

Minutes

PLANNING COMMISSION REGULAR DOCKET
January 14, 2020 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

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

***Beginning:* 4:30 pm**

Location: City Hall, 2nd Floor, NDS Conference Room

Members Present: Commissioner Heaton, Chairman Mitchell, Commissioner Green, Commissioner Solla-Yates, Commissioner Palmer, Commissioner Dowell, Commissioner Lahendro

Members Absent: Commissioner Stolzenberg

Staff Present: Patrick Cory, Missy Creasy, Lisa Robertson, Alex Ikefuna, Brian Haluska

Chair Mitchell called the meeting to order at 5:00pm and noted that there are two actions that will be taken this evening – one to address the text and the other to address the map. He noted there were three concerns with the DE-SIA draft code that were noted in the last discussion including clarifying wording to switch out shall for should, provisions to prevent affordable housing provisions not meeting the code as well as a mechanism for an affordable housing covenant to assure that the units remain affordable. Ms. Robertson also noted that language was addressed so all uses allowable in DE today will remain allowable with this code. Ms. Creasy noted that references to sign regulations were removed and the current sign ordinance will apply.

Commissioner Green provided the observation that once this is approved we should be out of this area of the city for a while. Time needs to be provided for this code to work. Ms. Robertson also pointed out that the Housing Advisory Committee’s goals outlined removal of lot size requirements and use of DUA for determining the number of units allowable. This code eliminates those lot size and DUA requirements for this area.

Commissioner Heaton outlined that the staff report will be followed by the public hearing, followed by deliberation. Commissioner Green asked other commissioners to envision how this code could be implemented. This led to a brief discussion on existing sites and current building heights. Commissioner Dowell arrived at 5:20 and noted she was glad to see provision for addressing long term affordability. Commissioner Solla-Yates noted that the question of how this will effect low income residents will be asked. Commissioner Dowell wondered what would happen if this was enacted and found to be in conflict with the upcoming zoning study. It was noted that the code could be changed through public process.

II. COMMISSION REGULAR MEETING – Meeting called to order at 5:32 PM

A. COMMISSIONER’S REPORT

Commissioner Green – No Report

Commissioner Lahendro – The BAR did meet on the 17th of December. Five Certificates of Appropriateness were issued and approved. We did have a multi-unit building on Virginia Avenue that was deferred due to a lack of detail and specificity in the application. They will be coming back to the BAR later. The Tree Commission meeting was postponed last week due to snow. They are meeting tonight.

Commissioner Solla- Yates – No Report

Commissioner Heaton – No Report

Commissioner Dowell – The next School CIP Committee will be meeting at Public Works on January 20th from 1:30 PM to 3:00 PM.

Commissioner Stolzenberg – I attended the PLACE meeting last week. Staff made clear that the direction given to them from Council is to proceed immediately with the parking garage as drafted as a 3 story structure, spanning 2 blocks. Direction from Council was sufficient for them to proceed with that plan. They have no plan to seek further input from Council until they close the street.

B. UNIVERSITY REPORT

No report from the University

C. CHAIR’S REPORT

Chairman Mitchell – I was invited to attend an internal city staff meeting with the consultants that will be helping with the comprehensive plan. The RFP Committee did a pretty good job. I left the meeting cautiously optimistic that we have the right people to get us through this process. The general contractor is Rhodeside and Harwell. They have three subcontractor consultants that they are working with. The first one is RHNA Advisors. RHNA does real estate development and economic development. The other is Brick and Story. They are a messaging and communication company that specializes in community outreach. They are going to be leading the effort to engage the public. The third company is Code Studio. They will translate the language of the comprehensive plan into zoning ordinances. The RFP Review Committee is going to segue way into the Steering Committee. We are represented on the RFP Committee by Commissioners Green and Solla-Yates. Because Commissioner Green is leaving the Planning Commission in August, she has agreed to cede that position. I have asked Commissioner Lahendro to take on that task. The first meeting is January 29th at 5:30 PM. We believe that this is going to be a 24 month engagement. We are looking at two years before we actually say that we have a revised comprehensive plan. We also had a meeting of the Parks and Rec board meeting last Thursday. There are two things that I wanted to chat about. The first thing is the perceived anemic budget

that is out there for the CIP. Council is going to be getting a lot of public input asking for robust funding for a lot of the projects that have been in the backlog for Parks and Rec. The other piece is that there are five properties in the Parks and Rec portfolio that will be a part of our trail system that have not been named. There was a press release asking for the public's input on naming these properties. We have a policy for naming those properties and will follow that policy. We voted to amend the policy to put in stone the need for public input, when it comes to naming these properties. There are three things that are going to be different in the Parks and Rec naming policy. The first thing is that 30 days before a public hearing, there will be the announcement of the public hearing to talk about the names and ask for public input. There will be the public hearing and the first of two readings. There will be discussion on what the name should be. There will be a second reading at the next meeting and vote on a recommendation that will be sent to Council.

D. DEPARTMENT OF NDS

Ms. Creasy – There is a work session scheduled for January 28th that will be on the Starr Hill Community Vision and small area plan document. For February, we have one pre-application for that work session, and we are working with the consultants for using that date for an opportunity to speak with the Planning Commission.

Mr. Ikefuna – The 24 month schedule is based on the schedule submitted by the consultants. The comprehensive plan, the affordable housing strategy, and the re-write of the zoning ordinances is expected to be completed in the 24 month period. I do want to thank the Planning Commission for nominating your 2nd person to serve on the steering committee. I will be sending the invite letter to Mr. Lahendro tonight.

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

No public comment

F. CONSENT AGENDA

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

1. Minutes – October 25, 2019 – Work Session
2. Minutes – November 12, 2019 – Pre- Meeting and Regular Meeting

Motion made by Commissioner Solla-Yates to approve the consent agenda. (Seconded by Commissioner Green). Consent agenda approved 6-0.

Chair recessed the meeting until 6:00 PM and the arrival of three city councilors for the public hearing.

III. JOINT MEETING OF COMMISSION AND COUNCIL

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

1. **ZT19-10-02 - (To establish new form-based zoning regulations)** – A proposed amendment to the text of Chapter 34 (Zoning Ordinance) of the City of Charlottesville, 1990, as amended, to add a new division within Article VI (Mixed Use Corridor Districts) containing provisions regulating the use of land, buildings, structures and other premises within the area outlined on the city’s official zoning map and identified as being within the Downtown Extended Strategic Investment Area (“DE-SIA”); regulating the size, height, area, bulk, location, alteration, repair, construction, maintenance or removal of buildings and structures within the DE-SIA; and regulating the areas and dimensions of land and air space to be occupied by buildings, structures and uses, and areas of land for courts, yards and other open spaces to be left unoccupied by uses and structures, within the DE-SIA. The new division contains regulations generally applicable within the DE-SIA as well as regulations specific to three zoning district subclassifications: T4 (3 stories of building height by right, 1 additional story available by bonus), T5 (4 stories of building height by right, 2 additional stories available by bonus) and T6 (5 stories of building height by right, 4 additional stories available by bonus). Currently all of the land within the DE-SIA is classified as the Downtown Extended Mixed Use zoning district (DE-MU), in which up to four stories of building height are allowed by right (with up to 5 bonus stories allowed for a mixed use building). Throughout the DE-SIA, the term “density” refers to a combination of the area(s) of land to be occupied by buildings and structures, and the overall size of buildings with regard to height and mass; there are no restrictions on dwelling units per acre and no minimum lot size requirements for single-family dwellings (SFD). The current DE-MU regulations restrict residential density by specifying limits on dwelling units per acre (DUA)(43 DUA, max., and 21 DUA, min. for multifamily) and by lot size regulations applicable to SFD. The uses allowed within the proposed DE-SIA district are the same as those currently allowed within the current DE-MU District. The DE-SIA regulations implement the recommendations, goals and objectives of the Strategic Investment Area Plan (2013) and the Streets That Work Design Guidelines (2016), both of which are components of the City’s Comprehensive Plan

2. **ZM19-10-02 - (To amend the City’s official zoning map to define boundaries of a new zoning district, “DE-SIA” and to classify land within the DE-SIA into three sub-classifications)** – A proposed amendment to the Zoning Map adopted and incorporated as part of the City’s Zoning Ordinance pursuant to Section 34-1 of the Code of the City of Charlottesville, 1990, as amended, to identify individual parcels of land proposed for inclusion within a new zoning district named the “Downtown Extended Strategic Investment Area” (“DE-SIA”) and to classify all such parcels further into subclassifications (T4, T5 and T6) all subject to regulations set forth within proposed zoning text amendment ZT19-10-02. The proposed DE-SIA district and the T4, T5 and T6 subclassifications, are proposed to be applied to individual lots, as follows (lots are identified by address, or by tax map/ parcel number where no address is assigned to a lot):

DE-SIA-T4: 201-239 Elliott Ave; 205 & 209 Monticello Road; 400-426 Garrett Street; 703, 705, 707,709, 711, 713, 715, 717, 719, 735, 737, & 741 Graves Street; and 715, 905, 909 & 915 6th Street SE

DE-SIA-T5:

Tax Map Parcels (TMP) 280113C00 & 280113B00 located on 4th Street SE; TMPs 280103000, 280128A00, 280113001 & 280143001 located on Garrett Street; TMP 580125000 located on Monticello Road; 100, 110, 201, 215, 310 & 405 Avon Street; 102, 104, & 105 Oak Street; 105-111 & 201 Monticello Avenue; 126, 140, 200, 400-426, 505 Garrett Street; 201-239 Elliott Avenue; 203, 204, 211, 214, 218, 300, 304-308, & 307

Ridge Street; 300, 310-322 4th Street SE; 303-333, 310, 320, 455 & 522 2nd Street SE; 405 Levy Avenue; 618, 620, 624, 702, 710, 714, 716, 720, 722, 724, 734, 736, 738 & 740 1st Street South; 715 & 915 6th Street SE

DE-SIA-T6:

201-239 Elliott Ave, 522 2nd Street SE

(collectively, the “Subject Property”). This zoning map amendment will change the current zoning district classifications of the Subject Property from “Downtown Extended (DE) Mixed Use Corridor”, “West Main East (WME) Mixed-Use Corridor or “R-2”, as shown on the current Zoning Map, to “DE-SIA” and the applicable subclassification, as specified above. The general usage specified within the City’s Comprehensive Plan for the Subject Property is mixed-use; no density range is specified. Lots currently subject to the West Main Street and Downtown Design Control Overlay Districts, as specified on the City’s zoning map, will continue to be subject to those overlay district regulations. The boundaries of the new DE-SIA District are as follows: Starting at the intersection of 4th Street SW and the CSX railroad right-of-way, west along the CSX Railroad right-of-way to the intersection of the CSX railroad right-of-way and an alley located between the right-of-ways for Goodman Street and Douglas Avenue, then proceeding south along an alley located between the right-of-ways for Goodman Street and Douglas Avenue to Lyman Street, then proceeding west along Lyman Street to the intersection of Lyman Street and Goodman Street, then proceeding south along Goodman Street to the intersection of Goodman Street and Graves Street, then proceeding southwest along Graves Street to the intersection of Graves Street and Monticello Road, then proceeding west along Graves Street to the intersection of Graves Street, 9th Street SE and Avon Street, then proceeding south along Avon Street to the intersection of Avon Street and an alley between Levy and Hinton Avenues, then proceeding west along an alley between Levy and Hinton Avenues to the intersection of the alley with 6th Street SE, then south along 6th Street SE to the intersection of the 6th Street SE and an alley located between 915 and 921 6th Street SE, then west along the alley to the intersection of the alley and Rayon Street, then continuing west along the northern property lines of 1001 Rayon Street and 1002 2nd Street SE to 2nd Street SE, then south along 2nd Street SE to the intersection of 2nd Street SE and Elliott Avenue, then west along Elliott Avenue to the intersection of Elliott Avenue and 1st Street S, then north on 1st Street S to the intersection of 1st Street S and the southern property line of Tax Map 27, Parcel 15, then east along the southern property line of Tax Map 27, Parcel 15 to its easternmost terminus, then north along the eastern property line of Tax Map 27, Parcel 15 to an alley located south of 740 1st Street S, then west along the northern side of the alley located south of 740 1st Street S to the intersection of the alley and 1st Street S, then north along 1st Street S to the intersection of 1st Street S and an alley between 618 1st Street S and 500 1st Street S, then east along an alley located between 618 1st Street S and 500 1st Street S to the alley’s easternmost terminus, then north to the southern property line of 500 1st Street S, then east along the southern property line of 500 1st Street S to the southeastern corner of property located at 500 1st Street S, then north along the easternmost property line of 500 1st Street to the intersection of 2nd Street SE and Monticello Avenue, then west along Monticello Avenue to the property line between 211 Dice Street and 300 Ridge Street, then south along the westernmost property line of 211 Dice Street to Dice Street, then west along Dice Street to the westernmost intersection of Dice Street and 4th Street SW, then north along 4th Street SW to the intersection of 4th Street SW and the CSX Railroad right-of-way. A copy of the proposed zoning map amendment is available for public inspection within the Department of NDS, 610 East Market Street, 2nd Floor, Charlottesville, Virginia. Persons interested in this application may contact Planner Brian Haluska by email haluska@charlottesville.org

i. Staff Report

Brian Haluska, Principle Planner – This is the second time that this item has been in front of the Planning Commission for a public hearing. It was in front of the Commission

back in November. The draft has been updated since that meeting in November. This was a planning process that the city undertook many years ago starting in 2012 and 2013. This area was planned as a much larger area that was called the Strategic Investment Area (SIA). After the SIA was passed as an amendment to the comprehensive plan, Council directed staff in front of you, as a first phase, to explore new zoning for that area. We engaged the consultant and the Form Based Code Institute to draft a Form Based Code. That was presented in November. They have since completed their contract. You will now be dealing exclusively with staff going forward. Here are some of the changes that I want to point out to you in the draft. The draft does look much different. One of the requirements of any zoning ordinance is that we have to publish it with our code publisher, which is the Municipal Code Corporation. This code has been reformatted into that format so that we can send to them to potentially publish in our code. Some of the consultants, in the past, have not adhered to that form. There were a lot of concerns about having a separate signage section in the SIA versus the rest of the city. We have addressed that by eliminating the signage section from the draft currently in front of the Commission. The city's normal signage section will apply. There were a lot of questions about the amended use table. We have elected to eliminate that as well. We will abide by the current uses allowed in the current zone. One of the concerns that came up from the Commission was the applicability of these regulations. A lot of the statements mentioned that applicants "should" or "should do things" rather than "shall." We have gone through and clarified that text for the Commission. It does make it a requirement. There were several questions raised about the affordable housing bonus requirements. There were questions about loopholes like applicants using entire floors to provide the minimal amount that they could get away with. We have added some language that requires a certain average size. Those provisions are under items 1.6. As you read the affordable bonus housing section, there are a number of bullet points that we have added to further clarify and make sure those units are a comparable size and spaced throughout. We have removed the business incubator computer lab reduction allowance for the affordable housing bonus. We are proposing a modification to section 34-1200, which is the definition section to add all of these definitions as well. Several concerns have been raised about historic districts. This does overlay mostly with downtown extended zoning. There are a few other zoning classifications, particularly along Ridge Street. There is the East-West Main zoning district that is proposed to be rezoned. Ridge Street also includes a historic district that has an overlay zone. The advertisement for this does not mention those overlay zones because we are not proposing any changes to them. They are not shown on the map because we are not proposing any changes to them. We would have to advertise any changes. Those zones and those regulations are intended to stay as they are. Someone pointed out that the Housing Advisory Committee made a long list of recommendations many years ago regarding the provision of affordable housing. Two of those recommendations were long term recommendations about eliminating minimum lot sizes and eliminating the density dwelling units per acre standard. This code does what HAC had recommended on those two items. This code does that. It is all governed by floor height and your ability to adhere to the building code and the other provisions within this code. Commissioner Solla-Yates mentioned a question about the impact to low income residents in the district and around the district. There hasn't been a specific analysis pinpointing that partly because a lot of this depends on how much development activity you may see out of this. Right now, this

area is zoned for potentially nine story buildings under a mixed use. If a mixed use building is built, this covers two properties that are currently low income properties. Friendship Court, which has already gone through a site plan process. They are proceeding through their redevelopment plan, independent of this process. They have been consulted on this. They were moving long ahead of this process and already have a phase 1 plan in place. I believe that they intend to start this year. CRHA is going through their own public process for all of their items. The other concerns out there are whether this would spur redevelopment in the zone. A lot of that depends on financing. What we are doing is setting out a form of what we will see in the future. Those things are time dependent and based on national economy. Any developer would tell that right now we are in overtime nationally on the boom times. We are long overdue for a recession, which can delay any kind of development activity. The bonus factors guarantee that you would get affordable housing. There is no guarantee for that in the zone right now. People can do mixed use buildings without a special use permit. They don't have to comply with Section 34-12 of the code. You do get some variation in unit price based on this code if people pursue those bonuses. The heights are such that nobody pursues the bonuses. That is certainly out there and a possibility.

Commissioner Green – This does not affect the proposed plan that has been approved for Friendship Court?

Brian Haluska – It does not impact the Phase 1 plan. Phase 2 and Phase 3 do not have site plans submitted for those. They do have an overall conceptual plan. The text of this ordinance was handed to them. We had a work session with our consultant to go over any concerns that they had about this code and what it would do to their overall ability. They meet affordable housing criteria for bonuses. I don't think they are pursuing that bonus height because of their construction methods. We had a bunch of feedback going back and forth. Some of their concerns were raised and put into the draft months ago. We are not aware of any objections to this draft of the code.

Commissioner Heaton – I was curious about the affordable housing bonus process. If somebody was to apply for the additional height, is that spelled out in a way that can be calculated prior to submitting a site plan?

Brian Haluska – Yes. One of the new changes to this code is that the Planning Commission asked for a binding covenant as a means of guaranteeing affordable housing that must be recorded before any permits can be issued. That's a more robust guarantee than our current code permits. They would have to actually lay out that they are going to do this number of units that would have to be identified on the site plan. Once the site plan is approved, they would have to enter this binding commitment prior to starting construction.

Commissioner Heaton – The bonus calculation for the developer is right there for them to look at prior to submitting a site plan?

Brian Haluska – A developer would look at the code and see if they could meet it. In the site plan process, they would spell out what they intend to do. Once that final site plan is approved, that is a signed legal document that they have to adhere to.

Commissioner Solla-Yates – Why is Graves Street a little bit different? What is the public value for its presence?

Brian Haluska – The main reason that it's there is because that it is part of Phase 1. That was the dividing line. We were running it along streets. I don't think that we were doing property lines. There was a question how those houses would be impacted by the change to T-5 above them to the North. If you have 4 story or 6 story buildings behind them, what type of transition do you have between that and the rest of the neighborhood? The easy reason is that Council directed staff to look at it. The reason that it is T-4 is that T-4 is 3 stories high with a potential for a 4th story. The current maximum height in that zone is 35 feet, which is 3 stories. People have expressed concern about potential redevelopment out there. I would point to the lot sizes that are currently existing, the housing values, and the need to provide parking for new development or redevelopment in that zone.

Chairman Mitchell – This area is zoned downtown mixed use. With downtown mixed use, by right, you get 50 feet or stories. If they meet the mixed use algorithm, they can go up to 101 or five additional stories. That is anywhere in the area. Let's talk about the public housing properties that are to the East. They can build a nine story building by right if they use the mixed use algorithm. Let's talk about the Hebrew cemetery to the West. By right, they can build 50 feet. With the mixed use algorithm, they can build 101 feet or 9 stories with zero setback. They have the mixed use algorithm. That's in effect today. With this, two things happen. We get more scalability. We get T-4, T-5, and T-6. We can scale down as appropriate. We get affordable housing.

Brian Haluska – The Hebrew cemetery, the cutout around the IX Park, was not included in Phase 1 and the 6th Street housing complex. The T-4 zone would allow a max of four stories. That would be the by right in the downtown extended and then stop at that point. For the majority of the area around the Hebrew Cemetery, you are looking at a maximum of six stories if they can hit the affordable housing bonus guidelines. If not, they would be capped out at 4 stories. The Hebrew cemetery is zoned downtown extended as well as the rest of that block. There is no setback required.

Chairman Mitchell – We do get a little more flexibility with the DE-SIA. We have not as much flexibility with the DE-MU, which we have today. We can get more affordable housing.

Commissioner Green – Can we define flexibility?

Chairman Mitchell – When you go through the T-4, T-5, and T-6 options, we have the ability to move those around. With DE-MU, you are going to get 4 and 5. You are going to get 9. With T-4, you are going to get 3 and 1.

Commissioner Green – With this form based code, there is not a special use permit or rezoning process. There is more flexibility in a by right use. There are many options to make a parcel by parcel change.

Chairman Mitchell – I am speaking about having more options with the DE-SIA than with the current zoning.

Commissioner Heaton – Does the form based code provide the process for the public, the property owners, or developers to have a stake in the conversations about what abates their property? Or is that the standard process?

Brian Haluska – It's a process similar to the site plan process. When somebody submits a site plan, we notify the properties within 500 feet. We invite them to a site plan conference

Commissioner Green – It's that fear of the unknown about what is going to happen when that property sells. This gives us an understanding of what can happen, when there is that fear of the unknown of that property that has a by right use. Who is going to be on the Planning Commission and on Council at the time, and want 101 feet and high density that there is a parking problem and a traffic problem? There is more consistency with knowing what is going to happen as opposed to having all of the other things at play.

Brian Haluska – When you look at other communities that have gone through the form based code route, one of the main reasons is to get away from use based regulations. You have a regulating plan. You have guidelines that define what you can and cannot do. You have these other avenues by which you can gain additional height. There is a very large range in the downtown. This tightens the frame. The SIA plan does mention a general 4 or 5 story height throughout the area. That's what people wanted to look for and that was the idea behind this. It's the reason why there is a lot of T-5 on that map and not a lot of T-6 or T-4 because it was based on that plan. That was part of an attempt to steer it towards providing a lot of residential in general. We have also added these bonus factors to try to get some of that to be affordable.

Commissioner Palmer – Since you brought up the possibility that nobody would take the bonus and you wouldn't have this affordability aspect to it. There is no way that you put that into the initial zoning. Is that correct? You can't compel a landowner to have the affordable housing as part of the by right development.

Brian Haluska – Not in the City of Charlottesville. That is correct.

Lisa Robertson, Deputy City Attorney – There are currently some differences in enabling legislation in Charlottesville and even in Albemarle County. Albemarle County and Arlington have different and broader enabling legislation. That's something that hopefully the General Assembly will consider changing soon. We can't say that right now.

Commissioner Solla-Yates – In looking at the 2013 plan, there is some pretty decent height near the Belmont Bridge, which I don't see in this current plan. Can you explain the change?

Brian Haluska – I am not entirely sure why the consultant deviated from that entirely. When the consultant looked at where T-6 would be potentially available, they also looked at the public space. They just didn't identify any kind of public space opportunities. One of their guiding principles was Second Street and trying to put as much activity onto Second Street. They saw Second Street as another vital pedestrian connection with the Downtown Mall and down into the IX Park. There is a lot of concern if you spread T-6 throughout this zone, you may not get the critical mass of street level activity along Second Street. There was a concern that retail was very limited in the draft that we received from the consultant. They really focused on Second Street. The SIA plan does not contemplate retail along Garrett, partly because they don't want to saturate the market. I think that's where some of that comes from.

ii. Public Comment

Liz Russell – I am speaking on behalf of Preservation Piedmont. I am also personally vested as I live on Graves Street. I do want to make a few notes. The proposal does not recognize or protect the two historic districts. The text does need to be clarified with protections for the historic districts. Graves Street is not in the ADC. Doesn't make sense for Graves Street to be zoned.

Diane Hillman – The current zoning and possible change to Form Based Code applied to the land around the Hebrew Cemetery is very concerning. The cemetery is an active use and the resting place for 300 Jewish people. It has capacity for more burial sites. We need to have a quiet and peaceful environment. The rezoning reconfirms that tall buildings will surround on three sides of the cemetery. I hope that the Planning Commission and Council will reconsider the current zoning and proposed zoning changes.

Neil Williamson – I am with the Free Enterprise Forum. The Planning Commission is being mandated to make a recommendation for the form based code. The form based code started shortly after the riots in 2017. This is a downzoning. Charlottesville needs more housing, not less zoning. The proposal of the Form Based Code should be denied due to the decrease in zoning. Further engagement with residents is required for a viable form based code.

Kimber Hawkey – I am here of personal concern of the historic preservation of my neighborhood. We met about 3 months ago regarding form based code. It seems that it has been kicked down the road. There are loopholes within the form based code. There seems to be promises for affordable housing, but nothing has happened. There are a lot of concerns about preserving the historic nature of Graves Street. It seems that Graves Street was added to the form based code as part of some arbitrary algorithm. The lure of affordable housing seems to be a false promise.

Mark Cabot – I am here supporting form based code. I do feel that it needs some more modifications and changes. I do feel that Graves Street should not be included in the zoning. There is a lot of concern regarding the Graves Street situation. People do get tired of all of the meetings due to having busy lives. The form based code could do away with the SUP. We need to work with the county and look at affordable housing as a joint issue.

Travis Pietela – I am with the Southern Environmental Law Center. I do wish to thank the staff for taking the time to improve the draft form based code. There are still some aspects that do need some more work. It's important to get this form based code right. The code still does allow a developer to have only one affordable unit in exchange for additional height. Green space should have minimum open space of at least a half-acre.

Louisa Bredford – Speaking on behalf of my neighbors. It's not clear what is T-5 and T-6 on the maps. We are going to these 8 or 9 story buildings that are office buildings. The idea of mixed use was that there would be life in front of these buildings. There is no affordable housing, just more traffic congestion.

David Tressler – Opposed to the form based code. I don't want any property that is Salvation Army property. I live in the Carlton area. I am dependent on the Salvation Army for my meals.

Kathy Galvin – One of those things that affect all of Charlottesville is the zoning. Our existing zoning continues to be a tangled confusing mess. The zoning will continue to be changed through SUP and piece meal change until the comprehensive plan. The Planning Commission will decide tonight whether to recommend approval to Council. It is time to make a decision regarding the zoning.

Stacy Miller – I did think about this and the safety of my children. I do echo the effect of green space. A color coded map would be better in future mailings. I find it sad that building height is a proxy for affordability. I would like to see evidence that building height is an incentive.

Craig Flaschenriem – Live behind Nolan's in Fifeville. I do have a better understanding of what is happening. The mailers told me nothing.

Joy Johnson – We ask what is the impact on low income housing. I didn't hear anything that got me excited. I would like to know what the impact is on low income housing. We are not getting the answers. This should be done in accordance with the completion of the comprehensive plan.

Genevieve Kellar – I have always supported the concept of the SIA for undeveloped and redeveloping areas. I have also supported the form based code. I ask that you look at the boundaries on Ridge Street and Graves Street. I am pretty familiar with the form based code, and I have attended trainings on the form based code. I am concerned about the historic character of Graves Street and Ridge Street.

Maynard Sipe – I am planner and a land use attorney. I represent Monticello Associates, the IX property owners. Those over-arching concerns remain. I am asking that you recommend denial of this proposal. It does need more work. It's more difficult to know what changes have been made from the previous draft without track changes.

Levi Cutner – I tremendously appreciate what you have to do. Developers create space, and if you reduce space, it becomes more space. Affordable housing can be funded through taxes. I do apologize for the tough choice that you have to make.

Valerie Long – I am with Williams Mullen and representing the owners of 310 Avon Street. We have been before you in the past years. We have requested that this property be zoned T-6 and not T-5. We have had extensive conversations with the consultants and commissioners. That's the only concern that this property has not been designated for T-6. We have been supportive of the Form Based Code. This will not further the goals of affordable housing.

Walt Hyneke – Was the comp plan completed while I was gone? I thought that the public told the commission to wait until the comp plan was completed and finished. After finishing the comp plan is completed, to see what form based code will look like in the new comp plan.

Unidentified Public Speaker #1 – I am a pedestrian. If this plan does go through, my concern is that construction takes up a lot of the roads. Are we still going to have our sidewalks? Is the construction going to impact pedestrians and the bus routes? That is my primary concern.

Unidentified Public Speaker #2 – I do support form based code. I don't know if we have the right setup. It does not solve public housing, but is another tool in the toolbox for public housing. There are some pretty big parties. I am hearing that we need more details. Don't rush it through.

iii. **Commissioner Discussion & Motion**

Commissioner Lahendro – The T-6 is the boundary of the green space. That's the only T-6 on this map. The rest of the purple is T-5 and the light purple is T-4. Someone expressed confusion with the legend.

Commissioner Stolzenberg – We talked at the work session about more T-6 areas. Why didn't they make it into this map?

Chairman Mitchell – There are two things that we need to make a recommendation on tonight. The first thing is the ordinance and the second thing is the zoning map. A lot of the things that we are hearing are objections to are the way the zoning map is going to look and the impact on the Hebrew Cemetery, public housing, and the location of T-6 on Avon.

Please keep in mind that there are two things that we need to recommend. We need recommendations on the ordinance and the zoning map.

Commissioner Green – This continues to come up. A black and white map is not the thing to do. If we are going to communicate and do a public service, we have to be better. When we have something this large, we might need to make a longer and better presentation that's a little more detailed. For people not in this industry, it looks like we are developing this without any kind of infrastructure for sidewalks, roadways, and bus stops. It looks like we have no inter-connectivity. There are plenty of regulations in this code about how streets work and 6 foot sidewalks. We have been promised that we will have the zoning re-write and the housing strategy in 2 years. This is just one tool in the toolbox. We don't know how this is going to affect people. This is the first time, and it is one time when we have fear. I have fear every time that we have an SUP. We have 101 feet by right. We spot zone this city continuously with rezoning and PUDs. It is not perfect. We should never present a code to a Planning Commission with what has changed. We don't have the time to see what has changed. You should always give that to your planning body, so that they know what's going on. Form based code has been done. It just doesn't provide consistency for the people that live there. It does provide consistency for the developers. The developers can know that the project is not going to be redesigned. I also have some concerns about the map. The state code is changing. With the state code changing, this could be another tool in the toolbox. When we had these conversations with the form based code consultants, we had this long linear park from the downtown area to Pollack's Branch. It looks like something when we start, you may not get everything that happens. I am a little disappointed about that beautiful linear park. This is maybe a starting point. With regards to historic structures, there are some things that we need to take a look at and make some comments. We did call this the downtown extended form based code. It's mostly downtown extended zoning. The area at 9th and Avon is downtown extended, but the parcel over is not. The area across Rives Street is also not downtown extended. We did turn down 210 units of housing, and we got a by right office. We are eventually going to have to pull the plug on something. We don't know if the current comprehensive plan works or not.

Commissioner Stolzenberg – I agree with Commissioner Green that it was very hard to see what changed between these plans. That makes it very difficult to come up with good feedback. I am pretty concerned over all of this idea of reducing the amount of housing that could be built in this area. The area is currently zoned for a minimal amount of housing, given that it allows lots of buildings. With the current downtown extended zoning, I am concerned with what happens with the remnants of that. It seems that we cover all of the downtown extended, except for the Market Street East area and the Hebrew Cemetery. It's odd that the Hebrew Cemetery will remain downtown extended. Another real concern that I have with the plan proposed, is that we say that we want form based code so that we are not regulating uses so much. In the previous draft, we had a simplified use matrix that was less prescriptive. What is in downtown extended, is now available here. We have provisions that say retail is not permitted, except where it was in the SIA plan. One of the reasons that we denied all of that housing on Garrett Street and Fourth Street was because the bottom floor didn't have retail and didn't address the street. We

prohibit retail in this plan. It would have to address the street without retail and residential uses on the ground floor. I would recommend getting rid of that prohibition. On Graves Street, we have a lot zoned B-2. I would like to see a better layout of how that changes the use matrix for that particular parcel.

Commissioner Heaton – My comments are with any zoning, you are always going to have consequences that are not foreseen or unintended. If you stay with the current by right, there will be consequences that nobody here expects. With form based code, there will be unintended consequences for the good and for the bad. Form based code does provide a matrix for whatever development may be happening. Philosophically, it is a better way to go than we currently have. The threat of inaction is worse than the threat of this form based code, which has had more input. I think that it was done as well as anything else. If you push this forward, we will do so pointing out some of the concerns about Garrett Street, Friendship Court, the Hebrew Cemetery, the sacred spaces, and the affordable housing. We have identified those for Council and let them find the ways to respond to the public concerns.

Commissioner Dowell – I have also felt that we should not move forward on this until the comprehensive plan was finished. After hearing that it is going to take 24 months to complete the comprehensive plan, waiting for two years is probably not the best idea either. One of the questions that I asked earlier was if we proceeded with this form based code as presented with the tweaks that we had in mind. If the person working on the comprehensive plan, finds that there is a conflict, can we change this? This plan is like any other plan, and it can be tweaked, updated, and changed. I also did have some issue with the parcel on 310 Avon Street and the zoning of that as well. We had talked a lot about the T-6 zone. Most of it is still T-5.

Commissioner Solla-Yates – We are in a housing crisis. That is fairly well understood at this point. I love the intentions that I see here of doing something about that. Am I convinced that bonus heights for affordable homes is the best method to do that? Probably not. Is downzoning during a housing crisis a good idea? Probably not. I am frankly unclear whether we can fix this tonight or not. I think that it will be an interesting conversation.

Commissioner Lahendro – I am convinced that this process has been thorough. It has been comprehensive and long. This is what a planning process should be. I am satisfied with the form based code with a couple of issues that I have with it. I believe that Graves Avenue should be taken out of the transect area. That's a map issue. It's a national and state historic registered landmark, and it has a particular individual characteristics that are different than the rest of the area. I also believe that there should be no setbacks less than 10 feet from principal buildings, so that we can have the kind of street amenities we need. Those are my two major issues. I am concerned about other things that I heard during the public hearing. There are some things that I would like to add to that list of concerns. I think that form based code is needed. We need to move ahead.

Chairman Mitchell – I did wrestle mightily that we need to wait until after we had a good comprehensive plan in place to move forward. We can't stop development in

Charlottesville for 24 months. I don't think that we can stand still that long. I think that we have to do something. We need to make a recommendation on two different things. One is the ordinance and the other is the map. Most of the objections that I am hearing are related to what the map is going to look like. We have two things that we have to make recommendations on: the ordinance and the map.

Commissioner Stolzenberg – I do want to clarify about that 24 month time table. In 24 months from this month, we will have the zoning ordinance and the comp plan a year from now? If we were to recommend to Council to either deny it, Council could give the Planning Commission more time, and we address this in the coming months. With the comp plan being finished within a year, we should have an idea of what it is going to look like. Nine months from now is a significant part of that one year until the comp plan is finished versus not a significant part of the 24 months until the rezoning is done. It does make sense to do it concurrently or just before the comprehensive rezoning. Given that there are a lot of good concepts in this form based code versus a use based code. It will hopefully inform that process. If we deliberate over how it should actually look and how the text should be, we can take lessons out of it that can apply city-wide that will hopefully inform the zoning ordinance.

Chairman Mitchell – What Commissioner Stolzenberg is suggesting is that we will have a concept within 12 to 18 months.

Commissioner Stolzenberg – The concept should include an adopted comp plan from my understanding from PLACE last week.

Commissioner Green – This is three different documents. The housing strategy, the comp plan, and the zoning rewrite. Does staff know which is coming first?

Alex Ikefuna, Director of Neighborhood Development Services – The comprehensive plan and the affordable housing strategy will probably be completed simultaneously by the end of this year. Around January or February 2021, they will begin the process of re-writing the zoning ordinance.

Commissioner Lahendro – We are acting like this is pretty definite. The steering committee has yet to meet. There are 16 members on it, and we are establishing a schedule now. We are presuming that they are going to meet.

Alex Ikefuna – It's the schedule provided by the consultant.

Commissioner Green – For the public out there, there are going to be a lot of meetings in 24 months if you want to be publicly engaged in this comp plan, housing strategy, and zoning code rewrite. They are going to reach out for public engagement.

Alex Ikefuna – Of course, there will be public engagement in between the process and the steering committee meetings. There will also be engagement with the Planning

Commission and work sessions with the City Council and ongoing briefings of the public engagement process.

Commissioner Stolzenberg – When will that start?

Alex Ikefuna – It will start on the 29th. The consultant will have to structure the public engagement process. They are creating a very robust community engagement process.

Commissioner Heaton moved to approve the zoning text. There was no second for the motion, and the motion died.

Commissioner Solla-Yates – I had a question for staff. In the public comment, there may have been substantive changes to the text. What would those be?

Lisa Robertson, Deputy City Attorney – When our office gives you the initial draft and subsequent revision, we do our best to keep track of it using red lines strike out. A couple of things were happening. The last time, substantial public comment criticized the document because it looked like a draft. We wanted it to look like when it's almost completed. The work that was done by the consultant was in a format that we couldn't manipulate. There were some sections that I tried to manipulate, and it wouldn't work because it said that document was written in Greek. I re-typed it. I tried to clean up the sentences. I worked with NDS staff to address the issues that were clear that everyone disliked, such as the whole section on signage. We didn't feel that we needed special provisions on signage. It was a distraction. We made it clear that we didn't want to focus on uses in the use table that we had. NDS staff outlined the larger issues in completing sentences and trying to make things work. I am sure there were some things that were not intended to be major departures. In one place in the document, we flushed out the different incentive bonuses that you could get. There were actually some numbers highlighted. We inserted some provisions. Some might be ten year commitment periods. There are some things different. I do apologize. What we should have done is given you a table that identified all of those changes. I just ran out of time. I personally had to retype the whole document. We ran out of time. If there are changes. I would encourage Ms. Long to send them along and share them with us. We would be happy to take a look at it. She has identified those changes. We can share that with you. A lot of people are referring to this as a downzoning. I disagree that changing the heights is a downzoning. You look at intensity of use. What people aren't giving credit for, is that this ordinance will eliminate all dwelling unit per acre restrictions. For single family dwellings or other units that have lot size restrictions that effectively restrict how many homes can be built in a particular area, those will be gone. Whatever you are trading off in height, you have unrestricted dwelling units per acre. You had previously asked staff to answer a fairly extensive list of questions, which we did. In the answer to question #5, which was shared with you prior to the December meeting. If you had a half acre site, under the current density restrictions, you could only have 10 or 11 apartments in a four story building. You take away that density restriction, you increase the number of units you get. It's not the entire accurate picture for people to say to you that you're getting fewer units if what you are trying to do to promote additional units. Getting rid of dwelling units per acre and lot size restriction

has been a HAC recommendation for a number of years. There are shades here. Our office fundamentally disagrees that the change in height per se is a downzoning.

Commissioner Stolzenberg – Do we have contract provisions for this comp plan and zoning RFP that we will get the document in an editable portable format?

Ms. Robertson – I attended the kickoff meeting. In the time allotted, I specifically said that our office will give you the format. You must use it. We want a word document that we are going through this process again. We can help you follow that document through to completion.

Commissioner Stolzenberg – Aren't the lot restrictions governed by Chapter 29?

Ms. Robertson – If you look at the table at the beginning of this ordinance, we have told you what things are being replaced. That is one of them. What we did with the different uses for the different transects is that we said that any uses permitted in the downtown extended district, and that would extend anywhere we had these new designations of DE-SIA, that has 3 sub-classifications, you can have any use that's permitted in the downtown extended district. The previous version of the ordinance said that you can only have retail at these locations. Our intention was to continue to allow retail throughout the area. This would still require a location where the regulating plans say that you have to have retail, but that does not mean you have to have retail in other places.

Commissioner Stolzenberg – Were there any uses in that matrix that we previously reviewed that are not allowed in the downtown extended?

Ms. Robertson – No. What we did in this district in the use section is that we included a simple statement. If it's currently allowed within the downtown extended zoning district, it will be allowed in any of these colors of purple.

Commissioner Stolzenberg – When we had the new use matrix, was anything in there allowed that is not allowed in the downtown extended?

Ms. Robertson – What that was doing was taking the three transects, and there were instances in which it would have been currently allowed in the downtown extended. Maybe it would have been allowed in T-4 and T-5, but not 3. We got rid of that.

Commissioner Stolzenberg – In B-2, are there any uses that are allowed there?

Ms. Robertson – If something is currently B-2, it would now have all of the uses allowed in downtown extended. If it's R-2, it would have those uses. If you're focused exclusively on height, you have a maximum height allowance of 35 feet, which isn't necessarily your typical 1 or 2 story single family dwelling that you see. That's already the height in the R-2 district. This may have impacts in terms of allowing new uses along Graves Street that wouldn't be allowed in R-2, but it's not that light colored purple already allows more than 2 stories on that line of properties.

Commissioner Green – To take it out?

Ms. Robertson – To take it out will continue to restrict those uses to a low density residential. They'll have the same residential uses, but in terms of height, 35 feet of height are allowed in the R-2 district, which is that line of light purple.

Commissioner Stolzenberg – Do you know the last time that the use metric for downtown extended was reviewed?

Ms. Robertson – We are going to encourage the consultant to do so in the larger project. Nobody should believe that if this goes forward, you can't come back. You can always take a look at this. Another issue is that in a form based code, it's not like the zoning districts we have been using. You want to make sure to study the implementation of Streets That Work, the public spaces, and the private spaces work together. It's absolutely correct that T-6 will work someplace else, but that's not what has been studied here. Our recommendation after a previous work session was that you consider that. Maybe you want to do a charrett so that you can see examples of how that might work in another location. You're not stuck without the ability to amend it or add T-6 to it at a later date. This is a starting point.

Commissioner Green – In the big green space, in the chart, it seems odd to me that it's called T-4.

Ms. Robertson – That doesn't seem right. That green area is intended to represent a large open space of some type. If you assume T-6 is that entire rectangle around it, buildings are required to have a certain area along each frontage that is open. That area is intended to represent T-6 buildings and each of their frontages. When you put all of those frontages together, you have an open space in the middle. You may want to recommend to Council that they study the comments that people have brought about identifying the specific categories of open space that should be available for that area if that is to be the implementation of what the original SIA plan called for, which was a green park.

Commissioner Green – That mandatory particular open space is not listed in this chart on page 11?

Ms. Robertson – Specified spaces are frontage yard types are urban pedestrian fore court and vehicular fore courts. If the preferred configuration is open green space, we would need to look at that as well as the plan that's earlier in the code that identifies the mandatory space. The comments are well taken. We need to reconcile the reference to open space with the T-6 regulations referenced to frontage yard types and make sure that everyone will understand what specifically that space can be in size.

Brian Haluska – The publicly accessible courtyards are noted in 2.43. The table on page 11 limits them to the square or plaza type because those are permitted in T-6. The midblock passage isn't mentioned 2.43, so that's not one of them. The square plazas are

the open space types that would satisfy the requirement you see in that framework plan. Because the framework plan specifically calls out that area as mandatory open space per section 2.41, they have to adhere to that. When you go to the type of design that they have to use for that space, you have the squaring of plazas. The framework plan says that you have this area. T-4, T-5, and T-6 all allow for a square. If you can't meet that 0.2 acre minimum, you're not doing a square.

Ms. Robertson – The framework plan outlines the boundaries of the mandatory space.

Commissioner Stolzenberg – Section 6.2.6.3 references the average story heights according to section 6.1.3. Section 6.1.3 talks about what counts as a building story, but not the maximum story height. Where is the maximum story height specified?

Ms. Creasy – It starts at 6.1.4 and goes for each of the transects. It gives the maximum heights for each of the stories.

Commissioner Solla-Yates moved to deny the text amendment. There was no second to the motion, and the motion was allowed to die.

Ms. Robertson – Your obligation is to report back and to make recommendations. Usually, you recommend approval or deny. You simply have to give a report back. If you choose not to say one or the other, you make a report. You can say what you don't like. You can say what needs more work. The obligation is a report with recommendations.

Chairman Mitchell – How would we format that?

Ms. Robertson – You should come to consensus about a general opinion, but not ready to recommend approval because you think there are categories of things that need more work. You can report back and identify those things that you would like.

Chairman Mitchell – What I would like to do is what we did with the CIP. I would like to make amendments to the motion and these are the deficiencies that need to be corrected.

Commissioner Dowell – There was a list of questions that we were supposed to address. That could be a good starting point. We go through those questions. That could help speed up the process.

Chairman Mitchell – I am going to have Commissioner Dowell read the questions and then we chat about them. We will get a consensus from each of the commissioners.

Commissioner Heaton – Is it still staff's recommendation that approval is the best thing? I think that it's helpful for the Council to know what staff recommends.

Chairman Mitchell – I am a little uncomfortable putting staff on the spot. We should accept the staff recommendation as the staff recommendation as opposed to putting them on the spot. Why don't we follow Commissioner Green's recommendation by working

through the issues that we would like Council to give some thought to? We are only discussing the text.

Commissioner Green – We need some contextualizing language around those historic districts to know how to address those and specifically the cemetery. There are some other contributing structures along East South Street and Levy that are part of the historic area and how would we address those.

Commissioner Lahendro – Was the Architectures Design Control District being addressed by this form based code? According to staff, there was no change in the ADC Districts with this form based code. The BAR still has to review proposed development. That still stands. The only issue that I had with historic preservation is the north side of Graves Street and the cemetery. We don't have a local ADC district for the north side of Graves Street. That is not a local historic district. It's a national historic district, but it's not recognized by the city.

Commissioner Green – The first thing is to provide some type of protection around the cemetery.

Commissioner Lahendro – My recommendation is to remove the north side of Graves Street (light purple) from the map.

Commissioner Dowell – How do you protect the cemetery?

Commissioner Green – You would have to have some kind of buffers or transition area so that the height would not be of detriment to the cemetery. Right now, it's zero lot line right up to the cemetery. This would provide further protection.

Commissioner Heaton – The affordable housing bonus matrix and algorithms are made crystal clear, so that development can have a precise idea of the cost. That's really important that it's not a morpheus thing.

Commissioner Stolzenberg – We should change it square footage on these bonus floors. Bonus affordable housing should be as a percentage of bonus square footage, rather than bonus units. Housing units need to be of the same type and size of the market rate ones.

Ms. Robertson – We addressed that. We said that affordable units should be of a size similar to the market rate units within the building, provided that affordable may be the smallest size of each market rate type, and will have no luxury unit scale counterpart. We can clarify that. We intended to say that they're not going to be the same exact size. We can refine that language.

Commissioner Green – In the beginning, the steering committee for this SIA plan adopted the following principles for the plan. This is very important for our community. I don't know if this can be added. Number 5 states "honor our CRHA residents' bill of rights and rebuild and preserve existing public and assisted housing as part of an overall plan to

revitalize the area. The SIA will work in concert with the CRHA redevelopment plan and not supersede or replace it.” Can we add that statement?

Ms. Robertson – That is really not a zoning regulation. You implement the comprehensive plan in a number of different ways. We want to make sure that any funding agreements with these entities or with any related approvals that we get, we make sure that we are getting that bill of rights implemented. We can certainly reference in the introduction to a formal ordinance that is there. If you have specific ordinance provisions that you think that are not implementing that, we can tweak them. The CRHA development and Friendship Court are both mostly affordable housing.

Commissioner Green – All six of them are very important to what we are hearing. Promote mixed residential income development without displacing current residents. I think that this should be at the beginning.

Ms. Robertson – We can reference it. I want everyone to understand that no displacement is not a zoning regulation that can be enforced through this ordinance. We can state in the ordinance together with other measures that the city may have at its disposal, such as providing funding for specific things. We will make sure that promise is implemented.

Commissioner Stolzenberg – The purpose section of the proposed zoning ordinance is very skimpy compared to most of our zoning ordinance purpose sections. Flushing out that purpose section, with reference to those goals, would make sense.

Ms. Robertson – We will work on something for you. There are very specific, statutory purposes of zoning ordinances and we have to be careful. In relation to the reference to implementing the SIA plan, we can accommodate that. What you have is the text, but it requires the more structured ordinance to implement it. That will have references to purposes.

Commissioner Stolzenberg – I would propose that if heights should be lower in various areas by implementing a requirement for more affordable units as part of bonuses that get you that excess height, so that the supposed impacts of a 7 story in a T-5 are offset by making that bonus height perhaps 25% affordable. Instead of setting these strict limits, we ramp up the requirements so that we get more for these supposed impacts of height.

Ms. Creasy – You are talking about changing the percentage provided by the consultants in this chart?

Commissioner Stolzenberg – What I am proposing is that for the bonus stories allowed in this chart, leave as is. For additional stories above allowed there, have a more onerous percentage in affordable housing.

Commissioner Green – You would like for a developer to put another story. You don't want to cap it, and the developer is going to give even more affordable units?

Chairman Mitchell – You have made it very complex. It doesn't make sense.

Commissioner Stolzenberg – I would argue that it's no more complex than a progressive tax code where you get taxed at higher tax rate in a higher tax bracket.

Chairman Mitchell – I am not going to support it.

Commissioner Solla-Yates – Can I suggest a simpler idea? Greater heights in T-6?

Chairman Mitchell – I am not going to support that either.

Commissioner Heaton – Development happens only if a developer has a very accurate picture. What we have now doesn't give them a picture if they want to go higher. Putting restrictions as opposed to formulas that meet our goals in exchange.

Commissioner Green – We are trying to meet all of the housing goals in this tiny little spot. We have to use this as one tool.

Commissioner Heaton – Prohibition is not the best tool.

Commissioner Stolzenberg – What I am saying is that if there is more square footage that is economically viable at a higher floor that we would be prohibiting, then maybe we should allow it even if we get more benefits than currently allowed.

Commissioner Dowell – Didn't we not want additional height? Hence, our highest height is a T-6 zone.

Commissioner Green – There has been a lot work done on the cost efficiency of the heights that we have in place now. We can't design this and rewrite this code. We need to offer suggestions

Commissioner Stolzenberg – Let me offer an extreme version of the proposal. In T-5 and T-6, allow an extra 3 stories if the bonus square footage on those stories is 25% affordable?

After polling the entire Planning Commission, this recommendation by Commissioner Stolzenberg was not added to the list of recommendations for Council to study and review. The recommendation was defeated 4 to 3.

Commissioner Dowell – We are having a work session on the dais. We have already made the decision that we are not voting up or down and that we are going to make recommendations.

Commissioner Heaton – We have already had two motions die.

Commissioner Stolzenberg – I would ask that Council give the Planning Commission additional time. That 100 day requirement is only them. We said that we wanted a work session. We should actually have a work session.

Ms. Robertson – The 100 day rule is in the state code.

Commissioner Solla-Yates – All of this is for nothing if nobody builds anything. It's a lot of planning for nothing. We want somebody to play our game. If nobody plays our game, we will have wasted a lot of time and money. If we give more to play our game, someone might want to play along. My suggestion is that we give more height. I am not saying at the edges, but at the core. I think that there should be more height in T-6.

Commissioner Green – With the construction costs and where those sweet spots are, I would be uncomfortable supporting that. I am not uncomfortable supporting it in certain areas. We are hearing from the public about what this means. We have had these conversations. This has been vetted in a thorough community engagement. We are here to vote. I would be uncomfortable supporting that without some cost analysis on where that sweet spot is and what we get.

Commissioner Stolzenberg – I would strongly support that. I have reviewed the bonus height analysis by the consultant. There are these cliffs where you move to a different construction method. Once you are above 6 stories, it's concrete and steel. It's what the building code requires. Once you are at that point, adding a story doesn't change the construction method and make the lower stories more expensive. Everything that you have one of in the building, all those things are fixed. It's cheaper to build that extra unit than the average cost of each of the units below it. It's more economically profitable to build that unit.

Commissioner Heaton – I am not in favor of extending the T-6. I am in favor of the affordable housing bonus matrix encouraging going higher. I would not be in favor of that.

Commissioner Lahendro – I am willing to support that in the T-6. I would support the Council looking closer at that.

The recommendation by Commissioner Solla-Yates was defeated by a 4 to 3 vote.

Commissioner Lahendro – The one remaining issue is that I would like to see setbacks for the front and corner sides in all three transects be no less than ten feet.

Commissioner Green – Doesn't the Streets That Work plan already cover to have those trees planted without having that setback?

Commissioner Lahendro – There are some transects that allow no setbacks.

Ms. Robertson – It does call for some trees to be planted within the right of way as opposed to being all constructed on the private side.

Ms. Creasy – What Commissioner Lahendro is noting is that it wouldn't change T-4. T-5 and T-6 would change quite a bit from the setbacks standpoint.

The recommendation by the Planning Commission is the concern over setback for canopy trees.

The following are the recommendations to City Council on both the ordinance text and the map.

Recommendations to City Council (Text)

1. Protection for cemetery – buffers, setbacks, etc.
2. Remove Graves Street from map
3. Bonus square footage rather than bonus units
4. Refine language to clarify unit sizes – Section 1.6.2.3
5. Review the purpose section of the form based code to address the principles of the SIA as adopted
6. Section 7.8.2.7 should allow for side panels on the awnings
7. Review 8.2.6.3.1.1, which is the 300 foot center line spacing – which is an engineering issue
8. Review 8.3.2.1.4, which is the distance between the utility meter and tree planters
9. Removal of parking consideration to address as part of the larger code review references
10. Concerns about sufficient space for canopy trees

Recommendations to City Council (Map)

1. Council give some thought of T-6 looming over the CRHA public housing properties
2. Council give thought to the possibility of the height of the building at 310 Avon Street – some creative approaches to make sure that the Belmont Bridge is not looming over that property
3. Consider making West of Second Street between Monticello and Garrett T-6
4. Consider making corner around cemetery T-5 and move T-6 north
5. Remove the north side of Graves Street properties from the map

Motion: Commissioner Stolzenberg – Move to submit the report to Council with the recommendations as stated by staff (Motion seconded by Commissioner Dowell). Motion passed 7-0. Recommendations to be submitted to Council.

Meeting adjourned at 9:18 PM.