

**PLANNING COMMISSION REGULAR MEETING**  
**October 14, 2025 – 5:30 P.M.**  
**Hybrid Meeting**

**I. COMMISSION CLOSED SESSION (Agenda discussion(s))**

***Beginning:*** 5:00 PM

***Location:*** NDS Conference Room

**Members Present:** Commissioner Mitchell, Chairman Schwarz, Commissioner d’Oronzio, Commissioner Roettger, Commissioner Solla-Yates, Commissioner Stolzenberg

**Staff Present:** Patrick Cory, Missy Creasy, Ben Koby, Matt Alfele, Carrie Rainey

Chair Schwarz called the meeting to order at 5pm and asked Commissioner Stolzenberg to provide some details on this committee to inform everyone since he will no longer be on the commission in a short timeframe.

Commissioner Stolzenberg noted information concerning MPO and mentioned that Commissioner Yoder may be a good choice to take over that group. He additionally provided information on LUPEC. Commissioner d’Oronzio provided details on Scribner edits for the minutes.

Chair Schwarz asked if there were any questions on the critical slope waiver application. Commissioner Mitchell noted that it is unclear what we are going to get if we approve this and asked if there can be additional conditions. Mr. Koby noted options allowable for the site and clarified the location of slopes on the site. There was a brief discussion about the public benefit requirements.

**II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Schwarz at 5:29 PM.**

***Beginning:*** 5:30 PM

***Location:*** City Hall Chambers

**A. COMMISSIONERS’ REPORTS**

**Commissioner Stolzenberg** – I had 2 meetings this month to report on. We had the annual SAW MPO and Charlottesville MPO joint meeting. SAW MPO is Staunton, Augusta, Waynesboro MPO. We were talking about issues about transportation crossing the mountain. We got a great update on the Afton Express, which is expanding; currently proposing additional frequencies and a new schedule including reverse commutes. Various VDOT projects have been completed. If you are in a runaway truck going down the mountain, you can be caught with a new system. The statewide rail plan effort will be beginning next year. There should be interesting things from DRPT to report. Last week, we had the Charlottesville-Albemarle MPO technical committee meeting. There are the 29 stars studies trying to figure out new smart scale projects. They technically combined 2 studies. One is the 29/250 intersection, and the other is 29 going north. The goal was to have it on a compressed schedule to get it done in time to have smart-scale projects to submit in the next round next year. Unfortunately, it will not be ready in time. There was a discussion about potential projects for the MPO to submit in round 7 for smart scale. Unfortunately, with the changes that the CTP made last round for MPO projects, it is constrained in what they can do. Effectively, it must be something that comes out of a pipeline study, star study, or it must be related to a highway or highway interchange. The last time we submitted the project to build-to roundabouts on Barracks Road by the Rt. 29 interchange, that priced out at \$90 million for the small-scale project. They are not going to resubmit that. They are currently looking at 2 versions of simply widening the off-ramp going northbound on 29 to Barracks Road, either extending it or adding a second left turn lane at Barracks. The second turn lane would include a sidewalk under the bridge and connecting to the city

sidewalk west of Millmont. The extension would not include any pedestrian improvements. We had a long discussion about how the MPO is not submitting a highway expansion and not in line with MPOs priorities. We would like to see, in exchange for highway widening, getting some improvements for bikes and pedestrians. The tricky part is making that happen, working with the requirements for it to be an interchange project as the primary improvement. They will be coming back with more ideas. They are also talking about submitting Old Ivy and Rt. 29 interchange expansions as well.

Commissioner Stolzenberg read an email he received into the record about 3 incidents with cars on West Main. The email concerned a bike hitting an opening car door on West Main near the Amtrak station. The person has had multiple incidents all on West Main. The person said that these incidents are the result of an infrastructure problem.

There was a proposal to do a restriping project on West Main to create protective bike lanes or protected bikeways with paint, a low-cost improvement after West Main Streetscape was cancelled. That effort was put on hold or cancelled. It turns out the utilities department is doing major work on West Main over the next couple years. BPAC was told that when they finish that work, they will have to mill and repave the street. That would potentially be a time to add that kind of bike improvement. I am hearing this week that the NDS work plan does not include any money or staff time for even investigating this new striping plan. All we need to do is plan it out. We must pave and stripe the street anyway. We are not intending to do that. As somebody who has suffered permanent injuries from the mediocre infrastructure on West Main, it would be unconscionable to squander this opportunity. My hope is that NDS will rethink its plans and have a striping plan ready for utilities in 2028.

#### **Commissioner Mitchell – No Report**

**Commissioner Solla-Yates** – Friday, October 3<sup>rd</sup> was the second general stakeholder work group meeting on the building code update statewide. I proposed allowing single-stair apartments at the 4<sup>th</sup> story and smaller and more affordable elevators in R2 residential multifamily 6 stories and below. Single-stair apartments moved forward with a consensus recommendation. Elevators went forward with a recommendation of non-consensus. I am hopeful that the board will adopt the changes, and we will start seeing safer, more affordable, and more accessible homes along these lines built starting with the 2027 building code statewide. City schools' capital improvement planning committee met on September 25th. I am pleased to report that a schools facility planning effort is planned under staff effort to coordinate how we spend money on capital maintenance and investment to match current and long-term needs. The CHS roof replacement is done. It will be solar ready. \$6 million of work took 3 years. The CHS turf field replacement has \$1 million budget and looking for an installation this fall. The early childhood learning center on the Walker Campus will have a \$30 million budget. It is going to bid in the fall of 2026. They are in schematic design phase now. It is a beautiful terrace design, which will provide play space right outside the classroom. That design does add \$10 million more. The CATEC solar installation has an \$800,000 budget. The roof was not solar ready. It was harder and more expensive. It is 262 kilowatts. It is the biggest system that we have ever done on a public building. We are pursuing an income tax credit. The Greenbrier restrooms have a \$600,000 budget. It will be ADA accessible. It is happening next summer.

**Commissioner d'Oronzio** – The HAC met mid-September. Most of that meeting was taken up with the first round of data and the attempt to generate a template for this feasibility of the possible tax abatement program that we have talked about a couple of times. It is interesting work. The more we look at this, the more likely it is that it is going to have a bigger effect on smaller developments. There is going to be some 'bang for the developer's buck.' We are still gathering data at the beginning. The Thomas Jefferson Planning District meeting was not relevant to Charlottesville. There was some discussion of commuter and movement of people and where they are and the efficacy of the Park & Ride. Some of that data is a little clouded because it is difficult to

tell. The data set conflated parts of Albemarle and Charlottesville. We are dissolving the regional transportation partnership in favor of the new Charlottesville Albemarle Transit Authority, which has taken over those duties.

**Commissioner Roettger** – I am taking over Commissioner Mitchell’s spot on city’s Park and Recreation Advisory Board. I was on it several years ago. I noticed some changes. With this month, there was a lot of talk about the bylaws and the inner workings of the commission. It has yet to be approved. That is on par for the next time. I did miss the Tree Commission meeting. With the arborist, the city is always working on planting more trees and doing great things. They are teaching people going to neighborhoods and looking at evasive vines. The big push is to save what we have in terms of the older trees that are providing so much green infrastructure for us. They are working on systematically looking at the zoning code and site approval process for ways to have more education about saving trees or how much it would take to protect some of our older trees in the development process.

**Commissioner Yoder** – No Report – Not Present

## **B. UNIVERSITY REPORT**

**Commissioner Joy** – If you recall at the last meeting we had, it was days before the Buildings & Grounds Committee meeting with the BOV. I want to run through and do some confirmations. The first was a concept and design guidelines approval for the School of Data Science and Entrepreneurship Building. That is the follow-up project. It is adjacent to the existing School of Data Science along Ivy Road. That project is kicking off its design process later this month. There will be more to report on that as that takes shape. The schematic design approval came through for the 220,000-square-foot Center for the Arts, which includes a 1200-seat Richard & Tessa Ader Performing Arts Center. That project received design approval from the state at their most recent meeting of the Architectural Review Board. Schematic design review of the Fontaine Research Data Center will now go back for a final design approval at a future Buildings & Grounds Committee meeting. The B&G approved the renaming of the Federal Executive Institute property to Sycamore Hill. They approved a 2-step process to transfer the ownership of the 5-acre Oak Lawn property in the Fifeville neighborhood from the University to the city of Charlottesville. That is the historic residential property that UVA bought in 2023 for \$3.5 million. The initial arrangement is to lease the property for \$1 a year as they work out a way to hand over ownership from the state to the city. UVA recently completed a planning study exploring how the site can be redeveloped to include community amenities, childcare, and child development. Those materials are in the process of being shared with the city to give their planning team a head start as they begin to look for opportunities to address education on that property.

## **C. CHAIR’S REPORT**

**Chairman Schwarz** – The Board of Architectural Review did not reach a quorum last month. Nothing new to report from there.

## **D. DEPARTMENT OF NDS**

**Missy Creasy, Deputy Director** – The Chairman asked me to provide an update that we had provided before on what is called the Meadowcreek interchange project. This is in the Hillcrest Lane area. There has been some community interest in there. The last update that we had was in August. The only change that we have had since August is that we have provided comments on the major development plan to the applicant in this case. There are several items that are part of this project. There is a lot of detailed information here that might lose traction. One person out there is interested in the details of the Meadowcreek interchange project. Please send me an email or give a call. Email is [creasym@charlottesville.gov](mailto:creasym@charlottesville.gov). I can give you the details of this. If you have been following this for some time, we have sent out the 3<sup>rd</sup> round of comments submission. Our portal has all this information.

**Commissioner Solla-Yates** – I have spoken with several members of the public on this item. The main item that I have heard is concerns about safety. Is safety addressed in these staff comments?

**Ms. Creasy** – I don't have the staff comments with me. I am unable to answer that at this moment. If you have a contact, we can provide the comments for them.

We have a work session on the 28<sup>th</sup> of October. This work session is going to be on the environmental review project. One of the commitments that came from the Comprehensive Plan and Zoning Ordinance Review was to spend additional time digging deeper into environmental related ordinances and codes. That process has been going on for some time with staff. They are beginning to move into the work session and the next steps of that. The Planning Commission has that work session on the 28<sup>th</sup>. Our next meeting will be November 12<sup>th</sup>. That is a Wednesday. Veteran's Day is on the 11<sup>th</sup>. The building will be closed on the 11<sup>th</sup>. We will have the meeting on the 12<sup>th</sup>. We are going to be in City Space. We will have whatever regular items on the agenda that come up for that meeting and a work session on the code amendments. Tonight, we have the listening session to gather comments from the community on this item. You will have an opportunity for a more focused work session at that point in time.

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

**Max Chambers** (400 10<sup>th</sup> St. NW) – I moved to Charlottesville this summer. I enjoy living here for the outdoor space, the walkability, and bikability in many parts of the city that is great. There are a few areas where it is lacking. It sounds like the Planning Commission has already been investigating these issues. I try to bike as much as I can around town. On Rio Road and other areas in the city, the bike lane will disappear suddenly. People on online forums have complained about bikers ending up on 29 and 250. There are no signs indicating to bikers that they should not enter those spaces. There is no indication that there are other alternative routes for bikes. In a lot of the parts of the city, the bike lane is on and off. It makes it difficult to ride safely around cars. It also contributes to a lot of the traffic that ends up building in those areas. I think that sidewalks could be more continuous in certain places around the city. It is interesting with lack of infrastructure in terms of pedestrian friendly and cycling friendly lanes. There still seems to be a lot of traffic that builds up in the city. Roundabouts are a good way to solve this. It sounds like the Planning Commission has been focusing on this. I know there have been several improvements around Whole Foods and 29. I know that roundabouts can be expensive. They are a good investment if it means avoiding expensive improvements in traffic signals and trying to maintain a system that does not work. Roundabouts at Preston and 10<sup>th</sup> Avenue would be a great improvement. All these areas seem to be problematic areas for people making turns.

**Joe Leong** (Lambeth Field Course) – I am a 3<sup>rd</sup> year undergrad urban planning student at UVA. I want to share my thoughts on the zoning code and the student housing apartments that are coming out. As students, we represent a transient population. Many of the proposed developments under the new zoning ordinance appear to be targeted towards just students. While increasing housing supply generally helps reduce costs, assuming demand remains stable. The nature of these by right projects have raised concerns among long-term residents. Because these developments are permitted by right, there are limited opportunities for negotiation. These developments that rapidly increase supply for students are generally helpful for students but probably contributes to gentrification for local residents. While benefitting as a student, there needs to be significant steps that need to be taken. First is communicating with local residents about these zoning policies. Residents seem quite confused or surprised about these developments being by right. One solution is to create a GIS map where you can look at the areas within Charlottesville. You can see the zoning district that you are in, and you can see the exact definition of that zoning district. You will know the height limit and the density that is required for the district.

## **F. CONSENT AGENDA**

1. Minutes – August 26, 2025 – Special Meeting
2. Minutes – September 9, 2025 – Regular Meeting

**Motion to Approve – Commissioner d’Oronzio – Second by Commissioner Solla-Yates – Motion passes 6-0.**

## **III. PLANNING COMMISSION PUBLIC HEARINGS**

None Scheduled

## **IV. PLANNING COMMISSION ACTION ITEMS**

### **1. Special Exception – Critical Slope – 1000 2<sup>nd</sup> Street Southeast**

#### **i. Staff Report**

**Ben Koby, City Planner** – This project is next to the IX Art Park right off 2<sup>nd</sup> Street. It is a subplot that is zoned R-A. The future land designation of that is General Residential within the sensitive community areas. This is for a critical slope/special exception for the purpose of future residential use.

#### **Next Slide – Critical Slopes Requirements**

The critical slope regulations are as follows. If there is a slope with a grade of 25 percent or greater, whether or not a portion of the slope has a horizontal run greater than 20 feet, and an area of 6,000 square feet or greater, and that a portion of the slope is within 200 feet of any waterway protected by The Standards & Design Manual of the Chapter 10 of the Charlottesville Code of Ordinances. In those areas, development is regulated and controlled. However, there is an option for relief to pursue this critical slope, a special exception permit. City Council may grant this special exception if it finds that due to unusual topography, shape, location, or other unique or unusual physical conditions, whether development would be unreasonably restricted as a part of these regulations and there is a public benefit of the proposed encroachment. That would outweigh the potential issues created by allowing for development within it. City Council is supposed to review the criteria to the following standards. The amount of impact is limited to the greatest extent possible and whether sufficient mitigations have been proposed to limit impact of the proposed encroachment and whether steps have been taken to prevent those impacts and whether the proposed project is consistent with the zoning district and Comprehensive Plan.

#### **Next Slide**

This is the location. Here is the critical slope map. You can see the large development IX Park across the street. This is a subplot meaning that the property or parcel south of this parcel are tied together with their development rights. There is already one existing residential unit. This subplot area could propose to construct 1 to 5 additional units. If they are proposing 3 or above, affordable units are required or are required to reach those density calculations. This development could be between 1 to 5 units with the possibility of affordable housing units being provided.

#### **Next Slide – Request**

The applicant has expressed their willingness to meet the minimum engineering requirements and exceed them. As a part of their application, the applicant stated that they are willing to produce advanced erosion and sediment control measures.

#### **Next Slide**

Here is the building envelope shown and that the entirety of the subplot is to be disturbed.

### **Next Slide**

We are willing to provide advanced erosion and sediment control measures to be in place before, during, and after construction and that there are engineered retaining walls designed with the natural landscape, and a detailed landscaping and retention plan using native species to permanently stabilize the disturbed areas upon completion of the project. Considering the benefits of the added density allowed if this was to be approved and these contingencies in place, staff does recommend approval of the critical slope/special exception with the conditions attached to it. When they go to develop, their engineering documents will be reviewed to meet these criteria as they go forward. We are recommending approval with conditions.

**Commissioner Mitchell** – Looking at page 8 of your report, you suggest that once the development review process is completed and it is not quite what you were expecting, there is an opportunity to do an amendment to the critical slope waiver approval. What is that process? How do you do that?

**Mr. Koby** – If they go through this and it is determined that they are not meeting these criteria, they will have to either re-engineer it to meet these criteria or they would be required to get their special exception permit modified, that process is to treat it as if it was a new special exception. It would come back before this Commission. This is assuming it is approved by City Council after this. They would have to go back to City Council for reapproval.

**Commissioner Mitchell** – If it is not what we expected it to be, we can revisit the exception that we granted?

**Mr. Koby** – The way they develop it or in these engineering criteria.

**Commissioner Mitchell** – All the above.

**Mr. Koby** – The conditions that I have recommended do not have to do with the built form of it. It is strictly tied to the engineering components. This Commission will have the ability to add stipulations on the built form if you feel that is appropriate. You could add those conditions. If any modifications are required, we would have to go through this process again.

**Commissioner Mitchell** – What is generating the difficulty in putting together a development plan? Is it because of the nature of the slope? Is it because they have not had an opportunity to develop a plan?

**Joseph Baber, Applicant** – Due to the subjective nature, I am a small-scale builder. I allocate resources prior to approval. To have a construction set to appease your desire to see the final form would cost me a lot of money. To enter a subjective process, paying an enormous amount before I gain approval is prohibitive to me. I understand your concern.

**Commissioner Mitchell** – One of the difficulties that I have is that if I elect to support and recommend the waiver, the reason I will do that is because what we will get by granting the waiver for the betterment of the community. We are going to get more housing. I cannot tell how many more houses we will get yet. I cannot tell exactly how many if we are going to get any affordable housing.

**Mr. Baber** – Within the application, it is between 1 and 4 units.

**Commissioner Mitchell** – That is in the actual development plan that you are going to submit. That is in the application; the potential to get 6 total units on that lot is there. We have not seen the development plan.

**Mr. Baber** – My understanding is that I am limited to the scope that this body approves. I would be limited to what the application suggests, regardless of whether I have a plan. Is that accurate?

**Commissioner Stolzenberg** – Only the explicit conditions that we include in the approval. We could add a condition that says, ‘we will approve this if you build 4 or more units.’ Unless we put something like that in there, you can turn this into an urban farm, which would be allowed under R-A.

**Mr. Baber** – I am a builder of homes. I am not a farmer. If it is 1 home, the economics are not such that I can technically build an affordable home. It is not going to happen on this lot. It costs \$40,000 to \$50,000 to put in sewer and water. It is not going to be a \$250,000 house. I would have to pay for that. I am not able to do that. I am limited by the realities of the costs of building. On a personal note, I have grown up here. My family is here. My friends are here. I want to do well by the community. I don’t think the community necessarily needs another \$1 million home. You can look on Zillow and see that there is an abundance of \$1.2 million homes. It is not what the community needs. It is not what I want. It is not what inspires me to build. I want to place as many units as possible. At this point in time, I cannot look you in the eyes and say, ‘this is absolutely what I will do.’ Because of many different factors, I am going to attempt to do the best that I think I can on this lot within my ability. That is as much as I can guarantee.

## ii. Applicant Presentation

**Commissioner Solla-Yates** – You have looked at the proposed conditions from staff. Do you have any concerns with what is written?

**Mr. Baber** – I was not given the staff report.

**Commissioner Stolzenberg** – The proposed conditions are a comprehensive mitigation plan that goes beyond standard requirements for site stability and downstream protection. It will include an advanced erosion, sediment control measures to be in place before, during, and after construction as approved by the VSMP Administrator, engineered retaining structures designed to blend with the natural landscape, and a detailed landscaping and revegetation plan using native species to permanently stabilize all disturbed areas upon completion of the project.

**Mr. Baber** – Anything I build has native species replanted. I do that that by philosophical alignment. That is not a problem. With the rest, I would have to have an engineered structure. The site was graded when the adjacent homes were built. If you look at the site, there are a couple humps. From my perspective, it is not a complicated build. I don’t think any of these criteria are asking a lot.

**Mr. Koby** – These criteria come from your request letter. I imagine that they do sound familiar. I did pull them from what you wrote. This reflects what is in your application.

## iii. Planning Commission Discussion and Motion

**Commissioner Roettger** – This is an odd piece. It is under critical slope, but it is not really critical slope. I am for adding more housing with the conditions.

**Commissioner Solla-Yates** – It is a challenging site. Given the existing uses and the planning history of this area, I foresee development on this site. In terms of environmental value, I would argue that this is probably not the most valuable site in the city but potentially an exciting place for housing.

**Commissioner d’Oronzio** – I agree with Commissioner Solla-Yates. As we have discussed, it is a critical slope. How critical is it considering the rest of the topography and where you must go to get to the water? Speaking to Commissioner Mitchell’s point on what we might get, it would seem to me that this is not a cheap lot to build on because of what we are doing anyway. I could see putting forward a density requirement of making it at least 2 units. In terms of an affordability requirement on this lot, I don’t see the math working in any way that would work. Other than a possible condition to insist on a minimum of 2 units, I am not sure I have any other questions on it.

**Commissioner Stolzenberg** – There is a reduced tap fee available from the city for affordable housing. That cuts at least \$8,000 off that cost. I think it is interesting. This is all manmade slopes. They graded this for the IX Property. It is what the county would call a managed slope rather than a natural preserved slope. It is a great place to put housing. It is a little parcel. It will be interesting to build on. As of 2027, it is overwhelmingly likely that single stair will be allowed for apartment buildings up to 4 stories. You might want to consider, given that this is adjacent to NX-8, applying for a rezoning and squeezing a 4-story building in there. This is the perfect site for what Commissioner Solla-Yates was proposing to the building officials a couple weeks ago.

**Commissioner Mitchell** – I am not happy not knowing exactly what we are going to get. I would love to get at least 3 units on the lot. The mitigation recommendations that have been outlined by staff give me some comfort that you are going to protect the environment with the sediment and erosion control with the retaining structures. I like that you are going to be working on the landscaping and revegetation. I will probably be able to support this.

**Chairman Schwarz** – This application meets both reasons that Council can grant a critical slope exception. Both the public benefit and the slopes make the site pretty much unbuildable.

**Commissioner d’Oronzio** – Is there any traction for a unit minimum?

**Commissioner Mitchell** – I would like to see 3 units. I think 3 units is a stretch for some of you guys.

**Chairman Schwarz** – In fairness, we should probably first consider the application as given to us, without any sort of requirements on it other than staff’s conditions.

**Commissioner Stolzenberg** – A requirement that we might add from the application is that it be a residential project. There is not a lot else that is allowed in R-A.

**Commissioner Mitchell** – I would like to avoid that precedent Chairman Schwarz of not adding additional requirements that are not presented by staff. There are going to be applications that are going come before us. We are going to brainstorm and find a reason to add additional requirements. I will back off my minimum request.

**Motion – Commissioner Stolzenberg** – I move to recommend approval of the critical slope special exception for Tax Map and Parcel 270050001 as requested for the public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted. with the conditions that the applicant provides a comprehensive mitigation plan that goes beyond standard requirements for site stability and downstream protection which will include:

- I. An advanced erosion and sediment control measures to be in place before, during, and after construction as approved by the VSMP Administrator,
- II. Engineered retaining structures designed to blend with the natural landscape, and
- III. A detailed landscaping and re-vegetation plan using native species to permanently stabilize all disturbed areas upon completion of the project.



**Second by Commissioner Solla-Yates. Motion passes 6-0.**

*Continuing:* until all public hearings and action items are completed.

## **V. Listening Session**

### **1. Minor Development Code (Zoning) Amendments**

#### **STAFF REPORT**

**Matt Alfele, Development Planning Manager** – You will be holding a listening session with our local builders and developers to get a better understanding of the opportunities and issues that they are facing navigating the development code.

#### **Next Slide**

The format tonight will include a brief refresher related to proposed amendments to the Development Code and the development review process. As you might recall, we were preparing to hold the listening session back in July. Actions outside of our control required us to pause that effort. Following that, we will open it up to the listening session to the parties that have signed up. Anybody online, we will do it in the same format that we did with Matters by the Public.

#### **Next Slide – Background-Development Code Amendments**

As part of staff's effort to improve the development code and the development review process, we have proposed amendments placed into 3 tiers. Tier 1 covers minor grammatical errors, small adjustments, and additions that ensure compliance with state code.

Tier 2 is making modifications to address any oversights from the original drafting of the code and to provide clarifications where needed, and to ensure that there is a common understanding of the code. These are small changes that will add to the intent sections but not necessarily alter the intent sections.

Tier 3 are the larger issues that we are gathering that require more staff time and a robust community engagement process.

#### **Next Slide – Tier 1 Amendments**

This is outlining the general purpose and scope of the Tier 1 examples. You saw this during your work session back in May.

#### **Next Slide – Tier 2 Amendments**

This outlines the Tier 2 Amendments. These are planning to be something that we do yearly where we are gathering these small changes. I want to emphasize that these are small edits to better clarify the code, take away confusion, not alter the intent or policies in place, but to add clarifying changes and that the engagement process is the public hearing that would be held at Planning Commission and City Council.

#### **Next Slide – Tier 2 Amendment Examples**

Here we have examples. To date, staff has prepared 26 of the Tier 2 amendments to move forward. Here are some of the examples trying to address allowing attached units across property lines in the R District, creating a path to allow accessory buildings without making the main building come up to current standards and updating the development review process to remove hurdles for smaller developments.

#### **Next Slide – Tier 3 Amendments**

The Tier 3 Amendments are the more complex issues. The takeaway from the Tier 3 is that they could impact policy. They need more dedicated staff time, more robust community engagement so that we are making sure we are getting what the community wants. We are gathering these. These are basically heavier lifts. These are things that need to be put on the NDS work plan moving forward so they can get the resources, time, and engagement they deserve.

### **Next Slide – Tier 3 Examples**

Examples of these include the conversation around height, the reevaluation of our RNA districts, and to reexamine allowing things like some level of commercial in neighborhoods.

### **Next Slide – Next Steps in the Process**

Here you see the updated outline of the steps moving forward. You see where we were in May and June. Tonight is the listening session. What we are anticipating is that on November 12<sup>th</sup> we will have a work session to go through the 26 plus Tier 2 Amendments. We will also be initiating the zoning text amendment at that meeting. In December, we will hold the public hearing with the Planning Commission. In January, we will hold the public hearing with City Council.

### **Next Slide – November 12, 2025 Planning Commission Work Session**

This is to prepare you for that meeting next month. This is an example of how the work session would go. The amendments are broken down into the section, the page, the working document reference number. In black, you have the existing code language. In red, you have staff's recommended change, the analysis, and the reason for the change. How I anticipate that meeting going is that we will go through each sheet, have a conversation, and we will try to move through them as quickly as possible at that meeting next month.

### **Next Slide**

We are going to turn it over to the public to speak. Each member of the public will have 3 minutes. Trying to frame the conversation, we have these 2 questions. We have a new code. As part of that code, we know there are some good things. We want to hear a little bit about that so that we do not mess them up in any kind of change and find ways to maybe enhance them. What are our local builders and developers running into issue-wise? How can we address that?

## **LISTENING SESSION**

**Anna Bernstein** (538 Lochlyn Hill) – One of the opportunities that I want to note that has been great is getting rid of the parking requirements, parking minimums. We have been able to have a lot less land disturbance as we are grading out so much area to provide these parking minimums. Would love to see that continue. One of the challenges we have encountered is with the bike parking requirements. For residential units or apartments with more than 4 units, you must have 1-to-1 long-term bike parking spaces. This is great for many areas in Charlottesville. We were working on a site on Rt. 29. It is unbikeable, and we must provide close to 200 long-term bike parking spaces. Those are going inside. It is taking away a lot of space for additional units. Rt. 29 is not the most bikeable area. It is unsafe. Either having more investment in bike-pedestrian infrastructure along that area or having zones where you don't have as harsh requirements.

**Jeff Levien** – There are so-called opportunities because a lot of landowners feel that their land is worth a lot of money under this new zoning. There is a lot on the market, which is different for Charlottesville. The problem is that there is no way to underwrite anything under the current zoning. Anything in a BAR zone is not a zoning because it is not as of right as long as the BAR under a section has the right to reduce height, massing, and require step-backs. As I went through with Violet Crown, there is no way for the BAR to approve a massing. They must put in a condition at the end of a year plus process. A developer cannot go down the whole road not knowing what you can build. This form-based code concept and what is as of right is completely out the

window with the BAR last right to look at something and modify it. There are also a lot of things in there that are not applicable to an urban setting. All properties are not created equal. It is great that there is no parking requirement, but the market is demanding parking. On a lot of larger developments, you need to provide parking above grade. With the active depth requirement, it is impossible in a lot of these sites to have 30 feet cut off your building line and be able to have parking behind it. That is a suburban Texas donut type concept. You cannot just swipe with a broad brush and think that everything works for each site. The code does allow for some administrative review. It is not broad enough. There is 10 or 15 percent waiver right. Anything that must go back to City Council or to you guys makes the approval process uncertain, too long, and stalls everything. This business is hard enough. It takes many years to get done. If you want housing built, and I am not talking about student housing or hotels, you need to make this as easy as possible for the developer. You need to invite us. You cannot look to frustrate us. We need real estate tax abatements. You have these heights of 184 feet. You can fit a lot more than the stories. I don't know if it is arbitrary. In certain zones, you have 184 feet but only 13 stories. You can probably fit 17 stories in that. If you have agreed to the height, just fill the box with as much as you can. Let the developer decide what can fit in that box. The height of these projects is not where we can make up for affordable housing or the construction cost.

**Ashley Davies** – The code that we have written is aspirational. I appreciate what we are trying to accomplish. In reality, it is too complicated. As developers, we are finding that we cannot work with it at all. Commissioner Schwarz hosted an amazing event as we were writing the code called Break the Code. At that time, I thought it was well attended. It was enlightening. There were a lot of great suggestions that came out of that. I don't think any of those suggestions were incorporated into the code. I would recommend that we either rehost that event or go back to what came out of that. It was very detailed. The form-based code, as it is written, gets too far 'into the weeds.' We can have a form-based code. The layers of complexity do not address the sites that are left in Charlottesville and the topographical issues that we face. Every project is forced into multiple waivers. The way the code is working now, you cannot even get a waiver in advance. You must design your project and your building, and all that before even knowing whether the waivers associated with the project will be granted. That is a huge problem. On our small-scale sites, I am a tier 3 person. I want to dig into those issues sooner rather than later. I hope that they do not take until the end of 2026. On the smaller sites, we need to look at the stormwater regulations and how we can have a stormwater light for those areas. We heard from the previous application tonight. There is no way that these small-scale projects can afford the large, underground retention tanks. Let's find a solution that gets the infill off the ground on those smaller sites. Stormwater is a big piece of that. With the affordability requirements, we need to keep looking at those and getting those right. They need to be adapted regularly based on what is happening with the market. As of now, we have projects that are barely feasible to be constructed. When you add the affordability requirements, it knocks it into the realm of not being feasible anymore. That is why we are not seeing a lot coming forward currently. Getting the developer incentives and packages right and making sure that all comes together for a complete package so that developers can bring forward new projects in the city.

**David Schmidt** (1204 Agnese) – As an affordable housing provider in the city, things that we have appreciated is the added density allowance for affordable housing. The affordability terms, length of affordability have been very much appreciated. It is in alignment with what we are already providing. That has been great for us. We have run into some challenges when it comes to making for an affordable project that works. On these smaller parcels that come up, it is hard to 'jump' at it if we are not sure that the finances will work. It has been a challenge. While there is no requirement for on-lot parking, we are mainly providing home ownership opportunities. Parking is a need. We have been working on a project on 6 ½ Street, which is a tight one-way street. If we could have allowed for some more lot parking, that would have lessened the impact that it will have on the neighbors. We are trying to work within the context of the neighborhood. It is RNA. We were limited to 2.5 stories. If we could have gone 3 stories, we potentially could have gotten some additional off-street parking. The requirement or desire to have relegated parking once you get above 2 units does make for a challenging requirement for both providing parking that we desire to have for families but also maximizing the density on

the lot. We keep coming up against the maximum coverage lots in addition to the height restrictions in some of these neighborhoods. I understand trying to fit within the context and provide additional protections in some of these neighborhood districts. It is providing some complexity for someone who is trying to provide all affordable housing.

**Dan Bracey** – I primarily focus on mid to large scale multifamily developments, generally projects of 100 units or more across Virginia. Before the new code was adopted, several local developers I work with asked me to conduct a comparative study of the large sites that they control for multifamily development. The study showed that in many cases the previous code produced stronger development metrics than the new one. As a result, we rushed to submit site plans for vesting before the new code took effect. The details were presented in the Break the Code session. We currently have 2 multifamily sites under review under the new code together providing about 240 units in a central Charlottesville location. The points that I have to make aren't hypothetical. They arise directly from the context of large-scale multifamily buildings, which is what the city needs. It is what the new code was intended to support. I have specific code sections and proposed solutions. I will share that after this meeting. Sections of the new code make it more difficult than the previous code and comparable city codes to develop large scale multifamily projects on the remaining large sites in Charlottesville. The challenges generally stem from a blanket application of a form-based code that does not adapt well to a city of this size with complex topography, waterways, and complex street & block layouts. They are made worse by a misalignment between the code and the realities of multifamily construction, standard building types, financing models, today's construction costs, and interest rates. There are several functional and dimensional requirements in the code. When you start layering multiple segments of the code, the build-to width is the easiest one to point to. There is probably 50+ sites in Charlottesville that aren't developable under the new code in any meaningful way. The easiest example of that would be an 85 percent primary street minimum build-to width.

**Genevieve Keller** – I am President of Preservation Piedmont. We participated in the process, not to the extent that we would have liked to. We know the constraints of that era. I would like to remind you that historic preservation is part of the development process. Every time that a building is rehabilitated, every time that one has an adaptive use, or is converted to add more units and infill adjacent to nearby historic buildings, that is historic preservation. It is also part of development. Don't forget about us. Make us part of this to a greater extent than we were before. When you ask about opportunities, there are more opportunities for large historic properties. Some can now have expansion that they might not have been able to have before with the subplot process. They might be able to have an addition or auxiliary dwelling unit in a way that they couldn't previously. Those are opportunities. This is still a teardown ordinance. We are concerned about that. We all know that existing buildings are more affordable and more sustainable than most new buildings. I ask you to keep that in mind when you look at some of these projects on small parcels with small buildings that might still be affordable. Some of the properties that you added and changed at the last minute in historically African American neighborhoods with greater density than they have now were concerning. We did not oppose this process. We just tried to work within it. We can have both. That is what we would like to ask you to do. I am probably more of a tier 3 person. I would like you to consider exempting existing buildings in historic districts from some elements of the form-based code, particularly in terms of fenestration. It may be more expensive and become a more cumbersome process. They are already subject to BAR review. The BAR is probably better equipped to make those suggestions. They are already looking at the rhythm of the street. Sometimes it is needless to go to the form-based code. It makes it more cumbersome.

**Wendy Gau** – I am an organizer at PHAR. As you may know, PHAR 10<sup>th</sup> and Page residents including Westhaven have been making noise about the 11-story luxury student housing building LV Collective on West Main Street. PHAR 10<sup>th</sup> and Page are joined by the neighborhood associations in Fifeville and Rose Hill in calling for immediate fast track changes to the zoning code, specifically in regulating the height of buildings built in commercial districts on the edges of core historically black residential neighborhoods and corridors. This LV Collective building is significant because it would join The Standard in overshadowing Westhaven, the

most political site in Charlottesville, the first and largest public housing site born out of urban renewal and the razing of Vinegar Hill. It is significant. It will set a precedent for future luxury developments under this code. It is also deeply unexceptional because it is not the first luxury building to encroach in these communities. It is not the last. The mark by the owners of The Standard on 7<sup>th</sup> Street and Fifeville is a few steps behind. In a few years, 10<sup>th</sup> & Page and Preston Avenue will see the Dairy Market expansion, bring a hotel, and more outsiders into the neighborhood. These are gross oversights made possible and allowed by the current zoning that must be amended and addressed immediately. As the body responsible for passing the current iteration of the zoning code, this commission as a whole and each of you individually have a more obligation and responsibility to fix it, not in a slowed bureaucratic approach, but an expedited fast-tracked timeline that is responsive to the looming deadline that is the 2 buildings proposed on West Main. It is telling that the first listening session you are hosting is specifically for builders and developers rather than the neighborhoods and the human beings who live in them, who must bear and live out the consequences of the actions and mistakes of this commission. You should be listening to how residents are struggling to live, survive, pay rent to have shelter, and make ends meet under the code; not how builders and developers are struggling to build and develop and make money. Instead of making it easier for developers to build and make profits at the cost of the lives of human beings, we should be making it easier for people to live and survive in the city. At ends with developers, black and brown low-income working-class residents need more community oversight over developments. The BAR is the only thing in the way of the 2 developments on West Main Street. Residents need more participatory, discretionary opportunities to give input on these developments. They need this body to pass these changes on a fast track outside of the tiered system. On behalf of Joy Johnson, I am here today because the Planning Commission needs to immediately correct the mistakes in the zoning code that allows 11-story buildings to be built by right on the edges of low-income black communities. Communities need more opportunities to provide input on buildings. The buildings must be smaller. This was an oversight and mistake in the zoning code. The Commission needs to fix it. You have the power to do it. Listen to the concerns of 10<sup>th</sup> & Page, Westhaven, Fifeville, and Rose Hill residents and correct the zoning code on a fast track.

**Jacqueline Kim** – I work in the city and am a former UVA student. I am here to support PHAR, Westhaven, and 10<sup>th</sup> & Page residents. I would like to echo all the comments that Wendy just made. For the bulk of my time, I would like to spend sharing some comments from Cheri Lewis. In the August BAR meeting, there is literally 4 hours of testimony from community members who are going to be impacted by this massive development. At the end of that session, Ms. Lewis was providing comments to this developer. You can see her get emotional. I want to read an abridged version of her comments. She said, “it is the fault of our city for having adopted this ordinance. We are now realizing that it isn’t what we really wanted. I believe that it was sold to us by outside pressure from professional planners from the beginning, who told us that it would be our path to get affordable housing in Charlottesville. It is not that. We are going to see this repeatedly. Our board, which has little purview, is being asked to be the backstop against something that none of us stood up and stopped. I was on the steering committee for this zoning ordinance. I checked out because I did not think that I could oppose it.” She lists other people who were on this Planning Commission did not oppose at that time and city councilors who voted for this. She said, “I really regret that now. This is my fault. This is Carl’s fault,” as he voted in favor of it. “Everybody had reservations. In the end, we adopted this. It is all our faults that we are sitting here. Everybody from Westhaven and advocates from Westhaven sat here for 4.5 hours to tell us what is wrong with our zoning ordinance. We should have known that.” Ms. Lewis is right. This situation where the development company wants to build housing that is not affordable on land from which black and brown people have been displaced going to reoccur under this zoning code. The community pushback that you and other city bodies have observed over the past couple of months, thanks to the organizing efforts of PHAR and other community members, will continue to happen unless there are some significant changes made to the zoning code to protect vulnerable neighborhoods from gentrification displacement.

**Sophia Marrero** – I want to echo the comments, especially the last speech that was just given. It gets into the fact that these are people’s lives that we are talking about. This is not just some foreign concept or abstract

concept that we can pretend is not important or does not directly impact people's lives. I am here to ask for the following zoning changes. I am proposing changing the zoning along West Main Street and parts of Fifeville to CX-3. This zoning allows 3 stories by right and up to 5 stories by right with the affordable housing bonus. It is appropriate given the proximity to the core neighborhoods. I am encouraging affordable housing in the area by removing the ordinance language that currently excludes onsite affordable housing within a half mile of UVA. Many low-income students and university staff would benefit from access to housing near campus if the rents were within reach. I would advocate for stronger, more consistent community input for any development proposals over 5 stories or including more than 8 within core neighborhoods and corridors. Community engagement should be early, ongoing, and meaningful. Build a proactive community-oriented culture at NDS to encourage people to come and give their opinions and not have people make decisions for them. I am a former UVA student. I moved here because I thought it was pretty. I wanted to go to a pretty school. In my time here, I have had the privilege of meeting people who have changed my outlook on a lot of different matters. In my position as a community organizer, I have been impacted by the work and the words of people who do every day what they must to survive. That should not go unrecognized. Nobody in this country should have to fight to survive everyday fight to have a place to live, a place to call home. I want to echo the last 2 commenters.

**Neil Williamson** – I spent 5 years with you all dating back to 2016 with meetings in the basement on Saturday mornings talking about a comp plan that you were going to develop. This board and City Council did not listen or care when they took care developing this code. When the code came forward, the Free Enterprise Forum said that this was not a perfect code. We listed several problems with it. You will not be surprised by the 3 things that needs to be changed. It is not because of a lack effort on your part. This listening session is a fulfillment of a promise. I am appreciative of that. The first change, which has been mentioned, is to increase the amount of disturbed area that triggers a stormwater plan from the current 6,000 square feet to the state mandated 10,000 square feet. That will make a huge different. Redefine what a major subdivision is. Four units is not a major subdivision. It changes the way it goes through the process. People have told me that is a state code issue. Let's go to the state and change the code. I go to Richmond every winter. I am happy to bring this request. Fix your flawed inclusionary housing policy. The current requirement of 10 percent of all new housing product being affordable to 60 percent median income for 99 years is untenable. Can you imagine this economic restriction on any other industry? To encourage development, the AMI must increase. The term should match as was discussed with this commission and federal housing regulations of about 30 years. I am very appreciative of the work that you guys do. I am appreciative of this listening session. I hope that we can continue to make this zoning ordinance what it was meant to be, which is more housing everywhere for everyone.

**Nicole Scro** – I think back to where we were when we first started this process. This was the Comprehensive Plan that led the guiding vision for the zoning ordinance. We were nowhere near where we are now. We have this more allowable code that allows more density in housing. The trigger for what changed was 2017. That is what cultivated this zoning ordinance happening. It had nothing to do with the cries of the developers. We cry all the time. It is hard to do what we do. It was the social activists that made this ordinance happen. Those were the people who got this zoning ordinance passed. It was not about the developers or the builders. It is about the people living in those homes. Right now, we don't have enough housing. We have so little housing that landlords have so much power. They have that power because we don't have enough housing. Please listen to people, the social activists that got this zoning ordinance passed. We should not be quoting Cheri Lewis. We should be quoting Jaylen and Emily. That is who should be quoted. What does and does not work with the zoning ordinance? I think of the zoning ordinance in 2 different ways. We have R-A, R-B, and R-C. It is a different world than RX and CX. We are getting student housing and luxury housing. It is not doing what we want it to do. That is because it is so hard to build to RX and CX. The design requirements do not allow us to do what you want to do. People much smarter than me will give you what you need to know to change and get people to build more housing in the CX world. We have been able to make it work at 80 percent AMI in the RA, RB, and RC. We have a few coming online. That is exciting. Having townhouses that are \$600,000 are affordable given what else is available, not that it hits on the truly affordable. It is better than what we currently

have. We are continuing to make improvements. Focus should be on the people in the homes, not the developers. They are going to do exactly what they are going to do. Discretionary housing gives voice and power to the people who already have that.

**Valerie Long** – I want to reiterate my appreciation for you hosting this session and for considering the input and experience from those of us who work with the ordinance everyday and are struggling with it. I want to echo some of the comments that you have already heard from Jeff Levien, Ashley Davies, and Nicole Scro. Those are the same comments that I would add. Ms. Keller phrased this ordinance as a teardown ordinance. I would not use it quite that way. It does articulate a challenge we have encountered. The ordinance seems to contemplate or be structured as if the city is all green field sites or complete teardown sites. I know that is not what was intended or envisioned. It is very challenging to make small changes to existing sites and then must follow all the development standards. I don't think the ordinance is clear enough that you don't have to comply with all development standards that are not applicable or related to the change you are making. That has been a real challenge. Saying, 'don't worry, you can get a special exception for anything that you can't meet,' is not practical either. That is effectively a special use permit. It will take 6 months. There have only been a couple of them so far. It is discretionary, time consuming. There is significant uncertainty. I would suggest that you consider streamlining that process substantially and have it go straight to Council. Ideally, it would not have to go to Council. I think there is case law that requires it. If staff reviews and supports it, it should go to Council within 30 days. That would be the one situation where it could possibly work. I think there are some minor clarifications that you can make to the ordinance to make clearer about what is a site modification, what is a renovation, what is maintenance, what is a change of use, and what that means in terms of development standards that you must bring into compliance. You all want the litigation to be resolved. The existence of the ongoing litigation continues to be a real challenge for everyone. I would ask that if there are any mechanisms for the city to adopt some interim rules or processes that might give applicants some comfort, that their investments will pay off if the litigation does not go the way we hope it will.

**Bob Pineo** – One of the things that I want to talk about is when we are talking about the missing middle development and zoning code. One of the things is that we are doing a project right now in trying to get a 4-family into an R-A, which would keep an existing building. One of the complexities dawning on me is that when it comes to doing more of these kinds of units, we are into the Virginia Building Code, which is not the residential code when you do more than 2 units, in this case 4 units. The things that need to happen, because of the building code and stepping up to this higher use class, we have firewalls, sprinkler systems, egress paths. The complexity of all these things is another inhibitor to this idea populating the city, especially R-A and R-C. The zoning code is great in that it gives you more capacity of a greater number of units. The complexity of the building code applied to that and with the stormwater regulations, and all these other zoning regulations, the idea that was born from the zoning code was more density. What we think we forgot was the complexity of doing these things. In an ideal world, it would have been the added density, and we will leave you alone. There is not that much more that we would ask of you. Simply doing these more complex building types takes a lot of energy. The building code does not distinguish between a 4-unit apartment building and a 100-unit apartment building. It is the same code. There are things within that code. There is no designation, no simplicity that is allowed. With the missing middle, these sites are complex. The stormwater and building code are complex. All these things are leading to a difficulty in activating these spaces. I have been doing this long enough. I am on board for trying to get as many of these units online as possible. We need to understand what the development community is saying. These are very challenging things to do.

**James Snyder** (206 5<sup>th</sup> Street SW) – This is in the Oak Lawn Condominium project. It is across the street from the Oak Grove Condominium project. That is 18 units per acre. It is next door to the 5<sup>th</sup> Street Flats. That is the missing middle. You have rezoned us to 7 stories. That is bad and needs to be fixed. We put in a proposal in June to this group. We asked it to be looked at. We could end up with 100-foot buildings next to us. You should be looking at how these projects were built. That is what you are struggling to do here today. This was done by this Council and Planning Commission 20 years ago. These projects are great. They are what other people are

trying to do around the country. You have rezoned us. It is negative. With historic houses, the Ward House, which was built in 1850, has been zoned to 7 stories. If you want to keep historic neighborhoods and missing middle, don't zone them wrong. Big mistakes have been made. They need to be fixed. We have suggested an emergency resolution to cover the Fifeville, Westhaven, 10<sup>th</sup> & Page neighborhoods and areas in between for 2 years, so that you can look and do some real community planning. October is community planning month in Virginia and in the country. There are several communities that are doing that kind of planning right now. You should take the time to take a pause and take this controversial area and relook at it. Do some real community planning. Nobody knew this was happening. There are better ways to do development. Please do not ruin Fifeville, Westhaven, and 10<sup>th</sup> & Page. They need help. They need your help and leadership to do that.

**Jim Duxbury** – I have closely worked with this new zoning ordinance on 6 or 7 projects in our office. I have run into several items that could be looked at. Nearly every project that I have looked at I have dealt with steep grade. I have also dealt with the issue of entrances. You have required to have an entrance every 40 feet. It is nice if it was on Main Street and Downtown Mall. At 40 feet, that is a lot of doors in a larger project. The real intent is that you want to have a façade that is flexible. That is what historical and larger buildings are flexible so that they can add a door or remove a door depending on tenant use and need. That is one thing that could be looked at; requiring a physical door or allowing a façade to have some flexibility in the future as it grows. The doors are a real problem. In a build-to requirement, there is no provision for a full block building design. They are always a partial block. We ran into issues of the open space. Maybe a word change can occur that would allow you to have a façade that is 280 feet. You are required at 275 feet to have a break in that building façade to create some undulation to that. It only applies to one side of the building on the street face. I was working on a project where we had 4 faces that were on 4 streets. I could not figure how to get 2 open spaces when the code says that I can do it one per building.

**Kelsey Schlein** – I wanted to start with the format that was given the opportunities. In some of the largest opportunities that I have seen with this development code is in the R-A, R-B, and R-C districts. The subplot opportunity is huge. Removing road frontage requirements significantly reduces the cost for subdividing land. That was huge. One additional area where we could look at for that I have encountered on a few projects is also looking at how The Standards and Design Manual works with the zoning ordinance with the stormwater regulations and the utility requirements. For examples, if we are sublotting lots one behind another away from the street frontage where water and sewer mains are located, are there opportunities to extend laterals or service lines through other lots rather than extending the main? Is there the opportunity to install water manifold systems rather than cutting up the street in 10 different locations to tie in those service lines for homes? Those are simple and conversations that we can be having across departments to try to figure out how to make this work, especially in those R-A, R-B, and R-C districts. Some other specifics would be removing the 4-foot side setback in the R-A, R-B, and R-C districts. With zoning lots, that would permit townhome development on zoning lots and not only on sublots. There has been a lot of talk about the build-to width. All the points brought up were excellent. The build-to width has caused a lot of issues on a lot of projects. I also want to echo the comments made about the Break the Code session. That was an excellent and fruitful conversation that we have had.

**Andrew Baxter** – I am a county resident. My wife and I bought a home in the city for our son with autism. We have a keen interest in affordable housing for that community. I don't think anybody would disagree that the code is complex. There are layers of complexity. I don't have a particular comment about the code. What I did want to point out was that I think an opportunity, which as the city enters its FY27 budget planning cycle, I think that a voice needs to be heard about the resourcing of NDS and making sure that NDS is resourced and aimed from a leadership perspective in a manner that is equivalent to the goals that we now have as a community for affordable housing. With the number of people and the complexity of the work that they are required to do now, the slopes of those curves need to be the same. I don't know that we have seen that. I am hopeful that you, as a Commission, find an appropriate use of your voice to encourage Council and the City Manager to consider that during the budget planning process.



## COMMISSION DISCUSSION & FEEDBACK

**Commissioner Mitchell** – There are a couple things I heard that we need to talk about. One thing is Break the Code. That was brilliant. Congratulations for coming up with and managing that. We are going to do it again. I think we should do it again with an eye towards helping the developers develop but also an eye towards helping developers develop in a way that is people oriented. I do worry about Westhaven and the new development there. I voted against The Standard. We voted against The Standard because we knew that would create a cavernous effect over Westhaven. That idea is a great idea. We need to make certain that we are people centric when we think about that. Mr. Baxter, I agree. We are asking the NDS people to do a lot of complex work. I think they are way under-resourced. We ought to go back to Council and get that team more resources so that they can be more effective and quicker.

**Commissioner Stolzenberg** – I was going to say the same thing about the brief code. I would love to do something like that again and dig into the technical details of how these problems arise on specific sites. I would like for it to happen at an open meeting where other planning commissioners besides Mr. Schwarz could be there. I know it was tough because we were doing it with developer specific projects. It is what they were bringing and trying to bring the new code to that. We maybe do something where we tweak the format. We look at the map and pick some sites across the city. We make the development community do some extra work to think some sites through. They would become comfortable having these discussions in public. It does seem like where ‘rubber meets the road’ is applying this to specific sites and ideas of projects. Doing that makes it clear where the pain points are. I get why the last one was private. I keep hearing about how great it was and how productive it was and how many problems it brought up. I did not learn about any of those problems.

With the NDS resourcing issue, those are all good points. I would also note that NDS made a lot of money this year from The Verve and Bloom inspection fees. Council would consider that in choosing to give some of that money back towards NDS.

**Commissioner d’Oronzio** – I have a couple of comments. Not to address all the facets here. I want to look at the ones that were driven towards the smaller development in R-A, R-B, and R-C. That does dovetail nicely with being people centric. These are individual lots, opportunities to develop in small areas for less than exorbitant and outrageous pricing in all circumstances. We need to look at that. There were some efforts Commissioner Solla-Yates, and I were working on in terms of the financing of those arrangements but also the building code. I am hearing from every small developer about wanting to build a triplex. We must look at that and revisit the idea that we need to build with what we have. If we are going to persist on having a broad form-based code style, we need to look at the ground we are building all this stuff on. That is going to be an interesting development. With Ms. Long’s point about special exception permits, we are asking the city and planning district to ask the General Assembly to allow Council to delegate such authority to commissions. That would be even faster. If you do not like the answer, you can appeal it. That would get a higher quality result. There are some things that we are already responding to. We have 3000 lots in the city that we can sublot. If we can get that worked out and streamline that process and get the building code in line, we can make some things happen.

**Commissioner Solla-Yates** – I am interested in the technical tweaks to make things work better. That is something that I have been saying for a long time. I am sensitive to the people problem. We have people here who are not developers, architects, or engineers. We need those people to be comfortable and safe in our community. I am interested in an event that we could do that speaks to that problem. I don’t have ideas. If we could do a listening session for that problem, that would be productive.

**Commissioner Roettger** – With tiers 1 and 2, it sounds like we are going to vote on those soon. With tier 3, as everybody is sending in their comments and if we can look through them, there is maybe some tier 3 that look like they are more burning issues, so that we can set a timetable and rank the priorities of those. I appreciate

both developers and neighborhood people being here for different reasons. Everyone wants everyone to live here comfortably. I wonder about this emergency resolution. Has that been drafted and submitted to the city? We need to plan something to discuss that. I like all the creativity and sharing your thoughts about all the little pieces that are getting in the way of getting more housing built.

**Commissioner Joy** – I don't have any formal comments. As a resident, I wanted to thank everyone for coming out and appreciating the diversity of voices and the holistic take we have witnessed tonight. That community engagement is a promising start as we start the conversation about refining this ordinance. I am echoing this tier 3 theme that came up. I understand that it takes time and resources. Some type of way to get clarity about those elements, considering the sensitive developments that are happening concurrently with this tier 3 conversation, it would be great to figure out how we can move forward as a collective on how are going to address those larger issues that seem to be the most impactful.

**Chairman Schwarz** – Most of my frustration seems to be that the tier 3 stuff is the stuff that I want to get at right now. I understand that it is going to take a long time. We have had this code out for a while. Ideally, applications are coming in and being reviewed is the break the code process. I don't know if staff has the bandwidth to collect all these issues as they appear. There might be issues that pop up that are resolved because the applicant either finds a way to work around them or comes up with a project that may not be as good as it could have been, or the project does not happen. I don't know if all these little pieces end up making it into some depository that staff has. I don't know if you have the bandwidth for that. It would be great if there was some way. As developers are looking at projects, instead of trying to squeeze something in there that works with the form-based code and the building code. If there is some way to collect that feedback, I don't know if that would be possible. It would be helpful for this process. Just because a developer cannot get every single unit they want on that property, that may not be a good example. There are plenty of examples where the topography does not work, or it is stupid to have a door every 40 feet. I would hope there be a way that the code is in action and that we don't have to redo a whole workshop. Theoretically, we should be getting this feedback. Maybe we need a better way of collecting it as the code is being used in real time.

**Commissioner Stolzenberg** – We thought about that special exception process as that outlet/release valve to make things still work. To figure out that those are issues because they keep coming up for special exceptions. That has made build-to width get on our radar. It is interesting to hear that everyone sees it as an onerous and lengthy process. If we could speed it up especially for small items and give some certainty on the timeline, that would be a significant improvement.

**Commissioner d'Oronzio** – One small piece that might be helpful is one of the special exceptions being to move to from 'may' to 'shall,' unless there is a strong reason not to grant the special exception. The assumption is going to be made. That gives a stopgap. It gives a little certainty. Unless there is a good reason for this to stop, the Planning Commission is going to be inclined. The Planning Commission, having reviewed this, shall instead of may. That may not be that deliberative in terms of word choice. It may be an attitude throughout the entire thing. This is going to require a special exception. It is a commonsense thing. The Planning Commission is going to grant it. To the ones that have come, we have been straightforward.

**Commissioner Stolzenberg** – I would rather get to a point where the zoning code was not requiring commonsense things to be not allowed. That is going to be an iterative process. Only referring it to the Planning Commission if Council feels the need or if it is complex or if staff recommends against it seems like one way to do that while reducing the burden on staff.

**Ms. Creasy** – Several of the concerns or things that have been coming for special exception that seem a bit challenging or strange that they are coming forward are some of the tweaks that are in the earlier phases. I would say fencing is one of the biggest ones there. Many that have come forward are dealing with that. We did not even know that was on the radar.

**Commissioner Stolzenberg** – I probably won't be here for the tier 3 things. I expect that I will probably be here for next month's work session. I would like everybody to keep in mind that the goal here is to provide more homes for people to live in. The idea of just broad stroke, slashing the number of homes allowed in broad swaths of the city is concerning to me, particularly on greenfield sites where there is no displacement occurring. I would recommend that we first look at how the affordable housing requirements changed late in the process because of discussions with Council and how those apply and work with the affordable housing manual that was approved by the HAC and Council but never referred to the Planning Commission. Many of the concerns that people have with specific developments are coming out of the manual and in my view misapplying how the code was written as it pertains to in lieu bonuses. It is probably a good idea to explore why we are banning onsite affordable housing development for student housing. When you talk about reducing all buildings to 4 or 5 stories, you are talking about removing hundreds of potential homes that people would live in. Some of those people might be students. An apartment is an apartment. You should do that with extreme caution. The draft resolution that was sent to us would prohibit the Westhaven redevelopment site plan that has already been submitted. Our goal here is to redevelop these housing sites with the funding that we have dedicated and our commitment to resident led redevelopment. We should not be making changes that would throw a huge wrench in that process.

## **VI. Adjournment**

The Meeting was adjourned at 7:42 PM.