

Minutes

**PLANNING COMMISSION REGULAR MEETING  
January 11, 2021 – 5:30 P.M.  
Virtual Meeting**

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

**Beginning:** 5:00 PM

**Location:** Virtual/Electronic

**Members Present:** Chairman Mitchell, Commissioner Heaton, Commissioner Solla-Yates, Commissioner Lahendro, Commissioner Russell, Commissioner Stolzenberg, Commissioner Dowell, Commissioner Palmer

**Staff Present:** Patrick Cory, Missy Creasy, Lisa Robertson, Joe Rice, Alex Ikefuna, Matthew Alfele, Carrie Rainey, Brian Haluska, Brenda Kelley

Chair Mitchell called the meeting to order at 5:00pm and noted that he would call on each commissioner for questions. Commissioner Russell noted that she talked with a member of the public and noted that she was told that links to PC members used to be on line and now are not there. It was noted that there would be follow up with Communications to see if the general email could be provided. She also asked for clarification as to when those who want to speak on 1000 Monticello would have the ability. It was noted that individuals can speak during matters from the public. She would like to hear more about the trees on site during the meeting. Commissioner Heaton asked about the comments on 1000 Monticello. It was noted that some comments came at the hearing in December and individuals want to share their comments as the item moves forward. Commissioner Solla-Yates asked if we can ask for more affordability and staff noted that the applicant has to provide the terms they note voluntarily. He also noted that he has comments on the Cherry Avenue Plan on pages 67 and 108. Nick Morrison with the TJPDC noted that the language may need some slight updating to clarify. Commissioner Dowell noted that her questions concerning the change in the number of affordable housing units for 1000 Monticello was noted. Commissioner Lahendro noted that his questions were answered.

Commissioner Stolzenberg provided an overview of the ZTA initiation request. Commissioner Lahendro confirmed a statement made about ground floor residential and Commissioner Stolzenberg noted that his proposal would want the commercial to be on the ground floor to activate the street. Commissioner Dowell asked if the Cherry Avenue plan should wait until the new comp plan. Ms. Creasy noted that there is interest in moving forward now to get the plan moving forward. The consultants for the comp plan have been engaged and plan to integrate this plan into the plan update. Commissioner Stolzenberg asked if there would be an option to defer the Cherry Avenue Plan and it was noted that was an option. Commissioner Dowell asked if there would be a timeframe on the ZTA request and there would not be. Commissioner Stolzenberg asked about the recruitment for the longer term planner position and it was noted that next steps would need to come from city leadership.

**II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman**

**Beginning:** 5:30 PM

**Location:** Virtual/Electronic

## A. COMMISSIONER'S REPORT

**Commissioner Stolzenberg** – I had two meetings in December. The first one was PLACE where, unfortunately, we didn't have a quorum. We weren't able to make any actual decisions. We're coming close to getting some idea of what that committee should morph into. As you probably recall, for most of the second half of 2019, after the Chair and Vice Chair resigned, they've been debating what our role should be in the future. At this point, the general idea is to reform as a general think tank or a body of experts that the city can draw from in order to create an ad hoc task force, for any problem it wants to face like lighting plans, rather than having just the same dozen and a half experts that are then asked to approach various problems that they may or may not necessarily have expertise in. That may include moving it out from under the auspices of the city. It's no longer a council advisory body and is now a staff advisory body. Maybe moving it under something like the Center for Civic Innovation or another private group so that it can operate more independently and with less demand on staff time. In the meantime one short term thing it might work on is debating the future of the West Main Streetscape, which is a very expensive budget item. We don't have a lot of room in the budget. One thing that we're trying to brainstorm is potentially tactical urbanist improvements that we could make to the street at very low cost to make it a safer and a better experience in the near term without expending 50 plus million dollars. That depends on Council and ultimately us when this CIP comes up making some decisions on what the West Main Streetscape will look like. I think the BAR and BPAC have also expressed some interest in that effort. It will probably at some point become coordinated walks along once it's legal to gather again. The other meeting was a Climate Action Plan Task Force or working group. They're now working on a Climate Action Plan to help meet our goals of reducing emissions 45% by 2030 and net zero by 2050. That planning is underway and a big part of it is going to be land use and building efficiency. Something to keep an eye on in the months ahead.

**Commissioner Russell** – I had no December committee meetings. I have an upcoming smart scale meeting in a week or two.

**Commissioner Heaton** – No committee meetings in December.

**Commissioner Dowell** – I have not attended any meeting since the last time we met. I do have a Ridge Street Task Force meeting coming up. It is the 26<sup>th</sup> or 27<sup>th</sup> of this month.

**Commissioner Solla-Yates** – The Housing Advisory Committee met on December 16<sup>th</sup> to discuss the letter that was sent to the consultants, the Planning Commission, and Council. The HAC members wanted a clear connection between the soft density strategy and affordable housing. They were not against allowing market rate homes in the city.

**Commissioner Lahendro** – I attended two meetings since the last time we met. The Board of Architectural Review met on December 15<sup>th</sup>. At that meeting, we approved three Certificates of Appropriateness. We deferred one Certificate of Appropriateness for 612 West Main Street, even though the architect is making good progress on developing a design that complies with the guidelines. There was a preliminary discussion on the courts parking structure. Approval has to be received from the BAR because there are two buildings that are there are designated as

contributing to the historic district. There was a discussion about that. Design issues for the new structure really focused on how to break up that long mass along Market Street. The Tree Commission met on January 5<sup>th</sup>. We elected the officers of Brian Menard as Chair and Peggy Van Yahres as Vice-Chair. We reviewed our annual goals and objectives for the commission, which took up most of the meeting. We did end up talking about the plan to plant 23 trees on January 21<sup>st</sup> and the CIP funding that was provided for new tree plantings this year didn't end up covering those 23 trees. Staff found funds in public donations that was available. We're making up the difference that way.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – Everybody probably knows UVA is going to go back in session for spring semester at the beginning of February and it'll look a lot like it did in the fall. Hopefully it will go more or less this smoothly. I just wanted to let everybody know there is a LUPEC meeting, which is the coordination committee for the city, county and university to talk about planning issues. This year, UVA is hosting that. I just wanted to let everybody know that the meeting is on Friday. There's a website for LUPEC that probably has the meeting time.

## **C. CHAIR'S REPORT**

**Chairman Mitchell** – We did have a Board of Zoning Appeals meeting. There was a request to allow an accessory ramp on a property. Based on feedback we received from staff and legal, we felt that we could allow that. We did allow that. There was a request on one of the Woodard Properties to allow a little more height. We agreed to allow the additional height. It is not visible from anywhere a pedestrian might be walking along. We have LUPEC, which will be meeting on Friday.

## **D. DEPARTMENT OF NDS**

**Ms. Creasy** – We have talked about our staffing changes. We will be working on adjusting to make sure all of our day to day work is covered. We're planning to recruit for those positions. We will hope to fill them as soon as we possibly can in this current environment. I wanted you all to keep the work session that we scheduled for January 26<sup>th</sup> on the calendar. We scheduled the joint session with the County concerning housing initiatives. The County asked for some additional time because they're still working through parts of their program. We will be corresponding with them along the way to try and get that rescheduled in the future. In the meantime, our consultants are working through some programming for some discussions that need to occur with the Commission concerning the next steps in the Comprehensive Plan process. Ms. Koch may provide some feedback to us on that this evening. I know that they have a few meetings this week to try to solidify their programming for that. We scheduled that work session from 5:30 to 7:30. Since we're not meeting with the County anymore, we could move that back to 5 to 7. It's at the group's prerogative. You received a message from the Clerk concerning real estate forms for the year. Just a reminder to address those if you asked any questions of legal on that. There are a lot of initiatives going on right now. They have your requests and will be back with you in a manner so you can get them in on time. If you do have any additional questions on those forms, you can let myself or the City Attorney know and we will assist you with those. You can send those back to

the Clerk and she will take care of those for you. We are still continuing to process applications through Neighborhood Development Services. We have all current staff working mostly from home. We have a few that work in the building at different periods of time. Most of the staff that works with you all goes in once a week to drop off and pick up. There are certain things that we have to get done in the office. We are continuing to help the public with the things that we need assist them with. Development continues. Construction continues.

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

**Kimber Hawkey** – There are a few more concerns regarding the Monticello Road project. The most important was that the topic of trees did not come up in the last meeting. There is a first line of evergreen trees that may or may not block the height. There is another line of trees appear to be at risk from the construction. I would like to request a more of a study to be done regarding the trees. A block away has been the destruction of trees. I didn't know that this was going to come up when it was deferred. I wish there was a better way to communicate with the neighborhoods. There used to be a way to contact the Commissioners directly via email.

**Laura Goldblatt** – I want to encourage you to deny the Special Use Permit for Monticello Road. It will cause adverse effects on the neighborhood and will allow for displacement and gentrification. As it is currently written, I don't think this is not going to prevent displacement. This is the wrong direction that we are going as a community. I think it will cause additional harm.

**Nancy Carpenter** – I don't believe that this SUP meets the goals of this Commission that have been made for months and months. This request meshes with the Comprehensive Plan regarding adverse impact with displacing those residents and replacing them with upper income residents. We know who a lot of the people are that are displaced. Is Mr. Holdsworth going to raise the rents? There is no clarity if Mr. Holdsworth will accept housing vouchers. Ms. Cole was displaced after she had lived in her apartment for 47 years. I am asking that you deny this request.

**Brandon Collins** – I work for PHAR the resident council and advisory board for public housing residents in Charlottesville. I am here to speak against the request for 1000 Monticello Road. The owner has shown, in his past actions that his use of the property has caused an extreme adverse impact on those that lived on this property. The current application does the bare minimum. Under a new comprehensive plan and affordable housing plan, it may not be allowed. That should factor into your decision making. The affordable units would still be \$1000 at 60% AMI. It is going to do little to help recovery from this pandemic. I have questions about the existing apartments. I would encourage you to deny this application.

**Alexandra McGee** – I commend you review the Cville Plans Together page that lays out the process. The word "we" is used a lot on that page. On either side of Monticello Avenue there would be an increase of intensity coming up from 64. In that 2018 comprehensive plan, there is a patch of purple near Moores Creek. That is all natural. The engineer, who did the environmental review, is the owner of the property that he is wanting to develop. I am asking you to not allow a conflict of interest. I noticed that your mission is orderly development. I was wondering if your mission could be changed to just, equitable, and inclusive development.

**Emily Dreyfus** – I agree with the prior speakers on the SUP for 1000 Monticello Road. It should not be approved. There are many unanswered questions. There is a very real potential for this development to put further pressure on the housing market. These adverse impacts are concerning when considering this developer’s actions in 2019. I would like to share information from two residents who were asked to leave their apartments. One would like to remain anonymous. She paid under \$1000 for a two bedroom apartment. They relocated after being forced to leave. The best option was \$1500 in a different school district. She struggles to pay the rent every month. They miss the convenience of living on 1000 Monticello Road. The other resident was Ms. Coles, who was mentioned in the previous comments from the public. I urge you to deny this application because of the adverse impacts on the community.

**Maddy Green** – I have reviewed the packet submitted for 1000 Monticello Road. I would like to recommend that the Planning Commission deny this SUP. The affordable housing commitment is really not affordable, especially to those earning minimum wage. My husband and myself have never been offered jobs at 80% AMI. This proposal doesn’t provide for those jobs and workforce housing. Most residents, who receive eviction notices, leave. People don’t have legal counsel to fight legal evictions.

**Walt Heinecke** – I speak in opposition to the SUP at Belmont Heights. In 2017, we had an onslaught of racism and fascism in this community. It woke us up to the history of racism within the community. That has led to introspection in how racism is institutionalized within the community. We have done a pretty good job with the public side of this. The market side of the equation remains problematic. It’s not clear how these market based solutions are ever going to make a dent in the 4000 unit affordable housing crisis. These SUPs contribute to the problem. There are significant adverse effects to the community in this SUP. I encourage you to deny this SUP.

**Donald Gathers** – I sit here in opposition to the SUP and am in favor of achieving the goals of affordable housing. I ask you to deny this request. I ask that you deny this request and choose morality and mortality over money.

## F. CONSENT AGENDA

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

## G. Cville Plans Together – Update

**Jennifer Koch, Cville Plans Together** – Just wanted to give a brief update and let you know a little status of where we're at with Cville Plans Together. Before I do that, I want to note I appreciated the comments made about the website and the use of “we” on the website. We, the consultant team, will work to clarify that and make it clearer. There's also an about page under the FAQ where you can see a list of the consultant team members.

When we met with you about a month ago, we gave you a brief overview of the numbers results of the November community engagement process, which was centered on sharing the draft affordable housing plan and draft initial revisions to the comprehensive plan, which included the guiding principles and chapter vision statements for that. We have prepared a draft summary of all activities

and input received, as we did with the first phase. We'll be sharing that on the website in the next couple of days. That includes everything from the survey data as well as email, comments, letters, webinars, Q&A, etc. We'll send an email to our email list when that's ready. We'll obviously make sure you all know about that as well. As far as the next steps for the affordable housing plan we spoke with you about in December, we heard that you all would like to have a chance to review the housing plan in a meeting with us prior to discussion with Council. I believe that's been scheduled for February ninth. We'll provide an updated plan as part of the packet for that meeting. On the comprehensive plan side of things, we've compiled the input we've received and we've reviewed it. We're continuing to work on incorporating that input into the comprehensive plan. There will be a revision to the guiding principles and vision statements that we shared in November to reflect the input we got. We will then be revising the goals and strategies that are in the plan. The draft chapters from 2018, where they exist, will be added into the new chapters. They are public engagement and the update to the land use chapter. We will be looking at new chapters for those two sections. As part of that comp plan update, I should mention the housing chapter of the comprehensive plan is where we'll be pulling in a lot of the pieces of the affordable housing plan. As you know in the affordable housing plan, there are specific actions and timeframes. Those actions will be pulled into the housing chapter with the timeframes and implementation. Responsibility for those actions will be pulled into the implementation chapter of the comprehensive plan. A big piece of a comp plan is the future land use map. We currently have a work session scheduled with you for January 26. We're convening several times as a consultant team this week to determine if we have the right set of programs for that meeting and to have a really productive and effective discussion. We will let you know as soon as possible if we think we need to delay that a little bit. I'm looking forward to speaking with you more about land use on the 26th. We'll be making some adjustments to the schedule that's on the website. Most notably, the zoning rewrite will not be kicking off this month as currently shown. We need to advance the land use discussion more before the zoning analysis can be really fully effective. We've already discussed a lot about what might need to be addressed in the zoning. A big piece of that will come out of the affordable housing plan and the other elements that we've been talking about.

**Commissioner Dowell** – We had a discussion in our pre meeting as far as where we are with the Cherry Avenue Small Area Plan. Since it involves the comp plan update, can you speak to how you guys are addressing that for me?

**Ms. Koch** – All of the small area plans that have been completed since the last comp plan are included. The land use map was updated. We're going to be looking at all those small area plans and looking at how they can best be incorporated into the future land use map. We did see the previous version of the Cherry Avenue Small Area Plan. We're looking forward to reviewing the version that was in this packet for this meeting and seeing how that's changed. We're waiting to see how discussions go and how this moves forward. We do plan to incorporate whatever comes out of it into the comp plan process.

### **III. JOINT MEETING OF COMMISSION AND COUNCIL**

*Beginning:* 6:00 PM

*Continuing:* until all public hearings are completed

*Format:* (i) Staff Report, (ii) Applicant, (iii) Public Hearing, (iv) Discussion & Motion

**Council was called to order for the joint meeting with the Planning Commission.**

- I. CP21-00001: Comprehensive Plan Amendment – Cherry Avenue Small Area Plan:** The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan, to include the contents of the Cherry Avenue Small area Plan as prepared by the Thomas Jefferson Planning District Commission and residents of the Fifeville neighborhood. The purpose of the Cherry Avenue Small Area Plan is to set a detailed vision for the Cherry Avenue Mixed Use Corridor and also includes all of the surrounding Fifeville neighborhood. The Study Area is approximately 330 acres divided between a Primary focus Area (Cherry Avenue corridor), a Secondary Focus Area (from Buford Middle School over to Prospect Avenue and the areas adjacent to the norther boundaries), and a Tertiary Focus Area (Forest Hills Park and the Rock Creek area). The Plan will serve as a guide for new development and redevelopment within the defined Study Area. This small area plan focuses on preferred models of growth and urban forms, as well as transportation and housing solutions, economic development opportunities and public amenities. The generally boundaries of the area included within the map for this Small Area Plan are; North – the CSX railway, South – Rock Creek and Valley Road Extension, East – Ridge Street and 5<sup>th</sup> Street Southwest, and West – CSX railway. A map of the area is shown on pages 5 (The Study Area) and page 28 (Context and Analysis) of the Plan document. The Cherry Avenue Small Area Plan may be viewed at <https://tjpd.org/reports-archive/cherry-avenue-small-area-plan/>

Following the joint public hearing, the Planning Commission may recommend to City Council that it should approve the Cherry Avenue Small Area Plan as presented, make recommendations for changes to the plan and recommend approval of the Cherry Avenue Small Area Plan with the recommended changes, or disapprove the proposed Cherry Avenue Small Area Plan as a Comprehensive Plan amendment.

- i. Matt Alfele, Staff Report** – You will be holding a public hearing on the Cherry Avenue Small Area Plan. This is a long time in the making and we didn't know if we were ever going to get to this point. It has taken five years. I know one of the driving principles of our community is engagement and on letting the neighborhood drive the planning process. This is very true with the plan before you tonight. Before I turn things over to the Planning District for the presentation, I would like to thank the Fifeville community, with a special thanks to Carmelita Wood, President of Fifeville Neighborhood Association and members of the Cherry Avenue Think Tank, especially Sarah Malpass for all their hard work on this process over the years. They have worked tirelessly over the past five plus years. I know many of them are here tonight and will be speaking during the public hearing. This is truly their plan. I would also like to give thanks to Nick Morrison and the staff with TJDPC for their work on crafting the community's vision. We all know that one of the hardest parts in creating a plan like this is community engagement and feedback. I don't know what the budget was in the directors of NDS and the PDC but they can speak to that. Whatever it was, it does not cover the amount of work that Nick has put in to gain the community's trust. Nick was embedded in the community. For two years he was part of every front porch conversation, walking tour, door knocking effort, cookout, open house neighborhood meeting, and work session. It is through these efforts and the hard work from the members of the community that this planning process was a success. In a moment, the PDC will be giving the presentation and you will hear from the public. You will also have a chance to ask questions and hold the discussion prior to voting on the resolution found in the staff report. One aspect I would like to point out is how this ties into the other major planning processes going on in the city at this time; mainly the update to the comprehensive plan, housing strategy, and zoning rewrite. The Cherry Avenue Small Area Plan, if adopted, is a high level policy document that will help with the

completion of these other documents; most notably the zoning rewrite. The Small Area Plan is a vision document with actionable items for the neighborhood and by the neighborhood. It is not an ordinance. One area where the plan will have an immediate impact is how the zoning code is rewritten. If the Small Area Plan is adopted into the City's Comprehensive Plan, the consultant working on the zoning rewrite will use this document along with additional community engagement to update the city's zoning code. I'm sure you'll have questions and comments.

- ii. **Nick Morrison, Applicant** – Why now? What was the impetus behind doing this planning effort? Residents of Fifeville had noted this pressure of displacement, specifically of longtime residents and the need for additional affordable housing, stresses on the neighborhood from traffic, particularly along the commercial corridor of Cherry Avenue, development that was underway on both east and west ends of the commercial corridor and what the impacts could be to residents, the large number of vacant lots with potential for development, and the ability to utilize the groundwork laid by the Fifeville Neighborhood Association. This process came about through their work of identifying a framework for a small area plan, which they presented back in 2016. That work led the way for what we have before you today. The study area originally started as a core focus area of just the Cherry Avenue commercial corridor. As we started holding meetings with the neighborhood, it became apparent that we really needed to think greater and incorporate the entire Fifeville neighborhood and how all of those various aspects of the neighborhood fit into the planning process. Setting out the plan intent was to develop a clear vision for Cherry Avenue and the surrounding Fifeville neighborhood. The vision for this study area provided recommendations that were actionable, to achieve that vision that was developed by the neighborhood, and to help guide actions of city officials and community stakeholders. To that end, we did extensive community engagement. It certainly took probably more time than initially thought. When we scoped this project, we had a plan of three public meetings. We quickly found out that was not going to be sufficient. Throughout the course of this project, with the help of the Cherry Ave Think Tank, which was the guiding steering group made up of residents of the Fifeville neighborhood, we developed a different approach than what the PDC had done in the past. We did do large scale open houses. We held four of those between March of 2018 and December of 2019. We also did these smaller focus groups with stakeholders within these certain groups: transportation providers, education providers within Fifeville, business owners, and youth in the community. These were certain topical areas that members of the Fifeville Neighborhood Association, particularly the think tank, wanted more direct conversations to try and build better insight into what those specific needs were. What really proved to be successful, were these front porch discussions. This was an idea that was developed by a member of the think tank, Willow Gale. She had said, “why don't we just gather people and come over to my house, I've got a number of people that live on the block, we can come together and hold just an informal discussion.” That paved the way for this more formalized version of that by doing these front porch discussions where we would have members of the think tank identify a date and time. That way our staff could be present to help facilitate these really informal discussions. Over the course of the summer of 2018, we held six of those meetings. We did attend the Baptist School cookout events for the Greenstone on Fifth, which is a housing provider there in Fifeville. We did also attend one of the local groups. They have a big kickoff event each year and we attended that, trying to go where the people are, again, to get out of this aspect of: we're from the government, we're here to help, and to really put the plan in the people's hands and really have them drive the effort. With all that community engagement, the neighborhood built this vision that the Cherry Avenue will be a vibrant mixed use area that supports a diverse, thriving Fifeville community. New development and investment on Cherry Avenue and throughout the



neighborhood will build a sense of community between long term and newer residents and be accessible to residents at the most vulnerable end of the socio economic scale. To build on that vision, the neighborhood developed a set of 10 goals. **One:** to rebuild and strengthen that sense of belonging and inclusion and community. **Two:** lift up and preserve Fifeville’s legacy of African American leadership and highlight its unique sense of place as a culturally diverse neighborhood. **Three:** ensure that local land use laws encourage a vibrant mixed use corridor along Cherry Avenue while also respecting the lower density historical housing forms. **Four:** ensuring that low income residents people of color and generational residents are able to remain in Fifeville and benefit from any neighborhood investments. **Five:** empowerment and upward mobility for neighborhood residents particularly at the most vulnerable end of the socio economic scale. **Six:** to foster an inclusive, welcoming community through place-keeping, place-making, and beautification. **Seven:** encourage new development that advances equity, is financially & socially accessible to residents & represents Fifeville. **Eight:** provide a safe & more connected community that creates access & opportunities for residents. **Nine:** provide a transportation network that prioritizes safety & mobility for residents. **Ten:** increase health and well-being for all neighborhood residents. It is a set of ten goals that really speak to that vision of Fifeville. To achieve those goals, we came up with a set of recommendations that were divided into six main categories based on the feedback we had received throughout the process. The six categories were Place-Keeping & Community Building, Economic Development, Housing, Land Use, Transportation, and Parks & Recreation. The recommendations that were developed were vetted through two technical committee meetings made up of staff and community stakeholders. We held a final draft recommendation presentation to the public at a venue on Cherry Avenue in December 2019 for the public to review those recommendations, the full plan, the executive summary, and provide feedback. We had a presentation to the Planning Commission in February, 2020. COVID hit and it derailed the momentum that had been built over the winter of 2019 into 2020. We got feedback from staff. Based on their feedback, we decided that those recommendations needed some kind of prioritization attached to them. Through the summer and early fall, our staff worked to develop a scheme for prioritizing the right recommendations in the plan. To that end, we developed this tiered system. Tier One was recommendations that were ranked high by the neighborhood and attaching two sets of timeframes to implementation and realization. The Tier Two recommendations tended to rank as high priority by the neighborhood but maybe had a longer term realization timeframe attached to it. Tier Three were recommendations that were ranked lower in priority by the neighborhood and had a longer timeframe for either implementation or realization or both. We included this definition matrix of what all of those different things are. The reference number was an easy way to reference that recommendation. The neighborhood priority ranking was developed by the neighborhood. Based on feedback from them, they identified each recommendation as high, medium, or low priority. This implementation timeframe was a rough estimate of time for the responsible entity to execute the identified recommendation. Those that would fall into this short term category would take less than one year to three years to execute. Those that fell into the long term category would be three or more years for implementation. The realization timeframe is also another rough estimate for the implementation of that goal. Once that goal has been implemented, it is a policy change. What would it take for it to be realized? A long term realization timeframe would have been five or more years. It’s different from that long term implementation timeframe. Things take a little bit longer to impact the community. The responsible entity is the party primarily responsible for implementation of the recommendation. The “easy win” categories are the “low hanging fruit.” The community helps to identify these “easy wins.” There is either existing momentum, such as the trail connection to Tonsler Park or would require not as much effort to implement. Those “easy win” designations are vetted by

city staff. This is an example of the Place-Keeping recommendation list. You can see the different color coding of tiers and how those recommendations are broken down. The intent of this was to provide staff and stakeholders with a manageable list of recommendations. Some of our recommendation categories had quite a lot of recommendations in them. That can be tough to digest. This provides a simplified way for people to work through these recommendations, highlighted by the priorities the neighborhood has identified.

**Commissioner Palmer** – I commend you on this plan. It’s a great document. The website that you set up did a really good job of compiling a lot of really interesting information and planning studies going back to the 60s. That’s a huge trove of information. Cherry Avenue, at times, is really congested. One of the recommendations revolves around Cherry Avenue and 5<sup>th</sup> Street/Ridge Street intersection. It talks about widening it. If you go to the McIntire/Fifth/Ridge corridor study that the city recently completed, there is a little more context in there. There is a little more detail in what might be recommended. I don’t if it needs to be changed. I just wanted to point that out. That is a critical right turn onto 5<sup>th</sup> Street. The city has ways of addressing it.

**Mr. Morrison** – The process was kicked off after we started in full with this. City staff reviewed some of those recommendations that came out in the transportation part of our plan. They did highlight the pending changes that were coming to that intersection and the work that would come out of that study. I don’t know if there is any specific reference in the Cherry Avenue Small Area Plan. We may have to look at.

**Commissioner Stolzenberg** – The big question I have is about University Manor, the property to the west and to the south of Tonsler. I think it is about 16 acres plus the strip along Fifth Street. I see that is one of the top mentioned items from the community engagement. It’s listed as one of the most likely to redevelop in the financial analysis there. I don’t really see anything in the plan about what is supposed to happen there.

**Mr. Morrison** – I will speak first to the data analysis. It’s a valid point that you made. Looking at that land use analysis and what the shortcomings are, I think we can work with city staff to make sure that process, as it evolves, are correct and the data sources we are using are correct. Without being the staff person that developed that methodology, who is no longer at the PDC, it is a little hard to go back and re-engineer it and look at data without source information. Based on the importance of making sure that we get that right, we can certainly do that. For the University Manor parcel, I don’t know if that was included in that development scenario, which I think looked at parcels that were just adjacent on the Cherry Avenue corridor. I don’t think there was any specific information from what the feasibility of any parcel could be other than developing based on existing, underlying zoning what could be built. Are you thinking that you would want a high level reference to that parcel as to what it could develop?

**Commissioner Stolzenberg** – I don’t care so much about the zoning capacity of it as much as what the neighborhood vision of it should be. There is the page that points to the kind of housing people would like along Cherry and the idea that it would carry over to other vacant parcels in the primary/secondary area.

**Mr. Morrison** – I think that could be the thought. I am not sure if I have an answer for you right now. It maybe something we would want to go back to the community and present to them for their recommendation.

**Commissioner Stolzenberg** – I think that would be a good idea to engage the property owner. I think the whole goal of a small area plan is to take big parcels like that and help get the community's vision for it out there. When it is developed, it works for everybody.

**Commissioner Russell** – I think it is worth stating this document talks about a lot of things. As a Commission and City, the thing we are looking at is housing. This plan can't do it all. What I can note are some things where goals on the Cherry Avenue Plan align with our draft affordable housing plan and places where there is conflict particularly around zoning, density, and neighborhood character.

**Commissioner Heaton** – I appreciated some of the detail in this plan. The only thing I was curious about is the connectivity of Tonsler Park and Forest Hills Park. Are you referring to a sidewalk or is this a combination of bike lane path? The reason I am asking this is in thinking about future sustainability, access to groceries, and community life, what is that path or egress going to be constructed with?

**Mr. Morrison** – I don't think we have a clear idea as to what the final look/feel could be. It is more of a response to that community desire for increasing connectivity particularly between the two parks. There was a lot of reference to kids biking between them and having to go onto Cherry Avenue and that not being the safest route. I could see it being a combination. I don't think there is a specific scope for what that could be at this point.

**Commissioner Heaton** – My preference would be increasing the sidewalk width. That has a whole lot of benefits, especially as people find more creative ways to be ambulatory in an urban setting.

**Commissioner Dowell** – I would like to say that this is the type of planning that I enjoy hearing and participating in where it comes from our citizens. This reminds me of South First Street. I encourage more of our citizens to start taking part in this type of planning. This is how we prevent gentrification. This is how we create a city that we are proud of and a city we want to be in.

**Mr. Morrison** – We were lucky to have such great involvement particularly from the Think Tank.

**Commissioner Solla-Yates** – When we talked about this in 2020, I was thinking we had money to prevent displacement. We had money to provide affordable housing. The money is now all gone. We're stuck with what is in the plan. What is in the plan, especially pages 67 and 108, is some responsiveness to the strengths, opportunities, and threats. It is focused on threats, specifically aesthetic concerns and concerns about walkability. I don't get the concerned about displacement, affordable housing, and a loss of community I see elsewhere in the plan. How do we get there?

**Mr. Morrison** – That's a great point. Operating under the assumption we were a year ago has certainly changed. Some of those may be more in depth conversations particularly around land use, zoning, and what occurs in some of those existing processes. To answer how it could be formulated within the plan is a good question. I don't know if I have an idea as to what that could be. I think if we

were to develop some way to address them and make sure there is that consistency throughout the plan that could be done, we might need to set up a meeting with staff and stakeholders to figure out what the best approach would be and making sure that is reflected particularly in those pages that you mentioned. Then seeing if there are any other areas within the plan to consider.

**Commissioner Lahendro** – I don't want to make any quibbles with the details. I do want to echo Commissioner Dowell and congratulate the community. I want to let them know how much I respect and admire them for recognizing the development vulnerability that they have and taking responsibility for creating a neighborhood association that mobilized themselves and their neighbors to come up with the ideas and the needs for a visioning plan in 2016 and then took it all the way to the end with help from our own city staff and the PDC staff. This is a model example of a small area plan and how it should be done.

**Chairman Mitchell** – I do want to echo what Commissioner Palmer, Commissioner Lahendro, and Commissioner Dowell said. This is an excellent piece of work. The engagement of the community has been ideal. I want to congratulate you guys on that.

**Councilor Snook** – There was a reference in the consultant's comments that leads me to think that perhaps there had been some changes made in this plan between the first draft and what we have received most recently. Is that true?

**Mr. Morrison** – Not substantially. The last draft that the Planning Commission would have viewed would have been in February 2020. This draft has the prioritized recommendation matrix. The prior recommendations were in the matrix form but not prioritized. Based on staff review, that has been reflected in this current draft. There were other smaller changes like editing legends within some of the maps in the plan that were updated. Some pictures were grainy that were replaced with updated imagery. There were small text adjustments. I am happy to send a copy of the 2020 draft. We can provide those earlier drafts if you would like to see any of those changes.

**Councilor Snook** – I read the old copy when it came out a year ago. I didn't think I might need to go back and read this most recent version fairly carefully. If you're telling me that there are really no substantive changes, then I will relax.

**Mr. Morrison** – That's correct. Small text adjustments, pictures, and map legends. The main point of that being the recommendation prioritization. The recommendations, themselves, did not change, but the order of how they appeared did.

**Councilor Snook** – The second point I wanted to address is something that Commissioner Russell referred to. It struck me reading the report that the report was calling for less density of housing. City policy at this point is looking for greater density and more housing. The neighborhood was told that they could not address affordable housing policy and displacement in this plan. We would have to do this through the current affordable housing and zoning rewrite processes. We expressed these as values we would like to advance. What I am reflecting on is that there is a school of thought in some of the housing and planning discussions we have been having recently. It says that we need to increase housing density, but not in areas where there is already some density; not in areas where there are

communities of color. There is another school of thought that says we need more units. Build where we can build. Any thoughts on that dichotomy as we move forward at the City Council level?

**Mr. Morrison** – That was the largest challenge that we faced in this process. There is a desire for affordability and making sure that residents, who want to stay in the neighborhood have the ability to do that and afford to stay in their neighborhood. One of the tools to do that is through zoning or increased density to allow for more of those opportunities. Based on the community feedback, the fear was that developments like those along West Main Street could be built on Cherry Avenue. What does that create within that corridor? Does that drive gentrification? The approach was to try to look at it through not down zoning. I don't know if the language gets to that as specifically as it should. In the recommendations around land use, there is providing that new development is contextualized to some of those lower density forms. If you were to have a commercial mixed use development along Cherry Avenue, how would that interact with some of the single family homes? It is a challenge. I don't know if this level of plan got to how you address that specifically. The hope was that through some of these more in depth processes like the comp plan and the zoning rewrite, some of those issues could be teased out. This was a neighborhood led effort. We wanted to respect what we heard from the residents.

**Councilor Snook** – The comment in the chat suggests that what you might have been hearing from the neighbors that may have been affected by a direction or thought that they were being directed to not try to address broader issues. I am conscious of the fact that in the next year when we are going to be having an affordable housing plan, a comp plan, and a zoning code rewrite. We are going to have to confront the second order issue here. Focusing only on receiving information and an opinion on only the first order issue may not help us in the long run in our analysis.

**Councilor Hill** – I was able to attend some of those community events. It was a really impactful to see firsthand those engaging exercises that were available and to hear that tug we are having in people wanting to preserve their neighborhoods and being able to have that residential feel while also recognizing there is a lack of affordable housing in the community.

**Commissioner Stolzenberg** – I would love to see an appendix be added to this with some of the raw information that we got from the community that is referenced in the document. It's hard to split what came from the community and what is added by the TJPDC. The other comment is that I did see some concern from one of the front porch discussions about house flippers taking reasonably priced single family homes and flipping them at the high end. I didn't see any real discussion about that beyond the concern expressed. Is there policy that could be used for that?

**Mr. Morrison** – We can certainly include that raw data. We have an inventory of all of the comments and where they were received. In the first iteration of the plan, we did include appendices. We can do that moving forward. The question on house flipping would require more thought as to a specific recommendation to address that. We could certainly look into that.

### iii. Public Hearing

**Sarah Malpass** – I am here to speak in support of the small area plan. The Cherry Avenue Small Area Plan is the culmination of five years of work in planning efforts led by the Fifeville Neighborhood

Association and the Cherry Avenue Think Tank. The Fifeville Neighborhood Association worked with city staff and the TJPDC to design a scope of work that focused on community engagement as a key deliverable. I am proud of the work that my neighbors have done.

**Carmelita Wood** – There are high hopes that you will consider adopting the Cherry Avenue Small Area Plan. Changes are going to come over the years. There is a lot of valuable property in Fifeville that can be used to address affordable housing. We believe that it is vital to approve the Cherry Avenue Small Area Plan. Any new development should welcome new residents and long term residents. It should not block the beauty of the mountains and the sun.

**Brooks Hefner** – I have been a resident of the neighborhood for nearly 11 years. We feel this is a very important thing for our community. It is important that our community has a say. It has been a long and arduous process to get to this point. I would like to urge Council and Planning Commission to move on this plan.

**Anthony Woodard** – We're excited for the community for that trail between Tonsler and the Greenstone on Fifth. We want to be an asset to the community. I appreciate the time you are taking to consider this.

**Jean Gratz** – I want to thank all of the residents, who participated in this plan. It's an excellent plan. Those actionable things should have action taken. It is possible to get participation fatigue. We should pursue those actionable things. It is a neighborhood with neighbors and a great place to live.

**Nancy O'Brien** – One of the things that I want to say about Fifeville is that it has a sense of community and a sense of identity. It does give a good community driven basis of values that we want taken into consideration into the future. This has been fun to work on. I am urging you to approve this tonight. We are ready to implement this plan.

**Matthew Gillikin** – I have been fortunate to attend some of the sessions to put this together. I hope that the Planning Commission and Council can approve this tonight. There might be a few things that might need to get ironed out. It can provide tangible solutions and things that can be accomplished. There are lists of things that the community would like to see happen. I want to thank Carmelita Wood and Sarah Malpass for the hours they spent on this.

#### iv. Discussion & Motion

**Commissioner Stolzenberg** – It has been a really impressive job done by the community and Mr. Morrison. This really seems like the best community engagement I have ever seen for any plan. It is better than that. It is an exemplar of what community engagement should look like in the city. I have some critiques of the technical expertise side that was added to the plan by the TJPDC, such as 75% of homes are single family detached in the city. It is a mistake that needs to be corrected. I don't think fixing it is going to change the general gist of it. I think that it needs to be fixed before it gets into the comp plan with some other issues. I am mindful that this thing has been going for a really long time. People don't want to see it drawn out a lot more. The plan talks about how part of making this plan works and to be successful is about making sure it really is a high quality plan with accurate

information, clear actions, and a clear vision. Given that we are already 5 years into it, it might be worth taking the little extra time to get that fixed. In terms of what action that means for the Planning Commission today, I don't know if that means deferring it and having it come back. Or giving some specific things that we would like to see addressed.

**Chairman Mitchell** – I would like to push this towards making some recommendations to amend and approve the proposal with those recommendations. I will defer to you guys. I don't want this to be dragged into February. We have a pretty heavy docket in the next couple of months.

**Commissioner Dowell** – I would like to second your sentiments. I think that if we want to make some amendments that is fine. I don't want to stall this plan out.

**Chairman Mitchell** – It looks like some of you guys have recommendations. We do have general consensus. Those who have amendments can start thinking about how you want to word those amendments so that we can move it along to Council.

**Commissioner Stolzenberg** – Is it better to make a motion that supports the general things to improve and lay out the details offline? Do we need to put every little fix into the motion tonight?

**Ms. Creasy** – I don't think we need to get into all of the details. We need to be specific enough to provide good direction to the Planning District Commission. It would be good to reiterate those comments in such a way that we have all of them in one place and those can be looked at. One other thing to think about is the timing of those corrections or updates and whether we wait to forward it to Council until those are done or whether we move it forward to Council with the motion that those things are going to be addressed.

**Chairman Mitchell** – I would like to urge us to move this to Council with the high level things we want to address.

**Commissioner Heaton** – Are you saying that a motion can be made with some additions pending?

**Chairman Mitchell** – What I would like to do is make a motion to move it to Council with these recommended amendments being made by the Planning Commission.

**Motion – Commissioner Solla-Yates – I move to recommend approval of the attached resolution with amendments to amend the city's 2013 Comprehensive Plan to include the Cherry Avenue Small Area Plan dated December, 2020.**

- **Page 67 should be updated to reflect the need to address affordable housing, preventing displacement, and rezoning.**
- **Fix the data analysis of existing conditions on page 60 in the charts as well as references to detached housing as the dominant housing form on pages 34, 41, and 60.**
- **Bring references up to date.**
- **Add an assessment of recent history of renovation and tear down generally between 2010 and 2020**

**Motion was seconded by Commissioner Lahendro. Motion passed 7-0.**

Meeting was recessed for five minutes.

## II. COMMISSION'S ACTION ITEMS

### 1. SP20-00001 - 1000 Monticello Road - Special Use Permit request deferred from December 2020

**Brian Haluska, Staff Report** – This is a continuation of an item from your meeting last month, which is the Special Use Permit request for additional density at 1000 Monticello Road. The applicant asked for a deferral at your previous meeting. They have come back with some changes to the proposal. It's essentially the same building. They did modify the elevations in response to some of the input given them at the previous meeting. They also worked with staff, particularly the City Attorney's office, to clarify the management of the units as proposed in the application. The applicant previously indicated that they were willing to offer nine of the 11 units that they want to build in the new building on the site as affordable units, based on the definition that they had arrived at. Staff's concern with that was the administration of that condition and the definition of that condition if it matched or did not match the city's definition of an affordable unit. The applicant has come back with a modified condition that they are suggesting, which is that five of the 11 units will be affordable at the terms that they have outlined in the staff report. There's an appendix added to that report that has a 10 page list of conditions and regulations that would govern those units. That appendix was suggested by the City Attorney. That is their proposal and what they've put forward. Those are the major changes. I know the applicant is anxious to discuss their thought process behind that. There are a couple items that came up in the lead up to the meeting that I know some commissioners would like me to address. With trees, the applicant did indicate no impact of the trees that you would typically show on a preliminary site plan, which are six inch Caliper trees on this site. However, there is the tree directly adjacent to the site that would be potentially heavily impacted by this building. That's a tough situation with any tree that's going over a property line. Any property owner has the right to limit a tree up along the property line. It can negatively impact a tree that's not necessarily on their property. It is just that one in the front. They feel fairly confident that the second one that is along the property line is far enough from the construction site that it would not be adversely impacted. I know one Commissioner asked me to chat about some of the input related to the applicant. I think all of you are aware who the applicant is and their past history regarding things that they've may have done. That really doesn't factor into your review of a Special Use Permit. The request that you have in front of you stands on its own merits. Ideally, if somebody else was presenting this, regardless of who's asking or making this request, they ought to receive the same treatment from the Commission and the Council, regardless of what they've done in the past. That's just a note out there. That's kind of an equal protection rule that's out there that really derives from the US Constitution with the Fourteenth Amendment.

**Commissioner Solla-Yates** – Would it be possible to request changes to what the developer is offering, specifically on the depth of affordability?

**Lisa Robertson, City Attorney** – No. We are not allowed to make changes to this in terms of numbers of affordable units or the structure of the levels of affordability. There will be a minimal number of units that are required by the city ordinance. That number is calculated under city code 34-12 and that will be the number. Whatever that required number of units are, they will have to



adhere strictly to existing zoning requirements and regulations. What we asked previously for the applicant to do was to look at what they were offering and how they were defining affordability when they were saying a certain number of units are affordable. We asked them to look at the city standards that are applied to units that are required under 34-12. Take a look at those definitions and parameters and tell us how many units in their development could be affordable under those parameters. What we are trying to do is not have ten different units, all subject to different structures and regulations. That is what the applicant did. As a practical matter, anything above the minimum required by 34-12, is solely at their option to be offered. It's not something we can mandate that they change either in number or in number of bedrooms or what they're offering to provide.

**Commissioner Dowell** – Each applicant should be based on the application. As a citizen, how do we continue to say we want change and see things done differently? We're not able to use or properly plan based on evidence and data we already know, when we have these Special Use applicants come before us. It almost seems like a catch-22. We know that you're not doing right. We're going to keep granting you leniency. It sounds like privilege to me.

**Ms. Robertson** – That is why getting this housing strategy completed and coming back to work on an updated zoning ordinance is so important. What you have every couple of decades is a policy primarily based on funding and units that are not really development driven units. It is primarily focused on units being constructed by nonprofits, including some nonprofit units where the nonprofits are partnering with development. That's a different iteration. Only when we get through this housing strategy and calculate your goals and objectives to what is actually in your zoning ordinance and what we are allowed to do under zoning laws, will you hopefully see much more consistency under definitions that you put forth. You can say what your definition of affordability is. You can say when you need to see affordable units. You can say when that period of affordability is. If you want deeper affordability, we will have funding from private developments or incentives. You will be able to use them. Until you get that strategy done and the zoning ordinance updated, we're going to continue to see this. You really don't have any tools right now. You have people bringing applications in. This applicant agreed to use the city's existing definition in the limited program that we have and agreed to administer all of the units consistently with the requirements that, for the most, would apply to the required units. They wouldn't have to do that. This is better than the first iteration of the application in that you now know what definition they are applying. They have agreed to certain things so that all of the units will be comparably affordable.

**Commissioner Solla-Yates** – A lot of concern about offsite displacement effects, especially to the existing units on the property. Can we do anything with that?

**Mr. Haluska** – The only comment we can make from a staff perspective is that it is a new building. It is new units in addition to the ones already on the site. There is no proposed demolition of existing units. There is some concern that you see citywide, where a pattern of new construction with new rental rates leads to a rise in overall rents in the area. That's the nature of the housing market in some cases when your supply is lower than the demand that you are trying to meet. I don't think you can actively say that these specific 11 units are going to do something to the surrounding area. It's the overall pattern in Belmont and the city of people seeing new

construction and seeing the prices and rents still continuing to climb despite there being new residential units. I don't know if that's in the purview of a special use permit to be able to craft a condition related to that. That's a housing strategy/policy question.

**Ms. Robertson** – You really can't deal with that other than the commitment the applicant is making for a specific number of units and articulating that he is going to use our definition of affordability for those particular units. At this time, we have to look at all of the tools we may have available under the new zoning ordinance. Under the provisions we have now, this special use permit and the condition process is not one you can use to impose a particular number of units, which aren't currently required under our enabling legislation in ordinance 34-12.

**Commissioner Lahendro** – Mr. Haluska, would you remind us what is allowable by right on this site relative to the form of the existing proposal and residential use?

**Mr. Haluska** – This site is zoned neighborhood commercial corridor. Commercial corridor allows a maximum height of 45 feet by right, subject to street wall regulations. There is no minimum primary street frontage setback required. With regards to residential density, the by right residential density is capped at 21 dwelling units per acre. The request before you is within the purview of 34-700 where somebody is allowed to go to 43 dwelling units per acre. I know there was some confusion around the fact that the staff report mentions that this property is already above 21 dwelling units per acre. It was built under a different zoning. It was built in the 70s. I believe it was R-3 at the time. I'd have to look back at the 1954 zoning map to see what it was. Without diving into it too much, it was presumably built by right then and has subsequently had the zoning underneath it changed.

**Commissioner Lahendro** – Residential would still be allowed with fewer units?

**Mr. Haluska** – If you were to envision that this building were completely taken down and if the site was cleared and a new residential structure would go in, they wouldn't be able to get the number of units they have now. Obviously any additional units on the site requires a special use permit at this point.

**Commissioner Lahendro** – What I was getting at is for the new construction that's proposed now with that little piece, that could be residential, but it would have to be a fewer number?

**Mr. Haluska** – The proposal is adding basically a third or fourth building to the site. The overall site is where the density is being calculated off of. If they were trying to subdivide this off, they wouldn't be able to get the number of units that they're talking about.

**Commissioner Lahendro** – I'm just trying to figure out what an owner could do by right, without having to come in front of the Planning Commission.

**Mr. Haluska** – If they were going to maintain the existing units as they are, they could not add any additional residential units. They can do commercial. This is a mixed use zone. They could do a commercial building on the site. With that 45 foot height requirement and the setbacks that I'm talking about, somebody could build that under a by right plan, as long as they did commercial and

office in the building. In order to add any additional residential units to the site, regardless of how the building looks, they need to have a special use permit.

### **Applicant**

**Justin Shimp, Applicant** – I want to talk about the basics of the proposal that have been changed. I will start by answering some of the questions that came up at the last meeting. I also want to talk about some of the public comments. I will be brief. These are important issues. I am back frequently in front of you with special use permits that do involve affordable housing. We always have this conversation. I wish we would get a uniform ordinance to address this. It would make everyone's life simpler. That doesn't mean the code that we have should be crossed out. It doesn't change the fact that people need housing. This needs to find a way to move forward. In the past the affordability components were not required and they were done in different ways. We assumed that with our first submittal that staff would attach a condition to the special use permit with nine units at 80% AMI. There wasn't enough clarity to enforcement. How does that get carried out? A special use permit condition is not the right mechanism for that. We revised our proposal to make the full appendix and the application. We attached all of the protocols and procedures to that. Looking back on that, there is not confusion to what everyone has agreed to. That's very important here. There has been discussion about who the developer was and their past. The reality is that it is about the project and moving it forward and giving people a place to live close to work and schools. This site is a parking lot right now. It's not accomplishing much of anything for anybody. We're talking about putting 11 households in this building. The revisions would be 11 households with 5 of those being affordable at the fair market, which is at the 65 percent AMI level. We put the rents up here for context. They are most likely going to be one bedroom units. This shows you the rent with utilities with this proposal. If you have a chance to read through the appendix, we took the standard operating procedure and crafted it to be specific to this property. That standard operating procedure includes things like cash contributions and things in that nature. We were not planning on doing. We felt it was better to clean that up to give people a clear sense. The other change was the architecture. We previously had a modern building that had been in design brought to light the height of the building. It's not a particularly tall building in the scheme of buildings. Some of the design highlighted that function of it in comparison. That was a very reasonable suggestion. We changed that. I also have some images looking up and down the street. I do want to point out that this is not an architectural control district. To my knowledge, what we presented here, unless you condition it as required approval, will not be binding. We certainly don't have a problem with a condition about the architecture being related to the new proposed design. We did want to make sure that is clear. We had the same issue with the affordable housing. The architecture is a lot simpler. You could have a condition on the architecture that could easily be enforced.

**Chairman Mitchell** – You said that the architecture design is not binding. You said the same exists with the affordable housing. What are you telling me?

**Mr. Shimp** – The same issue did exist. What we had fixed with this submittal is the affordable housing if approved will now be attached to the resolution and part of the application. As conditioned right now, it is simple enough for the Planning Commission to add a condition if you

feel it is appropriate. The architecture is not explicitly conditioned in that same way. We're open to that. I wanted to make sure that was clear to everyone.

This is the view of the property looking down Monticello Road. You can see the property off in the distance. This gives you a pretty good sense of the scale relative to the existing building. This is a by right height in this particular instance. We're not asking for height setback items. The building is relatively small. It is not a large building. A larger commercial building could be built by right here. The key things I heard are nailing down the affordability and the architecture being a little more consistent and compatible with the neighborhood. There is some question about what the units are going to look like. There is a lot of other discussion about the housing and what happened. Staff laid out that it doesn't have anything to do with what this project is. There are some things worth talking about. The people, who are not being heard from, are the people that live here. I have heard a lot of talk about displacement. There is no displacement happening. This is an empty piece of asphalt. If this is approved and built, there will be 11 units and 5 affordable units to the tune of \$5,000 a year off somebody's rent. There are going to be 5 households who are benefitting \$5,000 a year for ten years. Those people are important to think about here. There is a great benefit to those families to live here. If this is not built, there is not an option. The current owner, Drew Holzwarth did not buy it from the original people, who were Cozners. They owned it for many years. Another developer bought it and had it for about a year. To my understanding 10 or 11 people at that time were moved out during the renovations. There were 11 or 12 with the current home. There are a couple of people paying as low as \$600 a month in rent that is being subsidized by the owner directly. There are stories of people not being able to get back in. I don't know the details. I do know there are people back in there who are benefiting from that. This new project stands on its own. We want to build these additional 11 units in addition to the 11 households so that people have a place to live that is more affordable, more available, close to schools, and close to work. That's a good thing. If this doesn't happen, those units don't get built. What you heard earlier was people who couldn't find the housing had to leave the state. What you heard was evidence of a lack of housing. That is the issue. For many years, there has not been enough housing built in the city. It led to what happened when the original owners sold it. This project is not going to solve all of the affordability problems in Charlottesville. It puts up a nice building that fits into the neighborhood. It provides housing for a lot of households and it displaces nobody.

**Commissioner Russell** – I appreciate that the building better fits into the neighborhood context. I know that's not a condition. This isn't in an ADC. It is in the National Register Historic District. I have some issue with the way you're presenting the argument to our emotions about people not having a home. What happened in the narrative of this property cannot just be wiped clean even if we can't rule on it. We also don't have to grant it based on it just being presented to us. When does it start to change? It starts to change when we stop accepting SUPs just because they are in front of the Commission. I don't like the idea of "throwing our hands up" and saying that this will keep happening until we have the affordable housing plan. It doesn't have to happen. We had a lot of good points from our community. One, in particular, that stood out was the point that the market is ameliorating this housing crisis. If these projects presented for SUP don't meet our goals of affordability, why should we approve them? I don't know where I am on this one.

**Commissioner Stolzenberg** – I don't think it is in the historic district. I think it is a couple buildings down from it. Are these 5 affordable units in the new building?

**Mr. Shimp** – They will all be in the new building.

**Commissioner Stolzenberg** – For the people living in the old building with these rent abatements, is there any assurance that those rent abatements will still stick around and won't reset to market rate as soon as this SUP is approved? Why didn't you talk about those units in your offer rather than giving them to the new building?

**Mr. Shimp** – That's a question for staff. I thought we needed to tie the affordable units into the SUP. There is no zoning restriction or other guarantee about what happens with the existing units. They're not tied to any special use permit. Since the owner acquired the property, he allowed those people to move back in. The current units are not tied to the new building. The new building will have the units within itself.

**Commissioner Stolzenberg** – The last time we heard that 5 tenants of the existing building have these special arrangements. Is that right?

**Mr. Shimp** – That's correct.

**Commissioner Stolzenberg** – In the standard operating procedures that were adopted in 2015, they do provide a mechanism that requirements can be met through the preservation of existed supporting of affordable housing units where it can be demonstrated these housing units are at risk of losing the existing support mechanism. The caveat there is supported affordable housing unit. I am not sure this formal private arrangement necessarily applies.

In the standard operating procedures, you are first required to consider applicants using vouchers. It is the most important part of this change going from 80% AMI. With 80%, you are talking about \$1500 for a one bedroom. We are now talking about \$1077. The most important thing is that it gets under the limit for vouchers to be applied so that we can reach those deeper levels of affordability by layering federal funding for vouchers. Thanks to new efficiencies and new leadership at CRHA, we have 75 that have opened up. People often have difficulties using those vouchers despite the General Assembly saying you are not allowed to discriminate against them anymore. Part of the standard operating procedures is that you can't discriminate against them. You don't have to give preference or priority to tenants with vouchers. For staff, why is that in the regulations? Why wouldn't we want preference to be given to people with vouchers given the difficulty of using them? For the applicant, why not just strike that?

**Mr. Shimp** – We did use the city code. There is a fairness there of if somebody comes to you and they don't have a voucher or weren't able to get one. Historically, they are very hard to get. In other counties, they're non-existent. It is a little unfair to prioritize somebody. I think that was the point of that code. That's why we left it that way. The city would have to answer why it is written that way.

**Ales Ikefuna, NDS Director** – I am not sure why it was put in that way. However, we are currently working with the City Attorney’s office to update some of our policies. As soon as we get a new housing coordinator, there are several things that we need to update. At this point, I can’t tell you why it was structured that way.

**Commissioner Stolzenberg** – One thing I would recommend if this is approved and you get this, it when you submit your marketing plan to the city for how to market these affordable units, the city should forward that plan to CRHA. At the very least, people who are getting off the voucher wait list and looking for attachments, have the opportunity and know that the opportunity is available to apply. In terms of fairness, the city has made it very clear that we see it as more important to reach deeper levels of affordability and families with the most need with affordable units.

**Commissioner Dowell** – What is the average square footage of the units?

**Kevin Schafer, Architect** – Thank you everybody for your thoughtful comments. The units are relatively small. It is a relatively small building with a small footprint. The one bedroom units range from 375 to 400 square feet. The two bedroom units are about 750 square feet.

**Commissioner Dowell** – Who are you marketing to occupy these units?

**Mr. Shimp** – The owner uses a local management company to do that. I don’t know if I have an answer as to how they market them. If you put ‘Units Available,’ people will flock to it.

**Commissioner Dowell** – With the small square footage, that sounds like student housing to me. That does not sound like a family. A single parent with one kid is not going to be able to live comfortably in one of those units. That isn’t the only targeted demographic that the city is concerned about. I have a real problem every time when we are in City Council chambers or on this platform, when we are always seeing affordable housing with a small square footage with high rents. That does not equate to affordable housing. That is just my opinion. I am here to represent my opinion. I have a hard time when we keep saying that we need affordable housing. Every time we get a project, it is like we will give one or two affordable units. They’re tiny and they’re not really affordable. I know that we have a blank parking lot here or by right we could have a building. That doesn’t equate to me that we have to do something. At this point, I would almost rather see a blank parking lot than to see another unaffordable unit go up in this city. I can wholeheartedly say that I am fighting for affordable housing. That is my cry every time a special use permit come before us. They’re not really moving the needle. We just had a conversation that stated even if we are putting more units on the market, it wouldn’t relieve the pressure for other housing to become available. That is not the actual reality. I have a hard time approving something that I know is not affordable. It seems that it is going to be suitable for student housing even though it is not that close to the University. Nothing is really that far from the University.

**Mr. Shimp** – It is certainly not targeted towards students. One of the callers earlier talked about trying to get \$1000 a month unit around for two people who worked in the town. That’s the targeted audience. Those people with vouchers are eligible. You could be at 25% AMI, have a voucher, and live in these units. It is available to those people. Is it producing 100 units at 35%

AMI, which is needed? No. That doesn't mean that there aren't some people, who would benefit from it. I do want to clarify that it is definitely not targeted towards students. It would be more for people, who have historically lived in that area and want to be around Belmont.

**Commissioner Heaton** – Commissioner Dowell voiced my concerns that I have in the larger picture of moving Charlottesville closer to our goal of more affordable housing. I am not sure that every special use permit that comes before the Planning Commission has to “be all and end all.” We definitely need to speak to how it moves us toward the goal. I don't know if we put that in a requirement for approval for a project of this size. That's my big question. I think Mr. Shimp has spoken to that.

**Commissioner Solla-Yates** – In many ways, the story of this is a parking lot in downtown Belmont with high demand, near jobs, and 5 affordable units that meet the city requirements. It's a beautiful story. There is a need for greater affordability in this area. I am trying to think of a way to solve this problem. I don't see it currently. An idea that was thrown out the last time we had this conversation was partnering with a nonprofit. I don't know where you stand on that. That's the only thing we haven't really talked about today.

**Mr. Shimp** – I know that Andrew Holzwarth was open to that idea. From what I understand, a lot of the affordable housing money that was going to be out there has dried up or may not be available as it was thought. I particularly like the idea of those partnerships for those small projects. There is a good opportunity for a land-trust model or some other kind of public investment in a small project to get affordable housing. I don't know if we can guarantee it is going to be available for this project. Or that's necessarily the best place for public money to go. The funds are limited. I do think that is a good path in the future. I think you could have a program where a small developer builds a quadplex with some help from a land-trust entity and it has affordable units in it. That's a good solution to small scale projects with affordability. I have no doubt that it will work. However, we're in this moment in time. I don't know if that is going to be available. I know we can offer \$5,000 a year off the rent for 5 units for 10 years. It is a quarter million dollars in rent reduction for the people living there. We are prepared to do it. If other mechanisms come along that we can do differently, I am open to that.

### **Deliberation and Motion**

**Commissioner Russell** – I want to bring up Commissioner Lahendro's question. It brought up an interesting point that I hadn't appreciated. I was under the impression that by right would allow some new structure on the site. What was being requested in the SUP is the ability to increase the density in some regard. I misunderstood. What that reveals is this developer understood that the site was out of compliance and is a non-conforming site. I am concerned about the impacts versus the tradeoff with increasing the density at this site for the purpose that we're trying to solve.

**Chairman Mitchell** – With by right, they can build something here. It will be residential. The question that we need ask is whether we give these guys the opportunity to build by right and they build something that we don't really need. We need more housing in Charlottesville. If we increase the supply, we do drive the price down. We do have an opportunity here to get us closer

to workforce levels of income. We will hopefully keep that in mind. I don't think the current edifice is out of compliance. It doesn't really impact our decision and it doesn't change anything.

**Mr. Haluska** – There was some focus on the building and the aspects of the building. The building that you are seeing there is a by right structure. That structure could be built. In an email to Commissioner Lahendro, I posed a hypothetical. Imagine the building is already there. The question would be whether I can turn offices into residential. That's your purview in this situation. Is the residential density that is being proposed fine or not? I do want to honor the fact that there is probably not going to be a commercial building. I don't know the parking situation. I don't know if they can even accomplish this level of square footage with a commercial setting. The SUP may be a prerequisite for getting this building built. That opens the door a little bit. At issue is not the height of the building. At issue is not where it sits on the site. All of those things can be accomplished without a special use permit. What is at issue is what is going on inside that building. It is housing 11 units and that is what requires the SUP.

**Chairman Mitchell** – What is possible is nothing or something that addresses the demand that we have for additional affordable housing in Charlottesville. It is something that may possibly be addressed with 5 units of workforce housing.

**Commissioner Dowell** – I am looking for clarification. We just heard that trickle-down effect on the housing market isn't working.

**Chairman Mitchell** – You didn't hear it from us. We did hear it from one of the more respected members of our community.

**Commissioner Stolzenberg** – I am going to leave aside the other buildings on this property and what happened with those. That is the important debate here. I am going to talk about this 11 unit building on an empty parcel. You guys keep talking whether market rate is going to help and there needs to be a significant amount of affordable units. Five units that are affordable at 60% AMI, which is \$45,000 for a two person household plus six at market rate is much more than the typical share that we see from a project like this. Council's goal is 15% affordable housing. I think it is a good point that we need affordable units for families. In a building full of one bedroom apartments, the units that you get are going to be one bedroom apartments. They could combine some of them. We would get less than 45% affordable. This is a chart from the 2018 housing needs assessment showing the housing choice voucher wait list. It says that over half of the people on the wait list is 740 out of 1400 are one person households. While there is definitely a need for affordable units for families, there is also a need for affordable units for individuals. These are needed. Maybe we should talk about whether it will be better to combine them into larger units. I don't think it makes sense to say that 45% of the new units is not enough. That doesn't make sense.

I would separately like to talk about what happened in the past.

**Commissioner Dowell** – My issue is not necessarily that there are not enough. Five out of eleven is not bad. What we are doing is setting precedence. If we are allowing these units to come in where a one bedroom unit is sky high, then we still aren't doing any justice for our community.



What this developer has done is “we did it here.” It is acceptable here. We don’t have anything in our codes or zoning that is changing that. We can say that we are going to have to accept it. If that’s the case, we are going to have to accept it. At some point in the near future, how many of our residents are we going to displace by just having these high market rents for these matchboxes? I am trying to look at the bigger picture. I don’t know if this is in our scope. If it’s not, it should be. I was under the impression that if someone is doing a SUP, it is supposed to make it better than what it was before. Setting the precedent to keep allowing these high market rate units to come into our city is not doing us any good.

**Commissioner Stolzenberg** – There are five affordable units. Are you speaking of the six or any market rate units shouldn’t be allowed?

**Commissioner Dowell** – I am not saying that. What I am saying is that somebody has to take a stand and do what is right. We can’t keep saying we’re getting something. Somebody is going to have to take a stand and say that we need real change and real affordable units with real livable square footage.

**Commissioner Stolzenberg** – I think that half of the units being affordable is doing it right versus the 10 percent we get normally, especially when they’re not at 80% AMI, which is basically market rate rent. That’s the whole point in making them accessible to people with vouchers. What happened in the past is the thing that we need to set as precedent against. They’re sending a signal that if you displace a bunch of people, you can get your SUP approved anyway. They’re also sending a signal that if you buy naturally occurring affordable housing with a lot of vacant land in the property and you keep those units affordable, you can get permission to put some infill housing onto the vacant part of the land and create some new units. I think there is a tension between those two things. I think Council should verify that these rent abatements that we’re hearing about have even happened. If it’s true, then I would lean towards supporting this project because we need those 5 affordable units.

**Commissioner Lahendro** – My objection to it a month ago was because I did not find it to be harmonious with the existing development in this neighborhood. I believe the proposed design now does blend in much better. I thank the developer, the architects, and the applicant for that effort. With the issue of density, I have no problem with the requested additional density. I do not think the ordinances are in effect right now that allow us to do much more in terms of affordable housing.

**Chairman Mitchell** – My only caution is that Mr. Shimp has already suggested that. The design that he is proposing may not be the design we end up with. They can do whatever they want to do.

**Commissioner Lahendro** – That was a question coming up if it does go that far to the staff. Is there something we can put into the motion that will memorialize it in some way?

**Commissioner Stolzenberg** – I think we can add a condition to that effect.

**Mr. Ikefuna** – I was going to ask the Commission to add more clarity to the motion and to consider adding that all of the affordable units will be in the new building. And to clarify the

square footage of the units. Once they start building, we want to make sure that this is pretty clear. We have an issue with one of the developers. The square footage wasn't clearly clarified. They were counting some exterior spaces as part of the square footage. If you guys can clarify the minimum square footage of the single bedroom, it would be greatly appreciated.

**Commissioner Heaton** – Are you saying that we should state in the conditions the actual square footage required?

**Mr. Ikefuna** – Exactly. If the proposal is going to be 375 square feet for the one bedroom units, I would like to see that as part of the motion. I believe Commissioner Stolzenberg asked that question. What are all of the affordable units within the new building? We want to make sure that they are going to be in the new building. Somewhere along the line, they don't come up with a proposal of putting people in the existing building. We want to make sure everything is clearly detailed in that motion.

### **Discussion following Motion by Commissioner Stolzenberg**

**Mr. Shimp** – On the size of the units, that's correct. The regulations do already have them in there. The building is three stories tall on the street side. Two stories and 22 feet is quite different with the setback than what we have proposed.

**Commissioner Lahendro** – I am seeing in the renderings a two story block on the street front. It becomes three stories behind that two story block.

**Ms. Schlein** – It is three stories at street side, stepping back to four stories. There is a cornice line. There is a slight step back behind the cornice with an offset in the façade. However, that's not a ten foot separation between the top of the brick cornice and where the material changes to a wood finish exterior that you see on the third story.

**Commissioner Lahendro** – What is the setback?

**Kevin Schafer, Architect** – We have a brick cornice line there. The framing steps in just a few inches. There is a visual relief of about a foot.

**Mr. Shimp** – The maximum setback is ten feet in this district. I think we are about 8 feet.

**Ms. Schlein** – The current setback is 4.5 feet.

**Ms. Robertson** – There is a requirement under state law when a proposed special use permit is proposing to include affordable housing. Conditions that you impose have to be consistent with the objective of providing affordable housing. If those conditions relate to materials, methods, or design features, you have to consider the impact of that condition on affordability. Those are pretty broad parameters.

**Commissioner Lahendro** – The more the step back, the less the square footage, and the more expensive the units.

**Mr. Schafer** – Thank you for all of the previous comments about it. This is the direction that we were given by the developer incorporating these comments that we heard from both the public and the Commission. This is a design rooted in realism. It's a very real design. There are units. This is where the square footage is coming from. It is our every intention to move forward with this design. I do appreciate some language like that from Commissioner Stolzenberg.

**Commissioner Lahendro** – There are seven different descriptions on this rendering. Could those seven individual descriptions be included in the amendment?

**Motion – Commissioner Stolzenberg – (Motion Seconded by Commissioner Lahendro) – I move to recommend approval of this application for a Special Use Permit in the NCC zone at 1000 Monticello Road to permit residential development with additional density with the following listed conditions.**

- **Up to 42 dwelling units per acre (DUA) are permitted on the subject property.**
  - **The owner and applicant is committing to providing five (5) affordable housing units at HUD Fair Market Rent (FMR) rates. The affordable units will be provided and rented in accordance with the attached document titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental” (the “ADU Regulations”). It is intended for all affordable units to remain as rentals throughout the affordable term defined in the ADU Regulations however, if any affordable units are sold during the affordable term then those units shall be provided and sold in accordance with the regulations of the section titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020000001, for Sale.”**
  - **All of the affordable units being in the new building.**
  - **The architecture will have the features referenced in the Architectural Revisions slide.**
- The motion passed 4-3.**

## **2. Zoning Text Amendment Initiation – Mixed Use in North Downtown**

**Ms. Creasy** – We just have the basic zoning initiation memo included in the packet. We figured that it would make sense for Commissioner Stolzenberg to provide some background on this based on the discussions and what he is bringing forward. We appreciate the memo of information that he was able to provide. That assists in the general understanding of what is moving forward. Based on different discussions that have occurred, I don't know if the language that was included as a draft is where the potential for this to land. It was something on paper to begin the discussion.

**Commissioner Stolzenberg** – Mr. Shimp approached me in November about a zoning text amendment to allow hotels by special use permit in Downtown North. They could build the 25% of this building required to be commercial with an extended stay hotel. In order to finance its construction for obvious reasons, office construction is not popular right now with 500,000 square feet online downtown shortly and COVID emptying every office space. I was not going to propose hotels in Downtown North. I suggested this alternative to allow more residential in these buildings. You may recall with the Apex Building in a different zone. They were able to take advantage of a loophole in that mixed use ordinance that didn't require any amount of mixed use. In Downtown North, it has to be 25 to 75 percent residential but no more than 75% residential and

no less than 25% residential. For Apex, they were able to put in a single studio apartment and get the mixed use up to 9 stories. In my opinion, it is less important to restrict residential on the upside rather than putting a minimum for residential on the downside. Our goal should be to create new homes to address our housing crisis. We don't have an office crisis. This change will lessen that restriction. It still requires them to be mixed use buildings by saying they have to provide ground floor commercial with the intent that it will be retail. In this particular building, they are planning on it being a coffee shop. They have an approved site plan and SUP. It would need to come back to us for a SUP amendment to get that additional density and revise their site plan. It potentially means creating 75 more homes years before it would be possible under a fully rewritten zoning ordinance. There are a couple additional considerations that we might want to make. One would be to create a minimum floor on the amount of commercial space on the ground level. Another would be whether we want to limit that to just primary or linking streets. On neighborhood streets, the same exception wouldn't apply. Lastly, whether we want it to only apply to buildings that also have to get a special use permit.

**Commissioner Russell** – I don't have any questions. Frankly, I don't entirely understand it. I will wait for the discussion.

**Commissioner Heaton** – I don't have any thoughts on actions that we can take to substantially improve it. I don't see a lot of wiggle room.

**Commissioner Dowell** – I don't have any questions.

**Commissioner Solla-Yates** – I see two issues. One is staff capacity. Things are funny right now. The other issue is appropriateness in downtown. Generally, we have a lot of jobs downtown. We don't have that many homes. There is a pretty enormous jobs-housing imbalance. I find that compelling. The third issue is comprehensibility. We have 14 mixed use zoning districts in Charlottesville. They keep on getting more and more different. I would love for them to have some continuity, consistency, and livability. We're just not there yet. It is so bad. My dream would be that there would be consistent definitions across all of them. I fear that is out of scope of this. With those concerns, I think this is a reasonable approach. The language makes sense.

**Commissioner Lahendro** – I presume somewhere else in this section of the ordinance requires that the ground floor of this development of this building be commercial. Is that true?

**Commissioner Stolzenberg** – No. I believe as long as 25% commercial space is provided, it can be anywhere. You could actually put the residential on the ground floor and make the top two floors office. I think that still works. I don't know if it works for the building code. I believe that it is totally fine.

**Commissioner Lahendro** – You had mentioned that the commercial was going to be required to be on the ground floor. I didn't see that in the memo.

**Commissioner Stolzenberg** – In the changed one, it would be required at the ground floor. Under 34-600, mixed use buildings may exceed 75% gross floor area designed and occupied for residential use if commercial uses are provided at ground level.

**Commissioner Lahendro** – I am glad of that. I do agree with your additional consideration bullet point #1. I would ask staff to consider what a minimum amount of commercial should be so that it is not just token.

**Commissioner Stolzenberg** – The main reason I didn't put that in before was I couldn't think how to word it. We can maybe make it a percent of building footprint or a percent of floor area on that floor. That is a thing that can be hammered out by staff after an initiation.

**Commissioner Lahendro** – We might even think about whether everything on the street front should be commercial.

**Commissioner Stolzenberg** – Where it gets weird is that you have to have a parking entrance. These buildings require parking. Parking doesn't count in floor area. I don't know how you would make that work.

**Chairman Mitchell** – When we first got into this mixed use thing, we felt there was a need to have office space. That is "old school" thinking. We don't need as much office space as we thought we needed "back in the day." One is so much telecommuting that is happening and COVID has taught us that we don't have to go into the office. I think there is value in giving some thought to whether we move away from office space and expand into places where people could live. I am worried about if we initiate this, people that do the work for the city being able to get the work done since they are down a couple of staff. I am also worried about doing this for one site. What we are looking at here is one site. It seems that we should take a more comprehensive view of what is happening with mixed use and rethink this whole thing citywide. I am wondering if we should leave this to the consultants of the comprehensive plan.

**Commissioner Stolzenberg** – One thing I would add to that point about not needing office space. It's not all the worldwide changes that are happening. It is also because this Planning Commission and Council denied a project for 233 studio apartments on Garrett Street that was then built as the exact same building by right as putting 120,000 square feet of office space in, which has contributed to the dearth of housing downtown and the glut of office space. It really would have soaked up a lot of the demand for those smaller units in the area. The last project could have been larger units. When Council initiates the ZTA, there is a time limit on it. When we initiate a ZTA, there isn't. Staff can take this on their own timeline when they have time. I would hope they get to it before it is obsolete. As you can see on the anticipated items, there's a ZTA from 2018 in there. Nothing about initiating it requires them to get it done in the near term. I think it would be great to do everything comprehensively across all zones. It doesn't make any sense for this section to be inside of a zone in the zoning ordinance. This zone is the one where we have an applicant saying that they have 75 homes they could build and can't in addition to a six figure contribution to the CAHF, which I believe is empty because of the severe need for affordable housing right now. I think this is an example of where we should not make the perfect enemy of the good.

**Commissioner Palmer** – I look at it in a way like we treated our tree and grounds plan update. We didn't want to start that until we had our strategic plan in place. We couldn't do that until the President got up to speed and came out with his vision. I don't know if it is in that category of import. It might be a reason to wait for the code team to weigh in with the comprehensive plan.

**Commissioner Russell** – Sometimes things need to be done ahead of our plans that have not been developed. Maybe this one should wait. This seems very abstract to me. I am not able to conceptualize it with what is being proposed. I don't know if it's fair to ask staff or try to understand what additional burden or how much onerous this makes their jobs to do. What really is the value in doing it now versus waiting until the comp plan or land use?

**Mr. Ikefuna** – This is one of the reasons why the city took the steps to update the comprehensive plan and to have a wholesale rewrite of the zoning ordinance because of the piecemeal approach. We are having all kinds of problems with the zoning ordinance. This is one of the contributing factors. Staff recommends that this be put on hold and let the consultants take the wholesale review of the districts. Then try to provide a consistent zoning and what goes in there. That is what staff would prefer to see at this point in time. The piecemeal has created all of these problems for staff in terms of application and consistency.

**Ms. Creasy** – There is work that needs to be done in these mixed use districts. We can all agree to that. I think it is a timing consideration. As we look at this, we aren't able to look at this in the context of a single site. We have to look at it in the context of the zoning district as a whole. That's going to require a larger analysis of the properties within that area. Another question we ended up having is if we look at Downtown North, does that put us out with other mixed use districts? Have we created even more of a concern? These changes in staffing occurred after this packet went out. We were figuring out how we might be able to work this in. At this point in time, we're trying to figure out how we're going to get the day to day done. This would not come up quickly. We have to cover a number of items with our existing staff so we can up-staff again. We have to address some considerations with that. We wouldn't be able to dive right into a review of this. That is concerning. We have some feedback on this. Every time we have met about this item, we have gathered more and more feedback about what it should look like. I don't know that we would be able to encompass everything. It would probably be continuous discussions. It's not going to be a short term endeavor based on the different circumstances that we have occurring.

**Commissioner Dowell** – I am torn because we just had a discussion about how we need to change our ordinances so that we can really achieve the things that we say that we want to achieve. I also understand that we are in trying times. We are not fully staffed. Things are difficult at this point in time. I also feel that we are paying our consultants a hefty fee to do this work for us. Even if we don't move forward with initiating the ZTA tonight, this should definitely be heavily considered and to make sure this is included and crafted correctly in their update. It's not going to be something that is going to be addressed any time in the near future because of the constraints of the environment.

**Ms. Creasy** – There was a lot of good information that has come out of this discussion. There have been 3 or 4 smaller discussions that have occurred. There is quite a bit of information we can share with the consultants. They would be able to put it in the context of the larger project that is underway. It would take us awhile to get to this given what is occurring. We have to be able to manage the things we are doing now. We have a work session coming up on the land use plan. There will probably be some additional things we will need to be working through on that. There

are a number of initiatives that are already underway. It's not going to be tomorrow that we would be able to start on this.

**Commissioner Heaton** – Is there any directives that we could offer to the consulting team or liaison work? I know that Commissioner Stolzenberg has done a deep dive on some of these things. As a Commission, is that out of order for the Commission to assign a liaison to make some progress that doesn't involve staff? I think we need to admit we are in extraordinary times and to move ahead with mediocre work that we know will not be the best work that we can do is not really serving the community. But to come to a grinding halt and be paralyzed by it is not the answer either. Is there an initiative as a Commission that we could give some direction through one of our members to the consultants? We would like you to be ready to present this to us at the work session.

**Commissioner Lahendro** – We have already heard staff say that they're going to give this information and research already done to the consultants.

**Ms. Robertson** – Don't forget that one of the Planning Commission's central functions is to oversee the development of the comprehensive plan including updates of the comprehensive plan. The Commission is supposed to have substantial input. Do you understand the process that is going on? Do you know where it is? Are you part of any steering committee? Do you have one or more members on a steering committee? Are you getting regular, sufficient reports that lets you weigh in? The threshold decision is whether you are going to keep these districts at all. Are you going to organize your land use map differently? Are you going to have 16 mixed use districts? Are you going to have one mixed use set of requirements and apply it differently depending on where you are? What you don't want to do is too significant of a decision that is going to facilitate developments that you may not be able to anticipate right now during the next year? I hope that we're not going to be longer than a year before we start seeing work on a new zoning ordinance. Some fundamental decisions are made. You have to decide whether or not there is a smaller change that would have public benefits and not just private benefits in the short term. If you're making this change, are you going to upset any balance that is going to remove opportunities that you might otherwise have had if you were incorporating it into a larger approach under the comp plan.

**Commissioner Lahendro** – I would hate to see the consultants "handcuffed" or constrained in any way by us. Let's let them finish their work and do what they're paid to do.

**Commissioner Stolzenberg** – I don't think this hamstrings them in any way. They are approaching the zoning code holistically. I think we have already pointed towards regulating form rather than use in a way that means mandating these buildings to be 25% office space won't really be a consideration anymore. That is how we are going to scale this up for the whole city hopefully by getting rid of these bad mixed use districts. Twenty months ago, I brought a ZMA before this body. Everybody said "why would we do this now? We have this comp plan and it is almost done. We will be finished in no time." I love the idea of approaching everything as a whole and making these broad sweeping changes, I don't think that an upcoming full review absolves us of the responsibility to maintain our zoning ordinance that we have adopted now. Six months ago, staff brought to me a different ZTA for a different project presented by a different person to change the

University Heights district as a higher density. At that time, we were just as far away from a wholesale zoning ordinance rewrite because the schedule got delayed because of COVID. Staff supported it then. They don't support it now. They didn't support it prior to the staffing issues that just came into play. Nothing about us initiating it constrains staff in any way. If they feel it is beyond their workload, they're free to sit on it and run out the clock until the full rewrite is done. If they manage to hire someone relatively quickly, they are free to pick this up.

**Motion – Commissioner Stolzenberg – To initiate considerations of amendments City Code Chapter 34, Article 6, Division 4 to change Code Requirements pertaining to density and mixed use developments. (Second by Commissioner Heaton)**

**Motion does not pass 5-2.**

### **Adjournment**

**The meeting was adjourned at 9:43 PM**