

Minutes

**PLANNING COMMISSION ZONING DELIBERATIONS**  
**October 18, 2023 – 5:00 P.M.**  
**Hybrid Meeting**

**MEMBERS PRESENT:** Chairman Mitchell, Commissioner d’Oronzio, Commissioner Habbab, Commissioner Schwarz, Commissioner Stolzenberg, Commissioner Solla-Yates

**STAFF PRESENT:** Patrick Cory, Missy Creasy, Remy Trail, James Freas, Sam Sanders

**COMMISSION ZONING DELIBERATION – Meeting called to order by Chairman Mitchell at 5:03 PM.**

**Beginning:** 5:00 PM

**Location:** NDS Conference Room

**A. PLANNING COMMISSION DELIBERATIONS AND MOTION**

- 1. ZT23-08-02:** An ordinance to amend and re-ordain a new Chapter 34 of the Charlottesville City Code, Charlottesville Development Code. The Development Code would replace the current Zoning Ordinance Chapter 34 and current Subdivision Ordinance Chapter 29 in order to provide for reorganization of the ordinance into the following 7 Articles:

Article 1. Introductory Provisions

Article 2. Zoning Districts

Article 3. Use Regulations

Article 4. Development Standards

Article 5. Administration

Article 6. Subdivision

Article 7. General Standards and Definitions

The new Chapter 34 also includes: the addition of new zoning district classifications; affordable dwelling unit regulations; new and revised development standards; and various other new and revised standards/regulations which help to implement the principles and actions outlined in the Charlottesville Comprehensive Plan, adopted November 15, 2021.

- 2. ZM23-0010:** An ordinance to ordain a new official zoning map for the City of Charlottesville, encompassing the entire City within the boundaries. The map may be viewed at this link: <https://cvilleplanstogether.com/draft-zoning/>. Proposed changes to zoning designations would affect all of the properties within the City. The new map would reflect the changes outlined in the proposed new Charlottesville Development Code, Chapter 34 of the Charlottesville City Code, including the creation of new zoning districts to carry out the principles and actions of the Charlottesville Comprehensive Plan, adopted November 15, 2021, as well as new and/or revised classifications concerning the uses to which land, buildings and structures within such classifications may be put for development and use.

**a. Charlottesville Development Code and Zoning Map Deliberation (if needed)**

**Materials**

**James Freas, NDS Director** – This is straightforward. We have an intent statement that would be added into section 2.2.1. That is the Summary District Section. We have the standards themselves. The highlights of that are that this modification is based on the RA district, with most of the standards carried forward from RA. The base number for lot maximum is brought down to one. There is a bonus for preserving the existing structure that allows you an additional unit. That is targeting/giving the ability to do accessory dwelling units. As with our regular RA districts, you can get up to 6 units as a bonus for

affordable dwelling units. All the bonus units must be affordable. It would be 4 or 5 units depending on preserving the existing structure. The building footprint is reduced to 2500 square feet. The building width is held at 40-foot maximum. The map shows the areas. We generated the map using a combination of the sensitive community areas identified in the Comprehensive Plan and our neighborhood mapping districts.

**Commissioner d’Oronzio** – The HAC (Housing Advisory Committee) met today. You got my email on some requested tweaks. Starting from the larger piece of trying to put some kind of governor on mc-mansion creation and the driving force of it. The HAC agreed to make some suggestions referencing the coverage and to make a distinction between one unit and two units. This lends itself to the anti-Mc-Mansion. For one unit, coverage is at 45, not 55. For the building footprint, to have a maximum at 2500 square feet. In a case where you’re building on or replacing existing structure, the footprint can be lesser of 50 percent bigger than the building that was knocked down or 2500 square feet. If it is an affordable single-family, 2500 square feet is fine.

**Chairman Mitchell** – How does everyone feel about 45 percent?

**Commissioner Stolzenberg** – The main concern that I would have there is that many of the lots in these areas are very small.

**Commissioner Habbab** – I was going to ask how it relates to the existing lots now. What is their footprint compared to what we’re saying it should be?

**Commissioner d’Oronzio** – Do you mean in these sensitive areas in general what the footprint is? Due to the time constraints, we were not able to do much of a sampling. They knew that we were meeting today. The answer to that is if there is an existing dwelling on it, you can go 50 percent larger than that existing dwelling footprint. You can go in the height based on the footprint. Are there some lots where 45 percent coverage might be too limiting?

**Commissioner Schwarz** – I missed the 50 percent part.

**Commissioner d’Oronzio** – If there is an existing dwelling and you’re replacing it with a single-family residence and it is not an affordable single-family residence and if there is an existing dwelling, you can expand the footprint with a lesser of 50 percent over what you have or 2500 square feet.

**Commissioner Schwarz** – There was something else. If you demolish the building, I thought that is where you mentioned the lesser.

**Commissioner d’Oronzio** – If there is no dwelling there, you’re at 2500 square feet.

**Mr. Freas** – I had a brief time to look at this. I am not a huge fan of tying standards to existing conditions. It forces us to define a point in time at which we’re measuring. This invites the question of, if 2500 square feet is perfectly fine on this lot, why is it not perfectly fine on this other lot. We’re basically saying that because your existing house is smaller, you get less than what the neighbor might get. I am troubled by that.

**Commissioner d’Oronzio** – I get that. The answer would be, if you have been living there and you say that I have this 1000-foot footprint and I want 2500 square foot footprint, my AMI happens to be 62 percent. You would ask for an exception on that.

**Mr. Freas** – It can't be about people. The standard for the size of the building shouldn't be tied to affordability.

**Commissioner d'Oronzio** – I don't disagree about the clunkiness of it.

**Mr. Freas** – If I do that, I am asking for a deed restriction on that property to make it affordable, not as a tenant but as a matter of it is as it is now an affordable unit.

**Commissioner d'Oronzio** – No because you have defined as an affordable unit. You don't have to put a deed restriction on it because it is an affordable unit. It wasn't produced for sale. If it was produced for sale, you would.

**Mr. Freas** – I don't want to tie the zoning back to the individual and the house/household that is there. I want to tie it back to that if we're creating an exception to the zoning ordinance, it must be to achieve some benefit that is tied to the use and that use would have to be that it is an affordable unit by our definition, which means that there is something that meets the standards of the affordable dwelling unit section.

**Commissioner Stolzenberg** – If they are affordable, why are we restricting it to less than RA anyway? RA is 3000 square foot footprint.

**Commissioner d'Oronzio** – The idea is to prevent mc-mansions.

**Commissioner Stolzenberg** – It seems to me that you define one thing for not affordable and another larger, looser thing for affordable. That is probably not less than RA. 2500 square feet is our current draft footprint. You could say 2000 or 2500 for 'generic.' You could say 3000 for affordability. You're trying to tie it to the existing house.

**Commissioner d'Oronzio** – It is inextricably tied up into conveyances, which doesn't fit neatly into the box. I guess this wouldn't apply to an existing homeowner, who is remodeling their house.

**Mr. Freas** – Unless they are putting on a big addition.

**Commissioner d'Oronzio** – In that case, they are limited to expanding by 50 percent.

**Mr. Freas** – I am more comfortable with saying that there is a standard. This is the maximum footprint that you are allowed to have.

**Commissioner d'Oronzio** – The thing about this 2500 that is awkward is that you're talking about 4-bedroom house of moderate to reasonable size (18 to 22). 2500, as a ranch, isn't a big ranch. It is not unreasonable if you want to try to crank that back down on one level to 2000. You're going to get a lot of people saying that they have 2100 square foot. They will want to build there, and they can't build.

**Commissioner Schwarz** – Are there instances of mc-mansions being built in any of these neighborhoods?

**Commissioner d'Oronzio** – There is one in Belmont and one going up on Bolling Avenue. The one on Bolling Avenue is a 10<sup>th</sup> & Page lot by size and dimensions.

**Sharon Pandak, Legal Counsel** – I concur with the points that you’re (Mr. Freas) making. This is going to be amazing micromanaging, and not developing general standards. All the points that James has made causes me to have that concern.

**Chairman Mitchell** – I am comfortable with staff’s recommendation.

**Commissioner Stolzenberg** – I can see some justification for being looser with the standard for affordable units; getting up to what RA allows. I am fine with the recommendation from staff for the general standard.

**Commissioner d’Oronzio** – What about the coverage issue of 1 versus 2? I am talking about 45 versus 55.

**Commissioner Schwarz** – A lot of the PHA houses are built on small lots.

**Commissioner Stolzenberg** – Does the coverage count include impervious surfaces such as driveways? It is just buildings.

**Mr. Freas** – Building coverage is measured by dividing cumulative building footprint of all buildings and covered structures on the lot by the lot area.

**Commissioner Schwarz** – I don’t think that I would build a garage in my backyard. I have a monopoly-sized house.

**Commissioner Stolzenberg** – The mean building footprint for the greater 10<sup>th</sup> & Page and Rose Hill areas that we laid out is 1215 square feet. The median is 1136. That is on the footprint as shown by GIS.

**Commissioner d’Oronzio** – We are clustered tight.

**Commissioner Schwarz** – I get where we are going and see the importance of where we’re going with this. I still have the concern that you have people who have lived in the neighborhood their entire lives. They have a house that is their personal wealth. Are we cutting out that personal wealth by doing this? I have several neighbors who have all done things. It is the case that we don’t want to see. The family moves out of the city, the last remaining parent dies, and the kids don’t want to move back. That house is the inheritance. Are we hurting those people through this?

**Commissioner d’Oronzio** – The two points that I would make to that is that we seem to have a loud and clear signal that neighborhood housing preservation without developer invasion is heavily weighted against value. You still have plenty of value there. You can still sell that and have somebody come in and build a large single-family residence. They could build a duplex. You can still sell it. It doesn’t have value. It has more constraints on it than it would elsewhere. It is not that it is valueless. With some of these lots, it doesn’t matter whether they are RA or not. There is not much to be done because of the size of the lot.

**Commissioner Schwarz** – When you say that there is overwhelming support for preservation versus value, what is the constituency? Who is saying that?

**Chairman Mitchell** – It is cultural preservation, largely African American.

**Commissioner Schwarz** – Is it the people on the HAC?

**Commissioner d’Oronzio** – The providence is Joy Johnson and Emily Dreyfus.

**Commissioner Stolzenberg** – If we’re still talking about coverage, the mean structure to the mean lot size is about 21.5 percent coverage. The median structure to the median lot size, remembering that those are different, is 21 percent. It probably doesn’t make a huge difference either way. Your bigger problem on most of these lots is going to be that the house is right in the middle, and you can’t fit another house on either side or behind it.

**Commissioner d’Oronzio** – The idea of a second by right as an accessory unit is that you preserve the structure and you put an accessory dwelling unit on it.

**Commissioner Stolzenberg** – In most of these cases, you’re going to be keeping the structure from an economic sense. If there were no restrictions, you would keep the structure because structures are valuable and expensive to replace.

**Commissioner d’Oronzio** – Unless I wanted to buy a house from an estate and do a teardown, it is a relatively cheap piece of land to build a mc-mansion.

**Commissioner Stolzenberg** – With mc-mansions and teardowns, that is where you get the teardowns. When you talk about adding units in the back or around, it is going to be economical to tear down.

**Commissioner d’Oronzio** – I don’t think people are going to be motivated to do that because they don’t have the room.

**Chairman Mitchell** – I don’t think that it makes a difference.

**Mr. Freas** – I don’t have any opinion.

**Commissioner Stolzenberg** – One thing that is different here is that in RA, it is 55 for 2 units, 60 for 3 to 4 units. More than 4 units is 65. We change that in RA to not allow 65. In that more than 4-unit case, we’re talking about an affordable 6-plex that is the requirement we have here. I don’t know why we’re restricting those affordable 6-plexes more than we would in RA. I would have it match the RA requirements for building coverage. The number is 65 percent more than 40. You have up to 2 units, 3 to 4 units, and more than 4 units instead of up to 2 units and more than 2 units.

**Commissioner Schwarz** – We’re capping 2 units at 45 percent?

**Commissioner d’Oronzio** – One unit at 45, two units at 55, and more than 2 units at 65. If it is more than 2 units, we’re getting an affordable unit out of it.

**Commissioner Stolzenberg** – I am talking about restoring what is in three there. If you want to change 1 unit to 45, I don’t think that is crazy. I am saying that we should match RA. In RA, 3 or 4 units is 60. We should add a 4<sup>th</sup> category. One unit at 45, two units 55, 3 to 4 units 60, and more than 4 units 65.

**Commissioner d’Oronzio** – If you want to keep pouring ingredients into the ‘cocktail,’ that is OK.

**Commissioner Stolzenberg** – It is more complicated. I don't know if it is strictly necessary.

**Commissioner d'Oronzio** – Staffs' concern is on not having a standard that is a standard that the initial starting point is.

**Commissioner Stolzenberg** – One thing that we could do with the footprint is to make it smaller if it is one unit perhaps. We don't do that elsewhere. That would have the same effect.

**Commissioner d'Oronzio** – What the HAC was proposing on footprint, we're only talking about 1 unit. Everything over 2 units is 2 units and more than 2500 anyway. I don't know how impactful that would be if we're arguing these lots tend to be small anyway if you're going 2 stories/2.5 stories. If you want to say one unit is 2000 and anything over that is 2500?

**Commissioner Stolzenberg** – If you're talking more about mostly 5000 square foot lots, then your 45 percent building coverage is going to restrict your footprint anyway. Maybe, it doesn't matter here. On the less restrictive side for these affordable 6-plexes, they are restricted more than they are in RA. If you were to say building footprint 2500 square feet, building footprint affordable 3000 square feet?

**Mr. Freas** – Why not say bonus affordable dwelling unit at 3000?

**Commissioner Stolzenberg** – We can do that. It is easy enough. I remember some of these languages to talk about somewhere. I can see going looser than 3000.

**Commissioner d'Oronzio** – Anything where you're getting to a point where you're getting 3000 square foot footprint on one of these tiny lots, these people are coming out.

**Commissioner Stolzenberg** – One complication that it raises is what if you have a 6-plex but you have one market rate unit, does that count as affordable? What does it mean to qualify for that within a building?

**Commissioner d'Oronzio** – It means at least one affordable unit. Everything over 2 must be affordable.

**Mr. Freas** – The answer is to build it to 7 units and don't make it bonus affordable. You need to say that anything over 2 is going to be 3000. Let's do 3000.

**Commissioner d'Oronzio** – Setting a flat height of 35 feet max, bonus height for affordability. Otherwise, you're at 1 story over the existing structure. That is easier than defining a footprint. It is either one floor, two floors, or not. If it is the structure that you're replacing and it is one story, it keeps you at 2 stories for the new property.

**Commissioner Stolzenberg** – We are limited it to 2.5 stories. Do you want to limit it to two stories instead of 2.5 stories?

**Commissioner d'Oronzio** – We're at 2.5. You're at 2 stories or 35 feet. We have both things.

**Commissioner Stolzenberg** – You would have to be under both or up to both.

**Commissioner d'Oronzio** – It is the lesser of one story over or 35 feet.

**Commissioner Stolzenberg** – You run into the same problem of defining things relative to existing.

**Commissioner d’Oronzio** – I don’t think that you do. You can argue about whether your house is 800 square feet or 840 square feet, depending on who is measuring it. Is this a 1-story house or a 2-story house? That seems to be a shorter argument.

**Commissioner Stolzenberg** – The argument is less defining what the current is. To apply a zoning rule, what is now there is not ‘super’ relevant if you’re trying to apply a universal standard to an area.

**Commissioner d’Oronzio** – If you’re trying to reduce the rate of change, that is your goal. That is what you’re accomplishing. That’s the purpose.

**Commissioner Stolzenberg** – If you wanted to do that, you could just set a 2-story height limit. Allow more if it is more units.

**Commissioner d’Oronzio** – Part of the problem here is that we walked away from the height bonuses in general, which is constricting what we’re doing.

**Commissioner Schwarz** – There was a 3-story height bonus.

**Commissioner d’Oronzio** – We don’t have 2 over 2s. We don’t have bonus height in RA.

**Commissioner Stolzenberg** – We will let you have more height if you have more units. We should put that back here.

**Commissioner d’Oronzio** – For anything over 2 stories, you can go to 40 feet. If this is a way of getting an affordable bonus, a height bonus for affordability in this district. We have ‘run away’ from that and most others in the R districts. I would propose that. You can go to 3 and 40 if you’re over two.

**Commissioner Habbab** – Can we make it the same as RA? We have what the HAC is proposing.

**Mr. Freas** – Right now, we have 2 at 35. Here is what our current RA says. One unit (your current recommendation) is 2.5 stories at 35 feet. More than one unit is 3 stories at 40 feet.

**Commissioner Stolzenberg** – That is fine because of the affordability requirement. For more than 2 units, it acts as a bonus for affordability. We’re applying more consistent standards.

**Commissioner d’Oronzio** – Are we going to match or are we going to be more restrictive on the one unit?

**Commissioner Stolzenberg** – More restrictive than 2.5 stories seems a little restrictive.

**Commissioner d’Oronzio** – What you’re suggesting is 2 plus 40. It matches RA. One unit is 2.5 and 35. Two more is 3 and 40.

I guess we are at 6000 square foot lot size. None of that makes sense to me. I suggest 2500 here.

**Commissioner Stolzenberg** – In most cases, you can do sublots. In most cases, you’re not able to subdivide because of the property requirements. Everyone is focusing on the square footage requirements

all the time. It really doesn't matter that much. Your frontage is what is limiting in almost every case unless you have a back alley.

**Commissioner d'Oronzio** – Base is one existing structure. You can go to two. Anything over two must be affordable to six. 45, 55, and 65 on coverages for units. On footprint, Commissioner Stolzenberg's suggestion was 3000 if it is affordable and 3000 for over 2. That is where we are on this. There are a couple of minor things that popped. We talked about the non-net loss language. Did anything ever happen with that?

**Mr. Freas** – Ms. Pandak did some additional research on this concept of no-net loss. This is the concept that you cannot further reduce the number of units. I have concerns around that language. I would not support expanding it beyond this district. My concern within this district is that we remember that what we're talking about is a residential unit. It is not the physical space. It is the use of the unit. It means that we're now enforcing based on how people are using accessory apartments. An accessory apartment is a unit. A home business is an accessory use to the residential household occupying the residential unit.

**Commissioner d'Oronzio** – I don't see why we must make the distinction if it is a unit that someone can live in. It doesn't matter what you happen to be using it for that week.

**Mr. Freas** – If I have an accessory apartment and I decide to install a business in it, am I still meeting the standard of net-loss?

**Commissioner Stolzenberg** – I think you're saying, if it is still physically able to still be a unit with a bedroom.

**Commissioner d'Oronzio** – In the first place, it was built as a residential unit. What we would be saying is that the accessory dwelling unit has a full bathroom, a cooking area, and a window that a fireman can drag you out of.

**Commissioner Stolzenberg** – The worry here is duplexes. I can think of 6-plexes in 10<sup>th</sup> and Page that were once single-family houses that could be turned back into single-family houses as you lose the most affordable units in these areas.

**Commissioner d'Oronzio** – I am not sure that I understand. If it can be a residential unit, what you, as the owner of that unit do with it doesn't matter. If you want to buy a triplex and it is your house and you want to occupy one of the units and run a business in the other two units, it is what it is.

**Commissioner Stolzenberg** – It removes the incentive, as someone who wants a big house, to buy a few units and combine them. Can we see the language you talked about?

**Mr. Freas** – We have not gotten to a point of language. I can tell you where we would put it. What we talked about is determining that this was something that we could potentially do.

**Ms. Pandak** – We determined that it was possible to do this and not be inconsistent with state law. The implementation of it may not make sense or may not be a good idea.

**Commissioner Stolzenberg** – Do you have any examples of other localities that have done it that we could look at?



**Ms. Pandak** – I do not.

**Commissioner Schwarz** – I do know of these two families that I have worked with that bought a duplex to start out with as their family grew. The intention was that the family group would eventually take over the units. One has done that. One is planning to do that. They have a duplex. The intention is to expand into the duplex as their family grows.

**Commissioner d’Oronzio** – They expand it so they can pass back and forth between the 2 units. There is a kitchen there that still exists, no-net loss.

**Ms. Creasy** – Let’s focus on legal methods.

**Commissioner Stolzenberg** – Given the complexity of this issue. I am comfortable of passing it to our future small area plan for 10<sup>th</sup> and Page and talking about it in that process.

**Commissioner d’Oronzio** – I raise this because I didn’t see it anywhere.

**Commissioner Stolzenberg** – It was potentially possible. I can see both sides.

**Commissioner d’Oronzio** – I don’t object to tabling that. Nobody has thought it through. We don’t have the language. It does have potential. It is not a thing that we’re going to come up with.

I did have a couple of other things that the HAC pointed out. One is to add to the section Equivalency of Units. The Section 3 that we have on item 43. “If the intent is an affordable development that fits with the Comprehensive Plan, the administrator can make exceptions to this.” That is about the Equivalency of Units. That is cutting and pasting from what we have on item 43, which is about resales. It is useful language, in general, to have. The second thing was on Equivalency of Units if we’re over 20 percent and the total number is affordable in that development; to look at an exemption for the equivalency. This comes from Sunshine, who says “if we have affordable units, we’re making them different sizes on an ad hoc basis. It is hard to figure out the equivalency with the market rate units that are in there. It may not be appropriate to have an equivalent size.” The argument being that if we’re more than 20 percent, we’re talking about a significant affordable housing development that has market rate units in it, not a market rate development that has a couple affordable units. The final thing on 43 is to change it to 80 percent, not 60 percent on the resale. On the resale of affordable units, 80 percent AMI is the threshold, not 60 percent.

**Commissioner Schwarz** – I thought that we took out any requirements.

**Commissioner d’Oronzio** – The reason for 80 percent is that we might at 60 percent the first time around. There is nothing for 61 to 80. It is item 43 in the text.

**Commissioner Stolzenberg** – Item 43 has to do with equivalency.

**Commissioner d’Oronzio** – Let’s go to item 41, section 2. It is 80 percent as opposed to 60 percent.

**Commissioner Stolzenberg** – That is on the first sale. On the resale, do you want it to always be 80 percent.

**Commissioner d’Oronzio** – I want the resale to be 80 percent.

**Commissioner Stolzenberg** – It only says there is the right of first refusal.

**Commissioner d’Oronzio** – I am dropping it. With item 3, I want to add that to 43, which is on page 15 of the PDF. I want to leave it here and duplicate because it is useful language.

**Commissioner Habbab** – The administrator can change it and waive the requirements of the manual.

**Commissioner d’Oronzio** – The 20 percent item is the equivalency of units. If it is more than 20 percent affordable, the equivalency of unit requirement is waived. The reason that this was requested was that when you’re doing many affordable units and you have mixed income in it, this is an affordable housing project that has market rate in it to support it. The combination of units and with what you need in size and finish, you may not be able to match that up in a coherent way to the market rate units.

**Commissioner Stolzenberg** – Why doesn’t the waiver that we just added account for that case? Isn’t the waiver good enough if it is in line with the Comp Plan?

**Commissioner d’Oronzio** – It is easier to go out for LI HTC funding if you say that it is over 20 percent. We don’t have any regulatory issue.

**Commissioner Habbab** – It says that it must include similar interior features as other units in the same building.

**Commissioner d’Oronzio** – When the largest developer of these sorts of units says that it gets sticky, you’re trying to make the equivalence to us in terms of size.

**Commissioner Stolzenberg** – It is in terms of interior features. In one, if you look at the section, its composition of the overall project units, it is the number of bedrooms. There is an evenly distributed requirement. The idea is that they might want to put market rate units that are all 1-bedroom units, whereas the others are mixed.

**Commissioner d’Oronzio** – The backstop against this being a workaround is that this is for something that is significant affordable housing. It is more than 20 percent of the units that are there. These market rate units are there to support the balance sheet and the income sheet in some part. They’re not trying to satisfy a requirement. This is coming the other direction. If that is the case, you’re going to deal with several units that are going to need several different sizes that may not be what the market rate calls for. You want to be bound by that.

**Mr. Freas** – What is the percentage of affordability that you’re looking at for this?

**Commissioner d’Oronzio** – The suggestion was more than 20 percent.

**Mr. Freas** – That seems relatively low. More than 20 percent of the project is affordable.

**Commissioner d’Oronzio** – That was the suggested number. Do you have a higher suggested number?

**Mr. Freas** – One direction that I was thinking about going with this is to exempt affordable dwelling projects that are affordable; projects whose primary purpose is to be affordable. Exempt those projects from the affordable dwelling section entirely.

**Commissioner d’Oronzio** – We’re leaving it as undefined.

**Mr. Freas** – What I need to define is what is a project that is affordable more than a percent.

**Commissioner Stolzenberg** – An interesting way to think about that is even if 80 percent of the units are affordable, only 10 percent of them are required for the section. If those are included, the others might be able to tap into the LI HTC units.

**Mr. Freas** – The other way I was thinking was that these standards ought to only apply to the required affordable dwelling units.

**Commissioner Stolzenberg** – If you happen to be doing an affordable unit, you should be able to do whatever you want.

**Commissioner d’Oronzio** – The issue there is how does that not present ‘we’re calling them affordable units.’ Do they count?

**Mr. Freas** – It is the naming here. What this section is trying to get at is the required affordable units. You build a project greater than 9 units; you’re required to provide one affordable unit. It must meet the standards in this. If you’re building a project of 10 affordable units, 100 percent affordable unit project, theoretically only one of those needs to meet the requirements of this section. The rest of them are affordable units. I differentiate by saying A versus a.

**Commissioner d’Oronzio** – Does that not get us into trouble if we’re trying to count affordable units generated?

**Mr. Freas** – It depends on what we’re counting.

**Commissioner Stolzenberg** – For purposes, they’re not required affordable dwelling units. They are still LI HTC units. They are still restricted in whatever way.

**Commissioner d’Oronzio** – What is the harm in picking a number like 30 percent and that is our threshold for what we’re calling a development where this doesn’t matter.

**Mr. Freas** – The only thing that comes to mind is the other issue that we’re wrestling with is somebody picking up the 2-story bonus but putting one affordable unit.

**Commissioner Stolzenberg** – Did we resolve that? How do we resolve that? I guess that is right. The fact that only a fraction of your affordable units are A zoning affordable units seems to resolve that problem.

**Commissioner d’Oronzio** – Except that you run into an issue of confusion and regulatory when you’re going to look for the money. If you say that none of this applies, don’t worry about it. One-third is a good number. That means this is an affordable housing project. We’re not going to have to wrestle with this at all.

**Chairman Mitchell** – You’re looking to land on a percentage.

**Commissioner d’Oronzio** – At this point, that is where we’re at. To Sunshine, this is a serious issue. The number that he was recommending was 20 percent or more. If this body feels that 30 percent is better, then 30 percent is better. He can argue with City Council why we got it wrong.

**Commissioner Stolzenberg** – Is this something that we can put in the manual to waive it automatically?

**Mr. Freas** – I am more comfortable with the ordinance having waivers in it. Would you agree, Ms. Pandak?

**Ms. Pandak** – Absolutely. The concern that we have with putting waivers in the manual is that that is an improper delegation of legislative authority.

**Commissioner Stolzenberg** – The other problem with your LI HTC situation: Are all of those going to be deed restricted for 99 years? Are 10 percent going to be deed restricted for 99 years by the zoning? The others are deed restricted LI HTC amounts of time, which is 30 years?

**Commissioner d’Oronzio** – My response would be to take the ‘win’ for those and move on.

**Commissioner Stolzenberg** – Sure. Do they qualify for that 30 percent if they are not meeting affordable housing units required by this section?

**Commissioner d’Oronzio** – They don’t meet the 99 years.

**Commissioner Stolzenberg** – That is how we define affordable housing units in this section.

**Commissioner d’Oronzio** – What you would require is that they would have to be able to extend it for 99 years to those units. I don’t see that as an issue. If it becomes mathematically impossible, we will deal with it then.

**Commissioner Stolzenberg** – In projects needing 422.c.1.a, regarding affordability for over 30 percent of units, they are exempt from equivalency requirements. For projects meeting the term of affordability standards in 4.2.2c.1.a, for over 30 percent of total units equivalency standards do not apply. This will be under the equivalency section.

**Commissioner d’Oronzio** – The equivalency requirements of this section do not apply.

**Commissioner Schwarz** – Does the shop-front house still apply to RNA?

**Commissioner Stolzenberg** – We said that the use matrix is the same as RA.

**Mr. Freas** – We haven’t talked about use.

**Commissioner Stolzenberg** – You can only do a shop-front house if you get an SUP for a commercial use.

**Commissioner Schwarz** – I wanted to make sure that they haven’t excluded it.

**Mr. Freas** – I think that is fine. I don’t know if there are any uses on the use table that we want to exclude.

**Commissioner Schwarz** – I do have some things from the BAR. I don't if it is the appropriate place to insert it now or if we're going to send to Council. We want to change the BAR membership requirements. Right now, we are required to have a landscape architect or a licensed contractor. We want to make it a requirement for a landscape architect. Our suggestion is that where we have two historians, we change it to be one historian and one licensed professional contractor or one historian.

There was consensus on the Planning Commission for this change to the membership for the BAR.

**Commissioner Stolzenberg** – We should go back. It can't just be the term affordability requirements. It also must be the cost requirements. The affordable units that qualify need to meet the 60 percent AMI requirement as well as the 99-year requirement.

**Commissioner d'Oronzio** – They have the 99-year requirement. I guess that you could make it 99 years and be at 90 percent AMI for a weird reason.

**Commissioner Schwarz** – We have always had a landscape architect and we had our contractor as a business owner. The problem is that there are few contractors, who operate their business in a Design Control District. The goal is to allow a contractor who lives in the city.

**Mr. Freas** – It is currently one landscape architect.

**Commissioner Schwarz** – We're requiring one historian. The second historian is a contractor. There was a question about the light transmittance and windows. The code has a requirement that is less stringent than what the BAR has. Do we need to add a note that transparency is under the BAR purview? I think it is understood that it is and implied that it is. I don't want to add requirements that don't need to be there.

**Mr. Freas** – I think that it is implied. There is a statement that always exists within zoning. Where there are conflicting regulations, the stricter rules apply. The BAR rules are the stricter rules.

**Commissioner Schwarz** – The next change was to add a line about when the BAR considers an appeal of the administrator, we review the application that had come before us (BAR) since the first instance. I want to add "without deference to the prior action of the administrator."

At some point, we need to define what ordinary maintenance means. I don't think that we're going to do that tonight. There is a question about who can initiate a CoA application. It looks like a lessee and someone under contract purchaser. Does that make sense that they can do a BAR application?

**Ms. Creasy** – The owner still must sign off that they are giving permission.

**Commissioner Schwarz** – The owner does have to sign off. The applicant must provide documentation from the owner that they have the authority to move through the process. Somebody asked if excluding parking entrances will encourage wider entrances.

**Mr. Freas** – It is the opposite. The building width is the minimum. I need to meet that minimum requirement. I am going to reduce that as much as possible.

**Commissioner Solla-Yates** – McIntire Road to be changed to Albemarle Street. Rory has raised this issue. I agree that it makes sense.

**Commissioner Stolzenberg** – The way that I address that issue is by changing those parcels to whatever zones we have them as. This overlay only applies to the CX-3 parcels. You probably want to change that section to Norfolk Southern. If we were to leave them as CX-3 and not apply the overlay, we would be further reducing what is left there. We need to restore the previous zones that we had.

**Commissioner Solla-Yates** – With 296c, special exception permit, to reflect benefit bonus. Change it to public benefit bonus to get affordability bonuses. Move the section to Division 4.2.

**Mr. Freas** – You’re proposing to get rid of the discretionary aspect and move it to 4.2. I am concerned about this. We provide bonuses for the affordable dwelling units. The standards to get that are very clear. These are not clear. We would have to do a substantial amount of work to arrive at something that I could say to the developer that they have achieved the bonus requirement and I can grant those additional stories.

**Commissioner Schwarz** – How many people would want to look at that?

**Commissioner Stolzenberg** – You need to make a distinction between what I think the right thing to do on this corridor and what Council’s ask of us seems to be. The concern driving this overlay is not necessarily coming from this Commission but external feedback.

**Commissioner Schwarz** – I like what staff has put together. I had one minor thing to get rid of the art. It is such an easy thing to do.

**Commissioner Stolzenberg** – That is fine. Some of these other things are hard and meaningful. Is a special exception discretionary or non-discretionary? I would argue that this entire thing since 2017 was about making predictable, non-discretionary processes to have a zoning code that is not based on arbitrary decisions made by Council on an ad hoc basis. I am sure there were good reasons considered. They are unpredictable and, in that way, fundamentally bad. I think it is clear.

**Chairman Mitchell** – I am comfortable with G as it is written.

**Commissioner Schwarz** – We’re on a bigger issue. Do we keep this as a discretionary review? Do we do what Commissioner Solla-Yates wants, which is to do a checklist without it coming before us?

**Commissioner d’Oronzio** – Isn’t the concern that might be so reductionist that it doesn’t achieve the goal in the first place that we were planning?

**Commissioner Stolzenberg** – Even if you were to make this non-discretionary, you’re still requiring some of these new things that make it different from everywhere else. In that way, you’re providing some of those community benefits that we’re worried about losing on this corridor. Would that even be legal? Do we have the authority to incentivize affordable dwelling units? Do we have the authority to incentivize affordable commercial space?

**Ms. Pandak** – The way that this district has been put together is to have it within your general zoning authority. I don’t have that concern that this must be described as some specific authority for incentivizing as opposed to a separate corridor that has attributes that are designed to create and achieve a certain atmosphere/aspect within those corridors and support uses in adjoining parcels.

**Commissioner Stolzenberg** – Even if it wasn't a special exception, we could say that you must have 2 of these, you would get it, and that would be fine?

**Ms. Pandak** – That is an interesting question. I think the answer is 'yes' you can do that. The concept here is to provide some options that collectively will, when those corridors are developed, give you a mixture of various things.

**Mr. Freas** – I don't disagree that you can do that. My concern is how I measure it in terms of sufficiency.

**Commissioner Stolzenberg** – I get it. I thought that the conversation would be easier if I was told that it was illegal.

**Ms. Pandak** – By making it a special exception, it does encourage interaction with the landowners around them and adjoining neighborhoods. It might be a good thing.

**Commissioner Habbab** – I generally agree with Commissioner Stolzenberg on that. Priority is important. That is the goal. I feel that with each meeting, we're over complicating things. With this, it does offer a seat to Fifeville and 10<sup>th</sup> & Page to advocate for what they want in these areas. That is the only way with which without if we don't have a special exception. There is no mechanism for the community to have that voice in the near term.

**Mr. Freas** – I agree with the sentiment that was expressed in one of the messages that we got on this. We can accomplish this and more through how we might approach the small area plan and do it in a way that makes the city more of an equal partner in the conversation in the implementation.

**Commissioner Habbab** – The same thinking that I want to bring back is how we approach the anti-displacement zones. If our direction is to put something in now and come back to it after, that is what we have been hearing from others. That is fine with me. When we have a small area plan and the new zoning, then we want to swap them out.

**Commissioner Stolzenberg** – We say that we can work with the small area plans to create a long-term plan that is not discretionary review based. Some of what I heard from Council is that they want discretionary review for these big areas.

**Commissioner d'Oronzio** – I am comfortable with it. Parts of it are 'squishy.' It is where we are now. If we're making this commitment, making these commitments to small area plans, we can nuance them, rewrite them. We're trying to 'land the plane.'

**Commissioner Habbab** – I still have concern about the RNA.

**Commissioner Schwarz** – My one concern is that someone is going to provide a B building and put a mural on the wall and assume that they're going to get 7 stories. That is going to do nothing to the neighborhood.

**Commissioner Stolzenberg** – It is still discretionary review.

**Commissioner Schwarz** – That is where the arbitrariness seems to come in. That is why I would like to get rid of the art. Somebody is going to offer that.

**Commissioner Stolzenberg** – If someone is going to offer 100 percent affordable, that beats a. It is Ok if they do an art installation from the other things.

**Commissioner Schwarz** – That is for other features and amenities that support the intent in the section and goals in the Comprehensive Plan.

**Commissioner Stolzenberg** – Since we're requiring two things, I am fine with one thing being easy. Everyone thinks what kind of tool. Everyone is going to do that one and probably do one of the others. If we were requiring one thing and that was the easy way out and everything else was harder, I would be more concerned. My suggestion is to take out the first foreword. They need to make the art installation happen, one way or the other. They can't say that they provided a plan. I would argue for removing the commissioning or selecting of art to be left to a qualified local public art organization. The idea of qualified art connoisseurs specifying the law is ridiculous.

**Mr. Freas** – That does address the concern of someone painting a white square. Art can be in the eye of the beholder.

**Commissioner Stolzenberg** – I don't think it is reasonable to judge what the art is. If anybody wants to do that, it can be Council when these special exception requests come along.

**Mr. Freas** – That was specifically one to not burden Council with. The reason that I went for space is because it doesn't obligate the developer to figure out what the art is going to be before they have even built the project or any of those things.

**Commissioner Habbab** – Even if we take out the art installations, it can still come up through the goals of the Comprehensive Plan.

**Commissioner Schwarz** – They do the dedicated outdoor community space, which would be part of their outdoor community space anyways. They have sustainable design, or some commercial space built in there.

**Commissioner Habbab** – If they're doing a LI HTC project, they're going to have some sustainability. If we do keep art, I would want to take out the qualified local organization. It would be replaced by the community commenting on it to City Council.

Meeting was recessed for five minutes. There were some technical issues with the Zoom application during the work session. Ms. Creasy let those attending virtually know that no activity took place during the recess.

**Commissioner Stolzenberg** – If you look at the packet, the request from the property owner was to end it at the Norfolk Southern railroad tracks on the east side. That was something that I almost brought up last week. With the 4 parcels up to Random Row on the north side of the gas station, a strong argument can be made that by the way we're envisioning this overlay. These areas aren't connecting to the surrounding core neighborhoods in the same way. On the south side, they are islanded by the main line of Norfolk Southern and the railroad spur that goes to Allied Concrete. On the other side of the spur, there is the city yard. On the north side, there is Parish Street, which is industrial. We can consider putting it back to the way it was, which was CX-8. There is a big downside with that potentially. One of the things that we wanted to see was affordable space for grocery stores. Reids is an anchor of the neighborhood. I would



hate to incentivize it to the family to resell it and redevelop without a replacement for Reids. I am saying that we remove it from its overlay and put it back to what it was.

**Commissioner Solla-Yates** – Kevin Lynch did an image of the city. He talks about how you understand the shapes of the cities. He talks about railroad tracks being a good way to understand the edges. There is an edge condition in the design language.

**Commissioner Stolzenberg** – One way to square the circle is to think of a good way to justify it to say that the gas station and the Random Row property go up to something else.

**Mr. Freas** – We’re talking about the boundary. We can do it either way to the railroad and everything beyond the railroad is restored to the previous zoning designation. I probably prefer the previous boundary for greater clarity.

**Commissioner Schwarz** – The railroad is the boundary.

**Commissioner Stolzenberg** – Everything east of the boundary is CX-8.

**Commissioner Schwarz** – I hear what you’re saying with Reids and Bodos. I share your concern. We don’t know that they’re going to be there forever.

**Commissioner Stolzenberg** – I could talk about RNA as an abstract concept. I am uncomfortable with RNA as a concept. I understand the reasoning behind doing it. I worry that it is not going to have the impacts that we hope. The strategy in 1991 did not work and made things worse. I think this, in a sense, is continuing that tragedy. The greatest thing that we can do for anti-displacement is to upzone all the other areas, which we are doing. If we are going to do it, we should do it in the right areas that we are talking about applying it to. With that in mind, I have suggested some map edits. When we adopted the Comp Plan, Commissioner Dowell also called out the sensitive areas, the boundaries of the sensitive areas in the Comp Plan/Future Land Use Map. In some cases, it didn’t make a lot of sense. It could be tweaked. Part of that is because they followed census block groups, which are coarse in the city.

1. All this of greater 10<sup>th</sup> & Page. Essentially it is the area of southeastern Venable. It is much closer to 10<sup>th</sup> & Page than it is to Venable.

**Commissioner Schwarz** – People, who live in that part of town come to 10<sup>th</sup> & Page neighborhood meetings.

**Commissioner Stolzenberg** – I don’t know why neighborhood associations are drawn that way. In the 3<sup>rd</sup> page, there is my suggestion. It is R1su and R2u and changing that from RA to RNA. It is west of 11<sup>th</sup> Street, including Page Street. It is up to 13<sup>th</sup> Street. It is the Rosser Avenue neighborhood.

**Commissioner Schwarz** – It makes sense.

**Commissioner Stolzenberg** – When we talk about students moving into 10<sup>th</sup> & Page and encroaching on historically non-student areas like this. This is the area that we’re talking about.

**Commissioner Solla-Yates** – I live in this area. I am not going to vote on this item. I have talked to some of my neighbors who live in this area. I have asked them if this is what they want. To quote from one of my neighbors “This is my property value. Don’t take it.” Everyone has said ‘no’ that they don’t want this. Everyone tells me that.

**Commissioner Schwarz** – When I asked what the constituency was, this was my question.

**Commissioner Stolzenberg** – I don't think that RNA is a good idea. Did your perception of the people on your block think that in a way that is different from the area that we have assigned it?

**Commissioner Solla-Yates** – Everyone that I have talked to has said that.

**Commissioner Schwarz** – The people that I have talked to are uncomfortable with the whole zoning code rewrite in general because it is new and different and scary. They hear the idea that somebody could put multiple units in there. It is the same fear that the whole town has.

**Commissioner Stolzenberg** – To me, whether to do it or not and what the boundaries are, to do it are separate questions. Maybe we should do one and then the other. We could recommend not to do it. We thought that was appropriate but could still offer a fully 'baked' version of it to Council if they want to run with it anyway. Does that make sense?

**Commissioner d'Oroznio** – I would point out as a preamble to that the plural of anecdote is anecdotes, not data. The second piece that I would point out is that I am taking a 'leap of faith' that I may be wrong about and I might be terribly disappointed. I am viewing RNA as a zoning district that is designed to give us breathing space to do the small area plans and to provide that protection. If we fail on that job, we fail on that job. I cannot see not providing something to do with the anti-displacement even if it is not as highly geared as we would like. We should have spent more time on this earlier.

**Commissioner Stolzenberg** – My biggest problem with it is that it seems like we're doing something to do something. Will this stop displacement or flipping? I think this is the biggest concern in this area. Will it even reduce it or mitigate it? I think that my answer is probably 'no.' What we're seeing right now is people buying up houses relatively cheap, perhaps less than what they would be worth. They are flipping them largely within the existing building envelope into well over median houses. Nothing we do here is going to prohibit that. Nothing is going to make that harder. The only thing it is doing is saying that if you're going to do that, you can add.

**Commissioner d'Oroznio** – It isn't what is happening now. It is what is going to happen everywhere. This goes to the same issue of the best way to do this is to upzone everyone else around it. In effect, we're doing that with a light touch. I would like to have a much heavier touch. We don't have the time to do it. I would find it difficult to put forward a zoning code with nothing addressing anti-displacement areas. If City Council wants to revisit the issue and 'juice up' parts of it and 'tune down' other parts of it, we can watch that happen or argue it.

**Commissioner Stolzenberg** – The problem is that you can call it an anti-displacement area. Does it reduce displacement?

**Commissioner d'Oroznio** – Would it have the effect of reducing displacement relative to the change that is happening elsewhere, not to what is happening now. It is in effect a slightly less of an upzone than the things around it. Is it sufficient? No. Do I think that it will be ineffective? No. It will have some impact.

**Commissioner Habbab** – The problem is that it could be anti-wealth generation area.

**Commissioner d’Oronzio** – I think that is misplaced. That goes back to Commissioner Stolzenberg’s point. People are selling their houses. They are doing it within the envelope. That is going to continue. We can’t have it both ways.

**Commissioner Stolzenberg** – That still reduces the wealth gap. If your worry is that people who want to turn things into 3 units or 4 units within an existing structure, they are going to outbid people who want to flip it into a high-end house. That is going to reduce the price that they are selling it for or could sell it for. The thing that you get at the end is a bunch of smaller units that are new and not affordable but smaller or you get a flipped house. What we’re saying here is: eliminate the one possibility and force it into a flipped house possibility.

**Commissioner d’Oronzio** – I don’t think that it does that. Two things are happening. Those flips are happening. The argument is that it is going to happen. We don’t have a zoning mechanism to stop that.

**Commissioner Stolzenberg** – The only zoning tool you can do is to provide houses to meet that demand elsewhere. There are many non-zoning tools that you can use to address that.

**Commissioner d’Oronzio** – We’re doing some of the former. We need to get to work on the latter. The upzone that you provide is the ability to build more units elsewhere. I do not view this as the permanent solution. Is it as robust as I want? No.

There was another technical issue with Zoom at this point in the meeting. The Communications staff came in and restarted the Zoom webinar. There was no discussion of the meeting during the break.

**Chairman Mitchell** – I am a little frustrated that we’re just getting to this level of detail today. Why don’t we continue to work on the map certain that this RNA is going to exist? Let’s continue to talk about Commissioner Stolzenberg’s recommended changes. Let’s make a recommendation based on this. If Council wants to go in another direction, let them go in another direction. A lot of the people that I am talking to are keen to do something like this. The counsel that I have been giving them is that this is not going to be forever. The intent is to get to these small area plans. One of the first ones that Mr. Freas wants to get to is Preston and then Cherry Avenue.

**Mr. Freas** – I am focused on 10<sup>th</sup> & Page.

**Commissioner Habbab** – Are we hearing from all neighborhoods that are on here that they want that?

**Commissioner Stolzenberg** – The neighborhoods are Rose Hill, 10<sup>th</sup> & Page, Fifeville, and potentially Ridge Street.

**Chairman Mitchell** – The option that you have is to just leave it as it is as opposed to expansions or alterations recommended by the Commission.

**Commissioner d’Oronzio** – Can somebody give me an explanation why The Meadows is not on this list?

**Commissioner Stolzenberg** – We have heard from The Meadows.

**Commissioner d’Oronzio** – Who have we heard from?

**Commissioner Stolzenberg** – The president of the neighborhood association.

**Commissioner d’Oronzio** – I have spoken with 5 people in The Meadows, who were not approached about this subject. They are informed people. They are people who pay attention.

**Commissioner Stolzenberg** – There are a couple of changes with Fifeville. The first change is in The Forest Hills Subdivision. It is lumped into a census block group with Prospect and Orangedale. It is across the creek and Forest Hills Park. It is characterized by postwar development with larger lots more in size to our large lot R-1 zone. It is zoned R-1s. The houses here are valued higher than most of the rest of the neighborhood areas we’re talking about. There are some duplexes that are affordable if you divide the assessments by 2. If you look at the zoomed-out map, it does appear as a pocket on its own that doesn’t make much sense to keep in there. I would move it to RA.

The next area is the Valley Road Extended area. This is North Valley Extended and north Baker Street. The neighborhood boundary, as it is typically defined ends at Valley Road and middle of Valley Road. You get a situation where you have eastern Valley Road with the eastern half of it in RNA. The western half is not in RNA. I have 3 suggestions. The options are to make the western half part of RNA, make the eastern half RA, or push RNA further east to the core of Fifeville that stops at the end of Grove Road where all this gets moved into RA. Valley Road does have a lot of duplexes and more modest single-family houses that might fit the definition, north Baker Street not so much. Those houses are closer to the city median. There are a few duplexes at the top. We are adding a lot of parcels. It depends on how you think about how you want to define these RNA areas. Is it the core neighborhoods and the historic core of these neighborhoods? Is it any random street, regardless of when it was developed and what its physical characteristics are if it has affordable housing on it? If you read the whole document and how I used the 10<sup>th</sup> & Page historic survey boundaries as a decent definition for what we would consider 10<sup>th</sup> & Page in a cohesive, cultural sense. If you look at the Fifeville historic survey, that one extends up to the upper portion of western Fifeville along Grove. You still have the whole area of Fifeville. One option adds 26 parcels to RNA, one option removes 12 parcels from RNA, and one removes 44. I would recommend the Baker Street option. If you’re looking at affordability, Valley fits well. Baker Street is less. You’re bridging that gap with Baker Street. If you look at the other way to look at it, these areas were developed separately and later from the rest of the neighborhood.

**Commissioner d’Oronzio** – You’re suggesting the north Baker Street.

**Mr. Freas** – What is hatched is to be removed.

**Commissioner d’Oronzio** – I would point out that Valley Road Extended has several units on it that look like they are duplexes. They are condominiums. They can be sold and split that way. They are “affordable.” I don’t know how that informs our discussion. There has been some movement from tenant occupied/owner-occupied. My inclination is that Valley Road has a piece in this.

**Commissioner Stolzenberg** – You can see that this line is the neighborhood line, Valley Road. This pink blob is the condos. It is those that have that L-shaped lot running behind it. The condos are more expensive per unit than a lot of the duplexes there. If you divide the cost of a duplex by 2, those tend to be lower than the cost of condos. That is not universally true.

**Commissioner d’Oronzio** – Because of the size of the associations, they are easily used and can be appropriated for subsidized affordable housing.

**Commissioner Stolzenberg** – We did approve a rezoning for these top 3 parcels to R3 currently. It is weird to not put that as medium. I know that we did that after the Future Land Use Map. It was Grove Street Extended. These 3 parcels were a 17 unit, 2 building, multi-family housing project that we talked about a few years ago. I guess that was after we adopted the Future Land Use Map. It is probably why it was General Residential and is now RA. In terms of geographic edge conditions, there is a ridge here. There is a larger ridge here.

**Commissioner Solla-Yates** – I have not studied this in detail. Of the three options, I think Baker Street makes the most sense for geographical reasons and for reasons of cost and similarity. What is going on at Baker Street is different from what is going on with the street to the east.

**Commissioner Schwarz** – The one on the right removes the most.

**Commissioner d’Oronzio** – We’re essentially making Valley Road the dividing line in that case.

**Commissioner Stolzenberg** – We’re making the unnamed creek tributary that runs behind the lots the dividing line. It is basically north Baker.

**Commissioner d’Oronzio** – I am looking at the middle map as my preference.

**Chairman Mitchell** – I would say Baker Street.

**Commissioner Stolzenberg** – While we’re here, do we want to do something with that area? They have vested rights from the rezoning. I guess they can still go with that. It seems a little weird.

We have Rayon Street. This is the bottom of IX. This is where you go into the IX Park from Elliott. There is this cul-de-sac. It is a bungalow. It is the same as the rest of the areas to the east and south. It happens that the way we draw the neighborhoods that we would like to square this corner of Elliott and 6<sup>th</sup> because those are big streets. It is in the same area as the Dice area. It is part of the Ridge Street neighborhood if you look at the neighborhood map. It makes sense to keep that as RA with all the areas around it.

There was Commission consensus on this change.

**Commissioner Stolzenberg** – We have Ridge Street. This is what Commissioner Dowell was talking about when she brought up this idea of fixing these sensitive area borders. I have heard some on Council talking about it. It is the area east of 5<sup>th</sup> Street. This map is less scientific and informed as the others. I have gone down this area a few times. I am familiar with this area of the city. This is looking at year built and distribution of house values.

**Commissioner d’Oronzio** – I have been to this area too. I agree with you on most of this. I am sure that we’re going disagree on the exact edge of it.

**Commissioner Stolzenberg** – This area is difficult to map. There is lot of random new development houses and new developments right in the middle there. This red blob is Paynes Mill Road, which is a recent by right development. You have random expensive houses in the middle of modest houses.

**Commissioner Schwarz** – This might be something that if we have this zone, we can always apply it later.

**Commissioner d’Oronzio** – It is not a bad, suggested border. I would suggest that City Council needs to look at this. You have a sensible square around it. Is it sensible to do? I say that we pass that onto City Council. We just came up with an area. If they decide that they want to trim it, move it, or get data, they can.

**Commissioner Stolzenberg** – That was my intent with all of this. I am not that excited about the whole RNA concept. It gave me a lot of concern. I felt uneasy looking at all these areas and trying to map it out like this and expanding it to all these places for this thing I don’t agree with doing. If we’re going to do it, pick the right boundaries. I would be fine with passing onto Council: Here is the idea, make the high-level decision yourselves and don’t put that on us. If we were to hold a vote on this, I would vote to not have them at all.

**Commissioner d’Oronzio** – We’re on the same page. Let’s define the area. This is the sensible area that we call it. By the time Council gets it, there will be more data.

**Chairman Mitchell** – What exactly are we doing with this?

**Mr. Freas** – Let’s focus on the item that is on the screen. You’re proposing to add the hatched area that is up on the screen into the RNA.

**Commissioner Stolzenberg** – If you want the hatched area in RNA, these are my proposed borders for doing it. Those are the borders that I had.

I wanted to raise the idea of allowing 2 units with the existing home preservation. The biggest way an existing homeowner can leverage their parcel is with the subplot and lot split concept. If you’re wanting to maximize the way that existing homeowners can tap into that value of their land and not leave their home, the best way to do that is to give them the opportunity. Most people aren’t going to develop that backyard. They can sell that as a buildable lot to someone else to build. You’re squeezing more units in.

**Mr. Freas** – Are you suggesting that the base goes up to 2? Are you suggesting the bonus for the existing structure preservation goes up to 3?

**Commissioner Stolzenberg** – The bonus goes up to 3.

**Commissioner d’Oronzio** – You’re getting rid of the attachment thing.

**Commissioner Stolzenberg** – One thing you could do is a basement apartment. You could do an internal accessory apartment and an external accessory dwelling apartment. If you have a backyard, with 2 stories, you could sell it off to build a duplex. You can do a clean sale of your land, keep the money, be able to pay your taxes, stay in the neighborhood.

**Commissioner d’Oronzio** – I am amenable to that if we keep everything over still affordable.

**Mr. Freas** – What is being proposed right now is 1, 2, 6. It would say 1, 3, 6.

**Commissioner Stolzenberg** – You still must keep the existing house no matter what. It preserves the physical characteristics of the neighborhood in a lot of ways. You can add 2 units if you would like by right. It is less restrictive than the currently proposed RNA, which makes me feel better about the moral ambiguity.

**Commissioner Schwarz** – Did we ever define how long a dwelling must be existing chronologically?

**Mr. Freas** – As it stands, it would be at the time of application.

**Commissioner Schwarz** – Somebody could theoretically tear down their house, build a new one, and apply later to do something.

**Mr. Freas** – It won't because we're talking about the challenges of anything that is existing and defined.

**Commissioner Stolzenberg** – It still fits the intent. You still can't tear down for the development. You can tear down, replace, and separately do a development. You could have done that before. You could rebuild more in a corner.

**Commissioner Schwarz** – It makes me feel better. There are some houses in these neighborhoods that were not meant to last 100 years.

**Commissioner d'Oronzio** – To summarize, to preserve the structure, you can have two. Anything over that is affordable. You must preserve the entirety of the structure. Effectively, with the size of the lots, you could end up with an attached accessory unit, a free-standing building.

**Commissioner Stolzenberg** – It is 1, 3, 6 for RNA.

**Commissioner d'Oronzio** – Does it relieve some concern?

**Commissioner Stolzenberg** – It is moving in the right direction.

**Chairman Mitchell** – Are we ready to make a recommendation to Council?

**Commissioner Stolzenberg** – Do we want to finish that discussion?

**Chairman Mitchell** – I think that Council knows.

**Commissioner Solla-Yates** – I do request some help with the language.

Meeting was recessed for 5 minutes.

#### **b. Commission Motion**

**Motion – Commissioner Solla-Yates – We adopt the following resolution and the following 11 amendments voted on this evening:**

#### **RECOMMENDATIONS TO AMEND AND REORDAIN A NEW CHAPTER 34 AND TO REPEAL CHAPTER 29 OF THE CHARLOTTESVILLE CITY CODE AND TO ADOPT A NEW OFFICIAL ZONING MAP FOR THE CITY OF CHARLOTTESVILLE**

**WHEREAS, City staff began the Cville Plans Together process in January 2020, which resulted in a new Comprehensive Plan adopted by City Council in November 2021. Among other matters, the Comprehensive Plan recommended adoption of a new zoning ordinance and map, and work on the new Zoning Ordinance and Zoning Map began in January 2022; and**

**WHEREAS, the City’s consultant recommended reorganization of the City’s zoning and development regulations into a Development Code to replace the current Zoning Ordinance Chapter 34 and current Subdivision Ordinance Chapter 29 with a new Chapter 34 containing both sets of land use regulations; and**

**WHEREAS, on August 7, 2023, the City Council initiated the proposed City of Charlottesville Development Code and new Zoning Map and directed the Planning Commission to conduct a public hearing and provide recommendations to the City Council; and**

**WHEREAS, a public hearing on the proposed Development Code and new Zoning Map was held by the Planning Commission on September 14, 2023, after providing notice as required by law; and**

**WHEREAS, following conclusion of the public hearing, the Planning Commission determined that additional deliberation was required and continued its deliberation to a work session on September 19, 2023, and then to a work session on September 26, 2023, and then to a work session on October 4, 2023, and then to a work session on October 10, 2023. At the conclusion of each session, the Commission determined that they needed additional time to deliberate; and**

**WHEREAS, following further deliberation at the meeting continued on October 18, 2023, the Planning Commission determined that it was ready to make recommendations; and**

**WHEREAS, the Planning Commission has determined that certain revisions/changes should be made to the initiated Development Code and new Zoning Map; and**

**WHEREAS, the Planning Commission finds that public necessity, convenience, general welfare and good zoning practice require the proposed Development Code and the new Zoning Map with the changes recommended by the Planning Commission;**

**NOW, THEREFORE, BE IT RESOLVED that the Charlottesville Planning Commission does hereby recommend City Council approval of the proposed City of Charlottesville Development Code and new Zoning Map, respectively, and repeal of Chapter 29 of the Charlottesville City Code with the changes outlined in Attachment A - Development Code Updates October 13, 2023, Attachment B - Zoning Map Updates October 13, 2023 and Attachment C - Updates recommended by Planning Commission at October 18, 2023 work session;**

**BE IT FURTHER RESOLVED that the Secretary of the Planning Commission shall transmit this Resolution and the Planning Commission’s recommendations to the Charlottesville City Council.**

**Adopted by the Planning Commission, this 18th day of October 2023.**

#### **11 Amendments**

- 1. Sec. 2.2.3.A.2 – change existing structure bonus from 2 units to 3 units**
- 2. Sec. 2.2.3.A.3 – Building Coverage (max) – 1 unit 45%; up to 2 units 55%; 3-4 units 60%; more than 4 units 65%.**
- 3. Sec. 2.2.3.A.3. footprint – add over 2 units max 3,000 square feet**
- 4. RN-A 2nd page change to R-A**
- 5. Sec. 2.9.6.B.1.a extend district to Railroad ROW main line (not spur). (remove words “McIntire Road”)**



6. Restore parcels east of new overlay border on Preston Avenue to CX-8
7. Sec. 2.9.6.C.2.g – remove section
8. Sec. 4.2.2.C.1.c. Add language from Sec. 4.2.2.2.C.1.a.iii.
9. Sec. 4.2.2.C.1.c.vi. Add - For projects containing at least 30% of units as affordable housing units meeting the 4.2.2.C.1.a. Term of Affordability requirements and 4.2.2.C.1.b. Cost requirements, the equivalency requirements of this section do not apply.
10. Sec. 5.1.5.B – in e, remove “or a licensed professional contractor. In f, change to 1 historian, and then add g. 1 licensed professional contractor or 1 historian or person with substantial background in history or historic preservation.
11. Changes to boundaries of RN-A

**A.**

**Add Parcels:**

030101000, 030102000, 030103000, 030104000, 030105000, 030106000,  
 030107000, 030108000, 030109000, 030110000, 030111000, 030112000,  
 030113000, 030114000, 040005000, 040006000, 040007000, 040007100,  
 040008000, 040009000, 040010000, 040012000, 040013000, 040014000,  
 040014100, 040015000, 040016000, 040017000, 040018000, 040019000,  
 040020000, 040021000, 040022000, 040023000, 040024000, 040025000,  
 040026000, 040027000, 040028000, 040029000, 040030000, 040032000,  
 040033000, 040034000, 040035000, 040036000, 040037000, 040038000,  
 040039000, 040039100, 040039200, 040080000, 040081000, 040082000,  
 040083000, 040084000, 040085000, 040086000, 040087000, 040088000,  
 040089000, 040090000, 040091000, 040092000, 040093000, 040094000,  
 040095000, 040096000, 040097000, 040098000, 040099000, 040099100,  
 040100000, 040101000, 040102000, 040103000, 040104000, 040105000,  
 040106000, 040107000, 040107100, 040108000, 040108100, 040109000,  
 040110000, 040116000, 040134000, 040135000, 040136000, 040137000,  
 040137100, 040138000, 040139000, 040139100, 040140000, 040141000,  
 040141100, 040141200, 040141300, 040141400, 040141500, 040142000,  
 040143000, 040144000, 040145000, 040146000, 040147000, 040148000,  
 040149000, 040150000, 040151000, 040228000, 040229000, 040230000,  
 040231000, 040232000, 040233000, 040234000, 040235000, 040236000,  
 040237000, 040238000, 040239000, 040240000, 040241000, 040242000,  
 040242100, 040243000, 040243100, 040244000, 040265000, 040266000,  
 040267000, 040268000, 040269000, 040269100, 040270000, 040271000,  
 040271100, 040318000, 040319000, 040320000

**B.**

**Remove Parcels and put in R-A**

**Parcels:**

240014000, 240015000, 240016000, 240017000, 240018000,  
 240019000, 240020000, 240021000, 240022000, 240023000,  
 240024000, 240025000, 240026000, 240027000, 240028000,  
 240029000, 240030000, 240031000, 240032000, 240033000,  
 240034000, 240035000, 240036000, 240037000, 240038000,  
 240039000, 240040000, 240041000, 240042000, 240043000,  
 240044000, 240045000, 240046000, 240047000, 240048000,  
 240049000, 240050000, 240051000, 240052000, 240053000,  
 240054000, 240055000, 240056000, 240057000, 240058000,

240059000, 240060000, 240061000, 240062000, 240063000,  
 240064000, 240065000, 240066000, 240067000, 240068000,  
 240069000, 240070000, 240071000, 240072000, 240073000,  
 240074000, 240075000, 240076000, 240077000, 240078000,  
 240079000, 240080000, 240081000, 240082000, 240083000,  
 240084000, 240085000, 240086000, 240087000, 240088000,  
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 240104000, 240105000, 240106000, 240107000, 240108000,  
 240109000, 240110000, 240111000, 240112000, 240113000,  
 240114000, 240115000, 240116000, 240116100, 240117000,  
 240118000, 240119000

C.

Remove parcels and put in R-A

230133000, 230134000, 230135000, 230170000, 230170100, 230170200, 230170300, 2301703A0,  
 230170400, 2301704A0, 230170500, 2301705A0, 230114100, 230124000, 230125000, 230126000,  
 230131000, 230131100, 230131200, 230132000, 230136000, 230137000, 230138000, 230139000,  
 230140000, 230141000, 230142000, 230143000, 230144000, 230145000, 230146000, 230147000,  
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 230164000, 230165000, 230166000, 230167000, 230168000, 230168100

D.

Remove parcels and put in R-A

Parcels:

270037000, 270038000, 270038100, 270039000, 270040000, 270045000,  
 270046000, 270047000, 270048000, 270049000, 270050000, 270051000,  
 270052000, 270053000, 270054000

E.

Add parcels

Parcels:

250009000, 250010000, 250011000, 250012000, 250012001, 250013000, 250013200, 250013300,  
 250014000, 250014100, 250015000, 250016000, 250018000, 250018100, 250019000, 250019100,  
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 250043000, 250043100, 250044000, 250045000, 250046000, 250050000, 250051000, 250052000,  
 250053000, 250054000, 250055000, 250056100, 250057000, 250058000, 250063000, 250098000,  
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 250103000, 250104000, 250105000, 250106000, 250107000, 250108000, 250109000, 250110000,  
 250111000, 250111100, 250111200, 250111300, 250112000, 250113000, 250114000, 250115000,  
 250116000, 25A013000, 25A014000, 25A015000, 25A016000, 25A017000, 25A018000, 25A019000,  
 25A020000, 25A021000, 25A022000, 25A023000, 25A024000, 25A025000, 25A026000, 25A027000,  
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 25A036000, 260047000, 260048000, 260048100, 260049000, 290253000

Discussion following Motion.

**Commissioner Habbab** – We discussed earlier in the meeting moving separately that RNA is not part of the rest of zoning ordinance.

**Chairman Mitchell** – We talked about it. My recommendation was that we were going to incorporate Commissioner Stolzenberg’s suggestions if we agreed to them into our recommendation into our resolution knowing that Council does understand that there is some disagreement on our board relating to the RNA. We let Council deliberate. Would you like to do something different?

**Commissioner Habbab** – Is there an avenue to do something different if we want to tell Council to look at the RNA, the way that we have drawn the map but not necessarily include that in our recommendation?

**Commissioner d’Oronzio** – All of it is subject to their deliberation.

**Chairman Mitchell** – I think that you have the right to offer up an amendment to Commissioner Solla-Yates’ motion.

**Commissioner Habbab** – I would like to make an amendment to remove the RNA from the map and leave it up to City Council. You mentioned that it was anecdotal. I didn’t hear that it is anecdotal on both sides. Is there another way where we keep RNA but change it match RA? City Council can tweak the dials.

**Commissioner Schwarz** – I think we want to keep the dials that we have already tweaked.

**Commissioner Habbab** – I will keep it the way that it is.

**Commissioner Stolzenberg** – Hopefully, Council will listen to this discussion. Several of us have made our thoughts clear on it.

### **Disclosure of Real Estate Holdings**

**Chairman Mitchell** – I have two condominiums. I live in both at 202 Douglas Avenue in Belmont.

**Commissioner Habbab** – I don’t have any real estate holdings.

**Commissioner d’Oronzio** – I have a residence on Blenheim Avenue. My company Mortgage, LLC is based in Charlottesville.

**Commissioner Schwarz** – I own a single-family residence in 10<sup>th</sup> & Page. I am an architect.

**Commissioner Solla-Yates** – I own a small home on 10<sup>th</sup> Street Northwest.

**Commissioner Stolzenberg** – I own a home on 1115 Park Street.

**Second by Commissioner Schwarz – Motion passes 6-0.**

### **B. ADJOURNMENT**

The meeting was adjourned at 8:19 PM.