

Planning Commission/ City Council Work Session

May 23, 2023 5:00 PM to 8:00 PM

Hybrid Meeting – City Space

Commissioners Present: Chairman Solla-Yates, Commissioner Mitchell, Commissioner D’Oronzio, Commissioner Stolzenberg, Commissioner Schwarz, Commissioner Russell, Commissioner Palmer

Commissioners Absent: Commissioner Habbab

Councilors Present: Councilor Puryear, Mayor Snook, Councilor Payne, Councilor Pinkston

Councilors Absent: Vice-Mayor Wade

Staff Present: Patrick Cory, Remy Trail, Matt Alfele, Carrie Rainey, James Freas, Kyna Thomas, Sam Sanders

Work Session was called to order at 5:00 PM by Chairman Solla-Yates.

1. Topics of Review in Association with Zoning Ordinance Update
 - a. Module Three (Discussion) – Staff announced that Module 3 will be released Wednesday, May 24, 2023. This will be reflected on the website.
 - b. Module Two Discussion

James Freas, NDS Director –

Transition Issues in the Map

This was recognizing, on our part, as we looked at a lot of the comments that we were receiving around mapping issues, we were dealing with transitions between higher intensity areas and lower intensity areas. This is an issue that we had committed to addressing early on. Our existing transition language really is intended to address where lot lines meet and wasn’t really addressing across streets, for example. We got comments on that issue. Some of the comments we received spoke to the issue of elevations. Right now, our consultant team is doing a ‘deeper dive’ into addressing transitions across streets. We’re going to look at that in two ways. One is potentially looking at it from the perspective of rules, similar to the rules that we have already proposed in the second module. Do we actually make changes to these zoning districts to lessen the degree of difference between districts facing each other across the street? On the north end of the Greenbrier Neighborhood on Rio Road, there is an example of CX-5 that is really intended to orient towards Rio. You have a transition across Tarleton on the backside to a residential district. We’re looking at making a zoning district change on the Tarleton side of those lots. The other example is looking at very steep slopes where we might have a scenario where a CX-5 is appropriate on the street below the grade but at the top of the grade you have a different adjacent zoning district. You necessarily wouldn’t want a CX-5 building at the top of the grade because of the houses/neighborhood across the street but also the scale of building you’re now putting at the top of a high grade. In those scenarios, we’re actually looking at the potential of doing split zoning, which typically we would avoid. It might be appropriate in these scenarios. Those are the strategies that we’re looking at and doing a review of the entire zoning map on those ideas.

Councilor Payne – From my own understanding, can you explain the concept of split zoning?

Mr. Freas – Generally, you want one lot to have the same zoning district. You don't want a single lot to be subject to a different set of rules. This steep slope scenario might be a place where we consider, from a policy perspective, split zoning makes sense. On the lower end, you would have a zoning district. On the higher end, a different zoning district.

Chairman Solla-Yates – It makes sense for a street focused approach, which has been consistent with what we have been talking about.

Zoning Map Inconsistencies with Other Adopted Policies

Mr. Freas – In this category, there were two things that we were looking at. Both of these are responses to comments we received. The more expansive one was looking at our historic districts. Because the BAR has review responsibilities over those districts, with the support of the guidelines that they have. In implementing the guidelines for each historic district, they can specify a lower height or other design or massing characteristic relative to new construction to make it consistent with the historic context. We also recognize that it didn't strike us as good policy to have extreme differentiation between that historic context that we have identified by policy, by adopted ordinance that we want to preserve, and the proposed zoning ordinance, having that be a substantially greater height and/or density. We did a review to see how many of those places exist. We only identified the Downtown and the North Downtown as places where that might exist. With the North Downtown, we're suggesting in the area along High Street that is CX-5, it might be more appropriate to zone that for CX-3. In Downtown, we think there are text changes that we should be considering that are like the text changes we have in the existing zoning ordinance requiring step-backs. That's where the building at a certain height steps back away from the street, using those tools plus the existing BAR review to regulate that historic context.

Commissioner Mitchell – I was hoping that we could get some input from Commissioners Russell and Schwarz.

Commissioner Russell – We glossed over the specific inconsistencies around the BAR. This is one of the concerns Commissioner Schwarz raised weeks ago.

Commissioner Schwarz – You identified North Downtown. You're specifically referring to the north side of High Street. The south side is still CX-8. My opinion is to let the BAR do their thing. We have no problem telling people that they can't put a 5 story building on a site if there is a historic house on it. On the Downtown, we have had more problems with a regimented step-back requirement. It makes for funny building structures. In most cases, the BAR has actually reversed that if someone asks for an SUP to change that. The BAR could determine the historic choke of the building that we want to preserve extends so far back. If you give us (BAR) a regimented step-back, it negates our process. The Landmark is what could be a good example of a natural place form for the building to become a high-rise. I think we can do similar things across The Mall.

Commissioner Stolzenberg – What you're saying about historic districts and the BAR seems reasonable. My qualms are more about the High Street proposal. Are you talking about all of the CX-5 on High Street?

Mr. Freas – All within the ADC District on the north side of High Street.

Commissioner Stolzenberg – If you're going to change it, I would say that this area of CX-5 on the west side of High Street makes more sense to reduce to CX-3.

Chairman Solla-Yates – I did walk around High Street to get a sense of it. I am concerned. We're allowing some very tall buildings on the south side of High Street.

Mr. Freas – I think it is still controlled by the BAR. On the south side, there are several institutional buildings on that side. We were less concerned. What we really were thinking about were the lower scale, largely single-family structures on the north side of High Street.

Councilor Payne – It is hard for me to provide feedback. I am unsure about what specific text changes would result in accomplishing this. At a higher level, policy goal, it would make sense to me to be thinking about the context of historic districts in terms of the scaling of it. I don't know what exactly to make of it. There are some instances around the Downtown Mall that step-backs could be useful. There are other instances that if you had a taller structure like the Altamont Circle Apartment, no setbacks make it look more in character with the area.

Mr. Freas – You're reinforcing Mr. Schwarz's point. The BAR can handle this issue.

Councilor Payne – At a very high-level policy, I am OK with leaving discretion to the BAR. It makes sense to be thinking about the context of historic districts in terms of massing, scale, and building material. I don't know what specific text changes best accomplishes that.

Councilor Puryear – I agree with what Councilor Payne and Commissioner Schwarz said.

Mayor Snook – I am not quite sure what you were talking about when you were talking about south side versus north side of High Street. Are we talking about going down the hill? Are we talking about up by Court Square?

Mr. Freas – It is by Court Square. It is down on the left side of High Street. My impression is that it is Park Street east for the length of High Street.

Chairman Solla-Yates – Further west are churches and further east are courthouses, mixed use, and Queen Charlotte.

Commissioner Schwarz – The ones to the east are already surrounded by CX-3.

Mr. Freas – At the corner of High Street and Park Street is a row of single-family style houses that are now occupied by offices.

The Planning Commission and Council looked at, reviewed, and discussed the intersection of High Street and Park Street.

Councilor Payne – One of the things that we have gotten a lot of feedback is, even outside some of the areas that you identified, the concern that the experience of being on the Downtown Mall, the size of structures being a different visual impression when you're on the Downtown Mall directly clouding things out: What is the approach of evaluating that with anything particularly with the pedestrian viewshed of being on the Downtown Mall? Is the BAR the body that is primarily evaluating what impact it might have?

Mr. Freas – The BAR is charged with enforcing their guidelines. Their guidelines are speaking to consistency and compatibility with the historic context. One of the charges that we have is that we need

to update the BAR guidelines. In doing so, we need to make stronger policy statements about things like protecting the view-shed down The Mall.

Councilor Payne – A question for Commissioner Schwarz. Do you feel the BAR has the tools and the guidelines that are sufficient to accomplish that goal for areas adjacent to the Downtown Mall within the view-shed of a pedestrian there?

Commissioner Schwarz – I am confused when you say adjacent areas. Are you talking about between the Downtown Mall and High Street?

Councilor Payne – I don't know the best way to clearly define it; any area that if you're on the Downtown Mall, a development within that world could impact you when you're on the Downtown Mall as a pedestrian.

Commissioner Schwarz – I believe that we do. There is always that pressure. If somebody can put a 10-story building up, they're going to make a really strong argument to be able to do that. We're going to hope that if we deny them, we're going to have your support. If that is working, the BAR has the tools that it needs.

Councilor Payne – One of the things I have heard from people is that the step-back requirements, as well as the requirements for different building materials, result in buildings that almost look even more out of character with the historic district than if you had simpler brick building material. Do you feel that is something the BAR is mandated to always look at? Or has that just been the policy preference of the body?

Commissioner Schwarz – With the different materials, I think you're talking about The Standard. Is that an example?

Councilor Payne – That could be one. The building on Garrett that Maguire Woods will move into sticks out.

Commissioner Schwarz – Garrett is not in our purview. With the 'stripey' building aspect, we know that is not a good idea. With step-backs, it is all dependent on the location. An example is the Artful Lodger site. I believe that we just saw an SUP that should be coming to the Planning Commission for a reduced step-back because it didn't make sense for that building.

Mr. Freas – That is a unique example because the way the zoning is built for Downtown right now. It gave that lot two fronts and forced it into having two step-backs that put it into a pyramid shape. It doesn't work.

Commissioner Stolzenberg – Separate from what the BAR does, in the current zoning, we have step-back requirements on Main Street, Old Preston, and Market Street. That's where that comes from. Main Street makes sense. The BAR might have a better ability to do that because of discretion. It could look better without it.

Commissioner Schwarz – It is an arbitrary number. It would be better to relate it to the context and decide on a case-by-case basis.

Mayor Snook – One of the concerns that I have had about the Downtown Mall is that I don't want a whole lot of additional height on the south side of the Downtown Mall because the sun will never hit the

Downtown Mall. I don't know how you regulate that. I don't know what the regulation needs to say. I am almost prepared to say: Five stories on the north side is fine, three stories on the south side of the Mall would make more sense. We're not going to get any sun out of the north. I don't want to have a sense that the Mall is being surrounded by height on both sides where it becomes like the Grand Canyon and the sun never hits.

Commissioner Schwarz – Water Street seems to be a very good place for height. That is a conflict.

Commissioner Russell – What was the recommendation with regards to East High?

Mr. Freas – Shift the CX-5 to CX-3 to the west of Park Street.

Commissioner Russell – Is the policy conflicting with the BAR? I really don't understand why we would make such a disparity and put the BAR in the position of wasting people's time if a developer is thinking that they can do something, and they're frustrated by the BAR process.

Mr. Freas – Part of the reason we want to make sure the BAR guidelines are also very clear so we are broadcasting what you can expect in terms of the design of the building.

Commissioner Schwarz – You can lower it down to CX-3. To be honest, I don't think we (BAR) would allow demolition of any of these buildings. There might be one or two in there. I can't imagine any of the buildings north of High Street that we would allow demolition of.

Mr. Freas – I am interested in hearing more about the Downtown Mall. Right now, the zoning is allowing for substantial height only to be moderated by the BAR. We have adjusted. We are looking at text changes. Our conversation has been primarily around maintaining some version of the step-back requirement on Main Street. I am curious as to the general thoughts or concerns around height particularly relative to Main Street.

Commissioner Mitchell – We may need to give some thought to the point Mayor Snook made about cavernous effect on the mall. You may want to limit the height.

Commissioner Stolzenberg – It is useful to talk about/think about the Downtown Mall mostly in a historic resource way. With most of the Downtown Mall, I wouldn't like to see something demolished and built into a new building because we don't know how to build buildings like that anymore? If this building were torn down and built into a 100-story tower, I couldn't care less. Downtown is where we want people to be and live. It is where you can live without a car. There is a tension between wanting people Downtown and we also don't want to demolish the historic buildings downtown because we can't make any new ones. That makes sense to me for it to be in the BAR purview.

Chairman Solla-Yates – I have conflicting ideas on this topic. One idea is step-backs are terribly expensive, probably the most burdensome regulatory tool that we can use. The BAR can be judicious. The other idea is that if we're going to use it, Downtown is the place to use it. Something more context sensitive, not just a flat cap across the entire area, but a regulatory tool that sees what is happening around it and possibly treats corners differently from interior parcels.

Councilor Payne – In some of these areas where you have these particularly difficult tensions, could it make any sense to have a more limited discretionary process like an SUP process in the new zoning? In this case, you have this unique tension that is going to be extremely building site specific. Halpern's original intention was for it to be where people live. Most of it was going to be housing. It is also true

that it is an enormous historic resource that you don't want to make a mistake where, without discretion, you get something that blocks sunlight or completely changes your view as a pedestrian in the area.

Commissioner D'Oronzio – It is very hard to put together a regulatory framework that can apply to every parcel in a consistent way. At some point, it is people staring at it and making practical aesthetic and economic judgments at the same time. It is not neat and clean. I don't think we can clean it up so far. Somebody must make those discretionary calls.

Mr. Freas – You do have a BAR discretionary review in this space.

Commissioner D'Oronzio – I don't know if we 'juice' that somehow. If we try to write to this, we're going to end up with something that is either incomprehensible or not applicable or so complicated that everyone is going to be afraid to do anything. Nobody understands it on the regulatory side of it. You're going to be open to discretion anyway. The complexity is going to get out of control. I am not sure that we have a simple solution for that either.

Councilor Payne – That is what I am getting at. I haven't given much thought to what that specific process would be or what it would look like.

Mayor Snook – I have been struck in the past couple of months when we have had some BAR reviews come before Council that have really been based on the idea that the ordinance seems to limit the BAR discretion, or the factor that is there to consider. People are appealing to Council so we can basically give relief from what seemed to be inappropriate regulations or not universally applicable regulations. In a sense, we're like the BZA for the BAR. It isn't what Council ought to be doing. If we find a way to make sure that the ordinance gives the BAR the authority to do the things that it needs to do rather than to leave areas, what they can say is 'we can't do it, but you guys can.'

Commissioner Schwarz – Is it possible in this zoning rewrite to do a quick insert into the BAR guidelines?

Mr. Freas – That was one of the tensions that I have been thinking about. It is the need to rewrite our BAR and ERB guidelines. Is there an amendment that could be a quick hit of things that we know now? That might be something that we come back and talk with the BAR about specifically.

Commissioner Schwarz – It seems like a really good idea. If there are a couple of quick fixes, we should do it sooner rather than later. We have been waiting to do our guidelines.

Commissioner Russell – Is it better to have base zoning that the BAR must look at? Their discretion is to not allow that height versus a base zoning where the BAR can look at it at the discretion to allow for extra height in certain cases. I am asking if it is zoned too high. Therefore, somebody is always going to be pushing that height limit.

Commissioner D'Oronzio – Does that turn the BAR more into 'Dr. No?' There is more to be said for going for lower height universally.

Mr. Freas – One of the things that we're wrestling with is that the BAR may not have the authority to expand the envelope. They clearly have the authority to reduce the envelope consistent with their guidelines, consistent with protecting a historic resource, but not necessarily the opposite direction.

Commissioner D’Oronzio – The idea also would be to infuse what that process is with the notion that the BAR should not be the default ‘no’ position. It really should be the default ‘maybe’ position for all of those.

Commissioner Schwarz – How do people feel about the idea of another 10-story building being somewhere downtown? If there are people who think there should never be another 10-story building that makes it easy. If the idea is that we can see another 10-story building depending on where it is located, then these discussions should probably continue.

Councilor Payne – In my mind, it is very site context specific, including the building materials and design. Could I ever envision it? The answer is yes. I also think the default is a lot of skepticism and ability to have very strong review that includes a discretionary element.

Commissioner Stolzenberg – We’re talking about directly on the Downtown Mall. The Downtown District here is a lot more than the Mall.

Commissioner Schwarz – On the Downtown Mall, I am thinking that we have the Bank Building. That is 10 stories on the Downtown Mall. We have the Dewberry, which is 10 or 11 stories. The parcel extends to the mall.

Councilor Payne – If talking directly on the Downtown Mall, the other factors are very hard to see an existing building demolition even being approved.

Mr. Freas – Since there aren’t any vacant parcels on the mall, anything that is going to happen is going to be behind the façade. There will be a preservation of the façade and something rising behind it.

Friendship Court

Mr. Freas – Friendship Court is a different kind of policy and consistency. It is one where we can recognize that the city now has made a significant investment in the idea of there being affordable housing in this location. There was an inconsistency at the time we were looking at it from the perspective of the land use map. We got zoning and really put some definition into what the node zoning means. The node zoning calls for buildings that are ground floor commercial ready; 14-foot ground floor, higher transparency requirement. Those two requirements would seem relatively simple on their face. They are inconsistent basically with the existing design for this project and the cost associated with the changes that they would need to make. It might lead to a reduction in the number of units. It could lead to a variety of challenges for that project if it would have to go forward in its final two phases with that node zoning requirement. Having reviewed the project, we’re suggesting that the appropriate zoning is CX-8. It is currently proposed at the node mixed use 10.

Commissioner Stolzenberg – Is that for all the Friendship Court parcels?

Mr. Freas – For simplicity, we were going with all recognizing the fourth phase does have the notion of a ground floor commercial element. That is not precluded by the proposed CX-8. CX-8 does allow for that. All of that can be done in CX-8. It’s just not mandated.

Commissioner Mitchell – I am grateful for the revision. Thank you, guys.

Commissioner Schwarz – That is fine. It does make me question if maybe the NX zones are too regimented in that sense.

Chairman Solla-Yates – I posted about this issue online. I got some interesting feedback from an attorney. His point was: If affordable housing is the only thing to have problems with this, why not just exempt affordable housing from this requirement in all node zones?

Mr. Freas – I get a little concerned about how we write that up, how we define it? I don't think it is necessarily a universal issue. One of the things we're dealing with is that we have a project that is already partially designed. That seems to be the larger issue.

Councilor Payne – One of the other tricky policy questions is the Friendship Court resident steering committee. One of their big concerns has always been with the immediate transition in terms of the scale and design of their neighborhood versus everything around it and not wanting to feel like sitting in a bowl. I just want to highlight, for the resident steering committee from the beginning that has been a constant topic of conversation that they have brought up. I will admit that I don't know what the exact policy solution is.

Zoning Map Errors

Mr. Freas – In some respects, I contemplated that we would go item by item through this. For context, these are the items where we're identifying an error in the sense of the mapping logic document, which governs basically how we applied the zoning districts on the zoning map. It was basically a set of rules that took us from the starting point of the land use map to a zoning map with a set of districts. One of our primary tasks was to review the zoning map to make sure that there weren't any errors made in transcribing that set of rules into a zoning map. This was one of the sites that came up. The rules, strictly speaking, would have said that the Wright Scrapyard should have been an NX-3 rather than the NX-5 that it was designated on the zoning map. We believe that NX-5 is probably an appropriate district to apply here.

Commissioner Mitchell – An example of NX-5 would be Downtown Belmont.

Mr. Freas – I went ahead and identified this one. This was the site that was also recommended for a land use map change into one of the higher intensity districts. It was proposed as NX-8. When I look at the land use map, I see that those higher intensity, urban districts were directed towards basically our large job areas: Downtown, 29 north, adjacent to the University for that Higher Intensity, urban context. This one in terms of the pattern presented by the Land Use Map is more appropriate towards that neighborhood center scale. The higher intensity level of the neighborhoods.

Commissioner Mitchell – We talked about this a little bit earlier today. I would like to get your input as well. This is like a valley and could be some sort of industrial park in that little valley. I would like for us to talk about maybe making this an urban center; giving it some thought to whether this should be an urban center so it could have a little more intensive development, some light industrial. How do you feel about that?

Commissioner Stolzenberg – That makes sense.

Mr. Freas – Right now on the Future Land Use Map, this is a neighborhood mixed use node. What is being contemplated is an urban mixed-use node. That would be the FLUM change aspect of this.

Commissioner Mitchell – You expressed two months ago the possibility of some industrial park. What do you think about using that area for that sort of thing?

Mayor Snook – In the abstract, sure. There are several things about it. There are the grade differences, some challenges and opportunities. It is certainly not a flat green field site. If people wanted to find a way to use that space productively, it is certainly the largest expanse of any developable size within an easy walk of the Downtown Mall.

Commissioner Mitchell – What do people think about the height? If we do urban center, then we go from 8 stories up to 10 stories. If we go with NX-5, we are limited to 5 stories.

Commissioner D’Oronzio – I don’t have any problem with height there, particularly considering the surrounding. You have that grade going up to the railroad tracks. Across the street, you’re still way below grade on Meade. The geometry doesn’t present problems.

Commissioner Russell – We’re not just talking about the scrapyards. It is all the parcels around it too all the way up to East Market.

Commissioner Stolzenberg – It doesn’t have to be. What the consultant team said in response to my suggestion was that you maybe just do these parcels against the railroad track.

Mayor Snook – You might want to say that we would make it 3 stories by Beer Run but potentially 10 stories at the bottom of the hill.

Councilor Payne – I agree with that. Work with the topography. We do have to be very mindful of that frontage on East Market and the single-family homes on Burgess.

Commissioner Mitchell – Are we generally comfortable with intensifying the use? Do we want to back up to NX-5, which is less intense? It is intensity to the degree of the Downtown Mall versus intensity to the degree of downtown Belmont. Are we comfortable with more intensity here?

Commissioner Schwarz – When did downtown Belmont become more than anything that is 3 stories? Everything there is CX-3 and NX-3.

Mr. Freas – If you look at the land use map, it identifies a set of neighborhood centers. While this parcel that we are talking about is effectively vacant, I saw it as more akin to a neighborhood center than as an urban center. The inference is that it should be treated more like an urban center within the context of our land use map.

Commissioner Schwarz – It makes complete sense. It shouldn’t be an NX-3, at least an NX-5 if it wants to be something else. I don’t see problem with height here. My opinion is that we have transitions in the code. I don’t see an issue with height next to low height. I have been in enough cities where that exists. It is perfectly fine. It works well. I am not sure that I understand the fear of that. Maximize it. It makes a lot of sense.

Chairman Solla-Yates – I think that CX-5 makes more sense than CX-3 with the transitions, especially to Market and Burgess.

Commissioner Russell – I think that is high for that area. I don’t think 10 stories, except in that hole, would be appropriate. I am not comfortable with a broad ‘brushstroke.’

Commissioner Mitchell – I think we’re suggesting some transitions away from the hole. The hole can be 10 stories as we transition to 5 stories and then 3 stories.

Commissioner Russell – I don't understand how module 2 accomplishes that. We're trusting that it does. I have not comprehended how that works.

Mr. Freas – In the context that they are describing, we would use differentiated zoning districts to accomplish what is being described. We would put an 8-story zoning district close to the railroad tracks and a set of zoning districts to accomplish what is being described.

Commissioner Russell – I would be sensitive to the surrounding residential, however that is accomplished.

Commissioner Stolzenberg – Even the required transition, if it was to be NX-8 that tight transition seems like a pretty substantial step back to me that seems probably about a 60-foot step-back after 3 stories and another 40-foot step-back after 7 stories.

Barracks Road

Mr. Freas – Barracks Road is an example of mis-designation on the zoning map. The property shows up on the land use map as an urban mixed-use node. If we follow the logic rules, it should have been zoned NX-8, which was the notion that was presented.

Commissioner Stolzenberg – Why not make it NX-10, which is consistent with the Future Land Use Map?

Mr. Freas – The rules say that NX-10 is reserved for downtown streets identified in Streets That Work as a downtown street. We basically said 10 stories is a downtown feature. All other urban districts identified in the city are NX-8.

Commissioner Stolzenberg – The other suggested change I would make to the mapping logic there is fronting a downtown street or a giant road like 29 and maybe 5th south of Harris. Why are we restricting that to discourage development of these strip malls that are less than ideal urban forms?

Chairman Solla-Yates – It is currently designated 5 story. The guidelines say it should be 8 stories.

Mr. Freas – The mapping logic suggested that 10 stories is really reserved for Downtown Charlottesville. Are you guys suggesting that we shouldn't reserve 10 stories for Downtown Charlottesville? Other areas should go higher?

Commissioner Stolzenberg – I would say Downtown, Rt. 29 north, and 5th south of Harris.

Commissioner Russell – I don't have a ton of 'appetite' for making changes to our mapping logic at this point in the process. I feel like what we need to do is focus on what is in front of us and not constantly be pushing, particularly height and density. I think that is going to undermine public confidence regarding some of the concerns that the public has around height and drastic change. We just seem to constantly be pushing and pushing. I want to make sure we're coming up with a plan that Council can pass.

Commissioner Schwarz – I am afraid of missed opportunities in areas where nobody is going to complain.

Commissioner Stolzenberg – I think the Rt. 29 areas are areas of rare public consensus that I heard. A lot of this list is those changes that I made in November. It came from Citizens for Responsible Planning. They put out a list of vacant parcels that they said we should utilize more. Almost everyone agrees that 29, Seminole Square, the old Kmart, and Barracks Road should be more. Ideally, we should have more housing there to take the pressure off everywhere else. With that in particular (29 north), it seems to be very consistent with our whole 2021 process.

Councilor Payne – I see the logic for NX-8. I don't know if there is anything that we can do about it. A thought that comes to mind is that UVA has transformed the Ivy/Emmet corridor. Does that expand over time down into Barracks?

Councilor Pinkston – The notion is to go up to NX-8. It has been suggested to go up to NX-10?

Mr. Freas – The basic land use map and the set of rules that we used to translate that into zoning would suggest that NX-8 is the zoning district that should be applied to Barracks Road. That is the starting point. In this body of rules, we pose the idea that 10 story buildings are really reserved for areas close to downtown. All other outlying areas are maxing at 8 stories. The conversations are: Should we be considering 10 stories in areas like Route 29? That is the follow up question. It is not a change to the land use map. The land use map did contemplate 8 or 10 stories. It is a question of whether we want to be considering 10 stories. It would not be inconsistent with the land use map. This document was put together by our team. It is not an adopted document.

Councilor Pinkston – There would be some concern in the community that we're continuing to push the envelope. Is that the concern about trying to take it to 10 stories?

Councilor Payne – I think it is that combined with the fact that if you went to 10 stories, you're not even consistent with the land use map.

Mr. Freas – Ten is consistent with the land use map. It is inconsistent with this body of rules. These are the rules that we followed to take that land use map and turn it into a zoning map. One of the things that we said was that 10 stories is reserved for areas adjacent to downtown. This was put out with Module 1.

Councilor Payne – It is inconsistent with public guidelines.

Councilor Pinkston – If it is consistent with the Future Land Use Map, I am Ok with ten.

Councilor Puryear – The land use map said 8 to 10. Your document says 8?

Mr. Freas – That's correct.

Councilor Puryear – How many more people do you get from 8 to 10 since you're talking about density? What does that mean?

Commissioner Schwarz – It is possible you can make a project more viable. Getting the extra height makes the change in building type from something that is combustible to non-combustible more feasible. The higher you get past that point the more economical it is.

Commissioner Stolzenberg – You're probably never going to get 8. Five stories could be wood. With 8, everything must be concrete and steel. It is a huge increase in cost for all your units for just a few more units. To really make that worthwhile, you must have more stories.

Councilor Puryear – If it catches on fire, how are you going to put the fire out? I hear density and easier to build. You also must think about infrastructure too. Do you have fire trucks with 12 to 15 foot ladders?

Mayor Snook – I don't know how high the ladder trucks will go.

Commissioner Stolzenberg – Any of that would have to be discussed during site plan reviews.

Commissioner Schwarz – In a lot of cities, you don't expect the ladder won't make it all the way up. You have sprinklers and a building type that is much harder to burn. The fire code is trying to resolve all those potential problems.

Commissioner Stolzenberg – We're also saying that we're going to allow it somewhere else. The question is whether to also do it on 29.

We do have the Hillsdale shared use path. We have the whole hydraulic reconstruction that is happening. The county is putting a few hundred units right over the city/county line.

Commissioner Russell – I hear all your points about those parts on 29. I am more frustrated with what I see as the sense that we're not getting to a place where we're finding what we're going to get in resolution. This is based off Mayor Snook's comments a few months ago around all the concerns he is hearing from the public. I am worried about this going to a public hearing and it being a very difficult thing to pass.

Councilor Puryear – I am appreciating Commissioner Russell's concerns and what this means when you get to the final stage. You need consensus or passing from this body to move forward.

Commissioner Russell – I am not objecting to the height. I am objecting to the process. Why are we changing our mapping logic? I am understanding the arguments now. Why are we always pushing for more? Why are we already changing a lot in this plan? We're going to be out ahead of a lot of other cities. That's great in a lot of ways. That is going to bring a lot of good things. We're giving it all away.

Councilor Pinkston – Didn't we address some of that with the a, b, and c a few weeks ago walking it back from 12 in the Future Land Use Map?

Mr. Freas – Mr. Pinkston is referring to the double density provision.

Councilor Pinkston – We walked that back. I respect your point and agree with it. We need to be careful. The piece about this specific one is if it was agreed in the Future Land Use Map that you could go up to 11, I am not quite sure how these mapping logic rules worked. You did a lot of work to pull that across the line. I feel more comfortable with that. If that wasn't the case, I would say 'no.' Given those locations, I would think more height would be fine there.

Commissioner D'Oronzio – I am having difficulty finding somebody who is going to say, "I'm completely happy with 8 stories, by God don't go to 9 stories." I agree with your general view.

Mayor Snook – I have not heard anybody who has expressed horror about the notion that Barracks Road Shopping Center might be too developed. Most of the comments that I have gotten from people are basically along the lines of "Go ahead and put as many people as you want in Seminole Square,

Barracks Road, just don't put them in my neighborhood." If you're concerned about where the public comment is going to come, it is going to come in that direction, not the other way. My concern is a little different. I am looking at the designation of NX-5. It does not include North Barracks Road but also Cedar Court. It's not that I would say that's an area that we ought to be saying 'let's make that NX-8 or NX-10. I am a little less concerned about the main body of the Barracks Road Shopping Center. It is an expensive enough property at this point that I have a hard time figuring out how it is likely to get redeveloped any time soon. NX-8 is fine with me. I suspect that NX-10 would be just fine with me also. I don't feel strongly either way. I understand Commissioner Russell's point about the appearances of shortchanging the rules at the end.

Allied Street

Mr. Freas – This is an interesting one. The land use map identified this area as neighborhood mixed use node. We suggested a zoning district of NX-3. The mapping logic said that where you have 4 story buildings, you should consider NX-5. This is one of those places where they're interspersed. I don't know how many 4 story buildings are interspersed in that space. We're not going to go down that street, parcel by parcel in NX-3/NX-5. We went with NX-3. I am looking to you guys if you believe that we should have gone in the other direction.

Commissioner Russell – You don't want two zoning districts?

Mr. Freas – There are two parcels that are 4 and 7 stories. We wouldn't want to necessarily just zone those to NX-5 and the rest is NX-3. We would want to have one consistent zoning district for this area. Since the preponderance of the area is lower in height, we suggested NX-3. It was raised as a possibility to consider for NX-5. The rule in our mapping logic was that where you have 4 story buildings, you go NX-5, otherwise the base zoning is NX-3. In each one of these cases, our starting point was always the lowest density district and there were reasons to go to the higher intensity.

Commissioner Russell – This is an example where your step backs worked appropriately, I could support the extra height.

Mr. Freas – Property owners are always going to have the opportunity to come forward and seek rezoning.

Commissioner Schwarz – I would like to see NX-5.

Commissioner Stolzenberg – NX-5

Chairman Solla-Yates – NX-5 makes sense with transitions to Birdwood.

Councilor Payne – I lean to NX-3. This is one of the things that we have talked about. These mixed-use corridors, where you have commercial use with some apartments, the scale of the experience, in terms of what people are looking for matters a lot. In terms of what people are looking for in area like this, imagining it like downtown Belmont of a smaller scale, makes me lean to NX-3.

Councilor Pinkston – I am good with NX-5

Mayor Snook – I am good with NX-5, except for two parcels at the top that stick out into the Birdwood Court neighborhood. I haven't walked those parcels. I don't know what the logic is for that. What is the lay of the land there?

Commissioner Schwarz – The one with the parking lot does seem to slope all the way up.

Commissioner Stolzenberg – Those would all be pretty ‘squirly’ in the transition step back area.

Mr. Freas – The way they go up into that area where the transition would hem the building in.

Mayor Snook – That parking lot is already part of Allied Street. It’s not part of Birdwood. If that is at the level of Birdwood, I don’t want that to be an NX-5 for that parcel.

Commissioner Stolzenberg – That’s where transitions would come in. There actually wouldn’t be a transition if it was NX-3 but under NX-5, there is a type E transition.

Mr. Freas – The step backs are expensive. Often, the result, when you have a mandated step back, they bring the whole building farther away.

Commissioner Schwarz – It could be five, but it wouldn’t really make a difference.

Commissioner Stolzenberg – The building must be 20 feet from the lot line. After 3 stories, it must step back another 30 feet.

Mr. Freas – You would likely end up being 50 feet back; either 3 stories or 50 feet back.

Preston Avenue

Mr. Freas – In these corridors, we have CX-5 as the base zoning. At key intersections, it goes up to eight. The question being raised here was whether, at this westernmost intersection, not going up to eight and only going up to five.

Commissioner Stolzenberg – All of this is already redeveloped into Dairy Market. It is this big parking lot where I think you would want to put anything if you can make the transition across West Street good with your new cross street transition rules. For these specific parcels, I think that is fine to reduce.

Commissioner Schwarz – I really think Preston is a missed opportunity if we don’t try to take advantage of more density along it. I see the logic in five. I would like to see more eight around there and just deal with transitions. It’s going to be a missed opportunity if we don’t develop it, too much easy access to downtown and elsewhere.

Commissioner Stolzenberg – Are we doing a small area plan? I think it is fine to kick it to that and drop it to five. These parcels really don’t matter. The ones next to them are the ones that are going to get developed. When we redo that intersection, there is going to be an acre of land created out of thin air that is going to be city owned that should probably be intensely developed into as much housing as we can fit on it.

Chairman Solla-Yates – I agree with Commissioner Stolzenberg and Mr. Freas points. This is an important intersection. I want to see intensity and thought in this area. A lot of the development opportunities are east of this area. I am OK with five for now. This is an important issue that should be taken up in the small area plan.

Councilor Payne – I would support it going down. I have a bigger question around these mixed-use corridors. If you're giving away all the height and intensity and if we're looking to do small area plans in these areas, do you lose all your leverage to guide it?

Councilor Pinkston – I am fine with five.

Councilor Puryear – Five

Mayor Snook – I am thinking five. If this is going to be the introduction to a corridor, it shouldn't be tall. It is a residential neighborhood right next to it.

West Main Street

Mr. Freas – When we were producing the draft map, it was intended for CX-8 to the west of the bridge and CX-5 to the east of the bridge. It was consistent with prior zoning decisions. There was a miscommunication there. There was an error on the map that was miscommunicated how to fix it and it would have been shown in the entirety at CX-8. Our proposal, on the east side, it should come back to CX-5.

There is an argument to be made that the train station site itself could accommodate a CX-8 designation similar to the other side of the bridge. These are all zoning changes that do not require a change to the Future Land Use Map.

Commissioner Mitchell – West 8, East 5.

Commissioners D'Oronzio, Russell, agreed with Commissioner Mitchell

Commissioner Schwarz – Keep at 8 and let the BAR do its job.

Commissioner Stolzenberg was fine with both options.

Chairman Solla-Yates agreed with Commissioner Schwarz.

Councilor Payne – I would remove the CX-8 designation.

Councilor Pinkston, Mayor Snook, and Councilor Puryear agreed with Commissioner Mitchell.

East High Street and Meade

Mr. Freas – This is the same issue as with Preston. We have an intersection that identified as a key intersection and popped up to the 8-story height. We received a comment that suggested that it should be 5 stories like the remainder of the corridor. Staff doesn't really have a perspective one way or the other. The argument was concern about displacement of the smaller homes in that area and the adjacent scale of development.

Commissioner Stolzenberg – I don't see that 5 or 8 changes. Another point I heard is that whole intersection is weird and terrible. Is there any thought about how reconfiguring it would work and whether that would be easier if it didn't develop, or it did develop?

Mr. Freas – I hate to speculate on the question. That assumption would assume a big assembly needing to happen to generate a project with enough scale.

Commissioner Stolzenberg – Could we have them reserve the right of way in the future or via the site plan review process?

Mr. Freas – You’re making a presumption around land assembly.

Commissioner Mitchell – This is hard. I like the idea of those little houses in there. I am concerned about with the highest use of that area. I am concerned about those little houses disappearing. I would like to hear other opinions.

Commissioner D’Oronzio – I am of Commissioner Mitchell’s thinking. That intersection is so awful. It is like I had this old Mercedes Benz once and I never flushed the radiator because it was composed of rust. It worked perfectly but it should have been broken. With this, I believe I am scared to touch it because it seems to be so precarious. Any change that we make there, the chances that things are going to be bloody awful no matter how we address it because of that intersection. I would say CX-5 for that. I am also confused to see what an 8 story could get.

Mr. Freas – We are proposing to change it to the CX-5. The mapping logic took it to 8. The comment we received said it should be 5 based on the factors.

Commissioner Mitchell – How does that change the character of that intersection that allows them to build up to 5 stories?

Commissioner Stolzenberg – I don’t see building that tall without doing significant land assembly. If you did that, we could realign the intersection.

Commissioner Russell – Is there no logic around key intersections? It is not key in that it is functioning like a key intersection. It is problematic and would exacerbate the problem. I don’t think that it makes sense to be an 8 node there.

Commissioner Mitchell – The more house/dense we make that the worse that intersection is going to be.

Commissioner Stolzenberg – On the other hand, inside site plan review, they might say ‘this is going to make this intersection fail. You need to put in all this money improve it.’ The only thing that might incentivize enough land assembly to fix it without a bunch of city money.

Commissioner D’Oronzio – How much worse could the traffic study be than the present circumstances on the ground?

Mayor Snook – I assume that at some point, they’re going to say that ‘we’re going to make Meade turn and come in at a 90-degree angle at East High Street. Take out the camera store and get that intersection regularized so people can see where they are going.

Commissioner Schwarz – I am ambivalent. I don’t think 8 or 5 would make a difference with the traffic or whether the houses are preserved. If somebody can make an 8-story building work there, go for it. I don’t think it matters.

Commissioner Stolzenberg – It doesn't matter.

Commissioner Palmer – It seems that Stewart Street seems like the natural node.

Commissioner Schwarz – That makes sense to me.

Commissioner Stolzenberg – That's the place that makes sense.

Chairman Solla-Yates – Stewart makes the most sense and that should be basically closed off on one end.

Councilor Payne – CX-5. I don't see the infrastructure there. It stuck out to me as something that doesn't seem to make much sense. This isn't the displacement question. It is not unique to here. It's not the number one factor as I saw it. I don't see the infrastructure making sense there. I don't know the answers. On these mixed-use corridors, the question of land assembly and acquisition and the type of investment you bring in in displacing businesses that are accessible and, in some cases, owned by more working-class families in the city is a very important question. I know it was blantly dismissed. These are things that people care deeply about. Working class people who feel shut out from the city when we talk like that feel it even more.

Commissioner D'Oronzio – We have another that is even more on point example on Cedar Hill and Hydraulic. It speaks exactly to that point.

Councilor Pinkston, Councilor Puryear, Mayor Snook – Five

Chairman Solla-Yates – I think five and Stewart makes more sense.

Gallery Court

Mr. Freas – This was a proposal. The mapping logic suggests this site should be CX-5. It was noted that a previous decision approved a 7-story building at this site.

Commissioner Stolzenberg – With the shared use path, we will eventually have the Emmet Streetscape. It will be an amazing bike and pedestrian experience all the way Emmet to Barracks Road, including in front of Gallery Court. I was saying CX-8 instead of CX-5. It is adjacent to Lambeth.

Councilor Payne – The other relevant context, as others have mentioned, is that this is the only parcel not owned by UVA. I think the owner of this parcel is very serious and intent on developing it as a non-UVA owned entity.

Commissioner Russell – What is the recommendation being made?

Commissioner Stolzenberg – It is five right now. If they build under the SUP, it is basically going to be a CX-8 building, anyway. It matches. It feels like it would match and not be a non-conforming building.

Commissioner Schwarz – Eight sounds great.

Chairman Solla-Yates – Given that is already approved, eight is more reflective of what will happen.

Councilor Payne – The SUP is already approved. CX-8 to match that makes sense to me. There is going to be the massive data science center there. I think it would be good to have something that is not UVA there. At least we'll know that we're getting tax revenue.

Mayor Snook – Eight.

Old Martha Jefferson

Mr. Freas – This one shows up on the map as NX-8. This is one where it was suggested that it should be NX-10. With mapping logic, this is not a downtown street in our Streets That Work Plan. It takes you to eight.

Commissioner Mitchell, Commissioner D'Oronzio – Ten

Commissioner Russell – Our mapping logic has expanded from downtown to 29. We're now saying that this should also abandon that mapping logic, I do not support that.

Commissioner Schwarz – We have NX-10 almost caddy corner to it. It is not really extending it out that far. It does make me wonder if those other parcels that are between Maple and Lexington should also be NX-10 if we make this NX-10. I have no problem with NX-10 in this location.

Commissioner Stolzenberg – I proposed it. I would also make a mapping logic argument that our Streets That Work Plan is 10 years old. We have the East High streetscape project if it can ever get out to bid. That's going to make this section of East High up to 10th what I would consider much more of a downtown street according to Streets That Work rules. It would probably make sense at that point to update The Streets That Work Plan. At that point, the mapping logic will have all made sense for this.

Commissioner Russell – I think that is too high moving away from our core downtown.

Commissioner Stolzenberg – I can see making the CFA parcel high.

Mayor Snook – Thinking about what is likely to happen, I don't think they're likely to tear down the CFA. They're likely to build on the parking lot. My initial thought was: Why would we want to make it NX-10 for the neighbors up to the north. They're not the ones who are going to see it. They're not going to tear down.

Commissioner Stolzenberg – This is also a service parking lot and a two-story garage. This is a parcel split down here.

Councilor Payne – Would that be split zoning?

Commissioner Stolzenberg – No. They're different parcels.

Chairman Solla-Yates – There are some excellent points here. I agree with Commissioner Schwarz's points about consistency in the intersection. I agree with Commissioner Stolzenberg's point that the two parcels have different dynamics. It makes more sense with 10 (lower) and 8 (upper).

Councilor Payne – I don't have particularly strong feelings. My first thought is sticking with the consistency of what our logic was in maintaining NX-8.

Councilor Pinkston – What does the FLUM call it?

Mr. Freas – Either of these options is consistent with the land use map.

Councilor Pinkston – I am good with what Commissioner Stolzenberg suggested in terms of the split.

Mayor Snook – I am good with the split.

Downtown Streets

Mr. Freas – These are streets down here (Beck Cohen). It is the same issue. The logic rules designated these parcels as eight. The suggestion has been made that they should be ten like everything that is adjacent to them.

Mayor Snook – The only thing that is not adjacent is the railroad tracks.

Mr. Freas – This was Commissioner Stolzenberg’s suggestion. The strict application of the rules because it doesn’t front on these downtown streets. There is an intervening street and strict application of the rules put it at 8. It has been suggested to be 10.

Commissioner D’Oronzio, Commissioner Schwarz, Chairman Solla-Yate – Ten

Commissioner Russell – I am not going to vote for the demise of Beck Cohen. I think it is an iconic, historic Charlottesville building. If anything, we should consider protecting it.

Commissioner Stolzenberg – I changed my argument from it is a weird island to there is no more Old Avon. It does fit the mapping logic to change it as of last year.

Commissioner Schwarz – People can always request a demolition. There is a process for that. It is a two-year process. If they can’t sell it at a market rate, they can tear things down. That’s something we risk in every historic district.

Councilor Payne – I really don’t have strong thoughts. The most relevant policy question is if that level of intensity means that kind of business, the writing is on the wall of that never existing again. For this, I really don’t have a strong feeling on it one way or the other.

Councilor Pinkston – No strong feelings. If it makes it more consistent to have it as ten, then I am fine with that.

Councilor Puryear – Leave it as is.

Mayor Snook – Slight preference for ten.

Intersection of Stadium, JPA, and Emmet

Mr. Freas – It was identified as CX-8. CX-8 was designated between Stadium and Emmet and Woodrow. Woodrow Street doesn’t exist. The argument being made by the individual making this request is basically suggesting that because all these parcels are in common ownership and have been for quite some time, the entirety of this area should go into the CX-8 designation.

Commissioner Stolzenberg – You have a 60-foot grade drop from Montebello?

Mr. Freas – You do. It is a very dramatic grade drop there from Montebello Circle down to the parcel in question.

Commissioner Mitchell – CX-8 for both.

Commissioner D’Oronzio – Eight for consistency.

Commissioner Russell – I don’t feel that I know enough about this. It seems like if it is not a street, zoning should be continuous. Is that the appropriate zoning?

Commissioner Mitchell – It goes back to the point that you made here if the street did exist, Mr. Freas.

Mr. Freas – I don’t know if that is the case here.

Mr. Schwarz – I had brought this one up as well. I think CX-8 across Woodrow Street makes sense. It also makes sense extending down JPA. My question/concern is that I feel like the drawings we have gotten recently for buildings along JPA work in the sense that you have a very tall building on JPA. It ends up being 2 or 3 stories when it reaches Montebello. If CX-8 creates that, that makes sense to me. What I don’t know if it is appropriate having 8 stories on Montebello and having the building step down and it is 8 stories on JPA. That doesn’t make any sense to me.

Mr. Freas – This area is the one that took us to this question of doing split zones.

Mr. Schwarz – That makes sense if we can do that along JPA.

Mr. Freas – We’re looking to see if there are other places where that same rule might need to apply. JPA is where we’re looking at that issue.

Commissioner Russell – Is what you’re saying is that because it is all in ownership, a developer could abandon Woodrow Street and have more flexibility to build something that does work in that corridor by not having the split zoning between the two?

Commissioner Schwarz – I am in favor of split zoning on the parcel itself. I think the CX-8 should happen. When you get close to that hillside, I think we need to do something so there isn’t an 8-story building on Montebello. You can ‘fuss’ with the code in a way that it lets you step the building with the topography. You can get an 8-story building at Montebello, and it is 8 stories on JPA. I don’t think that is good. If we can do split zoning that makes it CX-8 but CX-5 for a strip along Montebello.

Mayor Snook – We were looking at something like that. There is a building that we’re looking at. The proposal was to have 5 stories on JPA and two stories on Montebello.

Mr. Freas – You’re exactly right. That project is one that we’ve spent a lot of time understanding how this zoning would apply to that. That was one of the ones that architects brought forward for us to look at. It is leading to this conversation around this transition issue.

Mayor Snook – It seems to me that ought to be of a de facto for everybody.

Commissioner Stolzenberg – I agree with that. You don't want to have an 8-story building fronting on Montebello. All of this, given the topography change, makes sense for a lot of height. If you did something like that, with RX-3 here and that much more intense zoning facing JPA, that is a good idea. It does matter in terms of where homeowners live versus where students live. All the other parcels along there are occupied by student renters presumably, except for these two next to the one that we're talking about. Over here, it makes plenty of sense to have all that height as well. We want to fit the students in there so that they stop sprawling out into all the other neighborhoods. It is a great place to do it given the topography change along there.

Commissioner Palmer – I agree with Mr. Schwarz. We want height there.

Chairman Solla-Yate – I agree with what is being said. Eight stories make a lot of sense fronting on JPA. I agree that we need to be smart with how we address Montebello. I agree with what Commissioner Stolzenberg is saying.

Councilor Payne, Councilor Pinkston, Councilor Puryear, Mayor Snook – I agree with what Commissioner Schwarz had said.

Zoning Map Changes Requiring an Amendment to the Future Land Use Map

Mr. Freas – Broadly, these came to us in two types. There are several requests around reducing the zoning designations that are the medium intensities zoning designations (RB and RC) being reduced to RA. When we were creating the map, we investigated this issue. What is the recommendation of Medium Intensity? The Future Land Use Map said that Medium Intensity should allow up to 12 units on a lot. Part of our conversation was really looking at this question. With our objective of incorporating into these districts and these land use areas, you can do a house scaled building in 12 units. It is not a question of whether you can or cannot do that. You can do that. It is certainly much more of a design challenge. With the feedback of what we heard from the community, we made the call to establish the zoning districts at the RB and RC to implement the medium intensity at 6 units in the RB and 8 units in the RC. We felt that was a reasonable compromise. We went through and looked at that issue and had our conversations with our various colleagues around infrastructure. We didn't arrive at any areas that were identified for medium intensity that necessarily needed to be walked back from that Medium Intensity designation to a General Residential. That's our conclusion on that point. Are there remaining concerns about the RB or RC designations in the city that we should be addressing in some way?

Commissioner Mitchell – It is fine with me.

Commissioner D'Oronzio – Any impact on the affordability bonus?

Commissioner Mitchell – Both of them would be factored in.

Mr. Freas – I am thinking about that in terms of the base zoning district, not the bonuses attributable to affordable housing. Bonuses are going to be still very rare occurrences. We talked about reducing that from where it was before to a maximum of 12 units.

Commissioner D'Oronzio – That's fine.

Commissioner Russell – This makes me remember a comment from the public Jean Hiatt. She is with Preservation Piedmont. She was specifically concerned with some RX-3 zoning. On the upper part of

Preston Avenue, historically African American community with very small affordable homes on the east further along the west. I haven't looked at this. I would be interested in looking at that.

Commissioner Schwarz – I am fine with how we're defining RB and RC. As far as mapping questions, I do have other areas. We have RB extending up Park Street. It stops and becomes RA. We hit the 250 bypass. It goes up to RB again. I don't understand the logic for the break there and why we're pushing density north of the bypass versus south. Similarly, we have RB extending along Lexington, which doesn't go anywhere. It goes into RA neighborhoods. Why are we not putting RB on Locust? North of the bypass, we have RB starting up again. I am not sure that I understand the logic that is going on there.

Mr. Freas – All of this is based on the land use maps. I would be going back to what the designations were and why they were designated the way they were on the land use map itself. Part of what is driving the designations, the medium intensity was to establish areas within every neighborhood of the city where there was this opportunity for these types of houses to happen.

Commissioner Schwarz – That feels a little bit more arbitrary than designating a core that goes out to another corridor.

Mr. Freas – You're referring to the gap in Park Street. It is less that there is a concern about north of the bypass being designated.

Commissioner Schwarz – Why is there a gap on Park Street? Why have we not looked at Locust south of the bypass? It seems very odd. Similarly, I don't understand what we're getting out of Lexington.

Commissioner Stolzenberg – I am still confused about how within the mapping logic that we ended up with this and maybe the one by CHS that we have intersecting framework streets and we didn't follow the x hundred feet from the intersection rule. Those are the only things that I have within FLUM. On the question: Where would you put the medium intensity zoning districts? I might have a couple tweaks. I am very sympathetic to the points that staff made in the memo about how we had a whole thing in 2017 through 2021. Had this whole public process with community engagement, I don't know that reopening 'that can of worms' is the right move. If you want to reopen 'that can of worms,' I would be happy to make some suggestions.

Mayor Snook – When the Future Land Use Map was adopted two years ago, Council spent maybe 30 seconds discussing it. We were told that we were not going to discuss it. We were going to talk about it now.

Councilor Payne – I think the understanding of passing it was that the Future Land Use Map was a long-term maximum build out. It did not mean that the Future Land Use Map would be the zoning designation in the zoning rewrite, which is another piece of context for it.

Mayor Snook – I don't even know if you 'sweated bullets' over it two years ago. I don't remember being at any meetings where you all spent more than a little bit of time on it. I don't think anybody in city government, two years ago, at any public meeting spent any significant amount of time deciding 'these lots and not those lots' get the designation for medium intensity residential.

Commissioner D'Oronzio – There is a parcel by parcel run that needs to be done on a lot of this. I can give an example of this. There was a comment for #4, which is the first or second one listed for changing the FLUM that is on target. This is an entry corridor that isn't an entry corridor anymore. (Stonefield). This is designated to be a neighborhood primary road. It isn't. Twenty years ago, at North

Berkshire, it wasn't even a through street. It was a dead end here. You could not get through. When the shops went in, at this point here, we have a triangular island. That was done very sensibly because there is a light here to stop people from going shopping at Stonefield, driving down Cedar Hill Road and to avoid getting to Hydraulic. This was blocked. You can get out of Cedar Hill, and you can turn right. If you want to get onto Cedar Hill, you must be coming from the west to get in. This is no longer a through street. All these parcels are single family affordable residences. They are single family residences that were zoned B-1. People do live in them. These are houses and duplexes. This is all in the sensitive area here. The Streets That Work is outdated for this. If we put these as CX-5, what we're going to essentially do is turn this street into a high traffic area through a sensitive area. The initial logic used for this was to follow the prior land use map. The prior land use map was wrong about what was happening here. The Streets That Work is wrong about what was happening here.

Councilor Pinkston – Twelve had been mentioned. You are now saying 8 and 6. With the whole notion about the bonus density, we're setting that aside. The question is how I feel about the 8 and the 6. I feel that those are good numbers. I am glad that we're coming down from 12. In terms of where they are throughout the city, I would be interested in knowing what the bases were when you did the Future Land Use Map.

Councilor Puryear – I also saw something that Ms. Hiatt had written regarding the area on Rose Hill Drive, Amherst, and Concord. I am also concerned about how designations from A to B to C and the impact on these homeowners. Whatever must be done to protect them, we need to do.

Mayor Snook – I will go back to what I said a few years ago where I thought it would be a good idea for us acknowledge that there could be, an RB or RC. Without having done any sort of individualized look at lots, it was foolish for us to designate anything. If this is the first opportunity that we have had to discuss any of this, my initial thought is that what we are already doing in RA by tripling the number of units that are possible to be built there, it is already going to put us in one of the most liberal, growth oriented, highest density zoning plans in the country. Personally, I want to go very slowly in deciding where we would put RBs, RCs at all. I say that for a couple of reasons. We have people who are 'freaking out' over the fact that their street is now designated RB. They're thinking that they are going to have 6 units on each one of these places on my street. They're going from 10 units to 80 units on their street. Although we can tell them until we're 'blue in the face,' that it is not going to happen all that fast. That's not a very reassuring thought to many people. If there was some way to ration the number of places that would have a higher density per block, street, that would be something to think about. I am not sure that Arlington's answer of saying we're only going to allow a certain number per year; I don't think it is legal. I would hate to rely on that as our way of doing that. My thought was that we could say that we would have higher density available on corner lots. That has a self-rationing effect. You only have so many corners. It means that there would be some spacing out of some of these places with higher density. I think there will be more than enough density created simply by the new definition we're giving to RA. My overall thought is that almost every place designated for RB is that with most of those places, we wouldn't want every house developed in RB. If we don't want it, why are we putting it there? I want to figure out some way to have this growth be more gradual. I want to see it be better spaced out. I don't want to see everything on some of these streets suddenly become available for apartment buildings of 6 or 8 units. I also think that we need to go back to what we said 2 years ago. What I told people because I was told by the Planning Commission, the consultants that RA was going to be house sized developments. RB was going to be large house sized developments. The only way I can think of to accomplish that and to give people some certainty that's what is really going to happen is to do what people have basically eschewed in this process. That is to have some sort of maximum size for the building. For example, on an RA lot, you can do whatever you want to do within a 4000 square foot building. That might be a way to allow for the neighbors to think that my neighborhood, when I

walk down street, is not going to look significantly different from the way that it looks right now, and we can potentially have 3 times as many people there. One of the questions that I wanted to ask: What can we do that would give the people in these neighborhoods what we promised them two years ago? Is there any limit? I don't know of anything in this current draft that allows for any limits on the size of the building.

Mr. Freas – There are 3 factors that limit the size of the building. One is obviously the height, the building footprint (percentage of lot coverage), and the building width provision, which is under the building massing category. Those 3 factors together basically define your height, your width, and your overall footprint. Those factors together limit your size.

Mayor Snook – Let's say you have 60 percent of coverage. I will use my house as an example. We have a 13,000 square foot lot. That means I have 7800 square feet that I can build on top of.

Mr. Freas – You are limited in the width to no more than a 40-foot-wide house. That lot coverage that you're defining must be no more than 40 feet wide and back from there under the maximum building footprint.

Mayor Snook – Supposing you add a 40-foot-wide building and took it back, you can probably build at least another 40 feet back. You're talking about 6000 square feet. I think a 6000 square foot house on my lot would probably look strange. I don't think the neighbors would think that looked like the neighborhood that they moved into. This is the sort of thing that I asked that we do. As I look at things and try to figure out, I keep coming up with a lot of potential for an awful lot of ugly kinds of buildings. My overall concern is you all are going much farther, much faster than any of us on Council has ever had an opportunity to do. You're assuming a lot of things that we have never talked about. If you want to look at specific places that are funky, one of the places is the CX-5 on Rio Road by Tarleton. I would really like to know a lot more about how that would work out in terms of transitions. If you want to look at a thing that has gotten a lot of comments, where Meadowbrook Heights Road goes up to Kenwood. Unless the city wants to spend a lot of money reconfiguring an intersection there, that's not a place we want more people going through. I don't think that I understand the concept for why there would be RC at either end of Grove Road. I am not sure what that adds to have 8 units in places like that. There are a lot of other places like that. When you look at the buildout potential, it gets ridiculous. If we're not going to have that kind of buildout potential, why are we fooling everybody by saying that we're going to call this RB? We don't want it. We shouldn't be writing it into the ordinance. I don't know how we ration it.

Councilor Puryear – That's why we will have an overlay map. We will know what could potentially go what, when, whereas it relates to size. Take my lot. It is a corner lot. What could you put on that lot if somebody tore that house down. I don't know how many square feet my house is wide. I can tell you the square footage. I don't know how wide it is. I don't know how far it sits back from one corner to the next corner. I can't tell you that lot size would accommodate anything after other than a single-family home. If there was an overlay map, this is what it would look like. This is what potentially these things would look like. This is what potential density would mean. Forget about all the subsidies. I am not going to come in and bulldoze my house down and build something else on it. I am going to take it down to the studs and fix it and sell it to somebody else. There are some lots where you don't have that option. You would have to do a teardown. What would that mean? What does that look like?

Mayor Snook – The best answer from this body is that the economics are not going to justify a lot of teardowns. Why are we going there?

Commissioner Russell – The idea is that we’re trying to intersperse density in neighborhoods. The only way to do that is to zone it all for that with the understanding that it all doesn’t become that. In addition to that, knowing that in 5 years, you look at it again.

Mayor Snook – It is always harder to take back rights you have given. It is damn near impossible to take back development rights that you have given. It is easy to extend development rights. It is very hard to take them back. You get one house on a street and that ‘jumps’ immediately. It suddenly changes the character of the street. Everyone else asks why they can’t do that? Why are you taking away that same thing from me? It really is a ratchet. It is not a two-way thing.

Councilor Payne – When the city downzoned in the 90s, was that subject to a substantial number of legal challenges?

Mayor Snook – I am not aware of any.

Commissioner Stolzenberg – The city has downzoned in every major rezoning starting in 1929?

Chairman Solla-Yate – 2003 was debatable. There was downzoning and upzoning in that one. The other rezonings have been downzoning.

Commissioner Schwarz – The idea of going in 5-year increments does make sense. What are we thinking about what we want the city to be in 20 years? Do we still want all our single-family neighborhoods to continue to be single family neighborhoods? At some point, as the county continues to grow around us, as people continue to want to move to Charlottesville and the surrounding area, the logical thing is that some of these neighborhoods will not be single-family neighborhoods. We get a lot of people upset about Rugby Avenue. Maybe in 20 years, that should not be a bunch of single-family houses. Personally, I don’t think that it should. There is a lot of the city that we need to densify. The future is a lot denser for us, so we continue to preserve these little neighborhoods now or do we set up a process that we get what we want 20 years from now?

Mayor Snook – Is tripling the density not enough?

Commissioner Stolzenberg – No. It is not going to happen. It is not going to do anything. It is not tripling the density either. You can have two units on every one of these parcels right now.

Commissioner Russell – I can’t look at the Module 2 height and width percentage and understand how that would apply and feel that I can be confident that it will really result in house sized buildings like we say that it is going to. I want to trust in that. A lot of work has gone into it. It is a very complex, well-articulated set of concepts. It is hard to talk about how that would play out.

Councilor Puryear – What does it look like? I asked if I could put an ADU on my property. I don’t know. Maybe I can’t/maybe I can. I don’t know. Unless you know that you can do this, are you going to do it?

Commissioner Russell – I was reading about what has happened in LA with ADUs. There are a lot of people that have decided to address affordable housing by building ADUs on their property. It’s maybe a way of also being able to afford to live in LA, a very expensive area by having supplemental income. Another thing that happens is that developers come in, buy single-family housing, convert them into apartments. I worry about potentially losing (East High) naturally affordable, smaller, older units. You

start to see a flip. We do have less single-family housing potentially but we're not getting at the affordability.

Mr. Freas – What is keeping that from happening today? Right now, those smaller, single-family houses are targets to be flipped into very expensive single-family houses. What we need to compare is not the existing condition to what could happen under the new zoning ordinance but what could happen under the new zoning versus what can happen under the existing zoning ordinance. What can happen under the existing ordinance is that someone can buy many of these houses and turn them into much larger houses. We're introducing restrictions on the size of single-family houses that don't exist today. People can buy them and turn them into large single-family houses. What we're introducing is the notion that you can still do that but with more limitations. Or you can turn it into 2,3,4, 6, 8 units, which are inherently going to be less expensive than that single-family house. That's the comparison that we need to make. We can't take away the option of people flipping the existing houses. We know that the incomes are coming for people to buy those because it's happening today.

Councilor Puryear – You're presuming that if you take the single-family home and it is 4000 square feet and you're going to get four 1000 square foot units, that gives you four units versus the one unit. There is nothing to say that you're going to be able to do anything with those four once you convert it. Where is your density? You have the density based on the number, but you may not have the density based on the people. Are you hoping that they will go hand in hand? I am assuming that 4 of you are going to come in. Suppose only 2 come in. I still have 2 units.

Commissioner D'Oronzio – If you own a rental property and you said that you are going to rent out a unit and change tenants. By the time you got down from Cityspace, you would have four people texting you about wanting to rent your place.

Councilor Pinkston – I get where Mayor Snook is coming from. This is creating a lot of angst in our community that is not going to turn out to be what people fear. People fear what they fear. It is not that people are irrational. It is the unknown. I do feel we have some sort of responsibility to give some framework about how this might evolve. One thing that we can say is that these areas have been designated as RB and RC. In five years, we will evaluate where things stand with all these other changes that we have made and consider then ratcheting up at that point. Another thing that we might consider for these spaces is that maybe we do something for these areas, maybe something like an SUP process. The idea is that we want to spread these throughout the neighborhood. These become connecting nodes. Given the fact that these are interlaced throughout the neighborhoods in that way, I wonder if we can set up with staff where we evaluate potential projects on a case-by-case basis. I know that what we're wanting to do is make this easy enough so people don't have to do that. I do wonder with this medium intensity; I just don't think we're ever going to be able to put parameters on this that are actionable enough for developers to know what to do and for people to not be terrified.

Commissioner Stolzenberg – The problem with that is who is going to buy a house, sit on it for 2 years, going through a special use permit process asking Council. All the neighbors are going to object to the project. Council denies it and nothing ever gets built. Nothing significant is going to get built in RA. It is not a significant allowance over what is allowed now. The economics of tearing down a house to make 3 units work is not going to happen. You must set rules. Some of Mayor Snook's points about the volume and envelope to the building are reasonable. You need to set rules in advance. For a big mid-rise building on a big corridor, it is worth going through a multiyear process. We don't have people building sixplexes/eightplexes now. That's why they call it the missing middle. We have forgotten how to build them in part because they're effectively illegal. They're way too small scale to go through that kind of one-off. We are in a housing crisis. We have a severe housing shortage. If you care about the

climate, the carbon footprint per capita in the county is 50 percent higher than for the city. That is primarily driven by transportation. If you care about climate, you want people to live in the city. If you care about walkability, making your transit survive and support itself, you must have people living in the city.

Councilor Pinkston – I am absolutely committed, which is why we’re approving these projects. I am onboard with all of that, onboard with density, and onboard with everything that you’re saying. This is a special linchpin. The way these are distributed throughout, maybe we need to just narrow their geographic area, so people aren’t ‘freaking out’ about them or reduce the amount of housing in there.

Commissioner Stolzenberg – If you reduce the area that they’re in, you’re going to focus them even more and create more change in whatever you leave.

Commissioner D’Oronzio – Mr. Freas, we have estimates on turn rates and absorption. Can you give us the rate of change analysis?

Mr. Freas – The rate of change analysis, which was a limited look at the situation, which is one of the reasons we’re revisiting that along with the inclusionary zoning analysis. We’re gearing up to revisit those things. That analysis looked across the city at the parcels, at the zoning. On an annual basis, there were basically 40 lot projects that were eligible to be used for this. The key to the housing production was in the RB and RC. That’s where you could do townhouses. You can’t do townhouses in the RA. Townhouses are a very desirable building type. With many of the developments that are happening, they’re interspersing townhouses into those single-family neighborhoods. Townhouses are going to be a lower cost product that is accessible for middle income. I am not going to call that low income. That’s a middle-income unit. One of the things that we’re seeing is a missing middle in terms of our spread of who is finding an opportunity to live within the city.

Commissioner Stolzenberg – Another important point is that you can build all the mid-rises or high-rises in Seminole Square as you want. The apartments that are in those are either one- or two-bedroom units or they’re 4 beds, 4 baths built for roommates. If you want homes for families to live in, they’re going to have to be effectively 12-plexes or less under the building code. Any more than 4 units per story, you get into a type of construction where you have way fewer bedrooms, a lot more interior space, you must fill with bathrooms or giant walk-in closets or things that cater to roommates and not families.

Mr. Freas – I want to make one more comment that came in this rate of change report. Those numbers basically tell us how many lots could be used on an annual basis. It is a supply side analysis. It is not a demand side analysis. I am working on the comparison between our proposal and what Arlington recently passed. I got the opportunity to read their rate of change analysis that they came back with. They came back with up to 21 projects a year. Their analysis was more demand based. Arlington is a more sizable community than ours. Their original proposal was up to 8. This was done with up to 6 units. What they passed allows up to 6 units on every single-family lot across the entire county. They came back with 21 projects a year being this conclusion.

Councilor Pinkston – Commissioner Stolzenberg, your point is if we don’t do something like this, the “missing middle” we’re going to be missing.

Commissioner Russell – There is one other element that goes back to what we set out to accomplish in the Affordable Housing Plan and in the Comprehensive Plan. It was to break down barriers of historically segregated single-family neighborhoods by allowing more housing types and housing

options. If we just built apartments at Barracks Road and put everybody there, we haven't done what we really set out to do, which was to break these patterns.

Councilor Puryear – There is no middle class. What you just said makes perfect sense. You're also assuming that there will be people like me that can afford these units. Forget about all the formulas for moderate income and low income. How many that look like me could afford the market rate of the townhouse that you're building on this lot. After that, you must consider: Well, you built 6 townhouses. How many of those are going to be affordable so I can buy one or rent one? If you look at the income disparities in the city, there is no middle class. You're at \$90,000 or you're at \$40,000.

Commissioner D'Oronzio – In the current environment, if you make \$90,000 a year, HUD says that you're housing burdened if you buy any house in the city of Charlottesville.

Councilor Puryear – I am just saying to look at the average income disparity between people that look like me and people look like Commissioner Stolzenberg and Commissioner Schwarz.

Councilor Pinkston – The goal of this is to help create a middle class. By creating more supply, it would help lower the cost. Mayor Snook, where do you stand on this?

Mayor Snook – My understanding is that it is not going to be reasonable to think that it is simply having RA lots will get turned into 3 units is going to result in any affordable units for 60 percent AMI or lower?

Mr. Freas – It is simply the notion that those would be more affordable to someone.

Mayor Snook – It doesn't get us affordable housing as we know that. What we're talking about in the whole affordable housing discussion is what we must do to get 60 percent AMI or lower. The goal was supposed to be that by building these units and allowing for an 8-plex or something like that, you would have cross subsidization between the market rate units and the affordable units. We know from the analysis that was done that you have to get to 9 market rate units before you begin to be able to subsidize the affordable units. None of the discussions in RA or RB or RC gets us to that kind of cross subsidization. None of the RA, RB, or RC stuff is likely to get us perhaps more than a handful if that of affordable units of under 60 percent AMI units. If we're expecting that the double density thing is somehow going to create additional affordable units, that is going to require the city to put in about \$1 million per project. I just don't see that happening.

Mr. Freas – The Affordable Housing Plan made several statements about affordable housing. It said that we need to commit to a degree of subsidy in order to subsidize and create affordable housing. All affordable housing at 60 percent AMI or less is going to require some form of subsidy. It identified the inclusionary zoning principle as one of an internal cross subsidy within projects. We identified that at 9 units and greater. The point it is making that led us to the General Residential and the Medium Intensity Residential was primarily looking at why we are in the bind of needing to subsidize affordable housing in the first place. There has been an imbalance in housing production here and across the country. This is what everyone is dealing with. It said: Let's stop that practice and start allowing the market to provide something closer to what the demand is for units in the city. Everything we're doing on the affordable housing to subsidize the creation of affordable housing is attacking the symptom. That part is meant to be attacking the problem.

Mayor Snook – The only point that I want to make is that we're not really expecting to get under 60 percent AMI units built in RA, RB, or RC.

Commissioner D’Oronzio – That is probably true. I think OK with that.

Mayor Snook – You must understand when we’re going to get affordable units, we’re going to get them in other ways. We’re not going to get them through those processes.

Councilor Pinkston – There is such an imbalance in terms of the supply that we would have to supply so much supply to the system before you even see the equilibrium begin.

Mayor Snook – The primary difficulty is that at this point, construction costs exceed the rent we would get on an affordable housing voucher. Your operating loss is even before you build the structure.

Councilor Pinkston – That is assuming we’re talking about 60 percent AMI. I am just thinking about a house at 100 percent AMI that a person might have a chance of getting into; I am assuming that the sort of housing we’re talking about being produced these spaces would be primarily for them and not primarily for. That is a laudable goal even it does bring more people in our community. What do we owe the existing residents in terms of some level of comfort. People might say that this is privilege. It is a reality. People that live here and have bought homes feel worried understandably. We can lay out all the economics of why it is not rational to feel that way. They’re concerned. Is there a way for us to put some parameters around this whole conversation to where we can ration it to ‘meter’ the supply or have some level of control over the process so that people don’t feel it is just going to take off?

Chairman Solla-Yates – What we did with West Main in 2003 is that we up zoned West Main quite a bit in trying to encourage development. We got development on West Main. We ‘freaked out’ and we downzoned West Main. We could do that if we get too much development on any specific street. We could change the zoning like we did with West Main.

Councilor Payne – Mr. Freas, you mentioned the discussion of demand analysis as opposed to supply side analysis. Do you see any room where that creates a different framework for thinking about it or crafting policy?

Mr. Freas – That’s just trying to analyze how the market is going to respond to the change in zoning. That’s all that is doing. It is not necessarily going to help us craft a solution that does this phasing or rationing thing. That’s just trying to get a realistic estimate of what the actual rate of change is going to look like. Every indication is that that it is low. The RA is basically an infill district. Where there is a vacant lot or a backyard that can accommodate an ADU, it opens the opportunity for additional housing to be built. RB and RC are where you might see townhouses.

Councilor Pinkston – It sounds like RB and RC are conceptually important. They give this special kind of housing that you’re talking about you can’t get anywhere else. I see that. We say that is a value. All of us would be on board with that as an important type of housing to produce. Is there a way with the areas that we have identified as RB and RC that we say that is our aspiration for 10 years from now? We will set a plan of every two years we expand the geographic reach based on a certain set of criteria. Is that a way to give us the flexibility to let this get started and proving to people that it is not going to ruin their lives.

Commissioner D’Oronzio – I don’t think you can plan in 2-year chunks. It is not how our zoning tools are set up. If something has gone seriously wrong, you can look at this and stop further development of this type and take action to correct it. I am under no illusions that we’re going to craft a zoning

ordinance that is going to be impervious to error and perfect. I expect three years from now, there is going to be a revision. I have no idea what we're going to revise, but we will fix it.

Councilor Pinkston – The people in this room can agree that we would do that and be comfortable with it. The people that are listening and writing us don't believe it.

Commissioner Stolzenberg – How far must you go to modify with every person who has concerns?

Councilor Pinkston – I am talking about a significant cross-section of our populace.

Commissioner Stolzenberg – I am talking about the people who are getting priced out of our city or who can't find a place to live or are paying too much in rent. If you have a city where you only have houses that start at \$500,000 and the median is \$450,000 and a handful of units that you subsidized at 60 percent AMI, you don't have a middle class. There is nowhere for them to live. That's why this is important and why it needs to stay in or we're going to have alternately some so-called protected neighborhoods because a vocal minority has said they don't want to see any change.

Commissioner D'Oronzio – I am confused about one of your points about the number of people. If you measure that by emails and conversations, it is a miniscule fraction of the population. They're loud.

Councilor Pinkston – I am not in the position of trying to defend why I feel like that it is reasonable to say that there is a large subset of people that are concerned about this. There is a class or a privilege that got it from one set of perspectives. They are bringing legitimate concerns that we must engage with. The mayor's point is still a good one. At some point as elected officials, we will have to 'bite whatever bullet' we decide that we need to bite. I can understand the mayor's anxiety about RB and RC. Maybe where you all landed two years ago is just where we are, and we need to forge ahead. We do have the option a couple of years from now. It is a democracy and people could have a different perspective.

Mayor Snook – When you talk about protecting our neighborhood from change, I have said 'no.' That is not going to happen. Nobody is taking Greenbrier off the list. Nobody is going to protect Greenbrier and push all the development elsewhere. This is a city. It is one city. You are part of it, and we are all going to share in the solution. I believe that. I also believe that when we are tripling potentially the number of units that can be built, we are providing an opportunity for a fair amount of that kind of growth to happen. We really don't know what is going to happen when that happens. We don't know whether we're going to see the flood that people are concerned about or whether we're going to see a trickle or whether we're going to know if we will have to do something different in 5 years. Using the metaphor given to us by the consultants, it was the notion of the dials that we can turn as needed. I don't think that is as easily done as some people would think. I am looking at the area that is at the intersection of Rugby and Rose Hill Drive. There are about 40 houses there that have been designated in this draft to be RC, surrounded by RB, further surrounded by RA. There are these 40 that are RC. If we assume that there is a reason why those would be designated RC, we can reasonably assume that some of those 40 are likely to get more development. It is a concentrated area. We would be getting concentration within a quarter mile of that intersection. For the people who live in that area right now or the people who live next door to that area; they are concerned. Do we care? Does it bother us if everybody in that area says I'm going to go ahead and build out my 8-plex. Or is that something we don't want to have happen? If we want to ration it in some way, why would we want to create the permission for that to happen? I just want to figure out if there is a way that we can slow that down. Maybe in 30 years from now, that is the ultimate best course for that neighborhood. Certainly, the people living there right now wouldn't think so. If we took some steps in that direction, 5 or 10 years from now, the people there might say "that wasn't the end of the world. Let's try a little more." I have lived in several cities where the notion of

density is significantly a lot denser than Charlottesville. Charlottesville is already the third densest place in Virginia behind only Alexandria and Arlington. We already have a fair amount of density. In some of these areas like Rugby Avenue, the density is not high enough to provide for a lot of commercial opportunities. We're thinking about what the city is going to look like in 30 years if we're envisioning this notion that there will be neighborhoods that have some neighborhood commercial opportunities, as would be permitted in RC. In talking to people right now, every place in Rugby Avenue is going to have a pizza parlor on the ground floor. We're not there yet.

Councilor Payne – I am thinking about how to possibly figure out where we move from here. You referenced Arlington. They did that demand side analysis. It was 19 to 21 projects a year for a locality of 26 square miles and 240,000 people. Presumably, Charlottesville's would be less or certainly not dramatically more than that. Mr. Snook, would you agree that for Charlottesville, a number like 15 to 20 would be a reasonable rate of change to address the concerns that you're hearing from communities? If you have a policy focus, I don't know what it would be or if it is even possible. It may address some of the concerns as well as make it clear to the community, the scale of the rate of change that will happen and will be allowed to happen.

Mr. Freas – Arlington did set a cap on the number of permits that they grant under this new missing middle zoning. They came up with that because 58 is one-third of the number of single-family permits that they issue in the same zoning districts last year. 58 is precisely one-third of the number of single-family apartments. Their decision was to build no more than one-third of the new projects. Most of these are teardowns in Arlington. It is largely a built-out community. We build no more than one-third of the teardowns in the county to be the missing middle up to 6 units. That was their approach. The big question is the legality of it. They didn't have an answer when I spoke with them on it. We're relying on the fact that we did this before. When they adopted an ADU ordinance, they put a cap on that on an annual basis. After a couple of years, they dismissed the cap because they never got to it.

Commissioner Stolzenberg – No one is going to challenge it unless we hit the cap. At which point, there will be litigation. If we are hitting these targets that we don't think we're going to hit, at that point, we could change what is allowed before the cap gets overturned.

Mr. Freas – There would be a separability clause.

Commissioner Stolzenberg – It still seems like it serves the purpose? If you hit the cap, you stop issuing permits, somebody sues. While that is happening, you have the time to revisit the rules that we're hitting the cap. Nobody really thinks that we're going to be hitting 59 per year.

Councilor Payne – As a locality that is less than half the geographic area and one-fourth the population, we're certainly going to be meaningful lower than Arlington's estimates.

Councilor Pinkston – If that was legal, is that something or if you felt it was enforceable, is that something that would you a little more comfort?

Mayor Snook – The issue that neighbors feel 'that it doesn't help if four of those are on my street.'

Councilor Pinkston – I have less tolerance for that. We're trying to meet you halfway here by giving a cap.

Mr. Freas – With Arlington, their cap was by zoning district. I don't know exactly their zoning districts dispersed across the city. They dispersed their cap.

Commissioner D’Oronzio – A lot of what I am hearing here is that I don’t want my neighborhood to change. Dramatic changes are frightening. People do move. The neighborhood that I live in, without any zoning changes, has transformed completely in the last 20 years. Neighborhoods are going to change. The question is: How do we want them to change? The people who live there are going to change. There are relatively few, despite the aging population and aging in place, people who have lived in their house. This is where they moved 30 years ago, and they’ve been there for all 30 years. I know there are plenty of them. Most people are not in houses or anything like that long. The neighborhood and the population dynamics change over time. Over a 10-year period, the people in the neighborhood are different people.

Commissioner Schwarz – I think we have a more fundamental problem in that we’re considering, if someone puts a townhouse development next to them, we’re talking about it like it is a bad thing. I believe that the form-based code that we have been given, which I think is far too regimented, will result in what should be nice development. If someone takes Rugby and 50 percent of the lots in that area get redeveloped in 5 years to max out R-3 zoning. If we’re looking at that as a bad thing, we have a problem. We need to be comfortable with this code. If next year, after we pass it, if every one of these lots gets redone, we still have a good city. I think that is what we’re doing. I know there is going to be some mistakes. There are going to be some things that are going to be changed in the zoning code. You put townhouses next to someone’s single-family house, it is supposed to work.

Mayor Snook – I would be delighted in my neighborhood to have more neighbors. That’s not a problem. I don’t want to be scornful of people who have settled expectation. People have a right to have settled expectations. We don’t have to defer to every one of them. We must acknowledge them and not kick them in the face as we go by.

Commissioner Stolzenberg – To your earlier point about massing and house-size structures, a lot of people have concerns. A lot of peoples’ concerns are about the scale of buildings. We do need to keep hammering down on exactly what those look like in RC. To that conversation that you and Mr. Freas had earlier, we have these 3 axes of control of that now. I’m not entirely convinced that they’re totally enough. Rugby Avenue is the perfect point. It is the concern that they are raising applies to Greenbrier as well and not really to Belmont. When you have these big lots and you’re doing things based on setbacks, you’re still left with this giant buildable area. The one thing that we have restricting that is width. If you have a deep lot, it can still be a very large footprint building. You have a lot of coverage to restrict the footprint of the building, but these are very big lots. They’re not overly restricted. In theory, you could have eight enormous units and build a building nearly that big because it is such a big lot. You could do that now. You could build to the setback lines of three stories and a giant single-family house. People don’t because it is almost nonsensical. You would have a ridiculous amount of interior space. We could maybe add something like a maximum footprint rule in square feet in additional lot coverage. If you reduce lot coverage, you start having Belmont lots that are too tiny and end up with no buildable footprint that is useful. The way you take these concerns seriously is by taking them seriously at its face value and addressing what the concerns are, which is that the scale of buildings could potentially, based on some of these rules, create outcomes that we don’t like. Make sure the rules are set up so the outcomes that could happen are ones that we would like.

Councilor Puryear – You’re making the presumption that, with the density, you’re going to build more like they’re building in Albemarle County. Instead of me moving to Albemarle County, I am going to move to Charlottesville. Since you have more people and the city grows, things are going to get better for a certain group of people. What are you going to do with the other people that don’t fit into that middle income? What you’re saying is that when people come to work at the University versus going to

Waynesboro or other localities, they're going to come to Charlottesville because we have built so that there are places for those individuals to live.

Commissioner Stolzenberg – What you find is people who move here, move into the region for high-paying jobs tend to live in the city or urban ring because they have the money for it. It is the people already here that end up getting priced out and pushed out. You create that space for more people to stay to have these lower priced homes for people to live in. You have subsidies that are going to people at 40 percent below median and less in income. You go back 5 or 6 years, Council is talking about subsidizing people at 80, 100, 120 percent AMI. That is ridiculous. People at that level should be able to afford housing on their own here. We should be spending our money towards people who need it.

Councilor Puryear – We should be spending money.

Commissioner Russell – We must understand that the zoning will address the density problem that affects our affordability of housing but does not solve the affordable housing.

Councilor Puryear – I am not saying that it will solve the affordable housing. What I am saying is that the conversation needs to be able to show how this is all an integral part. I have never lived in a community until I moved to Charlottesville where there was no middle class. I grew up in a city in the Commonwealth of Virginia where there was a college in that town. We had a middle class. We had an upper middle class. We had people that were low income and subsidized. I am saying that if we're doing all that we're doing in zoning for density to help develop the middle class that we don't have, there must be conversations held so that people understand that we're doing this to get to that. This isn't some trickledown nonsense. We are doing this intentionally so that others may live here. I am saying that the intent is not out there. You're being disingenuous to the people that live out there regardless of where they live. I have lived in townhouses, condos, and apartments. There's nothing wrong with them. If you're saying that these are the things that are going to bring more people to the city and by bringing more people to the city, we are intentionally doing that because this is going to protect another group of people, then we have to say that. We must be intentional about that. Change is hard. You know why it is because nobody knows what it means. If you're intentional about what you mean, what you're trying to do, you can get some buy-in.

Councilor Payne – In my mind, this is bigger than RB and RC, is the importance of tying this whole conversation to the strategies of land acquisition and community land trust, which I really think is going to be the transformative thing for working class people more than anything and being able to connect those things closely.

One of the other conversations connected to that is a concern with RB and RC. The concern is that you're going to get investors that come in and build Air BNB/short term rental units. You're not going to get housing supply. Just thinking about what specific policy questions can we answer. What are we doing now? What else can we do to try to limit any of wherever our new supply is from being Air BNB? We all know that neighborhoods around UVA is very extreme.

Commissioner Russell – We need to enforce our existing policy.

Mr. Freas – We're gearing up for a court case. We're doing piles of enforcement

Commissioner Russell – I happen to know a person, professionally.

Mr. Freas – The rules are that it must be owner occupied. In the residential districts, it must be owner occupied in order to do an Air BNB. We're looking at different rules. There is a challenge with enforcing our rules because it is based on owner occupancy and how you define owner occupancy. We are looking at other models of defining that limitation that are easier to enforce. That's one tract. There is also the notion of outright not allowing Air BNB as a use in the residential districts.

Councilor Payne – We should absolutely do that, given our tourism economy and UVA. We error on the side as being as strict about short-term rentals as we can.

Commissioner Schwarz – Would that be retroactive?

Mr. Freas – There are legal non-conformities that exist within the zoning.

Commissioner Stolzenberg – Don't we issue licenses every year?

Mr. Freas – Licenses are issued every year. There are some right now within the city that are grandfathered relative to our existing set of rules. I am not going to say that they can be retroactive. The existing ones would have to stay under the existing body of rules.

Commissioner D'Oronzio – There is insignificant amount of outright fraud in the acquisition of property.

Councilor Payne – This is a very important topic, but it sounds like there is at least potential areas for one of these concerns. Mayor Snook, do you feel like we have moved in any direction in terms of addressing the concern you had if you were able to theoretically get to limit permits like Arlington? Councilor Puryear, do you feel like we have really addressed those in any meaningful way? I am trying to figure out what the concrete things are that we can get to.

Councilor Pinkston – We have said a lot. This has been a productive conversation. I just wonder if we should schedule a specific work session to talk about this topic.

Chairman Solla-Yates – We have not addressed any of the most complicated topics.

Mr. Freas – This was a very important conversation.

Chairman Solla-Yates – Could we follow up on the items that we have not addressed this evening at a future work session?

Commissioner Russell – Are we mainly talking about the idea of permitted intensity like in Arlington? Are we talking about exploring that?

Mr. Freas – The notion that was on the table was exploring the notion that Arlington did, which was a cap on the number of projects under their missing middle.

Commissioner Russell – Are they far enough along? Will we be able to track them as we go?

Mr. Freas – They don't anticipate ever hitting their cap. Their ordinance doesn't even go into effect until July 1st.

Councilor Payne – These are all extremely important. We don't need to get into it tonight. The other one I would throw out there is the question of what if anything systematically in terms of zoning designations on the map around areas with a high percentage of low-income renters not under sensitive area communities? I know I have already 'beat that drum to death.' I will continue to do it. There is a real risk of investors buying and consolidating lots and renters with no existing protections will get screwed.

Commissioner Stolzenberg – The one that stood out was the Cynthiana area with a high percentage of renter occupancy that aren't students.

Councilor Puryear – You answered the questions that I had. I just wanted to make sure that what I needed to say was put out there. For those of you that have done the work, to consider. I am very fortunate to have been afforded to live in the city of Charlottesville. I don't take that for granted. There are a lot of people that can't. Those are the people that I am concerned about. Whether they're middle class, they're getting pushed out, they're working class, it doesn't matter to me. If you're saying that you're responsible, you're saying that you care, you can't be selling a 'pig and poke.' This is 2023. You must be intentional about what you're doing. You all have spent time developing this zoning plan. You were intentional about doing it. You did it for a reason. Everybody out there needs to understand the reason. They need to understand the intentionality. All they see is words, picture, and graphs. We don't need another search firm or study.

Adjournment

The meeting was adjourned at 8:45 PM.

Public Comments

Public Comments were provided through notecards (in person) or via email (Zoom attendees). The public comments submitted are attached below.

There was one member of the public that attended the meeting in City Space. The one member of the public in attendance provided no public comment.

The comments below were submitted via email during the work session.