system may be installed on the roof of any building or structure, whether principal or accessory.
- (3) The height of a solar energy system installed on the roof of a single- or two-family dwelling, or on the roof of an accessory building or structure on the same lot as such dwelling, may extend up to five (5) feet above the highest point of the roof of the building or structure on which it is installed.
- (4) Within the city's low-density residential districts:
- (i). solar energy systems less than five (5) feet in height may encroach into a required front yard by up to ten (10) feet, but no closer than five (5) feet to any lot line; however,
 - (ii). on lots where the front building setback exceeds the minimum required front yard, solar energy systems may be placed in a location that is: between the front building façade and the front lot line, outside the minimum required front yard, and outside any required side yard.
- (5) Except as provided in paragraphs (3) and (4), above, a solar energy system, together with its support, shall not itself exceed a height of fifteen (15) feet unless otherwise required by the USBC or VSFPC for a specific use.

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

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

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

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

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

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

(c) Nonconforming structures.

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

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

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

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

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

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

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



Date: May 1, 2017

RE: HAC Priority Recommendation to City Council
Proposal to forgive developer fees for on-site affordable housing provision

Background:

On November 21, 2016 the Housing Advisory Committee presented a list of 35 affordable housing-related policy recommendations to City Council. The recommendations were based on the results of a comprehensive housing market analysis completed by the Robert Charles Lessor Company (RCLCo) in January 2016. City Council then instructed the HAC to review the list of recommendations and identify a short list of priority recommendations to increase the number of supported affordable housing units within the City of Charlottesville.

Discussion:

The HAC's priority recommendations (see Attachment B) were presented to Planning Commission members during their March 28, 2017 work session. At that time, Commissioners agreed to revisit the recommendations during the May 2017 meeting. In addition, Commissioners asked staff to provide a breakdown of developer fees that may be forgiven (in exchange for the provision of on-site affordable housing).

After a review of the current NDS fee schedule, staff has identified Building Permit and Site Plan Review fees as the fee categories generating the most cost savings to developers, and which combined with the reductions in water and sewer connections already offered for affordable housing units, offer the greatest developer incentives for affordable housing development. To ensure the affordable units are actually provided in new developments, staff recommends no Certificates of Occupancy be issued until the City confirms the affordable units have been developed and the developer has entered into an agreement with the City that those units will remain affordable for a specified period of time.

Regarding the full list of priority recommendations, staff notes two updates. Firstly, the recommendation to 'double the annual contribution to the Charlottesville Affordable Housing Fund (CAHF)' has already been adopted by City Council. While the annual contribution to the CAHF will only increase by \$800,000 in FY2018, City Council approved fully doubling the CAHF to \$3.4 million beginning FY2019. Secondly, due to concerns about co-mingling City and

Federal dollars in the Housing Choice Voucher funding stream, the HAC will be revisiting the recommendation to provide \$900,000 to the Charlottesville Redevelopment and Housing Authority (CRHA), during its quarterly meeting on May 17, 2017. At that time, HAC members will discuss the possibility of the City creating a separate rental assistance program that will be administered by the CRHA, and be awarded to eligible households currently on the CRHA's Housing Choice Voucher Program waiting list. The CRHA is in the process of drafting a model for how such a rental assistance program could work, but no further details are available at this time.

Attachments:

1. **HAC Recommendations from the RCLCo Report (see Attachment A).**
2. **Comprehensive Housing Analysis and Policy Recommendations (dated January 13, 2016) as prepared by Robert Charles Lesser & Co.**
3. **Exhibits to the Comprehensive Housing Analysis and Policy Recommendations (dated January 13, 2016) as prepared by Robert Charles Lesser & Co.**
4. **HAC's proposed priority policy/programmatic recommendations for affordable housing (see Attachment B).**
3. **NDS Fee Schedule: <http://www.charlottesville.org/home/showdocument?id=37882>**

CITY OF CHARLOTTESVILLE
"A World Class City"

Department of Neighborhood Development Services

City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
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Introduction:

Below, you will find the Housing Advisory Committee (HAC) recommendations from the *Charlottesville Comprehensive Housing Analysis and Policy Recommendations* report prepared by the Robert Charles Lesser & Company. The recommendations were presented to City Council on November 21, 2016. The full report, and accompanying data, can be accessed via the following links:

Comprehensive Housing Analysis and Policy Recommendations
<http://www.charlottesville.org/home/showdocument?id=37824>

Exhibits for the *Comprehensive Housing Analysis and Policy Recommendations*
<http://www.charlottesville.org/home/showdocument?id=37840>

Background:

On March 1, 2015, City Council approved the use of CAHF funds for use in the preparation of a Comprehensive Housing Analysis and Policy Recommendations report for the City. This report, prepared by the Robert Charles Lessor Company (RCLCO), was completed in January 2016, with findings presented to Council during the February 1, 2016 Council meeting. At that time, City Council directed the Housing Advisory Committee (HAC) to review the report in depth with NDS staff, with the intention of presenting Council with recommendations for short- and long-term policies to increase the supply of affordable housing in the City, as well as highlighting any policy items Council should add to their legislative agenda for enabling legislation. The HAC's recommendations are presented below.

Discussion:

The report completed by RCLCO, provided City with an overview of the local housing market, as well as an examination of the barriers and issues affecting the provision of affordable housing in throughout the City. The research resulted in a number of short- and long-term policy recommendations related to affordable housing development and preservation. Upon review of

the report, the HAC identified several more policy options not proposed by the RCLCO. These additional options are included in the list of recommendations presented here tonight and outlined in the attached table.

The HAC has not ranked their recommendations in order of priority for action. Rather, the recommendations are classified into short-, mid-, and long-term action items. Additionally, each category is further broken down into actions: that can be addressed through zoning ordinance amendments; that staff can easily implement or conduct preliminary research for; which require City Council action to implement; and policy items requiring enabling legislation. The list of HAC recommendations has been reviewed with the City's Legal Counsel and all items requiring legislative action have been properly identified.

Short-Term Recommendations

The majority of the recommendations related to the City's zoning ordinance are activities the City either currently employs or is able to implement under Virginia Code but does not yet do so. Recommended changes to the current zoning ordinance to encourage the development of on-site affordable housing include:

- density bonuses;
- zoning modifications/allowances, such as smaller lot sizes;
- allowing by-right increases in density for affordable units;
- focusing mixed-use/mixed-income housing development in priority neighborhoods; and
- the use of an Affordable Housing Overlay District.

While by-right density increases may require enabling legislation, the other recommendations can be considered for implementation immediately and incorporated into any zoning changes arising from the code audit. Several other recommendations, such as ensuring the expedited review process is working as intended and reviewing all zoning changes for impacts on affordable housing provision, should be ongoing processes to ensure current City code and any future amendments to the code do not create unintended barriers to affordable housing. Short-term recommendations for staff include increasing public outreach and education about current affordable housing programs and resources, and strengthening the accountability measures associated with the Charlottesville Affordable Housing Fund (CAHF) and Housing Policy 1. These actions will increase the number of affordable units in the City through targeting current resources to a greater number of low-income households, as well as ensuring recipients of CAHF funds use those funds efficiently and for their intended purpose. Finally, in alignment with Council's vision to provide quality housing opportunities for all, the HAC recommends staff explore the feasibility of implementing programs, such as shared equity or employer assisted housing, to assist lower-income and workforce households purchase a home. In terms of City Council activities, the HAC recommends Council increase the annual contribution to the CAHF; add "workforce housing" as a separate housing income category under Housing Policy 1; unify the definition of affordable housing income tiers across the City's affordable housing programs to align with the definition outlined in Housing Policy 1, and expand real estate tax relief programs to include qualifying residents with deed restricted properties, such as those properties owned by the Thomas Jefferson Land Trust or other non-profit organizations. This latter option, however, may need enabling legislation to implement.

Finally, the HAC recommends the City pursue, through enabling legislation, the ability to use tax credits or other after purchase subsidies to assist workforce households purchase housing in the City and maintain long-term affordability. While the HAC recognizes securing enabling legislation is a long-term process, this item has been included with the short-term recommendations as a way to prioritize the City's legislative agenda items.

Mid-Term Recommendations

The mid-term recommendations for zoning ordinance amendments cover a variety of developer incentives to encourage the construction of affordable housing units. Recommended incentives include increases to minimum residential building densities in mixed-use districts, as well as the provision of extra floor area ratio for on-site affordable housing. The HAC also recommends off-setting the cost of structured parking to make the provision of on-site affordable units financially feasible, and waiving development fees for developments reserving at least 10 percent of residential units as affordable units.

One recommendation presented in the housing report, and that HAC members support, is the creation of an affordable/workforce housing program similar to Montgomery County, Maryland's Moderately Priced Dwelling Unit (MPDU). Acknowledging that Virginia code does not support the creation of MPDUs, the HAC members believe a MPDU-type program has the potential to significantly increase the number of supported affordable housing units within the City. To that end, they recommend staff research possible structures of, and feasibility of implementing, a similar type of program for the City. The HAC also recommends staff investigate the feasibility of creating a landlord risk reduction program for landlords managing affordable housing units. The risk reduction program would provide funding to help landlords off-set the cost of repairs due to significant tenant damages, in exchange for keeping unit rents at an affordable level for a City defined period of time.

Mid-term recommendations for City Council action include: tying the use of public fund for streetscape and infrastructure improvements in distressed or reinvestment areas to the construction of supported affordable units; and prioritizing the sale or lease public property for the purpose of affordable housing development; as well as working with Albemarle County, through the joint Memorandum of Understanding, to increase the supply of affordable and workforce housing. Additionally, the HAC recommends the City support the coordination of fair housing, affordable housing location services, and tenant advocacy programs to assist low-income households access affordable housing options. The University of Virginia offers a housing liaison service for students seeking off-campus housing that may provide a program model. Any housing locator or liaison service should be developed in partnership with Albemarle County.

Long-Term Recommendations

The recommendations in this category are for City Council action and legislative agenda items only. They address activities to increase the housing development within the City over with a specific focus on programs designed to increase the City's affordable housing stock. The recommendations include the creation of a revolving loan fund, either through the CAHF or a separate funding source, to provide gap financing for affordable housing developments; City

funding support to the Charlottesville Redevelopment and Housing Authority to assist with the redevelopment of public housing into mixed-use/mixed-income communities; and creation of a Transfer of Development Rights program for housing development, and affordable housing development in particular. In terms of legislative agenda items, the HAC recommends pursuing enabling legislation to extend City property tax exemption and abatement programs to all residential property types, including properties that convert to residential use, as well as for implementing an inclusionary zoning (IZ) policy in the City. The IZ policy should include mandatory developer provisions of affordable housing set at a City defined percentage of overall housing units and affordable to City defined income bands. The HAC also recommends the City pursue enabling legislation to increase the cash in lieu payment under the Affordable Dwelling Unit (ADU) ordinance from the current \$2.205 per square foot of gross floor area to \$4.41 per square foot of gross floor area. HAC members believe the higher dollar amount will discourage developers from opting for the cash lieu option and lead to an increase in the number of ADUs provided.

ATTACHMENT A
Housing Advisory Committee Recommendations
to Charlottesville City Council from the
City of Charlottesville Comprehensive Housing Analysis and Recommendations Report

Type of Action	Recommendation
Short-term	
<p><i>Zoning Ordinance Amendment/Action:</i></p>	<ul style="list-style-type: none"> • Review expedited review process for projects with proposed 15% affordable housing units to ensure process is working as intended. Update ordinance and/or standard operational procedure to strengthen, if necessary. • Include all 12 HAC Code Audit Subcommittee recommendations in NDS code audit. • Incorporate additional zoning considerations, modifications and/or allowances (such as smaller lot sizes) across selected, multiple or all zoning districts to incentivize provision of on-site affordable housing. • Offer density bonuses and other zoning allowances for multi-family development in R3 and above zones or through SUP in exchange for 17% of total units being affordable dwelling units (allowable under Virginia Code 15.2-2305 B (3)). • Allow by right increase in density for affordable units across specific, multiple or all zoning districts. This should be capped at a doubling of the density to preserve lower-density neighborhoods (may need enabling legislation). • Focus mixed-use & mixed-income housing development on areas already identified as redevelopment priorities.

	<ul style="list-style-type: none"> • Use an Affordable Housing Overlay District or codified incentives to provide affordable housing. • Review all zoning changes (including those associated with the Strategic Investment Area (SIA), W. Main Street & Cherry Avenue corridor, the NDS code audit, & the form based code effort) for impacts on affordable housing and the Affordable Dwelling Unit (ADU) ordinance. Provide additional zoning considerations – such as by right density bonuses or increased FAR – for provision of on-site affordable housing.
<p><i>Staff Action:</i></p>	<ul style="list-style-type: none"> • Increase public outreach and communication regarding existing affordable housing programs, and improve collaboration among City departments providing the programs. • Develop Standard Operating Procedures related to accountability provisions of Housing Policy 1. • Explore shared equity financing and other resources (e.g., employer provided or generated) to assist lower-income/workforce households purchase a home.
<p><i>City Council Action:</i></p>	<ul style="list-style-type: none"> • Increase the annual contribution to the Charlottesville Affordable Housing Fund (CAHF) • In coordination with the HAC, add “workforce housing” as a separate housing income category to Housing Policy 1. This should not be considered “affordable housing” under the City’s definition.

	<ul style="list-style-type: none"> • Unify definition of affordable housing income tiers across City of Charlottesville affordable housing programs (e.g., real estate tax relief programs for income qualified elderly/ disabled/ veteran homeowners) based on definition outlined in Housing Policy 1. • Audit existing policy, and expand wherever possible, real estate tax relief to qualifying residents with deed restricted properties, such as those owned by the Thomas Jefferson Community Land Trust, etc. and qualifying non-profit organizations with real estate holdings (may need enabling legislation).
<i>Legislative Agenda Items:</i>	<ul style="list-style-type: none"> • Consider use of tax credits or other “after purchase” subsidies to help workforce households (80% - 120% AMI) purchase housing in the City and maintain long-term affordability.
Mid-term	
<i>Zoning Ordinance Amendment/Action:</i>	<ul style="list-style-type: none"> • Increase minimum residential building densities in mixed-use districts. • Base minimum building densities in mixed-use corridors on floor area ratio, rather than standard dwelling units per acre. Provide extra FAR for any affordable housing constructed on-site. • Provide incentives to developers of low-income housing to offset cost of structured parking necessary for provision of increased density and ADUs. • Consolidate various mixed-used zones into a singular mixed-use zoning category. • Waive development fees for developments

	reserving at least 10% of residential units as affordable units.
<i>Staff Action:</i>	<ul style="list-style-type: none"> • Research structure of, and feasibility of implementing, an affordable/workforce housing program similar to Montgomery County, Maryland's Moderately Priced Dwelling Unit program. • Strengthen code, health and safety enforcement programs for privately-managed units affordable to low-income households, and enable health and safety upgrades in exchange for non-displacement mechanisms. • Investigate the feasibility of creating a landlord risk reduction program to support Housing Choice Voucher (HCV) program landlords, and private market landlords managing affordable rental housing, with costs of rental unit repair due to significant damage caused by low-income tenants.
<i>City Council Action:</i>	<ul style="list-style-type: none"> • Tie use of public funds for streetscape and infrastructure improvements in distressed or reinvestments to the construction of supported affordable units. • Prioritize sale/lease of public property for purpose of affordable housing development. • Coordinate with Albemarle County, through the MOU, to increase the supply of affordable and workforce housing. • Support coordination of fair housing, affordable housing location services, and tenant advocacy. Coordinate efforts with Albemarle County.

Long Term	
<p><i>City Council Action</i></p>	<ul style="list-style-type: none"> • Develop a revolving loan fund to provide loans and loan guarantees as needed for gap financing. • Encourage and support (with City funds) CHRA to redevelop public housing into mixed-use/mixed-income communities. • Develop a Transfer of Development Rights program with additional consideration for affordable housing. • Provide free Broadband internet access to lower-income households.
<p><i>Legislative Agenda Items</i></p>	<ul style="list-style-type: none"> • Increase City tax exemption and tax abatement programs to include all residential properties, including those that convert to residential use. • Implement an inclusionary zoning policy requiring developers provide a certain percentage of residential units to households with incomes in City-defined income bands. • Increase the cash payment in lieu for ADUs to better reflect value of affordable housing to the City of Charlottesville.

ATTACHMENT B

Proposed HAC Priority Recommendations for City Council as of March 15, 2017

Immediate Action – Immediate Benefit

1. Direct City Manager to immediately identify, and sell/lease, appropriate City owned properties for affordable housing development and to investigate additional land purchase for affordable housing.
2. Double the annual contribution to the Charlottesville Affordable Housing Fund.
3. Create a landlord risk reduction fund.
4. Waive developer fees:
 - a. for all developments providing a minimum of 15% (of total unit count) on-site affordable housing units; OR
 - b. for projects, triggering the City's Affordable Dwelling Unit Ordinance, providing required affordable housing units on-site.
5. Provide approximately \$900,000 to the CRHA to help cover the gap in funding for the Housing Choice Voucher Program.

Immediate Action – Future Benefit

1. Prioritize inclusion of affordable housing in City led development.
2. Instruct City staff, consultants, Planning Commission and other persons/parties involved in the development of a Form Based Code, to prioritize and maximize increased floor area ratio and other allowances as tools for increasing affordable housing development in the City.
3. Instruct City staff, consultants, Planning Commissioners and other persons/parties involved in code audits/zoning ordinance updates and other applicable policy updates, to prioritize all allowable land use/planning tools – including increased density – in order to stimulate affordable housing development.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	April 17, 2017
Action Required:	Adoption of a Resolution Initiating Planning Commission and Public Review of Legal Audit of the Zoning Ordinance (zoning text amendments)
Presenter:	Craig Brown, City Attorney
Staff Contacts:	Lisa Robertson, Chief Deputy City Attorney
Title:	Recodification and Audit of Chapter 34 of the City Code (Zoning)

Background:

Periodically, the City Attorney’s office conducts a legal review of all of the various chapters of the City Code, and recommends changes as necessary to conform code provisions to applicable requirements of state enabling legislation, to applicable state and federal law (as reflected in court decisions), and to reorganize and edit text so that provisions will be clear and user-friendly. This review process, referred to as a “recodification” is currently underway within the city attorney’s office. *(FYI, the 1976 City Code was re-codified in 1990 (after 14 years). The 1990 City Code—the edition currently in effect—is now 27 years old; however, the Zoning Ordinance was previously comprehensively reviewed and updated in 2003 (13 years ago)).*

Recodification of the zoning ordinance, including substantive changes, is a unique process, because zoning text amendments require a special public hearing process. The City Attorney’s office has completed its audit of Chapter 34 of the City Code (Zoning) and now requests City Council to consider referring the recommended changes to the Planning Commission to (i) set a date for and to conduct a joint public hearing, and (ii) to review the Legal Audit and make its recommendations to City Council on the document.

Discussion:

The portions of Chapter 34 which are proposed by the City Attorney’s Office to be edited, deleted or added are set forth within a large edited manuscript which has been posted on the city’s website since the last week of February 2017, at the NDS page (under “What’s Hot”): <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/zoning/legal-review-2017>

Also posted at that location are (i) a document that explains how the city attorney’s office approached its review of Chapter 34 (“Approaches to Legal Updates”), and (ii) a “Questions and Corrections” document that responds to a number of comments that the City Attorney’s Office has been receiving, on an ongoing basis, since the manuscript was posted back in February. The Questions and Corrections document will continue to be updated throughout the review process

(not more than weekly). We encourage everyone to review the Q&C document.

Alignment with Council Vision Areas and Strategic Plan:

Keeping the City's ordinances updated is a very important strategy in implementing Council's Vision, Strategic Plan, and (specific to the zoning context) the City's Comprehensive Plan.

Community Engagement:

By resolution adopted in September 2016, City Council publicly directed that the legal updates should be brought forward as the first phase of a larger review of the City's zoning ordinance, and requested that the Legal Audit be completed by March 2017. The Legal Audit was delivered to the Planning Commission at its workshop meeting at the end of February 2017, and was posted on the NDS web page within 48 hours.

To date, the City Attorney's Office has received some helpful input from the legal liaison of CADRE (Charlottesville Area Developers Roundtable), and from the legal team at the Southern Environmental Law Center. Planning Commission and City Council were previously provided the link to the NDS web page so that the documents could be shared with any interested parties. At City Council's first meeting in March 2017, NDS staff and the Planning Commission presented the first Quarterly Report on the progress of the Comprehensive Plan 5-year review/ Code Audit process, and staff noted during its public presentation that the Legal Audit was available on the website for public review and comment.

Initiation of a public hearing process for the Legal Audit will allow additional public comment and refinement of wording over the course of the next 100 days, and will allow the updates to be brought forward to City Council for final action consistent with the timeline established with Council's September 2016 Resolution. Following any updates that may be enacted by City Council at the conclusion of this process, any and all provisions of the zoning ordinance can be re-visited, and further refined, over the course of the Planning Commission's ongoing project for the 5-year review of the Comprehensive Plan, and subsequent zoning ordinance updates as may be necessary or desirable for implementation of the updated Comprehensive Plan.

Budgetary Impact: None

Recommendation: Approval of the attached Resolution initiating zoning text amendments

Alternatives:

City Council is not required to consider updating the zoning ordinance, but has previously requested that the Legal Audit be completed and that the City Attorney's recommended changes should be brought forward through a public hearing process on the timeline in which they have been submitted. Council's request coincides with the City Attorney's desire to update Chapter 34 as part of the larger re-codification project that is underway. Council may change the timeline set forth within the September 2016 Resolution for completion of the Legal Audit, if it desires to do so.

Attachment:

Proposed Resolution

**RESOLUTION
INITIATING ZONING TEXT AMENDMENTS
TO AMEND AND RE-CODIFY CHAPTER 34 OF THE CODE OF THE CITY OF
CHARLOTTESVILLE (1990) (ZONING)**

BE IT RESOLVED by the City Council of the City of Charlottesville that City Council hereby finds and determines that certain amendments of Chapter 34 (Zoning) of the City Code are required by the public necessity, convenience, general welfare or good zoning practice, and therefore, City Council hereby initiates such zoning text amendments, as set forth within the Legal Audit which has been presented by the City Attorney's Office, and City Council hereby refers the proposed Legal Audit to the Planning Commission for its review and recommendations, and for a joint public hearing with City Council. The Commission is requested to report its recommendations back to City Council within 100 days after its first regular meeting following the date of this resolution, in accordance with Va. Code Sec. 15.2-2285.

CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES



MEMORANDUM

To: Charlottesville Planning Commission
From: Missy Creasy, Assistant Director
Date: March 27, 2017
Re: Planning Commission Bylaws Changes

Planning Commission approved an update to the bylaws at the February 14, 2017 Regular meeting. At that time Commissioner Keller requested to revisit an ethics document that was used in 2006-07 to see if Commissioners were interested in refining that document for use.

The 2006-07 document is attached and Commissioners have the ability to review and refine (or rewrite) as the group feels appropriate.

OPERATING GUIDELINES (2006-07)

City of Charlottesville Planning Commission

Members shall ethically serve the public interest by making decisions and taking actions which will enhance the public health, safety and welfare of the region and the citizens served by the Planning Commission and by promoting public confidence in the integrity, independence, ability and impartiality of the Planning Commission.

1. Members shall uphold the prestige of their office and avoid impropriety and the appearance of impropriety.
2. When communicating with the public individual Members shall not convey the impression that they are in a position to dictate or control the outcome of a matter pending before the Commission. When addressing a matter outside of the public meeting context, Members should clearly articulate whether they are expressing their own personal opinion or a position of the Commission as reflected by a prior formal action.
3. Members shall discharge their duties and responsibilities in an impartial manner, without favor or prejudice toward any person or group. When making a decision or recommendation Members shall give due consideration to the recommendations of the professional planning staff, but shall ultimately be guided by good zoning and planning practices and the public health, safety and welfare.
4. Members shall be fully informed about all matters that come before the Commission for action. Requests for additional information or clarification about any agenda item shall be made to the appropriate City staff person, who will be responsible for obtaining and providing the information to the entire Commission.

A public meeting of the Commission is the optimal setting for the receipt of input from the public about any matter within the Commission's jurisdiction. There are instances, however, where individuals or groups will request a meeting with an individual Member about a matter pending before the Commission. If the Member believes that such a meeting will promote a fuller understanding of the relevant issues, strong consideration shall be given to holding such a meeting (i) during normal business hours; (ii) at a public location, such as City Hall; and (iii) with a member of City staff present. When the particular agenda item comes before the Commission, the occurrence of any such meetings should be publicly disclosed and reflected in the Commission's minutes.

Any information received by an individual Member, whether in person, by telephone, in writing or by electronic mail, that is relevant to a matter pending before the Commission should be forwarded promptly to the Planning Manager for distribution to the entire Commission.

5. Members shall not accept or solicit any money, gift, loan, payment, favor, service, business or professional opportunity, meal, transportation or anything else of value, that reasonably tends to influence the Member in the performance of his official duties, or is otherwise prohibited by section 2.2-3103 of the State and Local Government Conflict of Interests Act.
6. As private citizens Members may participate in political campaigns and elections. Any Member exercising those rights should be mindful that their conduct and actions not compromise their ability to perform their duties as a Commissioner in a fair and impartial manner.
7. All members of the Planning Commission are subject to the State and Local Government Conflict of Interests Act, and are required by law to familiarize themselves with the provisions of the Act. Members must be particularly attentive of any potential conflict of interest that may arise from a personal, financial,

business, employment or familial relationship between the Member and any individual interested in a transaction before the Commission. In the event of such potential conflict, whether actual or perceived, the Member shall consult with legal counsel for the Planning Commission before participating in any manner in the transaction.

8. Members shall remain vigilant against deviations from the Planning Commission by-laws, policies and mission statement.