



## Planning Commission Meeting Agenda

**April 14, 2026**

610 East Main Street  
City Council Chambers  
Charlottesville, Virginia 22902

Carl Schwarz, Chair  
Danny Yoder, Vice Chair  
Ross Harness  
Hosea Mitchell  
Betsy Roettger  
Lyle Solla-Yates  
Josh Carp  
Michael Joy

### **I. Commission Pre-Meeting (Agenda discussion(s))**

Beginning: 5:00 p.m.

Location: (NDS Conference Room, 610 East Market Street, Charlottesville, VA 22902)

### **II. Commission Regular Meeting**

Beginning: 5:30 p.m.

Location: (Council Chambers, 605 E. Main Street, Charlottesville, VA 22902 and Electronic/Virtual)

#### **1. Commissioner's Reports**

#### **2. University of Virginia Report**

#### **3. Chair's Report**

#### **4. Department of NDS Report**

#### **5. Matters to be Presented by the Public not on the Formal Agenda**

#### **6. Consent Agenda**

a Minutes - November 12, 2025 Regular Session

b Minutes - November 25, 2025 Work Session

c Minutes - December 9, 2025 Regular Session

### **III. Planning Commission Public Hearing Items**

Beginning: 6:00 p.m.

#### **1. Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") Funding: Draft Program Year 2026-27 Annual Action Plan.**

### **IV. Commission's Action Items**

Beginning: following any public hearings

#### **1. Special Exception Request - 408 Harris Road [PL-26-0030]**

#### **2. Presentation - NDS Manual In-Lieu Fee and Student Housing Study**

### **V. Future Meeting Schedule/Adjournment**

Tuesday, April 28 (5:00 PM) - Work Session

Tuesday, May 12 (5:30 PM) - Regular Session

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Planning Commission premeeting and regular meetings are held in person and by Zoom webinar. The webinar is broadcast on Comcast Channel 10 and on all the City's streaming platforms including: Facebook, Twitter, and [www.charlottesville.gov/streaming](http://www.charlottesville.gov/streaming). Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). You may also participate via telephone and a number is provided with the Zoom registration or by contacting staff at 434-970-3182 to ask for the dial in number for each meeting. Written comments may be submitted via email to [planningcommission@charlottesville.gov](mailto:planningcommission@charlottesville.gov).

**PLANNING COMMISSION REGULAR MEETING**  
**November 12, 2025 – 5:30 P.M.**  
**Hybrid Meeting**

**I. COMMISSION Pre-Meeting (Agenda discussion(s))**

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

***Location:*** City Space Conference Room

**Members Present:** Chairman Schwarz, Commissioner Yoder, Commissioner Stolzenberg, Commissioner Solla-Yates, Commissioner Roettger, Commissioner Mitchell

**Staff Present:** Carrie Rainey, Dannan O’Connell, Matt Alfele, Joe Phillips, Missy Creasy, Remy Trail

Chair Schwarz called the meeting to order at 5:05pm and asked if any members were interested in being invited to the Council work session discussing code items after the first of the year. He is going to reach out and see if the Planning Commission can be invited. Staff noted that we don’t have information on the date for that session right now.

Chair Schwarz asked if there were any questions about the work session portion and provided a process for how to run through the items this evening. Commissioner Stolzenberg noted he has comments that he will provide in addition to those provided by commissioners already. He asked for confirmation that the initiation is for Tier 1 and 2 and that was confirmed.

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

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

***Location:*** City Hall Chambers

**A. COMMISSIONERS’ REPORTS**

**Commissioner Stolzenberg** – No Report

**Commissioner Mitchell** – No Report

**Commissioner Solla-Yates** – No Report

**Commissioner d’Oronzio** – No Report – Not Present

**Commissioner Roettger** – I went to the Tree Commission meeting yesterday. They are working hard. In terms of intersections with the Planning Commission, there was a discussion on vulnerable sites and looking around to find sites that probably have critical slopes or tree canopy. They are trying to be creative about how they might be developed. This was in relationship to the project next to Azalea Park. It could be developed but not with as much asphalt and parking. There was this mapping idea. They are working on the state of the forest report. With the tree canopy, the change from the tree canopy coverage from 20 percent to 10 percent was brought to everyone’s attention. It sounds like it is a state code thing that we must abide by. Everybody in the Tree Commission was disappointed. The Tree Commission is creating a pamphlet for developers. After meeting with Kellie Brown (NDS Director), they were looking for any place to encourage keeping trees with the process of the site plan development. The thought is to make a pamphlet to encourage developers on the longer-term cost of taking down a mature tree and way that they can protect it.

**Commissioner Yoder – No Report**

## **B. UNIVERSITY REPORT**

**Commissioner Joy – No Report – Not Present**

## **C. CHAIR’S REPORT**

**Chairman Schwarz** – The BAR looked at a fence at the lawyer’s office across The Mall. It was a strange place to put a fence. They want a 4-foot-tall fence on top of their site walls that they already have. The reason is that people are trespassing. It is unfortunate that is the solution. I would hope that maybe we could find a different solution. I don’t know if we are going to see that as a special exception request. We looked at the 7-story apartment building on 7<sup>th</sup> Street Southwest. It is a student apartment building that will be wrapping 2 individually protected properties. The only reason the BAR is looking at it is because part of the project overlaps the protected properties. It was a preliminary discussion. It was not a formal application at that point. With the 5 BAR members that were there, the majority said that they were not ready to support. They needed to have a change in massing. There was a significant amount of public outcry. I know the applicant has been meeting with various BAR members to try and figure out how to get the project approved. We will see what happens when it comes back to the BAR. I did meet with the City Manager. The city’s Budget Department sent you an email about that. We will be getting our preview in 2 weeks of the CIP. If you have anything that you want them to consider ahead of time, send it to me. I have something from Commissioner Solla-Yates. We will get to look at it in 2 weeks and make our comments then.

## **D. DEPARTMENT OF NDS**

**Missy Creasy, Deputy Director** – We have the CIP work session on the 25<sup>th</sup> of November. That is our regular CIP discussion prior to the holiday. For anybody in our viewing audience who is interested in becoming a member of the Planning Commission, Commissioner Stolzenberg will be leaving. The application process is open through November 17<sup>th</sup>. If you are interested, that is an option. There was another press release that went out today about boards and commissions. If anyone has any questions, they can reach out to me. I can assist them with getting into that application process.

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

**Sophia Marrero** – I am here to speak about the zoning code. We have been showing up to a lot of these meetings. We want to push the changes to the zoning code, especially because they overlook historically black and brown communities. I am here to advocate for that and to continue pushing against LV Collective’s building luxury student housing that they are trying to build.

**Neil Williamson** – As you look through the Zoning Ordinance, I ask you to consider the property owners and how this moves forward and your goals. When we were going through the Cville Plans Together process, the goal was to make development easier and get the kind of development that the community wanted. That created the new zoning ordinance. There are now discussions of changes to a living document, which we love. We have tier 3 changes. I know that is not why you are here today. You have people that are now applicants or to be applicants preparing based upon the code as it exists. This is a challenge with big and small projects. I encourage you to think about when you think about recommendations and how that change might impact and have a cascading effect on a project. Other than that, you have a lot of details to look at. I appreciate your work.

**Joe Leung** – I am part of The Friends of Public Housing Association of Residents. It is a new student organization at UVA that has been speaking at City Council meetings. I would like to echo the previous organizer’s point about how students are concerned about this new development and how it will gentrify the neighborhood and encroach upon the Fifeville community. Thank you for your work on looking at the zoning ordinance amendments tonight.

## **F. CONSENT AGENDA**

### **1. Development Code Text Initiation – Minor Amendments**

**Motion to Approve – Commissioner Solla-Yates – Second by Commissioner Roettger – Motion passes 6-0.**

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

None Scheduled

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

## **V. WORK SESSION**

### **1. Minor Development Code – Zoning Amendments**

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

**Matt Alfele, Development Manager** – Tonight, we are going to be holding a work session. This is to review the 23 proposed Tier 2 zoning text amendments and Tier 1 amendments that been initiated. This is to focus on clarification, process improvements, and legal compliance. Your action is going to be to act on each amendment. You will look at each amendment. You can advance as presented, advance with edits, or defer for further study. We are aiming for a public hearing in December. Based on the work tonight, staff will reevaluate to see if it might need to be pushed out to January. That is the intent.

#### **Next Slide – Agenda**

There is going to be a brief overview of Tier 2 amendments, a recap from the October listening session, and work through each amendment. Staff will be here to answer questions and make clarifications as you work through each amendment.

#### **Next Slide – What are the Tier 2 Amendments?**

The Tier 2 Amendments deal with Development Standards, such as setbacks, build-to, active depth, accessory structures, process improvements related to development review, threshold, and legal compliance. This speaks to things like critical slope, tree canopy, updates & clarifications, definition for building structures and graphical formatting.

#### **Next Slide**

At your last work session, we had a listening session with local builders. There was a lot of discussion. It fell into design conflict with active depth versus internal parking, build-to width transition, setbacks, unbuildable lots, clarity in the code, and process & policy.

#### **Next Slide**

You will review each of the 23 Tier 2 Amendments. You will look at them, advance as presented by staff, advance with suggested edits, or not advance if this is something that creates a lot of back and forth. It can be

put on Tier 3. As mentioned before, this is going to be a yearly process. As we get used to this, you will be seeing not as many Tier Ones. You might see a couple of Tier 2s as we move forward into the future.

**Chairman Schwarz** – We have one item that somebody mentioned from the Tier 1 section. Does anybody else have any Tier 1 comments before we go there?

**A70 – Cutoff date for existing structures.**

**Commissioner Stolzenberg** – It is straightforward. We had talked about needing to set a cutoff time for the existing structure preservation bonus. You cannot put up a structure and say that you have an existing structure and get the bonus for the next unit. The consensus, when we previously discussed it, of most of the Commission was that we should set it at a hard moment in time of the date of adoption. I caution against that. If you look at the old code, there are several places where they have specific dates. One of them was 1964. In structure, that code was originally instituted. If you set a specific date, it is easy to think that it makes sense for the next 10 or 15 years and there will be a new code. In practice, zoning codes last a long time. To say that a 50-year-old structure in 50 is not eligible for the existing structure preservation bonus, it would be overly rigid and not achieve the goals that we want with the preservation bonus. I would say that something like 5 years before the submission of the development plan is when that structure got its certificate of occupancy. It would be plenty to make sure nobody is gaming the system but still let new structures, as of today, be called old structures as of many years in the future.

**Commissioner Mitchell** – The question that we need to ask is how many years. Is it 5 years or 10 years? I said 8 years because it is a compromise.

**Commissioner Stolzenberg** – It seems like 5 years is long enough. I don't see anyone doing a development and the 2<sup>nd</sup> phase of that development is intentionally 5 years out.

**Chairman Schwarz** – When I saw this section of the code, I was thinking that we were talking about things that maybe, not necessarily, had historic significance but this is how the city used to have type feel to it. It seems weird to me that in 5 years, buildings built today would be considered existing in this context. I see where you are coming from. I am leaning towards 10 years. It seems to make more sense.

**Commissioner Stolzenberg** – What I am remembering from 2023 is that this came from Preservation Piedmont. A big discussion was embodied carbon. We did not want to demolish buildings. We wanted to create inventive ways to preserve it. In most cases, you are probably not demolishing a building that is less than 5 or 10 years old. Anywhere in there is probably fine if we are not saying that in 50 years we are still sticking with this date. I think 8 years is a compromise. That is also fine.

**Commissioner Yoder** – I don't have a strong opinion on the number. I agree with the concept that it should not be a fixed date. I don't know what the number is.

**Commissioner Roettger** – Same sentiment. Maybe it is something we should ask. If there are buildings in town that would have input on trying to prevent someone from gaming, it but keeping it open. Five seems safe.

**Commissioner Stolzenberg** – The problem is that they are gaming the system. They are incentivized to give us a low number. Is 5 years a time where gaming still makes sense? To build one unit and sit on a property for 8 years or for 5 years? Use that to make it worthwhile.

**Chairman Schwarz** – When somebody does a master plan of a property, it can be 10 to 15 years out when they are thinking depending on how they are developing it. If they have financing for one building at a time, they can stretch it out for a while.

**Commissioner Stolzenberg** – We are talking about single lots in R zones here.

**Chairman Schwarz** – I do not feel strongly. I don't know if there are unintended consequences that are going to come out of this.

**Commissioner Stolzenberg** – It is low stakes. The worst case here is that you get an extra unit.

The Planning Commission consensus was 8 years.

**Mr. Alfele** – COs are only kept on file for so long. They not kept on file indefinitely. Enforcement would be challenging. I understand the Commission's idea. That does become difficult on the enforcement side having a set date. Even having that set date creates an issue. You could have stuff built around that time. At least, it is a concrete time. You are not constantly taking that issue and rolling it forward. There are also visual clues

**Commissioner Stolzenberg** – We do have the assessor's year-built field, which is not great for older buildings. I assume that it is better for newer buildings. I don't know when they update it and if they update it when you get a CO or how they choose that.

**Chairman Schwarz** – Another option is that it is a couple years now before this will become a problem. We could 'punt' it to next year if it could somehow be on your list of something that we need to figure out in the future.

**Mr. Alfele** – We can take it off Tier One and put it on for a future Tier Two for next year. It was suggested because currently there is nothing. We are in the realm of you build it, you get your CO, and you come the next day and ask for your bonus.

**Commissioner Stolzenberg** – It could become a problem next year with the current loophole. We can push it to 5 years. We get 5 years of time to rethink how long it is.

**Commissioner Solla-Yates** – We could fork this problem. We could fork it to one. We could fork it to 2 and say let's think about it and get a good solution.

**Mr. Alfele** – You could go with your original thought from your work session back in the spring and tying it to the adoption of the code. I am hopeful that this yearly process will continue. This could be 5 years. If there is a need to reassess that date, that could always be looked at.

**Chairman Schwarz** – My recommendation would be to patch it now and fix it later.

You guys need to do whatever we talk about tonight and put it into whatever will be approved. Our recommendation would be 8 years. If that is not feasible due to how things work behind the scenes, the recommendation to patch it and have it be the code adoption. Does that sound good to everyone?

Our recommendation is that if staff can figure out a way to make 8 years work, that is the recommendation. If they can't, the recommendation to Council about what Council would approve would be to patch it at a set date of when the code was adopted.

**Commissioner Stolzenberg** – From an enforcement perspective, we could say that you need to give us proof that the CO was issued prior to that date.

**Commissioner Yoder** – Is it the burden on the applicant to bring evidence that it is an existing structure, so they have the proof?

**Mr. Alfele** – We can make it work. I am just pointing out what we ran into.

**Commissioner Stolzenberg** – There also is a title in the packet. It does say December 18, 2025, as the date.

## **B.01**

**Chairman Schwarz** – We have several questions and comments that already came in.

**Mr. Alfele** – B.01 is one of the big issues we have faced on the staff side. This is preventing duplexes and townhomes based on one of the key changes in the code. We went away from a code that called out to develop housing stock type. We now focus on units. It is unit count. It is not about single-family attached, single-family detached. That created the issue of not being able to do duplexes and townhomes on lots. It was a workaround with sublots. We are trying to patch that. Staff is suggesting the alternate form. Some of the questions that came out of that were about the side lot lines. Should it be 8 feet? Staff is suggesting 8 feet. Should it be 4 feet? What we are proposing would allow townhomes. The alternate form gives you either attached side or not attached side. If you are attaching both sides, it is zero. It is going to run out. Somebody must eventually do the setback. You can have a townhome, or a row of townhomes set up where your side setbacks on a parent lot are zero on both sides. You are saying that it is attached, so it is zero. You do run out of that at some point. Somebody must do the 4-foot or 8-foot. Staff is suggesting the 8-foot because you are losing the 4-foot. We tied this into the state requirement for our tree canopy. We thought this as a way to soften that blow, give more space for trees. The other thought was: Should we just be zero? I know there were questions. Could it be zero? Are we gaining anything from our side setbacks? Staff's concern is that there is a fire component. There is a 10-foot separation when you do buildings. Do you have setbacks from a zoning standpoint? You have setbacks for fire protection. Your fire setbacks can be closer if you choose higher rated material. They do want a setback between buildings. We have already run into this. It is a little bit of sharing the burden with 2 properties. If you did zero and somebody went right up to the property line and built their house, the person next to them, if they decide to develop, they must be 10 feet off or they must incur more cost to be closer to the property line because of the fire separation. Staff would be more inclined to, if we wanted to talk about changing side setbacks, line it up with fire and having them be 5. With 4, there is a little bit of a 1-foot set. If you build 4 feet side setback and your neighbor wanted to build, they are 4 feet. They are already at 8 feet. They could do a little fire protection, or they could move 2 feet, which is different than having to move 10 feet that they were not expecting.

**Commissioner Solla-Yates** – Don't we want people to use higher rated fire material for preventing fires?

**Ms. Creasy** – It also limits the ability to have openings.

**Mr. Alfele** – You have windows, doors, and a combination of things.

**Chairman Schwarz** – I was wondering about that. I checked it in the building code. If someone does build 4 feet from the property line, the next person over is burdened and they must build 6 feet over?

**Mr. Alfele** – No. You can build closer. As you go closer, I am not sure what some of the fire rating includes. It is not distance between lot lines but distance between structures. Structures are regardless of lot.

**Ms. Creasy** – Though we have the 4 feet in many circumstances, when somebody consults with the building official, he is communicating to them that if you go to 5 feet, you have these opportunities. If you stay at 4 feet, you have these other things that you must do. Most people are choosing the 5 feet. They do have flexibility.

**Commissioner Stolzenberg** – When we went with 4 over 5, we discussed that. We gave an extra foot for any sort of encroachment things you might want to have flexibility for.

**Chairman Schwarz** – You can still have eaves and overhang the four and get closer.

**Commissioner Stolzenberg** – There are some specific encroachments. While I might be OK with 0-foot side setbacks in general. I would argue that is a Tier 3 issue and separate from this attached lot within the development issue. My stance on the side setback that does exist should be that the point of a side setback is to give you distance from your neighbor on that side. They are not helped by the people on the opposite side getting extra. It should just be more than the same. I get the space for trees. My impression is that most people are not planting trees in a 4- to 5-foot side setback or even an 8-foot side setback. By having 0 lot lines, that allows buildings to be less deep and gives more back yard or front yard space for trees.

**Commissioner Yoder** – I think it was your suggestion Commissioner Stolzenberg to just leave the detached side setback in the alternative form. Let the districts control that. That has a simplicity that I like.

**Chairman Schwarz** – I agree. I wonder if by making a new height, we have complicated things. Would it be easier to say if you have an attached building, you must build both sides of the attached. You cannot build up to a property line without building on the other side at the same time.

**Commissioner Stolzenberg** – This is still about the opposite side, the side that is attached.

**Chairman Schwarz** – There is the setback thing. I agree with you guys. Leave it set by zone. For the attached side, it is a problem that what this amendment does. It does not say that you must build both halves at the same time. I think you should be required to, so that someone does not build up to their property line. Who knows what will happen in the future with the next lot over.

**Commissioner Stolzenberg** – I had a similar comment. It should be part of the same development plan. You are not just building up to some random neighbor. The phasing does not matter to me as much. Yes, you have a wall potentially without windows. I would argue that exposed walls that might be covered up in the future and maybe get a mural or something in the meantime are historically big contributors to neighborhood character potentially and not necessarily something to be afraid of.

**Commissioner Schwarz** – There is no side setback at that point.

**Commissioner Stolzenberg** – That is unless you own that other lot that would be the future attached part. Otherwise, it cannot be part of the same development.

**Mr. Alfele** – From staff's perspective, if you are saying attached, it would have to be attached. We can get into the timing of it. We don't see that with attached. You don't see someone building, submitting a development plan, or submitting a building plan with the attached and then only building one side of it. We would not approve a plan that said future attachment. Attached means that it must be there. We cannot force someone to say to build something within a certain period. It would be a rare situation where someone is building a row of townhomes. They have an approved plan to build the row of townhomes.

**Chairman Schwarz** – I have designed a plan like that where that was the plan. The developer did not have the money to do the other town houses at that moment. He was going to build one and sell off the other parcels. They would be built over time. For a while, you would just have a firewall right there. I want to make sure that what we are proposing does not allow that.

**Mr. Alfele** – It does not allow it in the sense of zoning. It must be attached. Where we run into an issue is if we run into it anywhere is that we cannot tell a builder, once you get an approved plan, you must build it within an x amount of time.

**Chairman Schwarz** – To get the CO for one of the units, you would have to have the other one complete. Could you hold up the CO? If you want to occupy this half, the other half must be finished. That sounds like a good incentive to finish it.

**Mr. Alfele** – COs are tricky. You get into life and safety. I am not as worried about it for a larger development where you are spelling out everything on the development. Where I can see the concern is something just submitted for a duplex go straight to a building permit.

**Commissioner Mitchell** – Why wouldn't we line it up with the fire code?

**Mr. Alfele** – That is a discussion we had during the original thing.

**Commissioner Stolzenberg** – We decided that everyone is going to build it to 5 anyway so they don't trigger the extra requirements. The flexibility might be useful to some. It did feel like a big deal to allow it. It seems like there are 2 scenarios. One is the stick-built townhouse where it is all one structure. It all mutually holds each other up. The other is the 0-lot line building like we see on the Downtown Mall or in Baltimore or something such as row homes where there are distinct lots with firewalls. In theory, you can knock one down and the rest still stands up.

**Mr. Alfele** – This is the only district where we have the 0-lot lines. There are no other districts. This has not been an issue with that. We are just trying to focus on giving a path. We know we want this type, this form, and trying to get a path for that form. The chairman brings up some good questions that I don't necessarily have answers right now.

**Chairman Schwarz** – The other thing that got me was the diagrams provided seemed to be saying something different than what you are trying to accomplish. The setbacks looked like they were going through subplot lines instead of lot lines. I don't know if there is a way to clear up that diagram whatever we decide.

**Commissioner Stolzenberg** – I feel like it makes more sense for the side lot line attached side to get another letter like F and for the middle line to be drawn.

**Mr. Alfele** – We can clean that up.

**Chairman Schwarz** – Does that make sense? It looks like it is measuring the sublots and not the lot lines. The first diagram shows 2 lots. The second diagram shows 4 lots.

**Mr. Alfele** – We can take the dotted lines out.

**Chairman Schwarz** – Maybe show one dwelling that is on one side of this lot line, and you have a string of townhouses on the other side or show something that is trying to do that. It is not just a duplex along the lot line.

**Mr. Alfele** – Let me clear out the first graphic to match. The issue we run into is there is no symbol for sublots. We can clear that up.

**Commissioner Yoder** – With this alternative form, is there any limit on the number of lots you could assemble to build attached housing? I know that in some codes that once you hit 6, you must have a separate building. In theory, could you do Baltimore or DC style job here and have an entire block of attached homes?

**Mr. Alfele** – I would need to look at the building code.

**Chairman Schwarz** – I think if they are all still simple, single ownership townhouses, I think they are still considered residential code.

**Mr. Alfele** – Is the concern that someone would decide to do four?

**Commissioner Yoder** – I am not concerned. I am not saying we should not allow that. I am just curious if this is controlled by the building code, not the zoning code. That seems like a fine outcome to me.

**Commissioner Stolzenberg** – I agree. That is not something to really worry about.

**Commissioner Yoder** – It is a historical building form that many cities have in our wonderful districts.

**Commissioner Solla-Yates** – There are some parts of the city where it would make a lot of sense to have townhouse be permissible by-right. I think that would be RC. It is something to consider.

**Commissioner Stolzenberg** – I think the idea here is that it could be RA too. You would not get to build on the back. You would have to have open space back there because the lot covered stuff in your unit. You could fit 3 side-by-side if you would have a 60-foot lot.

**Chairman Schwarz** – Is it general agreement that we are Ok with the setbacks being set by the district and not being artificially inflated to 8 feet? I still have my concern that we don't have a building that is built up to its property line with no plans for future buildings or future buildings do not end up attached to that.

**Mr. Alfele** – We have a plan that says this is going to be attached.

**Chairman Schwarz** – If that block is sold and somebody builds on that property, their neighbor is extra close to them. That seems unfair.

**Commissioner Stolzenberg** – It would be sold after that was the case.

**Chairman Schwarz** – If we are good with that, I will back down from it. It sounds like staff hears the concern. Is there anything else we need to change besides the setback? We are going to let the height be determined by the district.

**Mr. Alfele** – That is correct. We would adjust that if we were getting rid of stories and going with feet. We would match that.

**Chairman Schwarz** – It looks like you have 60-foot building width maximum. Is that the maximum that we are setting for a string of these?

**Mr. Alfele** – This gets into that weird area where property lines are. You could be looking at something and not know. It is 60 feet for the building. If there weren't property lines, it is the whole thing. It would be very rare.

**Chairman Schwarz** – That is property lines and not subplot lines.

**Mr. Alfele** – There is an amendment in here to talk about that. It gets into that whole extra bonus height where it was benefitting single-family and not the multifamily that I think the intent of the code was. It was clarifying that.

**Commissioner Stolzenberg** – If you build townhouses and they were sub-lotted, they could only be 2.5 stories. If they were not sub-lotted, they could be 3 stories.

**Chairman Schwarz** – We are fixing that later.

**Commissioner Stolzenberg** – The way we are fixing it is through a change in the definition of building saying that if a building spans multiple lots or sublots, it will still be considered one.

**Mr. Alfele** – Instead of the building code, which says, once you build through the property line, that is what makes it separable.

**Chairman Schwarz** – I see that the 60-foot building width matters. That means that if we put property lines in there, it is still one building. We are going to cap these things at 60 feet long.

**Commissioner Stolzenberg** – This might create a lot of problems.

**Chairman Schwarz** – We want to get rid of the 60-foot limit. Is that what we are saying? Is that the problem you are getting at?

**Commissioner Stolzenberg** – I think that will be one of the issues. It also says for the purpose of setbacks. In this case, if you are considering the building setback but the setback of 0 is in the middle of the building, what does it mean to consider that for setbacks?

**Mr. Alfele** – Chairman, it is set by the district. Was it just the concern?

**Chairman Schwarz** – It says 60-foot building width maximum. Am I missing something on that? I am looking at the first page of the amendment. There is a tiny screenshot there, which probably does not even apply anymore.

**Mr. Alfele** – That is about density coverage. All that is set by the district.

**Chairman Schwarz** – That is where it says 2 ½ stories or 35-foot height and says 60-foot width max. If you look down the next 2 pages in, there is nothing there for that.

**Mr. Alfele** – Everything should be set by district. That would go under massing.

**Commissioner Stolzenberg** – The issue is with the alternate forms. There are those earlier sections of Summary of the District and Applicability. In that, there is a table that says that.

**Mr. Alfele** – It was set by the district with the only changes being the attached side.

**Commissioner Stolzenberg** – My only other comment is that we do have a bunch of numbers on that last page in this ground for transparency entrance spacing. All those are the same as all the residential districts. Maybe they should just all stay set by district. It does not matter unless one of the district changes later. They will still be this.

**Mr. Alfele** – That is the philosophy. We don't have ways to talk about duplexes, triplexes, and townhouses. We only talk about units. Without introducing those terms into the code, the alternate form was a way to get that form without calling out something that would only be called out in one section.

**Commissioner Yoder** – With Commissioner Stolzenberg's comment, you are trying to make it easier to update the code in the future.

**Commissioner Stolzenberg** – If we say that RA should have way more transparency than we previously required because there are not enough windows in the buildings that are going up. With RB and RC, we do not care as much. The 3 are out of sync. This section will stay as they are now. The only thing that really is different here is that the side lot line attached is allowed. Maybe all the other zones should just get a side lot line attached instead of having open form. Unless we think that there is stuff in the district summary and applicability that matter. The applicability restricts to any allowed residential uses. There are technically some non-residential uses in residential zones that would not qualify for this like a church. It seems like it would be the same as just adding that line to the 4 residential zones.

**Chairman Schwarz** – We will let staff figure that out. We agree that everything should be by district including the unattached side lot line setback. Look at the diagrams on page 4.

**Commissioner Stolzenberg** – The flipside would be if we think that because it is attached, there should be more transparency or different. We don't have any of that.

**Mr. Alfele** – There might be an opportunity for staff to look at just adding. We could add a G.1. Once we start adding an H., We are starting to move everything in this code

**Chairman Schwarz** – We will let you guys figure out how this works out best. It was to make everything by district. That is our recommendation.

**Commissioner Stolzenberg** – There are other pieces where we have multiple things under a letter or a bullet.

**Recommendation is the everything is by district, and unattached lot lines and setbacks are added to the districts instead if possible.**

### **B.03**

**Chairman Schwarz** – We had to deal with some changes to the steep slope section. I was confused about that.

**Mr. Alfele** – This is to bring the code more into state compliance. There were some questions about a Lot of Record. A Lot of Record is any lot that was created before the critical slope ordinance was created. If you created a lot, you have the right. You get into a lot of the land use. You don't want to create a taking. Everyone has a right of a Lot of Record to build a single-family home. If you have a Lot of Record prior to us introducing the slope ordinance, you get to build a house. We were trying to reintroduce that language. You have the right to build homes. We at least need to put an exemption for that. In the notes you provided, that is

providing even more because we allow more density. Staff were trying to correct this. If you want to increase that, we can do that. Staff were trying to put that back in. It was in our old ordinance.

**Chairman Schwarz** – Your language says that any structure that was already there could be expanded, enlarged, or extended. I get it that the first dwelling that is on there should be allowed to be expanded, enlarged, and extended. What if there are 4 buildings on the property? Do all of them have that right?

**Mr. Alfele** – You do get rights with existing improvements to your property. What is supposed to control that is the non-conforming section that says you can only improve things by a certain percentage. They are tied together. Whatever we are allowing, improvements to non-conforming, can be made to existing structures that are not non-conforming. We cannot limit those differently than what we would non-conforming because of that.

**Chairman Schwarz** – The proposed language seems to imply that they are exempt.

**Mr. Alfele** – They are exempt from the critical slope.

**Chairman Schwarz** – I understand how the first dwelling unit must be exempt. If there are multiple dwelling units, if someone has a large shed or garage, is that also exempt? Could they add another stall to their garage if they wanted to?

**Mr. Alfele** – Only if it is non-conforming or you are only following the non-conforming regulations. It would be exempt from critical slope. I think it was cleaner under the old code because we had 25 percent.

**Chairman Schwarz** – I am still confused. I am not confused enough to suggest a change. Does anybody else have anything they want to change on this? There were several questions. What you are saying is that if you have a lot that has critical slopes, we want to allow up to 6 dwelling units without reviewing it for critical slopes?

**Mr. Alfele** – That is correct.

**Chairman Schwarz** – We have these critical slope regulations, which I think that we are trying to streamline. It protects stormwater. I am a little worried that we are throwing that out. That means that you will get parking for 6 units. You get all the other stuff that goes along with that. I am not in favor of that.

**Commissioner Yoder** – In theory, I agree. If legally you can build one house, you should be able to build that house and split it into multiple units. You are building the structure; you are having an impact on stormwater. I just don't know quite how we do that in a way that does not just make it a loophole to just ignore critical slope.

**Commissioner Stolzenberg** – It seems like the distinction is that the city would rather not allow these things and enforce the critical slope rules, even for the mansion. I agree that, in general, we should not treat multi-family more strictly than single-family for things that have the exact same impacts. That is unfair. I hope that we are going to fix all these critical slopes regulations as part of the environmental study. We can move away from it.

**Commissioner Yoder** – I would be inclined to accept the current proposed change, knowing that there is a bigger effort to look at critical slopes in general and streamline that.

**Recommendation is to move staff language forward.**

**B.04**

**Mr. Alfele** – There were questions about this. What staff was aiming for is a clearer vision. How it is currently written, lots with one dwelling unit will not have additional street facing trees. This is more of staff side than a policy side. It is vague to us. This is talking that if I have one dwelling unit in a mixed-use development and the rest of my commercial uses do not need a front facing entry. We were just trying to clear this up. With accessory structures, this was a second catch. We feel that, with the changes to creating a primary and accessory structure and not putting accessory structures in the front yard, this would not come up.

**Commissioner Roettger** – Is accessory structure a residential unit?

**Mr. Alfele** – That is the one thing that we must train ourselves to get away from. We used to have accessory dwelling units. If you have a house and you want to put a suite or something in the back, that is no longer a unit.

**Commissioner Roettger** – This isn't talking about residential structures. This is just talking about sheds.

**Commissioner Stolzenberg** – It specifically says, 'no units in an accessory building.'

**Commissioner Roettger** – That is why I was getting confused with the accessory building. It made sense.

**Mr. Alfele** – One of the questions that came out of this was if someone has an existing house and they add another unit. They are expanding it to the right. The existing structure would not. How the code is written is what you are proposing is what is under review. Unless you are redeveloping the whole site, removing the house or building a new house, we look at the site. If you are doing an addition, just the addition is being looked at. The code does a good job of laying out the applicability sections for the different types of construction.

**Chairman Schwarz** – If someone was to have an existing house and they built behind it, it would not necessarily need to be street facing.

**Mr. Alfele** – It would not be street facing.

**Chairman Schwarz** – Instead of adding on, they took their second story and divided it, and it became a duplex. Would they have to update the existing structure to meet the entry facing requirements?

**Mr. Alfele** – No. They might have to do the active depth for that section on the district.

**Chairman Schwarz** – I know that comes up later.

**Commissioner Stolzenberg** – If you are doing new construction and you had one unit in front that was in the build-to zone and satisfied the build-to zone and that had the entries, and built another unit in the back, that one still is street facing. It still must have the entry requirements.

**Mr. Alfele** – No. It is not within that façade depth.

**Chairman Schwarz** – When I was looking at what an accessory structure is, it seemed like it was anything that shelters people or property. If you have a small shed, that might be off to the side of your house but still

within that front area within your build-to zone or a trash corral or a doghouse. I know that we are not going to require a front porch on those. The code is technically reading it like we would.

**Mr. Alfele** – With this code, yes. One of the things this code is doing is that it is pulling things to the street and creating an urban feel for those things that are within the façade zone. If that little shed is in a position where it is in the front facing facade, it would need look more like the street. That is more of a policy question.

**Chairman Schwarz** – With one of your diagrams, the diagram that shows an amenity space, there were pavilions drawn on the back of that. I think they were labeled as accessory structures. What does that mean for those little shade structures? Does it have a front door? I guess the building is going to have a front door. You would have the number of required entrances.

**Mr. Alfele** – Staff would be more focused on D if the Planning Commission feels that.

**Chairman Schwarz** – D makes more sense.

**Mr. Alfele** – If D is not an issue, we can leave it and not strike it out.

**Chairman Schwarz** – I am in favor of leaving D and not striking out C.

**Commissioner Stolzenberg** – One question that I had on D is no additional uses. If you have an accessory use, like a home occupation, are you going to run into problems here? Should we say no additional primary uses or non-accessory uses? I don't remember if primary use is a thing we define.

**Mr. Alfele** – I think no additional primary use is covered. It was just trying to cover the primary use somewhere else.

**Chairman Schwarz** – It is clear elsewhere in the code that existing buildings are exempt from being required to be updated. If someone adds something in their backyard, that is another primary use.

**Mr. Alfele** – Yes, it is. Nobody is updating something they are not proposing to update.

**Chairman Schwarz** – With this one, we are not striking out C. Otherwise, we are accepting the amendments.

**Recommendation is to not strike C but keep D with clarification to allow home occupations.**

## **B.05**

**Mr. Alfele** – We have been struggling with this. This is a medium one. Staff have been struggling with it. You all have seen several special exceptions come before you trying to deal with this. One of the questions that came out was about: Does something like a 256-square-foot shed need development review. As the code is currently written, yes. Everything needs development review. We are trying to address that with a different addition or a different amendment related to development review to give a clear path to some of the smaller things. We will get to that when we get to it. As the code is currently written, any activity needs development review. Any new construction or new addition goes through development review. The code is written to bring things to the street. What staff was trying to do was keep that intent and not change that intent. We are trying to bring the primary uses closer, but to allow someone to build that shed or that small workspace that is not your primary. You are not forcing someone to bring something to the street but allowing that in the backyard before you meet the current regulations. I think that would be a larger conversation if we are talking about primary uses not having to meet the current code. You lose a lot of what this code is trying to do. It is trying to

force people to bring things up closer to the street. Staff is not trying to address that, not trying to address these primary uses. If your primary house is set further back, it is still trying to encourage you to come closer to the street in certain situations. If you want to do a garden shed or something in the back, you would be permitted to do it. I don't have an answer to that higher philosophy question. The code is set up to put some burden on people to bring things closer.

**Chairman Schwarz** – You know where I stand on this.

**Commissioner Stolzenberg** – There were a couple small things that we could address first. Someone brought up the double lot situation where you put your shed next door. It does seem like a reasonable use of an accessory structure that would not have a primary structure on the same lot. I don't know how we fix it.

**Mr. Alfele** – We have run into that. Under the old code, you had to designate something that was primary. There was a lot that had a shed way in the back. By default, that became the primary structure. Some of these are band aids. They are not complete fixes but trying to address some of what we have seen that have been issues that did not come in front of you as special exceptions.

**Commissioner Stolzenberg** – This one seems like one we are introducing with 3.51.b3, no accessory uses permitted on the lot until after the principal use is established. What is driving us to add that? Is there another problem we are fixing that needs a band-aid more even if we are creating that new problem?

**Mr. Alfele** – It needs more time with that example I was giving. That was an existing condition. It was more just anticipating someone trying to put the shed on the lot. We are trying to establish a primary building first and then these accessory buildings.

**Commissioner Stolzenberg** – They could always consolidate lots. I don't know how you fix that unless it is in a development plan with an adjacent lot that has a primary use established.

**Commissioner Yoder** – We must be talking about a small number of edge cases here. Is there an outlet for them. Can they get a special exception?

**Commissioner Stolzenberg** – They can. It costs a little over \$2000, which is a lot for a shed.

**Mr. Alfele** – There is a relief path for it.

**Commissioner Stolzenberg** – I wonder if we need to have a minor special exception that has a lower fee for 'silly cases,' where it is obvious that it should be granted. The other small one was the one I brought up was that accessory buildings may not occupy a front yard. You can imagine a shed in the front yard built-to area next to the house. That is fine. Maybe it should be allowed if it still satisfies the form requirements for a primary structure.

**Mr. Alfele** – We just uncrossed out that.

**Chairman Schwarz** – With accessory structures, it is very vague what they are. It could be something as small as a doghouse. It just must shelter people or property. If you cover your trash cans with something, that is an accessory structure. I feel that it would be a welcome thing in a front yard rather than trash cans sitting in the front yard. I feel we are getting so overly prescriptive and picky about every little thing that could be built. I would like to see some stuff loosened up in this code.

**Mr. Alfele** – Would you like to see three go away? Built infrastructure may be located within the front yard.

**Chairman Schwarz** – We need to get rid of that. In the diagram that you had with the pedestrian shade amenity space showing accessory structures in a front yard.

**Commissioner Stolzenberg** – That is fair. I am fine with getting rid of it. I don't know what we are getting with it. You don't want a big faceless shed in the front yard. Probably blocking more things than that are fine than it is stopping or allowing that.

**Commissioner Solla-Yates** – I would suggest that we move it for now and kick to Tier Three. If there is a good option that we can do that is lighter and works well, I don't know what that is today.

**Chairman Schwarz** – We are not adding C-3. We will consider it later.

**Commissioner Stolzenberg** – With that piece, I would say kick it to whenever somebody builds something in a front yard that we don't like, and we can react.

**Mr. Alfele** – We would also need to change 5-A. Buildings may occupy any near side yard provided all developments. They just might need this. You could say any yard.

**Chairman Schwarz** – Going back to what I thought was a bigger issue, I would still prefer that we say that any new construction that is behind an existing building is exempt from the build-to requirements. With the element construction workshop that they are trying to build, we would have lost more if they had to tear down the house or build it in front. Similarly, we have a lot of historic districts. I feel that it would be problematic to suggest that you must build in front of these structures just to comply.

**Commissioner Stolzenberg** – You can if you have already met the build-to requirement. The problem is when you have an existing structure, you can't. In a later and different section or different amendment, we have, if you use the existing structure bonus, you are deemed to comply with the build-to requirement. I suggest maybe we should make that broader, and say, when you have an existing structure that is eligible for the bonus in R zones, that would be fine. Your existing structure qualifies because you have the existing range in the setback. It is the other zones where, if you have an existing setback range that is different from the setbacks ranges that are now prescribed. There is also width.

**Chairman Schwarz** – Along Park Street, there are houses that are set far back from the street that have big backyards that can hold more housing. They would be prohibited from providing that housing without someone building in the front yard.

**Commissioner Stolzenberg** – They are set back in the existing range they are in?

**Chairman Schwarz** – Some of them are beyond that.

**Commissioner Stolzenberg** – By nature of where they are, they are in the existing range.

**Chairman Schwarz** – If their neighbors are up by the street, they're not.

**Commissioner Stolzenberg** – I think the existing range is defined as the full range of the closest to the side of something. The closest and furthest is the range. The problem is that you could be in the range but not have the build-to width if you are not 50 percent of the width of your lot.

**Mr. Alfele** – I want to touch on Chairman Schwarz’s like with elements. The amendment staff is proposing would fix that. What we are doing is saying because what they are proposing now would have been their accessory.

**Chairman Schwarz** – It is a fuzzy definition of what is accessory if that was another office or a dwelling unit.

**Mr. Alfele** – In the code, we were trying to balance when you must come up. The code wants you to come up. We are trying to get it so that accessory, which we did view, their office being on High Street, as the primary building. This mechanism would have allowed the shop, which would have been accessory to the primary to be built without making changes to the primary.

**Chairman Schwarz** – I feel that if they had any other use in there, it would have been a problem. I don’t see the benefit in making a property like that, making them come up to the street if they are preserving the existing house.

**Commissioner Stolzenberg** – How do you define it so that it does not apply where you have an existing built form like that, and you are building behind versus you are just not having a build-to that is drawing things to the street?

**Chairman Schwarz** – If there is any new construction behind an existing building, it should be exempt from the build-to requirements.

**Commissioner Stolzenberg** – In the non-conforming build-to requirement, new buildings of an interior lot, all new construction, buildings, or structures must occupy the build-to zone requirements are met. Until it is met, new buildings must occupy the build-to zone for their entire building width.

**Mr. Alfele** – It is a big cornerstone. I don’t necessarily disagree. It is going to be a philosophy shift.

**Chairman Schwarz** – I feel that our zoning code philosophy to begin with was based on ‘new city built from scratch.’ We are struggling with it.

**Commissioner Stolzenberg** – A structure existed before December 18, 2023. Then you can build behind it.

**Commissioner Yoder** – Would it make sense to go forward with what is written but then make this bigger question about building stuff behind existing structures a longer-term thing?

**Commissioner Stolzenberg** – I would argue that build-to broadly should be discussed again in Tier 3 given all the problems it has raised. I did have this in my additional comments. If you read that half-written memo that I wrote in 2023, I got rid of it. On later reading, when I read it again, in 5.3.c.1, where it says, ‘new primary buildings on interior lot, all new buildings must occupy the build-to zone until the build-to requirement has been met.’ Does that mean with your first building, you must fill up the thing? If you build one that is 50 percent of the width, you must keep putting new buildings after that into the build-to zone until it is met? I think we have been interpreting it as the first building must fill up the build-to zone. That makes the build-to requirement much stricter than it would be otherwise. You have these 120-foot lots in R zones where your maximum building width is 60 feet. Your build-to minimum is 65 feet or whatever. You cannot be building anything without breaking one of those and getting a special exception or subdividing the lot. I don’t know if we should be making people subdivide those.

**Mr. Alfele** – That was again another tenant of the code. It was to make people break up their larger lots into smaller lots. That is one of the goals of the code.

**Commissioner Stolzenberg** – Doesn't that conflict with Lucas v South Carolina? It says that you must be able to build something on your existing lot. We can encourage people to subdivide without forcing people to subdivide. In this case, we literally can't build anything without a special exception or subdivision.

**Mr. Alfele** – There are concerns on the code we have. I am just giving you what the code is trying to do and to have those conversations. Should the code be more about preservation and less about bringing things up to a different urban form? Those are community discussions.

**Commissioner Stolzenberg** – I think we should have a Tier 3 discussion. You should have a Tier 3 discussion on build-to.

**Chairman Schwarz** – If that is what everyone agrees with, I am worried that we are going to potentially cause more damage in the near term by doing that than by allowing an exception for buildings behind existing structures. I am thinking again of the properties in the ADC districts. I am worried about what our code encourages in our historic districts.

**Commissioner Yoder** – Does this change make that problem worse in the near term?

**Chairman Schwarz** – It leaves it the same. It is a problem. I think it is a significant problem. If you are ready to move on, we will move on.

**Commissioner Stolzenberg** – I agree that it is urgent. It is out of scope of B.05. That is the tricky part. We don't have a venue to discuss it. It should maybe be at the top of the Tier 3 list.

**Chairman Schwarz** – We had a little thing in here on B.05 to change. The no accessory building would be located within the front yard. We are striking that.

**Recommendation is to go forward with staff changes but strike C.3 and add to Tier 3 for more discussion.**

**No issues with B.07**

**B.11**

**Chairman Schwarz** – My comment was to make sure it works with whatever language was chosen for B.01.

**B.12**

**Commissioner Roettger** – It seems like the distance between entrances works. I was trying to understand the pedestrian access spacing. That also works. You have an open path, and you have an entrance path. I just want to make sure that you are still able to make the cut-throughs count.

**Commissioner Stolzenberg** – I think through access is a different section than what was talked about here.

**Commissioner Roettger** – Improved connectivity through large sites.

**Commissioner Stolzenberg** – Under blocks, if your block is too large, you can get a block perimeter or length bonus via having a midblock pedestrian passageway.

**Chairman Schwarz** – This is something different.

**Commissioner Stolzenberg** – It does say through the intent

## B.15

**Commissioner Stolzenberg** – We had a discussion in the original work session saying that in R-C, staff's interpretation was that the height bonus in R-C for affordable housing that you get up to 4 stories if it is affordable should be at 50 percent AMI like the height bonus of extra stories in zones subject to IC instead of the 60 percent requirement. I thought that we decided that our intent at the time was not to do that. It was to allow things like stack townhouses in R zones with the regular affordable housing bonus in R zones. When I reread this today, are we changing this to when permitted by the zoning district to say that it counts for R-C. Therefore, the R-C requirement is 50 percent AMI. Does this change apply to the 50 percent AMI? If you look at R-C, 2.2.5, Section B.1, the base height is 3.5 stories. The bonus height if you have affordable dwelling units is 4 stories, 52 feet. The idea was to get a 4<sup>th</sup> story so you can accommodate a stacked home. We had a long discussion about how stacked townhomes were the most naturally affordable housing types in R zones that allow ownership. My interpretation was always that should be the same way that you get the extra affordable units in R-C and not be this much stricter standard of 50 percent AMI.

**Commissioner Solla-Yates** – Your proposal is that it should be 60 percent instead of 50 percent.

**Commissioner Stolzenberg** – No. This first part when permitted by zoning district rather than in any zoning district other than the R zones should not be changed. The analysis says the thing we are trying to solve here is that it is not clear that the 50 percent AMI bonus replaces the 60 percent AMI requirement. We have that other thing in the table about R-C zones. It seems like we may have matched them together here. I am trying to get clarity on whether that was intentional or rather it does apply to R-C.

**Mr. Alfele** – I think I was speaking to when you go to your bonus provisions versus the affordability.

**Commissioner Stolzenberg** – It does say type, bonus in all other district standards already. The section before that is unit post-bonus in residential district standards. We have added that height bonus later for R-C. Should we also be changing the name of 3 to just a bonus in residential districts?

**Mr. Alfele** – There are other types of bonuses. That is what we were struggling with. The bonuses were lumped together. Affordable was a little different.

**Commissioner Stolzenberg** – This is all under the affordable dwelling units bonus section.

**Carrie Rainey, City Planner** – To Commissioner Stolzenberg's point under subsection 3 that is above this, this is where we are explicitly discussing the R districts. That is where we see the R-C district is still living and then clarifying the text under 4 that you see before you today. That would live under that height bonus for all other districts. R-C is written so that it would explicitly get lumped into that by that rewriting. I believe the reason to consolidate at the beginning was just to account for that as future changes happen and other districts might come in. You don't get stuck in that. We need to go back and update text that may not align with future changes.

**Commissioner Stolzenberg** – The intent was not to make that a thing. It is a little weird. It says, 'unit bonus in residential district standards.' Then, it is 'height bonus in all other district standards.' Maybe we change 3 to height and unit bonuses. That makes it clear that other districts do not apply to residential. If we are just concerned that there might be new residential districts, we could say, any zoning district other than the residential districts.' To be clear, staff's understanding is not that first clause makes it apply to any different

districts. That makes me feel better. I feel it makes it a little ambiguous. I think staff can handle cleaning it up. I am not too worried about it. We have it on record.

**Mr. Alfele** – It was intended to be a cleanup to make sense, not a change to any interpretation or intent.

## **B.17**

**Commissioner Stolzenberg** – My only issue is that the conditions under the next section that the zoning administrator may consider does not explicitly have it. There is already an existing streetscape in good condition as a criterion to consider. I agree that it seems redundant. There are vague criteria. Does it comply with the Comprehensive Plan or help with the goals of the Comprehensive Plan? The zoning administrator could use it to say, ‘sure, why not.’ I think that it might be helpful to just add where existing streetscapes are determined to be in good condition to the list of criteria in 4.4.5.4.5e. Right now, is it good if they don’t build the sidewalk at all? Is it Ok if it is not concrete? Is it Ok if it is only on one side of the street? Is there no way for it to connect anywhere? In this case, there won’t be a streetscape. It is going to be different because there already is one. It would be silly to rip it all up and lay new concrete.

**Chairman Schwarz** – I want to be sure that we are not saying that just because there is an existing sidewalk and it is in good shape, but it happens to be 3 feet wide that it is still Ok. I know that BPAC had looked at this at one point. There was concern that there might be sidewalks. It does not provide the full streetscape that we want. There would be a benefit to tearing up the existing sidewalk even if it is good to get the street trees in, to get a wider sidewalk.

**Commissioner Stolzenberg** – It is up to the administrator’s discretion.

**Chairman Schwarz** – I am just making sure that the change you are proposing does not say just because it is a good sidewalk, the administrator should look at that and say it is fine.

**Commissioner Stolzenberg** – The change I am suggesting is that the administrator should consider whether there is an existing streetscape determined to be in good condition. Right now, if you consider 3 feet good condition, which it may not be. I think this was less whether it is substandard but ok. Can you plant trees on this side instead of on that side? Should we rip up all the concrete so we can move it over here for 150 feet?

**Mr. Alfele** – Staff views this as redundant. We view this section as having to meet all the standards of this section. Why do we have this?

**Commissioner Stolzenberg** – I would argue that as it is now, if it is in good condition, it says that you can use the existing streetscape to comply without adhering to the standards.

**Mr. Alfele** – It says that you must comply with all standards.

**Commissioner Stolzenberg** – It might be helpful to add it to the criteria. Maybe sometimes, there is a case where the administrator says, ‘there is 110 feet of good sidewalk here that is 6 feet wide, but the trees would have to be on that side. We don’t have to rip it all up.’ It is still at the administrator’s discretion.

## **B.24**

**Chairman Schwarz** – It looks like we have some comments here.

**Mr. Alfele** – If Planning Commission has a good definition of active depth, we would like to hear it. There was a question about motor vehicles. That is not called out as a definition. It is called out in the section. It is called out in 2.10.B.3c. Motor vehicles cannot be used. It does not call out the definition, but it does call it out in the section.

**Chairman Schwarz** – I am worried that all these things that we have called out happen in dwelling units. We have the D-X zone that has a 30-foot active depth on the primary façade. Primary active depths must go to the full height of the primary façade at all levels. It is also saying that the apartment units cannot have bathrooms, utility, or storage. I feel like we have just dug ourselves into a deep and complicated hole. I feel like, let's prohibit motor vehicle parking and let everything else be.

**Commissioner Stolzenberg** – The more I think about it, I do not get at all why active depth would apply to the upper stories. The whole thing is for the pedestrian experience. The pedestrian is not looking at the 4 stories and saying, 'there is a bathroom up there.' I don't get it. To be fair, it is only all stories on primary streets. I would say to make the active depth apply to the 1<sup>st</sup> level. Otherwise, leave it as is.

**Chairman Schwarz** – I agree with that. I also think that we have an issue where it must apply to a dwelling unit. It is stupid to assume that nobody is going to have a bathroom on the outside wall. Some people like windows in their bathrooms.

**Commissioner Stolzenberg** – It will only be in your ground floor. It is not that you cannot have it at all. You can have a certain amount of width that can't have it. To be fair, I think so many buildings are only barely meeting the build-to width. Part of the problem is the way we are defining the build-to-width includes area that is not buildable, like your side setbacks. You are immediately knocking that off the table and making the denominator bigger than it should be.

**Chairman Schwarz** – I think the simplest thing is to prohibit motor vehicle parking with an active depth. It sounds like we are already doing that and are done with it. A more complicated thing would be setting maximum square footage so you cannot have a storage unit that is more than 100 square feet within the active depth. It still allows people to have a closet. I am also thinking of offices. Depending on how deep these active depths are, the 30-foot one is extreme. Even with offices, offices are 8 feet deep. You have a corridor and bathrooms. This is just one more of these things in this code that is so overly prescribed. It does not make any sense.

**Commissioner Stolzenberg** – I do think we are overkilling all the requirements. 30 feet on the upper floors make no sense. 30 feet is deeper than you can probably see in a building from the street in most cases. As there is something going on that you can see into, isn't that the whole point? If you have a ground floor office, bathroom, or living room, and pedestrians are looking, you are probably going to put your shades up.

**Mr. Alfele** – This might aid in giving more authority to the administrator because the current definition is very prescriptive. What staff is proposing gives more flexibility.

**Chairman Schwarz** – It is so many spaces that are just part of normal office and dwelling unit conditions. The other option would be to exclude any spaces that are within a dwelling unit. If you have apartments, you don't look at their closets or bathrooms. We need to look at the other active depths. We need to look at each zone and determine whether those are extreme depths.

**Commissioner Stolzenberg** – With some of these halls, think about when you walk by The Code Building across from The Omni, that is a hallway. The hallway where you have glass partitions to conference rooms, that hallway would not be allowed. I don't feel that hallway is detracting from the pedestrian experience.

**Chairman Schwarz** – I think there is a fire stair that has glazing on one side that you can see up. We ignore the fact that most of the time people have blinds. Most offices and dwelling units are going to have their blinds drawn.

**Commissioner Stolzenberg** – There are fewer extreme things than getting rid of it. I do see where you are coming from. You can meet your transparency requirements and have these spaces, not have any windows. You are still not allowed to have them be these non-active uses even though there are no windows. I would say that we could drop the explicit prohibition of halls and maybe restrooms. With closet, storage, utility, and parking, I get it. At least, I am not meeting your minimum width. There probably are times when you need to have them on the exterior wall.

**Mr. Alfele** – You could shorten any occupiable space designed and intended for human activity.

**Commissioner Stolzenberg** – Some would argue that anything is a human activity.

**Mr. Alfele** – That is determined by the administrator to give a little more flexibility.

**Chairman Schwarz** – That is a lot of flexibility. That would make me happier.

**Commissioner Yoder** – That would include hallways. That is human activity.

**Chairman Schwarz** – With the R-A zones, the active depth is 9 feet. I think that is right. If you read this explicitly, it is saying your coat closet cannot go next to the front door.

**Commissioner Stolzenberg** – We do have a thing that says basically up to 20 percent of your floor area of your required active depth may be used for inactive spaces, such as storage, hallways, stairwells, and elevators.

**Mr. Alfele** – The active depth section has a lot of other things that do it. Under the current definition, there were things basically in the law you would not be allowed to do that are currently permitted. It does not speak anything to retail. That was a concern to staff. That was our concern in viewing why we were wanting to give more flexibility on the definition.

**Chairman Schwarz** – Is it 20 percent in all zones?

**Commissioner Stolzenberg** – Yes. No more than 20 percent of the floor zones required for active depth may be used for inactive spaces.

**Chairman Schwarz** – I think that we still have an issue with every level on the primary façade at 30 feet.

**Commissioner Stolzenberg** – I would be willing to say right now that even though we do not have it on the table, we should get rid of levels. That makes no sense to me. I do not understand it.

**Commissioner Yoder** – Some newer buildings have the ground floor as retail, and the parking comes all the way up to the second-floor façade. I am looking at this diagram in the code. It shows the first 3 floors where the parking area is tucked behind. Do we need to make it to not get rid of active depth above the first floor but above the third floor?

**Mr. Alfele** – I would say that is a larger conversation. I would not necessarily go down that ‘rabbit hole’ on it. To me, that would be a larger conversation with the community.

**Commissioner Yoder** – I agree. Do we want that? Our code currently prohibits that. I agree. Do we want cars on the second and third floor right up to the facade?

**Commissioner Stolzenberg** – It beats having it on the first floor by a lot. I am not looking at the second floor. It is pedestrian. If we talk about the public realm, does that really hurt? When your building footprint is driven by having parking, you are basically saying that unless you can fit an extra 30 feet in front of the parking area, that is a weirdly accessed space. Your whole habitable floor area is 30 feet deep. We have many lots on our commercial corridors where that will not fit at all.

**Chairman Schwarz** – We have been saying that active depth should only apply to the first floor. We are Ok with the language that has been changed here.

**Commissioner Stolzenberg** – The entire livable portion must be screened with a permanent structure of the following standards, capacity of 60 percent or more, openings 4 inches or less, one dimension; basically, require screens.

**Commissioner Yoder** – Are you suggesting that we change active depth to only the first floor in what we are putting forth in Tier 2 right now? Are you saying that we are going to do what the language says and come back to the one floor thing?

**Chairman Schwarz** – I would like to make changes earlier rather than later.

**Commissioner Stolzenberg** – I might recommend that it be a different amendment, and it not be 24. Unless anybody can explain to me why it was on the upper floors, I do not see any reason not to.

**Chairman Schwarz** – I think the purpose was that we have this condition, the Water Street Garage or Draftsman or what was going to be the parking garage where the Lucky 7 is.

**Commissioner Stolzenberg** – The Lucky 7 would have been completely impossible.

**Mr. Alfele** – This is something a special exception could be requested. I would be concerned with making a big change or suggesting a big change. This is a mandate. There is a way if someone wanted to have active depth changes at upper stories.

**Chairman Schwarz** – Changed or eliminated?

**Commissioner Stolzenberg** – I don't see why you could not eliminate it. We often say that you can do a special exception. Exceptions are onerous. It is one thing when it is parking. We are making it so vague as to be any human activity. If you are staying on the 8<sup>th</sup> floor of your building, you cannot have too much storage space on the street side, it makes no sense.

**Commissioner Yoder** – It does seem like a major departure to do it without much discussion. Imagine if someone tried to build a Draftsman. I know that there are a lot of reasons why this would not be possible. To build a Draftsman style building on the Downtown Mall where floors 2 to 4 are screened parking. It is not a thing you want to encourage on the Downtown Mall. Would we really want people to build this building on the Downtown Mall?

**Chairman Schwarz** – This is one of the things that the developer of what was going to be the Violet Crown was running into.

**Commissioner Stolzenberg** – You could say prohibit parking in any building adjacent to the Downtown Mall. I would not completely disagree. I think saying that you cannot have that upper level is practically the same thing.

**Mr. Alfele** – Going back to special exceptions, City Council may grant a modification to any physical dimensional standards of this development code by special exception and 210 falls within that.

**Commissioner Yoder** – We are throwing around ideas. I don't think it makes sense for us to put a number in this amendment.

**Commissioner Stolzenberg** – It is a fairly large change. I agree that it does not fit within this minor amendment. In 2023, we would have probably made that change if we had thought about it. If it is going to be a living document, I don't know that we need to agonize over every change. Tier 3 implies a whole lot of public input and soliciting public input.

**Chairman Schwarz** – We are leaving B.24 as staff has proposed.

**Commissioner Solla-Yates** – My only change that I would like to suggest is removing the word 'halls' from this list. There are halls that can be active and cannot be active.

**Commissioner Stolzenberg** – Didn't we say earlier that we were making a change to make this even broader than what was proposed here?

**Mr. Alfele** – I was suggesting if you wanted to even make it broader, say 'any occupiable space designated and intended for human activity as determined by the administrator.' There are specifics within that section that call out hallways and closets. There are other places that are outside the definition. It falls within that 20 percent.

**Chairman Schwarz** – As long as some developer can look at it and have a general idea when they are laying out their floor plans where things can go. If it shows up in a later section, I guess that is fine. I do agree that circulation space is an active space.

**Mr. Alfele** – Even pulling that out of the definition when you go into the active depth section, it talks about no more than 20 percent of the floor area of the required may be used for inactive spaces, storage, hallways, stairwells, elevators, and equipment rooms. It is calling out some specific things even outside of the definition.

**Chairman Schwarz** – Can we strike hallway on that portion?

**Commissioner Roettger** – We are picturing the worst-case scenario.

**Mr. Alfele** – For clarification, you are sticking with staff's recommendation with the change being to strike out hallway within the active depth.

**Chairman Schwarz** – Put this on the list for next year.

**Commissioner Roettger** – Does that mean a hallway that runs the length of what you see in some storage facilities, a hallway that runs the length of your ground floor where you would have the transparency to see that hallway run the length?

**Chairman Schwarz** – If you had storage facilities, those storage facilities would probably still be within that active depth. I could see a case where you have a hallway and a bunch of offices that all have glass doors or a case where you have offices that are only 8 feet deep and a hallway that runs the whole length.

**Commissioner Stolzenberg** – The example that I am thinking about is a hallway that runs along the frontage is the code-based side frontage. I think it is fine.

**Chairman Schwarz** – If it was a hallway with storage on the other side, that would still be prohibited in most cases.

**Commissioner Roettger** – If it is just a hallway and you can see the hallway because it runs the length of the frontage. Maybe there are doors to apartments. You would see that. The depth would be what you would see if you were walking down West Main Street. You would just see a hallway with doors inside to apartments.

**Commissioner Stolzenberg** – We would allow that if it was open and not enclosed. If it was a single corridor building. That would not count as portions of the building. It is more of a balcony.

**Commissioner Roettger** – That might be something that would be allowed if you were to remove that restriction.

**Mr. Alfele** – Those hallways would because the façade would start.

**Commissioner Roettger** – Maybe it is not something that would ever be built. It is a concern about unintended consequences more broadly. It is a good question to ask about making additional changes to the definition.

**Commissioner Stolzenberg** – The inside of those units in that case would count. If it is all wall on that side, you would not be able to see it. It would not help. We have transparency requirements. Technically, they would only apply to the hallway. You could have a solid wall to the units. If there were windows in those units, I could see that being inoffensive.

**Commissioner Roettger** – If you said circulation or place for movement, that is different. You are not imagining walls on either side. Maybe it is the term hall that seems to be difficult. What we are trying to say is that you should be allowed to move along the facade. Behind it, is there a blank wall behind it?

**Mr. Alfele** – I would go back to the intent. When we (staff) have these conversations, we have an intent section for everything. You go back to the intent. That helps refocus on what we are looking at and refocus on the conversation. In the intent section, it talks about facilitating the creation of a convenient, attractive, and harmonious community by minimizing the impact of inactive space on the public realm and promoting a comfortable, safe, engaging, and attractive built environment.

**Commissioner Yoder** – If we think about our end state a year from now is active depth applies to only the first floor, only for a certain number of floors. With the rest, we don't care. Maybe we don't touch the hallway language because there is still a 20 percent exception. We think that we are going to come back and get rid of active depth for higher force.

**Commissioner Stolzenberg** – Hallways should have their own special requirement that the transparency applies. If the hallway is against the frontage, the transparency requirements apply on the opposite side of the hallway. That gets to what the intent is here.

I have a new Tier 1 item for you. That should say built environment, not build environment.

**Recommendation is to move language forward but add active depth to Tier 3 (allowances and upper stories). Correct ‘build environment’ to ‘built environment’ in intent for 2026.**

## **B.26**

**Commissioner Solla-Yates** – I don’t like it when zoning drives design. I appreciate that this is best practice to have the most restrictive standard apply. It is not an unusual approach. I have seen that. Forced development is built to the zoning, and not to what benefits the public or what is good architectural practice. My proposal was instead of getting precise percentages, just do half.

**Chairman Schwarz** – To echo something staff had said, the code intention was to try to split properties up where you could make smaller parcels.

**Commissioner Stolzenberg** – The intent of the mapping process was that we don’t have any split zone lots. I disagree. The average of the two also may be wrong. Maybe it should be the amount of the frontage or the width that is in each district is how much weight that district’s maximum gets. If you are one foot into the less restrictive district, you should not get half the less restrictive district.

**Chairman Schwarz** – I am not sure if it is not all straightforward to calculate like that.

**Commissioner Stolzenberg** – I hope that we don’t have too many buildings spanning multiple zoning districts.

**Mr. Alfele** – It does not come up a lot. It comes up more when you are consolidating lots for a larger project.

**Commissioner Roettger** – Someone would look at this before they would consolidate.

**Chairman Schwarz** – You look at Fifeville. We have RA next to RX-5. If somebody bought an RA lot and decided that they wanted to combine both, I could see that being problematic. I want to keep staff’s recommendation as it is. I support breaking up lots.

**Commissioner Solla-Yates** – In general, I support breaking up lots, except where it makes sense to combine lots.

**Commissioner Stolzenberg** – It seems like this applies more to the R zones. Building widths are large in the other zones. The other way you could do this is that, for the portion of the building that is in each zone, their width applies to that portion. In any X zones, you have no side setback. You could build right up to the lot line and build another building on the other side, subject to building width. There are still advantages to having less wide buildings.

**Mr. Alfele** – Nothing precludes an applicant from pursuing a rezoning to address the issue.

**Commissioner Stolzenberg** – My hope is that this is not common enough that it is worth us overthinking it.

**Chairman Schwarz** – We are good with leaving this one as is.

## **B.27**

**Chairman Schwarz** – Anybody have any issues?

**Commissioner Stolzenberg** – We have this tree list that tells developers what the canopy cover is for each type of tree. We talked about it last month as we got a new tree list when we adopted this code. I don't think we ever heard about that until last month. I assume that this is going to trigger a new one because of the 10-year thing versus the 20-year thing. Can you tell us what the new percentage was?

**Mr. Alfele** – The city arborist keeps the list. He does update it periodically based on best practices. We are hoping that with coming into conformity with state regulations, the list will make more sense. Right now, it is a little over-planted. This might help with that list being reached. I don't want to get into it. I am not an expert on it. The city arborist has a process for creating the list. It is not random. It is best practice.

**Commissioner Stolzenberg** – I am not asking for the Planning Commission to be involved in it. This is probably broader than the list. All these code adjacent documents like the ADU Manual can be adjusted by staff as needed. When any of them change, upload it on the next agenda as an informational item not to be discussed so that the world knows rather than replacing a PDF on the website.

### **No formal group recommendation.**

There was a meeting recess at 7:47 PM.

### **B.28**

**Mr. Alfele** – This is one that staff has thoughts on. Fences take a lot of steps. Even stuff that does not make it through special exceptions, we are dealing with fences. Staff have the opinion that fences were not a concern. When I am talking about fences, I am not talking about the architectural control districts where there are a lot more policies and procedures in place for that. We did not see fences as a concern. We spend a lot of our time on fences. We are trying to find a way to look at it. Fences and walls are intertwined in this code. Fences and walls are tied together. When you look at the different sections, it is not like fences and walls. There are things for each one. It is fences and walls combined. A lot of time and effort went into this. What we came up with was this mandate of redefining fence. The alternative was to rewrite a couple whole sections. The fence and wall section would need to be rewritten along with some of the district standards for it. Staff believe that this is a way to work through that without rewriting the standard. It allows fences to be not a fence until they are 6 feet. The wall regulations stay because that is what it talks to. That was the big split. There are regulations. It is not calling out the 4-foot. It is calling out for both fences and walls. This would keep those regulations for your constructed materials and be there permanently. The 6-foot fence is the privacy fence. That is the sections you get. There are 6-foot-tall sections. That is where staff came from and how fences and walls are tied together in this code. When you start pulling that string, a lot of things start coming undone. This was our suggested solution.

**Chairman Schwarz** – What is the reasoning that it is causing so much staff time? Is it because handrails or guardrails are considered as fences?

**Mr. Alfele** – Yes. Anytime you are enclosing a space that is enclosed with railings around things it is a fence. There is a lot of conversation with applicants. That is where a lot of the time has been in working with applicants through this, understanding what is permitted, their options to go through a special exception. Staff are doing a lot of preparations for that to move forward.

**Commissioner Stolzenberg** – Is it fair to say that your concerns are limited to opaque fences?

**Chairman Schwarz** – My concern with a 6-foot fence in a front yard in a residential district is that it seems inappropriate. We have the existing fences on West Street. I know there was the corner of Rugby and Russell Drive where somebody put a 6-foot-high privacy fence up. Eventually, they angled it so it would meet the view angles at the intersection. That seems like something we want to avoid. If we are going to set a maximum height, I would prefer to put it at 4 feet. I would also try to find a way to exempt. We should not be regulating guardrails. We should not be regulating ABC barriers. A guardrail is measured from the uppermost walking surface. If somebody has a 4-foot-tall guardrail on their deck, that should be a fence. If it is a 6-foot-tall barrier up there, I don't know how we deal with that. That is different. I don't want to deal with it. I feel like it is not on the ground, so it should not be considered a fence. I know that we have been regulating these as fences. Without understanding all the implications, it just seemed easier for me to lower that height to 4 feet and exempt anything that is a guardrail or an ABC barrier. When I say guardrail, a guardrail that is required by code. I don't know what the implications of that are.

**Commissioner Stolzenberg** – Guardrails would always be shorter.

**Chairman Schwarz** – It would be 42 inches. In residential conditions, it is 36 inches.

**Commissioner Stolzenberg** – The posts might be taller. Would that trigger it if they were more than 6 inches over the highest rail?

**Chairman Schwarz** – I don't know. Potentially. Do they have to be?

**Commissioner Stolzenberg** – I don't know. I don't like to think about fences.

**Chairman Schwarz** – There must be some easy way. I wish there was an easy way to do this and that anybody can build a 4-foot-tall fence and we ignore it if it is a guardrail. I am trying to think of other examples.

**Commissioner Stolzenberg** – In the R zones, we do limit front yard fences to 4 feet.

**Chairman Schwarz** – We will have to change all that.

**Commissioner Stolzenberg** – Walls would be limited to four feet.

**Mr. Alfele** – Correct. Staff's intent was not to change the wall requirements. I know it sounds silly to not call a fence a fence until 6 feet.

**Commissioner Yoder** – I am on board with your no 6-foot fences in front yards. Under this definition of fence, what happens if I am going to build a 6-foot privacy fence in my front yard?

**Mr. Alfele** – That is where staff has taken the position of that would have been allowed until 2023. We did not feel it was. It was a historic issue.

**Chairman Schwarz** – What happened in 2023? You could have as few windows as you want on your façade. You could put hallways and storage rooms.

**Mr. Alfele** – It is a true point. Staff would probably be in the position that this is still sticky. There is a path forward. It is a special exception. It is not great. We could continue with that. It just exempts something like guardrails, as the Chairman suggested.

**Commissioner Stolzenberg** – I would be much happier with saying, ‘there are special exceptions if it was not \$2300 and 6 months.’ For a homeowner, that is very intimidating and a lot of money. To the extent that we have fence rules, I don’t care about fences that are not opaque. It is about letting you see into the yard and into the active depth to see what people are doing in their houses. We already don’t allow chain-link.

**Chairman Schwarz** – I want the fences that we have on the railroad. As nice as those are, I don’t want to see those all over town.

**Commissioner Yoder** – Do the transparency requirements apply to fences as well? It is just the façade.

**Commissioner Stolzenberg** – You could have a 6-foot fence that you cannot see through. We require that you have windows behind it that you can see into.

**Commissioner Yoder** – Is the reason why we don’t want to define a fence as 4 feet or taller because that would include things we don’t want to regulate as fences? It does not solve the problem.

**Mr. Alfele** – Staff was thinking more about the transition requirements. They speak to 6 feet. We are tying that to where you can in a 6-foot fence instead of a section.

**Commissioner Stolzenberg** – That would not be all the way up to the front. That would be further back. Technically, must the transition be the whole edge? Would we now be requiring a lot line fence that you are not allowed to have in your front yard?

**Mr. Alfele** – There is already that conflict right now. You would not have a transition in a front yard. It would only be set back.

**Commissioner Stolzenberg** – It is in your front yard.

**Commissioner Yoder** – On the side yard, but all the way up to the front lot line.

**Commissioner Stolzenberg** – I need to look at our definitions.

**Mr. Alfele** – One of the thoughts with staff is that it was fixing 2 things addressing that disconnect on where it calls for a 6-foot fence as a transition requirement and not permitted in yards where it is called.

**Commissioner Stolzenberg** – Your side yard does not include your front yard. A required transition must be located along the entire length of the common alley or street lot line shared with the district. I guess that your fence would have to go up to the front lot line where you would not be allowed to have that fence.

**Chairman Schwarz** – We can put another exception for fences required at transitions.

**Commissioner Stolzenberg** – Or don’t have it go up to the lot line. That is ridiculous.

**Mr. Alfele** – Where staff was drawing the line is when you look at fronts like frontage screen regulations. Most of them will say maximum height of 6 feet.

**Commissioner Stolzenberg** – Front screens are not imagining any of those are on the side lot line. They are imagining street or rear. All these graphics have it on the street side.

**Chairman Schwarz** – If we go with 6 feet and somebody has a deck that is 3 feet in the air and they put a 4-foot guardrail on it, is that a 7-foot fence or a 4-foot fence?

**Mr. Alfele** – It would be measured from the grade.

**Commissioner Roettger** – Thinking of walking down the sidewalk as a shorter person, you can see over a 4-foot fence. There are also people who put bushes, shrubs, and all sorts of things that you cannot see through. It feels safer if you can see.

**Chairman Schwarz** – If we limit it to 4, what unintended consequences are we still leaving you with?

**Mr. Alfele** – The biggest one would be that if there was a situation where someone had to do a transition and it is saying that you had to do a 6-foot fence, and the code says you are not allowed to have a 6-foot fence in that yard.

**Chairman Schwarz** – Can we add some language to those transition zones to fix that?

**Commissioner Stolzenberg** – I would say that with transition fences, it feels weird for them to have to extend to the front of the lot. I feel that they should go along the side yard.

**Mr. Alfele** – I think that 4 would be better than nothing. It would clear it up some. It would still be something you would have to look at. It would help with some because it would help with what you have seen through special exceptions. It will limit the special exceptions that come forward if somebody wants a bit of privacy.

**Commissioner Stolzenberg** – The other places it would apply are the places where we don't allow a fence such as The York Property across from Monsoon that we reviewed. You are not allowed to have a fence over there. They wanted to create that patio area.

**Chairman Schwarz** – If we allow up to 4 feet, that should allow it there?

**Commissioner Solla-Yates** – Am I reading the 6-foot language that you proposed correctly? It was that it was banning 6-foot, not allowing 6-foot. Can you clarify that?

**Mr. Alfele** – It is saying that it is not a fence until you get to 6 feet. That would mean that if you want to put 5-foot, 11-inch fence, it would just be a feature.

**Commissioner Yoder** – What if we did the 6-foot fence and said no fences in the front yard of R districts? You can put a feature or a wall.

**Commissioner Stolzenberg** – Right now, we are banning anything over 4 feet fences.

**Mr. Alfele** – It is not saying fences. It has tied the 2 together to its heights.

**Chairman Schwarz** – My proposal would be 4 feet and making sure each zoning district if there is any number in there that we verify that it corresponds. We would be allowing up to 4 feet within downtown or wherever else. I would still exempt guardrails and handrails as required by code just in case. The ABC barrier should not be more than 4 feet. An ABC barrier should not be over 4 feet.

**Commissioner Stolzenberg** – In transition screens, it says all fences and walls provided must meet the wall and fence design installation standards. If we don't allow it in the front yard, does that mean if it is meeting

the standard, it is not in the front yard. I clicked on 2.10.14 (fences and walls). It is a section that says, for requirements, see 4.50.1.’

**Recommendation to change to 4 feet and exempt guardrails and handrails.**

**B.30**

**Mr. Alfele** – It was brought up about why we are protecting public right of way and sidewalks from lighting. Basically, we have always had a zero spillover at the property lines. There are a couple of policy reasons for this. With this one, public lighting is treated as infrastructure and needs to be controlled by the city, not controlled by the spillover. This was trying to clarify that it was not allowing you to spill over. This was not taken into consideration where you have multiple parcels in your development. This is what staff was trying to clear up. If you have multiple parcels, you are allowed to spill over and not stop at the property line.

**Commissioner Solla-Yates** – The development that my house is in included some nice lamps on private property but light the public right of way. It feels safe and nice.

**Mr. Alfele** – I think that would be a larger conversation of what we would want with lighting the right of way and how we control it.

**Chairman Schwarz** – Are those lights on your property?

**Commissioner Solla-Yates** – They are on the private property adjacent to the sidewalks spilling light into the public right of way.

**Commissioner Stolzenberg** – Do we have a process over a development for putting in streetlights as distinct from interior lighting? It is a thing that sometimes happens.

**Mr. Alfele** – The most recent one was where we had to get the easements for those private lights on public.

**Ms. Rainey** – At Kindewood, we have some examples of public lights and easement. Even though the light is on private property, they had to put an easement to allow us to take over as a public light to control it.

**Commissioner Stolzenberg** – Those would not be subject to the ‘no spillover’ requirement.

**Mr. Alfele** – They are public lights even though they are on private property. They have a public easement. We still run into the fact that most of our public lighting is still dim.

**B.31**

**Mr. Alfele** – Unfortunately, this ties back to the way we were tracking these. They do not necessarily fall in order. We want to keep the working document number the same. Under our old code, we had 2 critical slopes. You had a critical slope for zoning and a critical slope for subdivision. Critical slopes for zoning had a list of what made it a critical slope: the slope, distance from a waterway, the run of the slope. In the subdivision ordinance, a critical slope was any slope over 25 percent. Since we have a consolidated code, this was pulled over. We are trying to clarify. Any slope over 25 percent went away as a critical slope. That is what staff is trying to do here. This was intentionally brought over from the subdivision ordinance as a standalone regulation. Whatever comes out of the environmental review will reshape our critical slopes. This is to get away from calling any slope over 25 percent a critical slope. It needs to follow the guidelines of what a critical slope is.

**B.32**

**Mr. Alfele** – Staff is also working to try to improve the development review processes. With this code, everything must go through development review. Under our old code, single-family and 2-family, single-family attached, single-family detached, or 2-family were all exempt from site plan review. That does not mean that they are exempt from following the zoning. You still have zoning compliance. There is a zoning compliance check done with the building permit. Under this code, everything goes through development review. Staff have been doing a workaround for those things to go. The development community is used to those types of developments going straight to building permit and not going through development review, which adds a lot of time. We have an internal policy that conforms with the development code that allows that to happen. This is to codify it. As staff was looking at this, staff was interested in finding ways to get more things straight to building permit that did not have to go through development review to cut down on time. Staff can do their development review check at the building permit. The problem that we ran into is there were no internal mechanisms set up. Once we get through this round of review, there will be a dedicated step. We are going to be shifting some dedicated resources to looking at missing middle and how to speed that up. Utilities had some concerns about when they would see things, where we were going to want to place the cutoff line is going to be all residential districts. The maximum you could get would be 12 units. You are getting 6 affordable units. Our thought was to try to speed that up. The issue that we are running into is that there is no infrastructure built into our systems through utilities, engineering, fire to do that yet. They are used to those things. There are a lot of single-family homes. That is how our building codes are set up. We run into a big issue when you get into the residential building code, the commercial building code, and the cutoff is after 2 units. We want to get there. Our goal is to get more straight to building permit. We are not in a place to do that. When this is codified, it is our current practice and allows some things to go straight to building permit that we are built for and work how we can get our things that are in the residential district straight to building permit. We would not go through a lengthy development review process. It will take getting some people we don't have at the 'table' yet. It will be what comes out of the environmental review on stormwater and utilities. We know that there is a lot of concern with some of the utilities and how those are treated.

**Commissioner Stolzenberg** – Would 3 townhomes or 3 detached homes be residential code?

**Mr. Alfele** – Finding that cutoff was the hard thing because if you do 3, because we don't have type, where we are going to go and we look at this as a group, we will probably have to bring certain types back into the code like townhome. We don't have that now. We just have units. If we said 3 units, it might be somebody who does 3 single-family homes, which is great. They could do a triplex. That is commercial zone or commercial building with a sprinkler. It becomes difficult to do when you are only talking unit count.

**Commissioner Stolzenberg** – Could you say up to 2 units per lot or subplot? On a townhome, it must be a subplot for it to count as IRC and not jump to building code. If you have 3 townhomes and they are not on separate lots, they don't qualify per the residential code. If you said up to 2 per subplot or lot, that would allow townhomes without bringing technical types in.

**Mr. Alfele** – We are saying that this is what it is saying. It is what you propose. It is not what is there. We are saying up to 2 units.

**Commissioner Stolzenberg** – Three units would not be allowed even if they are each on a different subplot. If they were on different sublots, they would qualify per the residential code.

**Mr. Alfele** – The friction point is some of our internal projects in the review. It is not how many. You could have 4 on a property. If you are proposing a duplex or 2 units, you go straight to the building permit. You

don't go through development. It is not the total number. What we are saying is what is being proposed. There still is the possibility someone could have 2 units, and they are proposing 2 attached units. It now becomes 4 units. At least, we have the organizational skill that could work. It is more about what is being proposed. Where we have traction internally, we don't have traction yet for what we are hoping to get to in the future. Ideally, if it is residential, there is a mechanism set up to catch some of the other department's reviews and we can do our review.

**Commissioner Stolzenberg** – Does this mean minor development plans go away?

**Mr. Alfele** – That is correct. As part of the development updates, we are getting rid of major and minor development plans. We are going to have just 1 development plan that will be open to anyone. It will be an NDS-only document, just a zoning check. It is envisioned to be something that is approved in maybe 1 or 2 rounds at the most. It would get you vested in the zoning. You can take that to a bank so you can do your engineering. We will be going to major and minor site plans. If it is for small things, we can get through it quicker, lower fee. Major and minor development plans are going away. It will only be a development plan.

**Commissioner Stolzenberg** – It is not required. You have a 2-unit project, and you want to get some kind of approval from the city to take to your bank. You can go through development review.

**Mr. Alfele** – Anybody could get a development plan for a single-family home if they wanted to. We don't anticipate it.

**Commissioner Stolzenberg** – Before we said the minor development plan, you could basically do it on a napkin. It is supposed to be quick and simple. Now we are saying that it is going to be just the development plan. There will be the requirement. Will it have to be the same? It must be an engineer, architect, surveyor.

**Mr. Alfele** – For the development plan, we need to be able to review it against the code. We want to make it as easy as possible. We want to be able to review it. It needs to be to scale. How the code is set up is that everything needs that final site plan. Things that need a final site plan, even minor final site plan, we are going to try to lower that threshold, so it gets through quickly.

**Commissioner Solla-Yates** – Can you talk about townhomes? Townhomes would or would not qualify.

**Mr. Alfele** – It is difficult because we cannot speak in those terms. It is just unit. If you had 2 units and you wanted to add 2 units that you will attach to them to make 4 units in a row, that would work. If you are going to do 4 townhomes or 4 units, we would say that you must go through development review. We are not set up yet to handle it. When we get into it to see how we can break down some barriers, I feel that we will have to reintroduce the term 'townhome' to the code. That is what we have experienced over the last 18 months. There is such a difference in the building code where they use that terminology. To bring down the barriers, we will have to pull that back in. How that looks, I am not sure. That is what I anticipate. It is not necessarily Tier 3. It is the next focus of development. As part of development review, what barriers we can break down to get more of the missing middle, we need to introduce townhomes as a term in the code that would help break down some barriers.

**Commissioner Stolzenberg** – If you were to introduce it for the process parts, that seems fine to me. I think what we were intending with just saying units were the zoning requirements.

**Mr. Alfele** – That might be where it comes from as we look at the actual development review process. I know where we are as an organization, where we cannot take that big of a 'bite of the apple' quite yet to allow something like a 12-unit apartment to go straight to building permit. We would love it because that was 6

supported units. That is the direction we are going. We are not there as an organization to do it. This where we are at to be able to handle as an organization.

**Commissioner Stolzenberg** – Is there a sense that a developer with a 12-unit apartment building would need to bring something to their bank before they could get to building permit? I would think that they would.

**Mr. Alfele** – As a city, we would love to break these down. We recognize that is the type of housing that we would like to get. Going through a 6-month development review process is a barrier. How can we break that down? From our standpoint on the zoning/planning side, we know we can do our check. We can do our check at the development review. We can do our check at the building permit. We can do a zoning compliance check at either place. There are other people that are not at the table yet to do that building permit. They need this process to do the review.

**Commissioner Stolzenberg** – If development review is now not that engineering review, does utilities still do review?

**Mr. Alfele** – Development review speaks to just development review. The development plan speaks to the document. When I say development review, I am talking about getting from pencil.

**Commissioner Stolzenberg** – That is the distinction that I was missing.

### B.33

**Commissioner Stolzenberg** – I feel that there might unintended consequences of doing it this way.

**Mr. Alfele** – Where staff comes from, we need a good definition of building because we tie things to bonuses. The current definition of a covered or enclosed structure, either temporary or permanent, is intended for occupation or shelter. It is not as robust as we would like. When we were looking at it, when do these bonuses apply? I know we have had some conversations in the past. What we don't want to do is incentivize a single-family home, not multi-family that gets the bonus height.

**Commissioner Stolzenberg** – Structure is any constructed object more than 30 inches in height. Is a townhome a structure? Is a row of townhomes a structure or is it a building? A building can go across lot lines

**Mr. Alfele** – Where we are running into issues was you have multiple disciplines from what building code says is a “building” on one property. That property line becomes 2 buildings even if it looks like one building from the outside. It is 2 buildings. Trying to line up at least a little bit with theirs. This is tied to the bonus side where we were saying that was making an issue for us because of the bonus section.

**Commissioner Stolzenberg** – Specifically, the more than one unit. I wonder if the answer is to change it to ‘spans more than one subplot.’ If you go back to the example of the attached townhomes on different zoning lots. If you go to four, we are saying that it is one building for determination of unit count. Even though you have 4 zoning lots, each is allowed to have 3 units if it is one building even though one unit is on that zoning lot.

**Chairman Schwarz** – I agree that this should be subplot.

**Mr. Alfele** – What we have always struggled with is that this is considered a building. Suddenly, you put on property lines. When we say sublots, we can, from a planning zoning standpoint, understand what that means

for the development code. It will not change the sublots. A building is still going to be considered one building. They do not view sublots as anything different as a big lot.

**Commissioner Stolzenberg** – When you say building, you mean building.

**Mr. Alfele** – That’s correct. With building and utilities, a lot is a lot whether it is a lot or subplot.

**Commissioner Solla-Yates** – I am not sure I understand why it matters.

**Commissioner Stolzenberg** – There are all these different things. There is building footprint, building coverage, and building setbacks. All those things are to the building or of the building. There is building height, which is more than 1 unit. There is building width. All those things have the word ‘building’ in it. If you say footprint and you have duplex, each of the units is on its own subplot. Is each of those allowed to be 3000-square-foot footprint? Is it cumulative? Similarly, are they allowed to be 2.5 stories or 3 stories? Is one unit more than one unit building height?

**Mr. Alfele** – With things like the footprint, they do speak to cumulative. That does a better job than what the bonus height does.

**Commissioner Stolzenberg** – I feel that the problem is what is building height where we did not specify. I feel that some of these use different ones. Some say cumulative and some don’t.

**Mr. Alfele** – A building located on a lot might be wider than the maximum building width.

**Commissioner Stolzenberg** – I want to say that we should just specify for each one of these things. I would argue that footprints should be combined. The extra height for multiple units should probably be for the lot. The idea was if you were putting in multiple units, we would rather you make it taller and squeeze them in rather than covering up more of the lot and reducing space for open space for trees.

**Chairman Schwarz** – Why do you want footprint combined?

**Commissioner Stolzenberg** – With footprint, the idea was the buildings could get too big. That was thinking about buildings that would not be sub-lotted. For width, I would argue that townhomes should be counted separately for width. Width is about you walking along the street. You want there to be a different building to get that visual differentiation to make it a more interesting walking experience. That is the effect we want in the public realm.

**Mr. Alfele** – Building footprint is measured for each individual building or structure.

**Commissioner Stolzenberg** – I think the thought was that thinking about detached buildings and not necessarily attached. It is complicated. I feel that it is different for each of these. I feel that this change might be too big.

**Chairman Schwarz** – We should not be allowing a building to span 2 lots. They should go through the effort of combining into one lot if they are going to do that. I am trying to think if the building code even allows that. I don’t know. It seems weird to have a building straddle 2 lots.

**Mr. Alfele** – I would think about it through the townhome analogy. If you have a row of townhomes sitting on a parent lot, they did a subplot. If you have a building that looks like Water Street, do you want it to be 1 building per individual lot, so they don’t get any bonus height, or it is 1 building. Since it is a townhome, they

get the bonus height. Is it more envisioning that bonus height for being that I have an over/under duplex or 3-unit apartment?

**Commissioner Stolzenberg** – If there are sublots, I am Ok with the higher height. If it is just one on a zoning lot, I don't know about more height.

**Chairman Schwarz** – I agree. My worry is more where you said the building footprint is. You have one building that spans 2 lots. We have a maximum building length of 200 feet in some districts or whatever it is. We don't want that to be artificially elongated because it is 2 lots. That is where I see that as this being more complicated.

**Commissioner Stolzenberg** – This is saying that you would consider it as one building.

**Chairman Schwarz** – That seems good.

**Commissioner Stolzenberg** – If you talk about the row of townhomes, let's say that you build a new street. Paynes Mill was built 5 years ago as a bunch of single-family homes. They built a row of townhomes, each on their own zoning lot. Should each one, until you get a side setback, be subject to the 3000-square-footprint? I don't think so. Should the whole thing be the building width or each individual townhome? I think each individual townhome. Should they get the extra height if they are all on their own lots?

**Mr. Alfele** – If you had a duplex, under the old code, you had a 2-family unit on one lot. Under this, we would say that you get extra height. As soon as you put a property line down the middle of it, you don't get the extra height because you are one individual building on each property.

**Commissioner Stolzenberg** – Unless you put another unit on your property somewhere else if it is a different zoning lot.

**Mr. Alfele** – It speaks to the number of units in the building, not the number of buildings on the lot.

**Commissioner Stolzenberg** – I don't know that I fully buy it. It says building height as the height of the building. I don't totally buy that necessarily means that underneath building height where it says one unit, more than one unit also implies one unit in the building. I see where you are coming from. I don't know if that is what we were going for in 2023.

**Mr. Alfele** – That is where staff would need some help clarifying. That is how staff looks at this. It is the number of units in a building to get the height. It is not about the number of buildings on site.

**Commissioner Stolzenberg** – I think we just narrowly fixed the building height thing to mean one unit is one unit per lot. More than one unit is more than one unit per zoning lot.

**Mr. Alfele** – We can come back to that. We know we are running into that as staff with how we read the code and use it. We would love to have clarification. It might not be something we can come to now.

**Commissioner Stolzenberg** – I know that there are development plans being submitted in Belmont where they are trying to do 3 townhomes in the back. Unless they get the extra height, it is not going to work. They will be short. Maybe with the loosening of the R zone story thing, it won't be as big of an issue.

**Chairman Schwarz** – That seems like an easy change. I was under the impression that it was dwelling units per lot and not per building. Do you have any thoughts on that part? Is that an easy fix?

**Mr. Alfele** – I don't know. I don't want to say. There might be some possibility.

**Commissioner Stolzenberg** – If we put somewhere in 2.10.9, where it talks about height, that is the section of height.

**Mr. Alfele** – It would need to be something like one unit per lot or more than one. It would need to be probably added in there.

**Commissioner Solla-Yates** – I am trying to keep the specific example we were talking about when we were doing that. That was an existing building and 3 townhomes in the back yard.

**Mr. Alfele** – The unintended consequence is that you have a single-family home. You have a single-family home behind it; you get extra height.

**Commissioner Stolzenberg** – You are squeezing in extra units on a zoning lot. Maybe that single-family home is a smaller footprint because you can get the square footage vertically.

**Mr. Alfele** – There is the possibility of just getting larger suites.

**Commissioner Stolzenberg** – It is a pressing issue because developments are being held up by this problem right now. When you combine it with getting rid of the stories, once you are at the heights, it is not as big of a deal. Once your top floor is above 30 feet above ground level, a bunch of extra fire code requirements kick in. Nobody is going to do those.

**Mr. Alfele** – There is probably an opportunity to explore and fine-tune this down the road. As a community, we probably want more. I have a single-family home in front. We want to build something like a duplex in the back or something that is denser.

**Commissioner Stolzenberg** – I take back what I said before. The sidewall height is the same one unit/more than one unit thing. With those 28 feet on the sidewall, that top story is not going to be a full story.

**Chairman Schwarz** – What is the proposed change?

**Commissioner Stolzenberg** – The proposed change is changing it from one unit per lot/more than one unit to more than one unit per lot under building height. That is the main thing driving this change.

**Mr. Alfele** – The main thing was to get clarification on that bonus. If the current definition is not an issue, we can keep the current definition. I cannot promise that we can get that in with this round. We can explore adding that language into the districts.

**Chairman Schwarz** – For the purpose of this code, we are not going to do that part.

**Commissioner Stolzenberg** – I worry about the unintended consequences of this definition change. I would rather not do that.

**Recommendation is to say no additional primary uses.**

**B.34**

**Chairman Schwarz** – We had the question about attached townhomes.

**Commissioner Stolzenberg** – I did have a new thought. That thought was drawing out 33.

### **B.35**

**Chairman Schwarz** – I would like to expand it to 2 dwelling units. If you are telling me that you have an existing residence and they put another dwelling unit in the back or on top in the existing building, the existing building does or does not have to meet the active depth requirements.

**Mr. Alfele** – The one you are not changing does not. It is only about what you are changing. If you are adding interior and not changing anything on the outside, you don't need to go through development.

**Chairman Schwarz** – If you attach it on the back, does the front have to be?

**Mr. Alfele** – No. Only if it is outside the active depth.

**Commissioner Stolzenberg** – Is all that specified somewhere? There is that table that has little dots. It says 'generally.' The example somebody was telling me about the other day was that Holiday Inn on 29 that is being proposed for affordable housing. They just want to change the inside; except they want to fill in the indoor pool and add an outdoor pool. That triggered the whole site plan.

**Mr. Alfele** – They wanted to change the interior. They wanted to add a pool outside. We said that everything where you are adding the pool needs to meet the code. There are some transition elements because of the use that comes into play. Only what you touch needs to come up to the code.

**Commissioner Stolzenberg** – That makes a lot of sense. I don't think that it is totally clear. I may have to talk to them before they got the final word on this. There is 'addition' in the applicability thing. It says, standards generally apply.' It does not say 'standards generally apply,' just to the addition part.

**Mr. Alfele** – It has been the department's longstanding position. That is a common practice. If I am working on this, I don't have to fix this. Where that project got tricky is what they were trying to say. 'We are nonconforming.' That means we never have to do anything that meets the code. That is not accurate. Nobody would have to do anything. We would be sitting in our offices all day. I get the confusion. We have legal backing on this. When you look at the residential section and where it is broken down into a lot on a page and a building on a page. When you are nonconforming for your parcel, it does not mean you can get away with all this stuff on the lot section. I get where it is confusing. Those are still development standards. A nonconforming lot means you are nonconforming because you don't meet the street frontage. It is not you are not nonconforming for the subdivision because you don't have a build-to requirement. I get their confusion because it says a lot on that sheet.

**Commissioner Stolzenberg** – The only other comment that I had on this one is the no additional uses. It should probably be no additional primary uses.

**Mr. Alfele** – It was trying to clarify D, which we found to be just not written as well.

### **B.36**

**Chairman Schwarz** – You had another access in there.

**Mr. Alfele** – That is a good catch. What staff was getting at is the only exempt for any of your setbacks were for access easements. I have a sewer line going through my front yard. We don't have anything to give you an exception for that.

**Commissioner Stolzenberg** – If you were putting in a new sewer line, which would create an easement, should we also allow it to be modified based on that? Should we just say that you can't put in the sewer line there because you will have to build in that area?

**Mr. Alfele** – We are anticipating this to be like 5<sup>th</sup> Street. 5<sup>th</sup> Street is a good example. There is a sewer line that runs along the west edge that has a 40-foot easement. You could not build up to 5<sup>th</sup> Street. It just was impossible because the infrastructure does not give us a way to it. The workaround is that you put an access easement on top with utilities. That is not what we want.

**Chairmans Schwarz** – I have had some discussions with BAR applicants who have said that they cannot provide their streetscape because their build-to zone is not large enough to allow that. As a practice, is the city doing this and moving those setbacks back?

**Mr. Alfele** – I think there is an ability to set setbacks back. The right-of-way easement and easement are totally different. That is one of the ways you can do your exemptions for your streetscape.

**Chairman Schwarz** – Where there is not enough room in the public right-of-way for the required streetscape, the clear walk zone and streetscape zone must be provided on site as a permanent access easement. That is later in the code. Have we, in practice, been doing that and moving the build-to zone back proportionally behind that access easement?

**Mr. Alfele** – That has not come up on any projects.

**Ms. Rainey** – The only one is the Kindewood Phase 3 project. You guys saw their special exception permit for their street facing entry spacing. They are putting in an additional pedestrian easement that did result in that building being set back further.

**Chairman Schwarz** – I am thinking of the proposed hotel on Market Street at the end of The Mall where the Artful Lodger is. They were adamant that the city had told them that they had to build up to their build-to zone. There was not enough room for the trees. There are no street trees here. I believe that was the applicant lying to us. We get that this has happened more than once with the BAR. It is nice to know that. If it is the policy of staff to allow the movement of that setback if there is an access easement. I think the BAR can push harder by asking for street trees.

**Mr. Alfele** – We have been consistent. We want a good green space.

## B.38

**Chairman Schwarz** – This is the same argument that I had before. It seems like we are not protecting existing buildings outside of the R zones. We do not allow for construction behind them.

**Mr. Alfele** – Where staff came from this is that you have seen some of these come forward where the existing structure is causing an issue because they are not meeting either for the build-to or the percentage. There was an opportunity to tie it to something that was existing to give that time to the preservation bonus and say, you conform. I do think it is worth a bigger conversation. This seemed easier to tie to something that already existed.

**Commissioner Stolzenberg** – A change that I proposed to this that is smaller and more within what could be in scope tonight is that a project that is eligible for the bonus could qualify. If you have a house, you only have enough room at the back to add 2 more. You are not using the bonus because you are not going to four. You could put 3 back there. Your front house is now not qualifying. It is not filling up the build-to width. You still must go through the special exception process. You are eligible for it as part of the project process. You are just declining to use it.

**Chairman Schwarz** – I like that.

**Recommendation is to change utilizing to eligible for similar language.**

#### **B.40**

**Commissioner Yoder** – My comment is more of a Tier 3 thing. This addresses the conflict between easements and build-to width. We still have the conflict between build-to width and transitions.

**Mr. Alfele** – This is an elements issue with the transition needed between the shop and the low density.

**Commissioner Yoder** – That’s correct.

**Mr. Alfele** – That would probably be a deeper conversation. In that case, what tripped it was the use. The use would have been something that was allowed in both districts if it was just based on height. It would not have been an issue. The code does a pretty good job there. It recognizes that you could have 2 different districts but the same use. You don’t need to transition between them.

**Commissioner Yoder** – I don’t have any issue with it as it is written. It was just a question.

**Chairman Schwarz** – To clarify, how many on this Commission are thinking that these build-to zones are something we will need to look at and potentially get rid of? That is something for staff to think about.

**Build-to width needs to be moved to Tier 3.**

#### **Adjournment**

The meeting was adjourned at 9:15 PM.

**Planning Commission Work Session**

**November 25, 2025 5:00 PM to 7:00 PM**

**Hybrid Meeting – City Space Conference Room**

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

**Staff Present:** Missy Creasy, Remy Trail, Dannan O’Connell, Krisy Hammill, Matt Alfele, Ben Chambers, James Freas, Sam Sanders

Chairman Schwarz called the Planning Commission Work Session to order at 5:02 PM

**1. Capital Improvement Program**

**Staff Presentation**

The first parts of the work session were not recorded. The Work Session recording started during the staff presentation on the CIP Budget proposal with the Education Slide of the presentation.

**Krisy Hammill, Budget Director –**

**Next Slide – Education**

A total of half-million. That has obviously stayed. We are carrying that through to this plan.

**Commissioner Stolzenberg** – If we have a big plan coming that is up in the air, including big questions about what entire buildings and campuses are used for, does it make sense to be putting \$40 million into Walker right now?

**Sam Sanders, City Manager** – That is not considered for Walker. That is an earmark for the Pre-K Center. Whether it happens at Walker, which is where it is scheduled to be today, or it will be moved to Oak Lawn. That is why Oak Lawn was there as a reference point. We knew that people would ask about Oak Lawn.

**James Freas, Deputy City Manager** – The clarity is that the preschool is a new building, whether it is as the Walker campus or Oak Lawn, it is a new separate building that is specifically designed for preschool use.

**Commissioner Stolzenberg** – Is there any part of that investigation on whether the Pre-K center should remain distributed in neighborhoods?

**Mr. Sanders** – That is how we already got to that. That assessment was already done and concluded that we were building a Pre-K center. The only reason Oak Lawn is part of the consideration is that it just landed in ‘our lap’ the way that it did this fall. Otherwise, it would be full steam ahead at the Walker site.

**Commissioner Roettger** – Is there any consideration to doing 2?

**Mr. Sanders** – That would have been a part of the assessment work that was previously done. I inherited it. It was done. I asked questions like that. It was already determined that it would be at the Walker site. Until the FEI site came into the conversation, it was done. FEI shifted that conversation. Oak Lawn became the secondary location.

## Next Slide – Facilities Capital Projects

**Ms. Hammill** – There is one new addition here. It is the McGuffey roof that needs to be replaced. We have currently put that in as a placeholder in FY30. As I mentioned earlier, there is a commitment from the City Manager. Additional funds have been added for the HVAC replacement. That puts us at about \$4 million in facilities projects for 2027 and just over \$26 million for the 5 years.

**Commissioner Stolzenberg** – Solar funding goes to zero?

**Ms. Hammill** – That is currently zero. Those funds have been deployed to other projects such as the bypass, and I think CATEC. There is a bigger discussion about solar in general.

**Commissioner Stolzenberg** – Does that mean we are doing PPAs in the future or that we are not rolling out solar in the future?

**Ms. Hammill** – We are investigating PPAs.

**Commissioner Yoder** – That too would be something that you would see more of, or we may go back to allocating specific project by project.

**Mr. Freas** – When Ms. Hammill referred to the bypass, we meant the solar panels on the bypass firehouse.

**Commissioner Stolzenberg** – We have been investigating PPAs for a while. Is there a process to follow on that? Is there an estimated time we will finish investigating PPAs?

**Ms. Hammill** – We have done our due diligence from a financial standpoint. Can we do one? How would we do one? When we use tax-exempt bonds, that adds an additional wrinkle to what we can or cannot do with a private business. We have done that piece. It has now been given to the Office of Sustainability, who is working through the details of a potential contract.

**Commissioner Stolzenberg** – Should we expect that process to wrap up before this budget is adopted and a decision will be made?

**Ms. Hammill** – We can get you more clarification. I don't know the answer to that. I know that there are things that must be worked out with Dominion and other partners. They are working on that.

**Commissioner Solla-Yates** – With the McGuffey roof replacement, I don't see a connection to the Comprehensive Plan on this item. Where does this sit in the Comprehensive Plan?

**Mr. Freas** – Broadly, it is a city facility. It lives in the world of maintaining city facilities. The roof needs to be replaced. It is our building to maintain.

**Commissioner Stolzenberg** – What Commissioner Solla-Yates is addressing is that we are renting this building for \$30,000 a year. If we must replace the roof for \$1.2 million, it will take 40 years to recoup just the roof cost in our rent. We have a 5-year lease that was signed in 2023. Can we expect revenue coming into the CIP from our tenants there to defray this cost after that lease?

**Mr. Sanders** – We are in a policy conversation right now. You would need Council to make that determination as it relates to the arrangements that we have. Those leases are set in regards they are city facilities, but also the partnership and the opportunity for what is happening in that building for community enrichment. That will be

part of their assessment. Do they feel comfortable replacing a roof on a building that is owned by the city being used in that manner for the lease amount that we target policies?

**Commissioner Stolzenberg** – If we are looking for schools to temporarily put people in, we own a whole other school building close to downtown and connected to bus routes.

#### **Next Slide – Public Safety & Justice**

**Ms. Hammill** – Not a lot of changes here, except for the mobile data terminals. That is basically a cost escalator, not additional computers. Most of the equipment is expensive. Rather than trying to do the lump sums at once, we try to spread those out so that they can make small replacements during the year in a more cyclical manner than all at once. That is why you see these recurring amounts, except for firetrucks.

**Commissioner Solla-Yates** – I had a question about firetrucks yesterday. The ones that we purchase are custom-expensive. My understanding is that it is a 2-year lead time to get them. It is a challenging market. Physically, a lot of what we do in the city is limited by the large firetrucks that we have difficulty buying and fitting into our old and small city. Is it possible to fix this?

**Ms. Hammill** – I think that they might know more than this. What little I know, we might have to get you some more information. I know that they are exploring other options. There are different ways that everything does not have to be custom now. I think there are some off the line trucks that you can buy at this point. They are working through those details to see what may or may not work.

**Mr. Sanders** – The focus has been on how we cut down on the lead time. The lead time is market driven. That is just a matter of the various parts being available, getting to the suppliers to do what needs to be done. We are not looking at shrinking fire trucks. That is not something that we have considered. The reality is that we have been able to confirm that we have not found it impossible or impassable for any truck to get where we need to go. I found our team doing things that were amazing for what they can do with a truck that big. We have not approached that conversation specifically. I imagine if it got harder to procure the equipment, we would probably have to do something else.

**Commissioner Stolzenberg** – What I am hearing is we are going to revise our Standards & Design Manual to reflect that new streets can be similar in design to our older streets if it is not a problem.

**Commissioner d’Oronzio** – That is the constant issue with all these site plans. A buyer says that they cannot do x in here. It is a combination. There is this philosophy of where we are going; we don’t need roads. They are so big. I get the sense that it is limited in some of these places particularly with the sub-lotting and the moving around of access to where we are. The size of the truck and the design and its relationship to the design manual is going to become more of a thing.

**Mr. Sanders** – I will not disagree that it will not get harder based on decisions that we are making and when we see our landscape change. At this moment, where you see the purchase of apparatus.

**Commissioner Stolzenberg** – It is concerning to hear that fire is not looking at trucks. Going back to when I was on PLACE Design Task Force, Emily Pellicia was deputy chief.

**Mr. Sanders** – When I say looking at, I mean not making a change to the order. Are they considering it? I am sure they are at this moment. I have complained about how much trucks cost and how long it takes to get them. I would not say that it has not occurred to them that they may need to come up with something at some point. I am saying what is on the list to be acquired at this time is normal size.

**Commissioner Stolzenberg** – Do we know what type of trucks in FY27 and FY29?

**Mr. Sanders** – There is no change. Whatever we have ordered, I will have to find that out for you. I am not aware of any change in model or brand.

**Next Slide – Transportation and Access**

**Ms. Hammill** – It is just over \$11 million for FY27 and just under \$51 million over the 5 years. There is no change except to add the 5<sup>th</sup> year in this section, except for the ones that are highlighted. You will notice a sizable increase in the new sidewalks. In your packet, we provided you with a list of the plans for the sidewalks and the tiers of those to be replaced using those funds. The CAT bus replacement plan is their normal replacement plan. These are revised costs of just the regular to replace their regular fleet now. There are no changes in terms of EV or otherwise at this point. With ITS, I believe it was a slight increase. Their right-of-way pertinence was an increase. I think that was previously funded at \$100,000. That was bumped to \$150,000. The historic dollars in total went up slightly. The timing changed to move that up to FY27. We added the Dominion Pole remediation. That was an addition this year. That is to help purchase right-of-way to get the poles out of the way for more accessibility.

**Mr. Freas** – It is mostly to buy right-of-way. Dominion had moved the poles themselves.

**Chairman Schwarz** – How many poles can you move for \$100,000?

**Commissioner Stolzenberg** – They do it at no cost, but they won't buy the right-of-way. These are for their ADA violations or are these non-violating?

**Mr. Freas** – We are going into an area that we could spend hours talking about and not get to a finish point.

**Commissioner d'Oronzio** – Some of these poles date to 1927.

**Mr. Freas** – As does our franchise agreement that allows them to exist. It does not expire.

**Commissioner d'Oronzio** – Some of that agreement isn't our agreement. Part of the agreement was Albemarle County. We bought South Belmont. We pulled South Belmont from that as well. With sidewalk repair, I assume that this is about capacity. It is getting enough bodies and contractors to do this work.

**Mr. Sanders** – It is about being able to do that work. That team is also working on the new sidewalks in addition to the contractors.

**Commissioner Stolzenberg** – This is the new in-house concrete team.

**Mr. Sanders** – That is correct. They have already been working. Some of this is tied to them. I would not say all of it.

**Mr. Freas** – That team is still forming. We just had another member join the city.

**Commissioner Stolzenberg** – I had not noticed that sidewalk repair was zeroed out this fiscal year. Was that because there was so much?

**Ms. Hammill** – That was because there was a big balance.

**Commissioner Solla-Yates** – With the citywide transportation plan and Three Notched Trail Plan, where do those live?

**Mr. Freas** – The citywide transportation plan was funded via surplus money. That was voted on about a month ago. With Three Notched Trail, I am not sure that I have seen any cost estimate. I have not seen anything about where the County is on Three Notched Trail.

**Commissioner Stolzenberg** – They have a grant that only goes to the city line.

**Ben Chambers, Transportation Planner** – We don't have a plan or scope for the Three Notched Trail in the city.

**Commissioner d'Oronzio** – With bicycle infrastructure, we got an email this afternoon. I recently recall a conversation that addressed this point that we are going to conspire on the work that is slated for Cherry and West Main. It is not necessarily new bicycle infrastructure. It is about accommodating proper bicycle infrastructure in those areas. Do I have that right?

**Mr. Freas** – After the rebuild of West Main and Cherry Avenue? If we are milling and paving things, we are going to be striping.

**Mr. Chambers** – We are coordinating with utilities and public service on their repaving plans for Cherry, Elliott, and West Main going forward over this winter.

**Commissioner d'Oronzio** – There was some concern that we were being cheap about it. Most of this is improvements in conjunction with much larger dollar projects.

**Mr. Chambers** – With the improvements in those corridors, we would want to add on to the existing work that is going to happen there. With the funding that you are looking at in the bicycle infrastructure fund, part of the reason that is not going up is that we have a current balance that we are spending down on projects like 5<sup>th</sup> Street. We are also looking at Rose Hill Drive as part of that repaving. We might need to have some additional funds from our bike infrastructure so that some of those improvements are done as well.

**Commissioner Stolzenberg** – There is \$1 million in the balance. How much will be spent on Rose Hill and 5<sup>th</sup> Street?

**Mr. Chambers** – With 5<sup>th</sup> Street, we have a cost estimate of about \$600,000. We are hoping to work that down with using in-house crews and identifying some cheaper materials than what the VDOT consultants gave to us. With Rose Hill, we are not sure yet. We are currently scoping that. With the planning phase of that, we should have a better idea in March.

**Commissioner Stolzenberg** – It seems to me that we are potentially funding constrained in the next fiscal year, given what will be used on those 2 plans if we also want to do studies, including significant community engagement for West Main and Cherry. Depending on the timelines, those may have to begin within the next fiscal year.

**Mr. Chambers** – We are looking at West Main starting in FY26 for the utilities project. We don't know when the endpoint of that is going to be. They are working through what the designs would be for that. They have had to rework some of their designs. We will have a better idea of what the endpoint will be. We are expecting that at the end of that project, public service will come back and do a repaving through that corridor that will allow us to put in the final striping design. That puts us on a timeframe of having a few years for us to go in and do

that work. Right now, we are trying to focus on the work that we have already started doing the planning for. Get that done and then come through with a scope for what we do with West Main and what we do for Cherry and Elliott, which seems to be on a similar timeframe in terms of when they are coming through that corridor and when we will do repaving.

**Commissioner Stolzenberg** – You say a few years. This budget goes through 2 years.

**Mr. Chambers** – We are looking at 3 to 4 years from when that needs to be done. We have a little buffer.

**Commissioner Stolzenberg** – That includes the central line water project?

**Mr. Chambers** – The central water line project is around 5 years for both phases that are going all the way across the city.

**Commissioner Stolzenberg** – Are they repaving as they go?

**Mr. Chambers** – That is correct. They are going to be doing patch repaving. Most of their work is going to be along the parking lane. They will be doing patch repaving as they go. We are working with public service to see if there will need to be more thorough repaving once they are done there. Once you disturb one part of the pavement, it impacts on what is happening on the rest of the street. We are going to try to make sure that is lined up correctly over this winter.

**Commissioner Stolzenberg** – I get that there are other priorities and we a few years out from the first phases of these being done. You are saying that there is no chance of any planning work starting prior to July 2027.

**Mr. Chambers** – I don't have that in my work plan right now to complete by then.

**Commissioner Stolzenberg** – On the Bicycle Infrastructure line item, we were funding this at \$200,000 from at least FY16 to FY20. If you adjust for inflation, that is \$275,000 a year. That was accruing a balance because, historically, we were unable to spend any money. It now sounds like we are going to be able to spend more than \$700,000 this year. These are bondable funds that we don't issue until we need them. It seems that it would be appropriate to resume funding at least \$200,000, if not inflation adjusted to \$275,000, so we can begin to build up a balance in that fund for more of these larger corridor reconfiguration projects like we are doing on 5<sup>th</sup> Street, on Cherry, and on West Main. Eventually, we have East High and Ivy coming. We have several other corridors that need work. It seems to me that, based on what Council says are our priorities and what our Comprehensive Plan priorities are, funding this at a third of the level we were 10 years ago seems not to be in line with those priorities.

**Commissioner d'Oronzio** – Is there a concern that we end up in the same situation we were?

**Commissioner Stolzenberg** – There is a difference between going years without spending any money at all or having plans to spend any money at all or ability to spend any money at all. We have now built up a balance. We are finally spending 6 figures a year, even higher than 6 figures in some years and building up a balance to spend money again in larger chunks. We have a pipeline of projects, even if it is longer. Like we do in other items in our CIP, we have a policy or practice of building up money year by year with steady funding so that we can spend it.

**Mr. Freas** – I want to point out the new sidewalk line.

**Commissioner Stolzenberg** – New sidewalks are great. We are finally funding it.

**Mr. Freas** – What is different about that line and the bike line?

**Commissioner Stolzenberg** – We are finally funding it. We are making up for all those years.

**Mr. Freas** – Remember every year. We are building a specific plan. What we used to do, there were often times this similar conversation about sidewalks at this table, we had a flatline. We said that we are going to come back, and we are going to put together a specific plan of how much we are going to spend every year. We are going to try that. That is what you are going to see in the CIP. That is the approach we are now taking. We are trying to move away from putting money away in accounts and move towards specific plans of investment that we are tying specific money to.

**Commissioner d’Oronzio** – We are moving away from the layaway plan.

**Commissioner Stolzenberg** – That is great for when we have more than 2 or 3 years of a project pipeline. When we have a 6-year planning process that we have funds to do sidewalks, that works. Otherwise, we are going to have 3 years of projects that are using old funds. We are going to have new projects pop up that we have not thought of yet. There is no placeholder for it in the CIP. That is how you end up with your tail years in the CIP having much lower funding amounts. We are suddenly tossing \$100 million school reconfiguration that was never on that 5th year of the CIP.

**Mr. Sanders** – That was prior practice that you are referencing.

**Commissioner Stolzenberg** – Hopefully that does not happen again.

**Mr. Sanders** – That was prior practice. Part of what you are speaking to is about philosophy. It is about philosophy. A lot of the conversations that I have had with this team was about what I deemed to be rather inappropriate of how we would tuck away in the CIP categories. We never believed that we could come back and get a ‘yes’ from the budget team to get the money we needed to do a project. I have worked very hard to eliminate that from the practice of what drives the conversation of believing that we cannot come back with a solid plan and get it funded. What you are seeing here, as Mr. Freas alluded to with the new sidewalks plan, it was me standing before you a couple years ago saying, please don’t try to give me more money because I cannot do anything with it.’ I remember saying that. That was meant to get your attention. There is the planning aspect of what needs to come before you with the ask for increased funds. I think what we are saying to you in this bicycle infrastructure lane is that we are working on it. We are not there because we have been working on sidewalks, schools, and other things. We are trying to get those numbers right so that what appears in the 5-year plan is more accurate. As to what we need money for and what we are going to get done. That has not been what has driven it. I am not saying that we didn’t do it right before. I am saying that I am choosing to push for it to be done differently. That is what this now reflects. The money is there. I could simply take your request and go back. Ms. Hammill and I could figure out what is a good number to plug in there. We could say that will put in \$300,000 for FY28, FY29, and FY30 and make you happy.

**Commissioner Stolzenberg** – I think what we are hearing is that there is a pipeline of projects that will be coming in 2029 and 2030.

**Mr. Sanders** – He has not given me that list yet. He is not there yet. What he knows is that he can give me a list now and get the funding that he needs because the new sidewalk line and a lot of other things came out of his hands. If we were to start putting numbers in the boxes again, we would just put numbers there that we don’t know tied to a project list or even are possible for us to get done. We would have an inability to spend that money that particular year because we needed to take that line in proximity to everything else that we are trying

to get done as well. If there is a capacity issue, that could interfere with our ability to spend. That is the reason why the thing to remember about this is that this is a 5-year plan. We revisit it every single year. We will be right back here next year with Mr. Chambers putting in a number in one of these boxes at least for one of these years. That is what I am projecting and pushing forward. It is a different approach to rushing to putting a number in the box for a number to be in the box. I want to make sure it is as close to the right number in the box associated with the projects, which is why we share it with you. The list that you got this year for the sidewalks is because I wanted you to be able to see what sidewalks are going to get done. I have been waiting on that list too.

**Commissioner Stolzenberg** – I agree. I think it is great to have the funding numbers be tied to specific projects and our best estimate of them that we can get now. I hope that we can at least get placeholders for the projects that we know are in the pipeline by the time that this is adopted in April.

**Commissioner Yoder** – What I am hearing is that the reason why the bicycle line is what it is because there is not a list of projects with cost estimates associated. It is great to see specific projects in the plan because it is tangible. I hope that we can get there with bike facilities as well. Hopefully, next year we are looking at a list of what we are going to do with this bike money.

**Commissioner Joy** – We have received several emails from people in the community. There is a lot of head scratching. It does not seem like the budget lines up with the value systems. A lot of this is optics. I feel the budget is a tangible reflection of where our priorities are. I don't know if there is a way/color shading to highlight these. These are their future plans. These future plans might change. I wonder if you can color out cells saying that this is pending, comprehensive studies for bike & pedestrian.

**Mr. Sanders** – I just want to point out that we probably need to spend some time identifying where else is there bicycle infrastructure recurring that is not related to that line. We are doing other projects that have abilities to touch the fact that we are working on bicycle infrastructure.

**Commissioner Joy** – Maybe it is an asterisk with a footnote that is saying that there is already a surplus that is being tapped into so that the public feels that bicycles are a priority.

**Mr. Sanders** – We need to visualize what progress we are making while trying to get to a place of a bigger number in those boxes that are tied to projects.

**Commissioner Stolzenberg** – On that note, we now have \$150,000 a year in citywide traffic engineering improvements. We are continuing to have \$100,000 in neighborhood transportation improvements. I think those are the funding sources we have historically used for things like our quick build program. I think the goal of the quick build program would be that we validate that some things work, maybe some things don't work, and we change up and do a new thing, and we eventually lay some concrete and harden them. Is there money to harden them? Is this funding them at the level where we can still keep putting down paint and plastic?

**Mr. Freas** – When you get to hardening them, they must move into one of these other lines.

**Commissioner Stolzenberg** – None of the other lines have any money for that yet.

**Mr. Sanders** – Not being saved for that, no. We will take those projects when they have matured to that point.

**Commissioner Stolzenberg** – On the other side, we have small area plan implementation still being funded at \$200,000 a year. This is the fund formerly known as SIA Implementation, immediate implementation. There is now \$1.8 million in Authorized but Not Issued funding in that pot. We did manage to spend \$200,000 this year

on that. I don't know what we spent it on. It was maybe the bridge over by Jordan Park or the new bridge over by south First Street.

**Mr. Sanders** – That is what is about to come out of that. It is to get that Pollacks Branch Bridge done. It will be a big chunk of that \$1.8 million.

**Commissioner Stolzenberg** – We are going to keep funding that at \$200,000 a year with no specific plans.

**Mr. Sanders** – That is different. The Strategic Investment Area (SIA) was a policy action. That is different. It had its own individual course of it receiving \$200,000 a year. The fact that it built up money over time is why we decided that we no longer wanted to make it just exclusively tied to the Strategic Investment Area, but then available to implement small area plans. The reality is for us to figure out how to spend it, which is why the implementation fund has at least 2 sizable earmarks to it right now. What you see is what is sitting. It is going to be spent. The \$200,000 a year is to make sure that we get moving into identifying projects. We have not been doing that.

**Commissioner Stolzenberg** – We will be identifying projects.

**Mr. Sanders** – That is why I can tell you this. It is on my target list. I don't like storing money away for no specific reason. It is not infinite.

**Commissioner Stolzenberg** – With street milling and paving, we are starting to see this get significantly untethered from the historical amount we have dedicated to it and the amount that we get from VDOT each year. That is not our budget for street milling and paving. We get \$5.6 million from VDOT every year for street milling and paving.

**Ms. Hammill** – That is for maintenance, which is a different budget in the general fund.

**Commissioner Stolzenberg** – There is \$2.5 million this year, which is already up 25 percent over a few years ago. We are getting \$2 million a year for 4 years.

**Mr. Sanders** – We project that we are going to get more milling and paving done.

**Commissioner Stolzenberg** – Is that because we are targeting a higher quality index? The last time I checked, the documents have not been posted. Our pavement quality index was above our target.

**Mr. Sanders** – I don't think it is that. I think this is about getting more done. That is the pressure point that I have made.

**Commissioner Stolzenberg** – We are getting more done because there is a backlog. Isn't the backlog a list of streets that are below our target pavement quality. Are we making policy choices implicitly to increase our target pavement quality?

**Mr. Sanders** – No, I don't believe that is the case. I believe that we are just catching up.

**Ms. Hammill** – I think some of the backup is related to sidewalk work that needed to be done in advance.

**Mr. Sanders** – I think that our index will probably increase just as a matter of getting more done. I think it is also because we need more done. We have not been consistently doing that. That is part of the question that

came when Public Works came before us to meet. One of the conversation points that did request follow-up on is that subject.

**Ms. Hammill** – That should probably be highlighted in yellow.

**Commissioner Solla-Yates** – ADA is our equity project that eats up ‘the pie.’ How long is that ‘pie’ going?

**Mr. Sanders** – That is not even close. That might be a nice slice, that 5-year plan. The result of the ADA Transition Plan was around \$150 million across the entire city for issues collectively. That \$2 million a year was a request that I made in putting the budget together to Council to indicate that as best effort. That has been part of the conversation that I have had with them for the concern that other communities have had the Department of Justice come in. You don’t want that. What they do when they come in is tell you that you must do what you already knew that you needed to do. You do it on their schedule. When you do it on their schedule, it does not matter how much it costs. A lot of the things that we are talking about moving around, I would have to shift to a bigger number in that 5-year plan to meet their settlement agreement. We will be signing one if they come because our issues are that significant. A community that has been around since 1762. We have a long list of issues. It does not matter that you have been around that long. It does not matter that the agreements that we signed were in the early 1900s. None of that matters. When the law was changed, we were supposed to start working on it. We have not chosen to. This is the beginning of doing that in a real substantive way. I will say that number could double or triple depending on the amount of work we choose to do as we get into some of the more complicated projects for the volume of what we know is the problem, the scope of the problem.

**Commissioner Yoder** – Did the larger study have a prioritization list associated with it?

**Mr. Sanders** – Part of what I was looking for was an ability to indicate that if we were to allocate \$2 million, I know what you are thinking. That is contradictory to what I said. I knew that it was going to have \$150 million situation. With \$2 million a year, I have the plan covered. What we knew coming out of that scenario was that we were going to have to figure out what our capacity needs were going to be to do more. Part of the first year was to shift funds to Parks & Recreation and have them prioritize their projects that are barrier removal and access focused. They then check the ADA box and the Park Master Plan box. It is to give us time so that we can figure out more about what we can do and what additional resources we need.

**Commissioner Solla-Yates** – The size of the ADA bucket in terms of our overall equity spend makes me worry that there are other buckets that we are not spending on. Is that true?

**Mr. Sanders** – I would say that is not equity alone. Globally, the local government’s work is supposed to be conscious of equity improvements. Since we have a wide variety of things that appear in our CIP and in our budget for where we are spending money, I would argue that we are checking that equity box in significant ways. Can we be more intentional and get to some of the harder to serve areas of our population of our neighborhoods? Absolutely. That is part of where we get to prioritize more work in the transition plan to make sure that we go into areas that are the last ones that we might visit under normal circumstances. It is part of the test for the paving and milling scenario. Part of my question to the team will be how do we know that we need to go there? I know it is on the list. Why must we go in that order? Why can’t we go in this order instead? They don’t like it when I do that. That is Ok. That is part of my job. From an equity standpoint, it is about the intentional work of making sure that we are not leaving anyone or any part of the community behind. With a global look at this, I would say that we are checking most of our boxes. We probably could be checking some a little better. Identifying that Dominion pole remediation and acknowledging that with money being earmarked for pole removal is being more conscious of the problem that we knew existed. We know it because we walk on sidewalks ourselves. If 2 or 3 of us are walking together and we must move, we know that there is a problem.

**Commissioner Roettger** – Did this include school-related?

**Mr. Sanders** – Yes. It did include part of the school assessments.

**Commissioner Yoder** – I have a question about the CAT transit bus replacement. I know there are a couple of different types of buses that are currently operating. There are the regular transit bus and the smaller vehicles. Are we purchasing more transit buses or are we going in the direction of the smaller vehicles?

**Mr. Sanders** – The smaller vehicles are usually for field trips and special activities. Our transit department has a responsibility to do special needs transport as well. We would not use a big bus for that.

**Commissioner Yoder** – I saw in the write-up that some of the buses may be alternatively fueled vehicles. I have read that there has been some major disruption in bus manufacturing and electric battery buses have had a lot of significant issues. Are we sticking with the tried-and-true buses? Are we doing anything new and potentially expensive?

**Mr. Sanders** – We have a commitment to convert our fleet. That Council action has already been taken. We have a period of time before we start procuring those buses. We have had an internal conversation about discussing that more with Council after Councilor Fleischer joins and begin to look at what the concerns that we might have the constraints that might be there and maybe a reason to adjust the schedule, not to stop a plan to convert but adjust the timing of it.

**Commissioner Stolzenberg** – To recap, CAT just submitted a no-low grant to the feds to improve their facilities on Avon to accommodate electric and hydrogen fueling. If they get that, that will pay for the fixed costs of that.

**Mr. Sanders** – We have been informed that we did not get it.

**Commissioner Stolzenberg** – Council committed to both battery electric and hydrogen.

**Mr. Sanders** – That is the basis of why the conversation had to come back.

**Mr. Freas** – I want to clarify that Council's commitment was to try both of those and then decide. It is not a commitment to do both. It is a commitment to try both. We must have facilities to repair both to do that.

**Commissioner d'Oronzio** – That would mean a purchase of vehicles, or we would have some sort of lease arrangement for those.

**Mr. Freas** – I think that everything is purchased.

**Commissioner d'Oronzio** – Presumably, we are going to ditch either electric or hydrogen or maybe we will do both.

**Mr. Freas** – At some point, we will decide. We will say that this is the technology that we will move forward with. That will be what the purchases will be going forward.

**Commissioner Stolzenberg** – Is CAT now submitting for smart scale for the same grant or with the same improvements?

**Mr. Freas** – There is a plan B and a plan C.

**Mr. Sanders** – We are not done. It was just one decline happening now in this fiscal year.

**Commissioner Solla-Yates** – I love copper. It is great technology, and it works. If we were to step back and rethink, could we consider copper wire as an option? It was described based on aesthetic concerns. I love aesthetics.

**Mr. Sanders** – I don't know. We will have to investigate that; not since I have been here. For the past 4 years, no. It was not part of the conversation. I don't know if it was prior.

**Commissioner Yoder** – With the historic districts and entrance corridors, that was the design that was cut off. Are we getting updated design guidelines for \$150,000 next fiscal year? With the historic district and entrance corridor design guidelines, we are getting a new guidebook or an updated guidebook for historic districts and entrance corridors.

**Kellie Brown, NDS Director** – We are working to scope that study right now. The goal is to evaluate the guidelines and see where updates would be appropriate.

#### **Next Slide – Parks and Recreation**

**Ms. Hammill** – There is a lot of yellow here largely because we are still waiting on specific plans. That is what we have termed this year's callbacks to look at details and plans before we nail down numbers on both the Master Park Plan, The Downtown Mall Tree Management Plan, and Downtown Mall infrastructure repairs in general. The city-county park maintenance is a new request this year. For any of the jointly owned parks, such as Darden Towe and Ivy Creek, if there is work that is planned, both the city and county put in 50 percent of that in their budget. The county has approached staff and asked for an opportunity to have a pot of money for general maintenance. It is not specific. We are getting more details and figuring out how that might work. That is why that is yellow.

**Mr. Sanders** – The first 2 lines being yellow and they appear as placeholders is because we are expecting that we will have actual numbers by year before this budget cycle closes. That was the request that I made.

**Commissioner Stolzenberg** – Council approved or at least saw that plan. Are we moving forward with phase one at some point during this?

**Mr. Sanders** – That is what that requires.

**Commissioner Stolzenberg** – Phase two would be 5 years later. I don't understand the staggering of all this.

**Mr. Sanders** – What we can make sure you get is parks and share their information to look at that. That reflects the actual tree work getting done. That was the schedule that they came back to us with. They adjusted based on the fact that I would not put placeholders in for them to force them to give me real numbers. That is what they came back with.

**Commissioner Stolzenberg** – We separately have an active life cycle management.

**Mr. Sanders** – I asked that question. We are going to get an answer on that one. Do we need that to continue while we are replacing them? Do we then get to move that somewhere else temporarily?

**Mr. Freas** – The motion on that line is that it is supposed to be responsive to large dead limbs and dead trees that present a hazard. It is almost operational.

**Commissioner Stolzenberg** – With the Parks Master Plan implementation, we adopted a parks master plan with the comp plan. It cost a lot of money.

**Mr. Sanders** – A lot of the results for the plan came back as maintenance driven. There are several things that I would imagine that the first couple of years are going to be probably lower than you see in the out years, so that we can focus on the maintenance activities first. There is probably a bigger bang that the public can appreciate if we focus there and then get to bigger projects, which is why they are going to come back to make more. I would imagine that there will be bigger numbers.

**Commissioner Stolzenberg** – The Master Plan is split into stuff with parks and this huge new paved trail network, which complements our other on street bike/ped facilities. Is this reflective? I note that the parkland and trails acquisition and development are unchanged. Is this putting the shared-use path network on hold?

**Mr. Sanders** – That is a good question. The master plan also includes trails. I would imagine that they would either include those numbers in the parks master plan implementation line, or they may ask us to change the trails line if they can identify what acquisition work could be done and/or what improvement work could be done. That is a question for part of that follow-up that we have with them.

**Commissioner Stolzenberg** – I know there are external grants to tap others that they can leverage. They might need money allocated so they can help those.

**Mr. Sanders** – One of the changes that is occurring with the trails management is that we are shifting some responsibilities to the capital division within Public Works. There is some coordination that needs to be done between the two departments before those numbers go dramatically different. There could be some adjustments.

**Chairman Schwarz** – What do we get from the urban tree planting? Is that 5 trees?

**Mr. Sanders** – It is a significant number.

**Chairman Schwarz** – Is there any funding for trees on West Main that were lost? I think we lost over 10.

**Mr. Sanders** – I would not imagine it would be part of repaving. Part of the scenario has been the tenor of the conversation about the West Main redevelopment project itself. That is where the trees were anticipated being addressed. Since that was removed off the table, it is a matter of it getting back on the table. Planting in the interim might be something to look at.

**Mr. Freas** – I think that those trees on West Main are not going to come back until after the utility project.

**Commissioner Stolzenberg** – Are you saying that the West Main streetscape could come back?

**Mr. Sanders** – I did not say that. That is a political decision. You have your conversations with who you need to have those conversations with.

**Commissioner Stolzenberg** – I am not saying that is bad. We should maybe just put some trees in the wells.

**Mr. Sanders** – I think there is an order to that process. I would imagine that staff would come and ask me: Do you want trees in all those holes? Would you like to confirm that?

**Commissioner Mitchell** – It looks like you have zeroed out the ash tree treatment. Is there a reason?

**Mr. Sanders** – I think that was their request.

**Ms. Hammill** – I think that was done last year as part of the plan. We can follow up on that. Most of that work had been done. We shifted the funding and increased it a little bit in one of the other lines. I think it went to the urban tree planting.

**Commissioner Stolzenberg** – All the dead trees are dead. We are going to keep inoculating the ones we saved. A lot of that money was just taking down.

### **Next Slide – Affordable Housing**

**Ms. Hammill** – There are no changes to this section. Last year during the CIP planning process, the Carlton Mobile Home Park was new. The final terms were not known at that time. The numbers here have been adjusted to reflect the final financing that was received for that project.

**Commissioner d’Oronzio** – Three years ago, navigating that and getting the data on that, that was awkward. Last year, it was better. This year is another level of smoothness on the budget book, the CIP, and accessing things. This upgraded platform is better. With Carlton Mobile Homes, we pay principal and interest there at \$19,000 a month. Is that \$4 million going to be bonded to pay that ballooning loan off? What is the \$4 million four years out?

**Ms. Hammill** – It is a balloon. The financing is set with a balloon payment. We are basically paying interest in the 4 years that are here: interest payment and one principal payment in this current fiscal year. The rest is interest. It is not bondable for us. It is not our loan. It is PHA’s loan.

**Commissioner d’Oronzio** – If we are doing something like that, we are creating an entity in which the city has a piece of the action to get close to that. We are just going to pay it. Presumably, that could also fall into some sort of financing arrangement and not having to pay off this.

**Ms. Hammill** – That would potentially be up to them.

**Commissioner Stolzenberg** – Do we have a performance agreement on that?

**Ms. Hammill** – There is a funding agreement.

**Commissioner d’Oronzio** – I noticed that on CISRAP we are taking a dive into the program itself. I think that it is overdue for a couple of reasons. Some of them are in the weeds. The present structure was how this is funded and works. It was worked out when Mike was the acting city manager. That arrangement there has needed a re-examination for a while. The original thing was clunky. Our fix to it was not quite right. It was we could do with what we had. I am glad to see that it is done. It is a policy decision if we start increasing that number. Can John Sales manage the throughput with the current housing stock that we have?

**Mr. Sanders** – We are deep in that item. We had a big conversation about it earlier today.

**Commissioner d’Oronzio** – My other comment would be on the Affordable Housing Fund. I am going to be a broken record on this capacity piece. We are now down to Ms. Metzler being focused on that. Unless you want to be putting anything else on her desk.

**Mr. Sanders** – We did not lose the 2<sup>nd</sup> position. We will begin recruiting at some point for the 2<sup>nd</sup> position and have conversations about expanding that.

**Commissioner d’Oronzio** – One of my concerns about the staffing of it is that the less staff we have, the fewer projects and the bigger they get. It does not produce a ticking through process if we can be doing a lot of these things that are larger in scale.

**Mr. Sanders** – It is not just the projects that we are doing ourselves. It is also the things that we are investing in and the responsibilities that come with tracking those. We have always understood that we would be adding to that team. It was just a matter of that catching up. The zoning ordinance being stuck for the moment that it was stuck. We will now see what comes as a result of being unstuck.

**Commissioner d’Oronzio** – At one point, we had a conversation about dedicating in addition to the \$10 million, a certain amount dedicated to staffing on that. Is that \$1.5 million inclusive of the designated recipients that you have generated the necessary services designated?

**Mr. Freas** – That will be in addition to this.

**Commissioner Solla-Yates** – With the low-barrier shelter, is the Salvation Army item correct? Is there a new item related to this topic?

**Mr. Sanders** – That is a construct related to Cherry Avenue, that location exclusively. It is a matter of whether we would be able to have a facility in partnership with the Salvation Army. Our purchase of Holiday Drive technically eliminates that. Since I don’t give up on things and try to continue to work on things. It is still there because we have other conversations going. There might be an opportunity to do something else. That would still be in the service of the needs of the unhoused.

**Commissioner Solla-Yates** – Is there a Holiday Drive item that will appear?

**Mr. Sanders** – It will eventually appear. We are not sure that we are going to need to do it out of the CIP. The intention was that we would not pay for the improvements of the building. Our philanthropic friends in the community have offered to step in if we were going to spend that much to acquire some. That is being negotiated.

**Commissioner Solla-Yates** – With a land bank, we took all the money from the land bank. Did we put the money back in? Will we put the money back in?

**Mr. Sanders** – The land bank conversation has been moving. We are now looking at the revolving loan fund through the Economic Development Authority as a more viable option. What would happen is that any funds we had earmarked for the land bank could go to that to support that being bigger. There are still a couple more questions and conversations to have to make that more viable as the option. That would be a question for the city to look at. I would consider that more of a 1-time cash injection versus planning that out in the CIP until we started doing some things.

**Commissioner Stolzenberg** – Did I hear that there is a \$500,000 total revolving fund?

**Mr. Sanders** – I did not say a number. I think the conversation being had is most important, the mechanics of the revolving loan fund, and then the determination of what goes into it as a cash contribution will be happily entertained and taking that to Council.

**Commissioner Solla-Yates** – The University of Virginia bought some property and is leasing it for affordable housing. Have we talked about us doing a similar model where we use bondable funds to purchase land and then lease it out for affordable housing? Where are we on that idea?

**Commissioner Stolzenberg** – That is the structure of the 10<sup>th</sup> Street and Fontaine projects. They own the land. They are going to lease it to these nonprofits. If we purchase land, we can bond it.

**Commissioner d’Oronzio** – That would be great for a land bank to act as a land trust in that environment.

**Mr. Sanders** – We do own a piece of land that is vacant and could be used in that manner. We are not there yet. Future acquisitions are in the cards at this moment because we are carrying quite a load already. I am not seeing that yet as the next step.

**Commissioner Solla-Yates** – With the CAHF, we have wanted the CAHF big and running projects through the CAHF. We generally don’t do that. For FY31, could we increase the CAHF in FY31?

**Mr. Sanders** – It is not likely that it will stay that small with what we know. Is it possible to do it now and blindly?

**Commissioner d’Oronzio** – We have a capacity problem. There is a lot to administer there.

**Commissioner Stolzenberg** – What we have discussed in the past is that specific projects tend to end up on this table out of the blue to us in a sense. Without a cost-benefit analysis or a competitive process comparing projects, we have a table with 2 providers, when we know there are more providers out there perhaps beyond the projects we have already committed to. We could and should have some rigorous defined process to decide what gets these large allocations. The RFIs we have started to do are a start.

**Mr. Sanders** – We can give you that.

**Commissioner d’Oronzio** – Who has that initial discussion?

**Commissioner Stolzenberg** – Part of the Affordable Housing Plan was this idea that we should have oversight structures that became the CAHF Committee that was not HAC. HAC was populated by people requesting funds. That became the CAHF Committee. Only a tiny subset of money goes to the CAHF through the CAHF Committee. Maybe we need to expand the purview of the CAHF Committee or maybe create a new structure if necessary to think about these larger projects and that \$1.5 million so that these conversations can happen in a public forum and happen at all where we can make tradeoffs and different projects against each other.

**Commissioner d’Oronzio** – I think we said last year and the year before that we need some sort of implementation system for this. We have no idea what that looks like.

**Mr. Sanders** – With the RFI process (Request for Investment), was what was established to make it not blind. Individuals would have to meet a deadline. It was listed as a part of our notice of funding availability that goes out in the fall. With each subsequent month, there is a deadline for a pot of funds that are available. The RFI round is the open period that any developer can submit where they are asking us to consider investment. We have now followed that process for 2 years. We will be bringing those to Council in the budget brief on the 15<sup>th</sup> of August. They will be in public light. We can share with you the three summary proposals that we have received. That is the plan process for going forward so that they are considered by Council as a giving reaction to what was requested and therefore giving me the indication that they want it to fit into the CIP. That is the

purpose of those briefs as they are being held. If you are asking for the Planning Commission to be the stand-in for reviewing them since the CAHF Committee scenario did not work out. I agree with you that it did not work out, we can take that to them and let them tell us what they want to do.

**Commissioner Stolzenberg** – If the CAHF Committee is not working, we should fix the CAHF Committee. Are CRHA projects included in this? Were they intended to respond to the RFI? I know that they have future projects.

**Mr. Sanders** – Up until now, the FY28, which is the last year for Westhaven Redevelopment was to coordinate through Council commitments and action for that to appear up to FY28. They recently made requests through the fundamental process since they are now on that list around \$200,000, as part of a development project that is being shifted to the RFI process. I think it was scattered site. There has been no money allocated specifically to scattered site long term.

**Commissioner Stolzenberg** – Of the CRHA projects that I have on my list that I have not seen any funding anywhere include 6<sup>th</sup> Street Phase 2, scattered sites, and the Dogwood portfolio including the random duplexes that they have recently purchased from excess CISRAP money. I believe the intent was to develop those properties. I don't know if they have any concrete plans for any of those.

**Mr. Sanders** – Not that we are aware of.

**Commissioner Stolzenberg** – The question was where does that eventual request go? Does that go through this RFI process?

With Friendship Court, Phase 4, we still have committed funding. Have we seen a plan for Friendship Court? The last I checked; it was Phase 4 TBD.

**Mr. Sanders** – I would say that we are working on that. Even today we had conversations about that specific Phase.

**Commissioner Stolzenberg** – 501 Cherry did not get 9 percent LI HTC. I now see that they applied for 4 percent LI HTC. Our commitment to funding has not changed. Do we know how that project has changed to accommodate the much lower funding amount they are apparently getting?

**Mr. Sanders** – It is being considered currently as well. It could be a matter of change of project or request for funds or a combination of the two.

**Commissioner Stolzenberg** – These are the sorts of things that I feel should be public, particularly when we are committing millions of dollars to these projects. I would also argue that we should request and require that we see project performas as a part of these funding commitments.

With the \$11 million in cash, what are we going to do with it? Have we gotten an indication of whether they are going to choose on-site units or in lieu payments?

**Ms. Hammill** – That is why it is not on the sheet yet.

**Mr. Sanders** – It could be anywhere between that based on any changes or mixed changes. We are excited to know that it is coming. We would love to know when we are going to see it.

**Commissioner Stolzenberg** – The exact amount because it is set as a multiple of the old inclusionary zoning requirement in lieu requirement under 34-12, which is per square foot in excess of 1.0 FAR at a certain dollar amount that is adjusted for inflation.

**Mr. Sanders** – We are excited that the money is coming. We know it is coming.

**Commissioner Stolzenberg** – That will be a pot of money that our future RFI process will have available to allocate through that.

**Mr. Sanders** – That will be when Council makes that determination. There are still questions around that.

**Commissioner Stolzenberg** – Just want to make sure we spend it within the statutorily required period before we must give it back.

**Mr. Sanders** – That is my job. We will do that.

**Commissioner Stolzenberg** – Are there other cash proffers that we are aware of on the horizon?

**Mr. Freas** – No.

#### **Next Slide – Technology Infrastructure**

**Ms. Hammill** – That \$40,000 is basically funded through PEG fees that are collected and must be spent on public access. The citywide IT infrastructure is an account that we use to help with technology infrastructure that has happened during the year. Most recently, we have used the funds in that account to help get implementation underway for asset management. We also used it for an upgrade to procurement system at one point. Our voting equipment is due for replacement. This was funded over 2 years. That will be taken care of in FY27.

#### **Next Slide – What's Next?**

We have had the work session tonight. You have a joint public hearing with Council on December 9<sup>th</sup>. That is when you will frame your formal recommendation to the City Manager for consideration with his proposed budget. That will be released to Council on March 2<sup>nd</sup>. We have the budget explorer tool. If you scroll down, there is also a new CIP quarterly report.

**Mr. Freas** – In the CIP quarterly report, you will see projects that are underway with updates as to where there are the statuses of them. There is information about each project. It is one of the reasons why we are moving away from lump sums to specific projects. We can more readily report on specific projects. This is intended to be a public asset for people to understand the work that is happening and the timeframe under which this is happening. The document is highly sortable, navigable. We are building it out over time. The same managing these projects are responsible for providing those updates and getting more of them into the system. We are trying with each quarter to get more projects into that system.

**Mr. Sanders** – You have seen that there is significant cash that is being used in this CIP. There is CIP contingency that is being used. Balancing all of that is really the task at hand. There is no desire to push back and hold off. It is really about just trying to make sure that our numbers are accurate, that this CIP is tight in a sense of what is in there, and should be in there for getting something done.

**Adjournment**

The work session was adjourned at 6:45 PM.

**Public Comments**

There were no public comments submitted during this work session.

**PLANNING COMMISSION REGULAR MEETING**  
**December 9, 2025 – 5:30 P.M.**  
**Hybrid Meeting**

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

**Beginning:** 5:00 PM

**Location:** NDS Conference Room

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

**Staff Present:** Patrick Cory, Matt Alfele, Missy Creasy, Dannan O’Connell, Remy Trail, Jeff Werner

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

**Beginning:** 5:30 PM

**Location:** City Hall Chambers

**A. COMMISSIONERS’ REPORTS**

**Commissioner Stolzenberg** – I had 2 meetings this month. The first was LUPEC in November. There was an update on all the various transportation studies that you are familiar with, the STARS and pipeline studies. There was a lengthy discussion of all the projects that are finally breaking ground in the next 2 years and how to coordinate between VDOT, contractors, and the city as all of those happen. There are going to be projects and road work happening all over. There was a lengthy discussion about how to coordinate internally and in public messaging. It sounds like there will be follow-up meetings to get some actionable improvements there in advance of these major projects beginning next year. MPO Tech met last week. We covered a couple topics. One topic is that we are narrowing down what we will be doing for smart-scale round seven. Potential projects are the Barracks & 29 Interchange and how to improve that. Albemarle County will be submitting a shared-use path plan further west on Barracks Road. In the city, you have our one project smart-scale application, the Ridge & Main project. That is coming out of the STARS study that is underway. There was discussion of what one project on the bubble would be. Since the MPO gets 4 submissions, there are 5 under consideration. There are essentially widenings of the 250 bypass in the vicinity of Old Ivy, whether widening the southbound or lengthening the southbound off or the northbound connecting that on-ramp to Leonard Sandridge where that off-ramp begins. Once they are out there and doing analyses, it turned out that the one they expected to be in worse condition was in better condition than the other. There were probably 2 other projects. The Fontaine bundle, which includes the Hydraulic roundabout and other things went out to bid and came in under the expected budget. There was a gap between the city’s Fontaine streetscape project that went to the city line and the MPO Fontaine interchange project. There was about 400 feet of gap in what is a mile long project. They are hopeful that they can address the gap if we figure out what we want to do with it.

**Commissioner Mitchell** – No Report

**Commissioner Solla-Yates** – I have been teaching a new course at the University called The World Heritage Trail. There was a big public pinup today. It is mostly wrestling with how to have safe transportation between the city and Monticello across Interstate 64, which is hard. There were a couple interesting ideas that I am hopeful about. I will share more information when I have it.

**Commissioner d’Oronzio** – For the first time in my tenure, I missed a HAC meeting. I don’t have anything to report there. There was a discussion of their 2026 work plan. TJPDC met last week. There is a funding opportunity under Safe Streets for All for all the various localities. TJPDC staff has already contacted the constituent staffs. There is uniform interest for moving forward with that. The idea is that the consolidation of this in one supervisory grant will get a lot farther. TJPDC’s offices are being renovated starting now. They will be 100 percent virtual and out of the office.

**Commissioner Roettger** – I missed the Tree Commission meeting. I know what they were working on. They have been doing a lot of work prepping for the State of the Forest report that they do every year. I know that they are working hard on that. They are continuing to work on an educational brochure for developers hoping to keep more existing trees in the mix and how to plan for that. I attended a Parks & Recreation meeting. We finished going through all the bylaws. There was still a lot of internal conversation in that meeting. We had 2 great interviews with potential new commissioners.

**Commissioner Yoder** – No Report

## **B. UNIVERSITY REPORT**

**Commissioner Joy** – I have a brief update on some ongoing work that is associated with our capital projects. The Virginia Guest House is the hotel and conference center, the flagship property at the University for our guests. That will be substantially complete in early 2026. That will have a grand opening in April. The Karsh Institute of Democracy will be wrapping up in the fall of 2026. That project is making great progress. Second year housing, which is adjacent to The Karsh Institute and The Guest House, will be completed in the fall of 2027. That is starting to come out of the ground. We have Darden student housing. That will also be completed in the fall of 2027. We have North Grounds Parking Garage. The Fontaine Garage is open. The North Grounds Garage will be open in the fall of 2026. I have an update on Sycamore Hill. That is the property that was previously known as the Federal Executive Institute. That is currently going through some mold remediation. There are safety and accessibility issues that are being addressed with the hope of having first classes and residences in the fall. The primary users of that property will be the ROTC and the School of Continuing and Professional Studies. Fontaine Zero Combustion Energy plant includes 100 geo-exchange wells that are each 800 feet deep. That is nearing completion. We are hoping to see that up and running this winter. The Oak Lawn lease has been finalized. It is now currently with the city for review.

## **C. CHAIR’S REPORT**

**Chairman Schwarz** – At the BAR meeting last month, there weren’t any projects of significance. We did spend time speaking with staff trying to get some guidance for the RFP that is going out for updating our guidelines.

## **D. DEPARTMENT OF NDS**

**Matt Alfele, Development Manager** – We had our work session with you last month regarding the Tier 1 and Tier 2 amendments. It was very productive. Staff have been busy incorporating that feedback from the work session. We anticipate coming for a public hearing. It is a lengthy ad that we have been working on for January 13<sup>th</sup> for the public hearing.

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

No Public Comments

## F. CONSENT AGENDA

1. Minutes – October 14, 2025 – Regular Meeting
2. Request for Initiation of a Zoning Text Amendment and Zoning Map Amendment – 801 West Street
3. Resolution Establishing a Regular Meeting Schedule

**Motion to Approve – d’Oronzio – Second by Solla-Yates – Motion passed 7-0.**

**The meeting was recessed at 5:42 PM until 6:00 PM for the joint public hearing with City Council.**

**The meeting was called back to order at 6:00 PM**

**Mayor Wade called Council to order.**

## III. PLANNING COMMISSION – CITY COUNCIL JOINT PUBLIC HEARING

*Beginning: 6:00 PM*

*Format: (i) Staff Report (ii) Public Hearing (iii) Commission Discussion & Motion*

1. **Charlottesville Capital Improvement Program FY 2027-2031:** Consideration of the proposed 5-year Capital Improvement Program in the areas of Affordable Housing, Education, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, and Technology Infrastructure. A copy of the proposed CIP is available for review at: <https://www.charlottesville.gov/budget>.

### i. Staff Report

**Krissy Hammill, Budget Director** – We are going to have a public hearing on the CIP. Everything you will see tonight is what we talked about at your last work session. This may be the first time Council has seen a draft of the CIP. I will go through these slides, talk about what is in there, and I will leave most of the time for you to discuss. Eventually, you will use this meeting to make a recommendation to the City Manager for what you would like to see in the CIP. We are going to look at a 5-year draft plan, look at the planned revenues and expenditures by category, and we will leave it open for questions.

### Next Slide – Summary

If we look at the 5-year plan, you will see that this plan every year is balanced. Revenues must balance to expenditures. This plan looks to fund the CIP with \$153 million of bonds and over \$44 million of transfers from the General Fund in terms of cash. We are using some of the CIP contingency funds to balance the CIP. The contribution from schools is a regular contribution that they make for their small cap program. The \$40,000 is for PEG fees. That comes from the state that we use for the public access studio. If you were to look at the expenditure categories, as these projects fall in line over the 5 years, if you were budgeting based on your priorities, Education comes first, Transportation & Access comes second, and Affordable Housing comes third.

### Next Slide – Funding the CIP-Revenues

Looking at the revenues in a more granular detail. With the General Fund each year, we have a financial policy that requires that we transfer at least 3 percent of the General Fund as cash to the CIP. Most of our CIP is to be funded with bonds.

### Next Slide – Education

As we start going through these categories, you will see that there are some highlights. If it is a green highlight, that is an indicator that it reflects a change from what was in the plan last year. For HVAC, last year, that was in

the budget at \$750,000 a year. This year it is reflecting over \$1.25 million. If it is yellow or red, that means that the number that is reflected here is what the departments have submitted. It is still being reviewed and under discussion with the City Manager. If there is something in blue, it means that it was added completely as a new project. There are not many of those yet. From the notes we sent you a list of all the new requests that were submitted by departments. We are still reviewing many of those.

In the Education category, we are just at \$15.6 million in FY27 or \$61.3 million over the 5 years. One notable change that you will see here is for the Walker Pre-K program. Last year, that was in the CIP at about \$30 million. You will also see noted that Oak Lawn is TBD. Based on cost estimates, we have added some additional funds to that project. McGuffey is one of the new projects that was added. That roof needs to be replaced. That was added in.

**Michael Goddard, Assistant Director** – If you have been following the conversation about the Pre-K center or the early childhood learning center for the new preschool, we had originally planned on putting that at Walker. We still might do that. It is still a conversation. We have been offered a piece of property at Oak Lawn, which is next to Buford or Charlottesville Middle School. There is some conversation about moving the program to that site. The change in the value of that project does not have anything to do with the site. That is a side item that is happening at the same time.

#### **Next Slide – Facilities Capital Projects**

**Ms. Hammill** – There is a new project here, the McGuffey Roof Replacement. That is programmed in the out years. That is something that came to our attention in this cycle. Just as we increased the funding for HVAC on the school side, we also increased that on the city side as well.

#### **Next Slide – Public Safety & Justice**

We are at \$1.8 million for FY27 or \$6.6 million over the 5 years. There are basically no changes to any of these categories except for the mobile data terminals. That was basically a change based on their replacement cycle and a few cost changes.

#### **Next Slide – Transportation & Access**

There are not a lot of changes here from what was in the plan last year. You will notice that with new sidewalks, there was quite a bit of additional funding. That was added here as an investment. We added to your packet a list of the tier projects and the funding for those by year. Dominion Power Pole remediation was newly added. It was largely the purchase of easements and right-of-ways for removing the poles. With Bus Replacement, those numbers were changed just to reflect the cost of the buses. There are no changes in terms of alternative fuels or EV. This is just our normal bus replacement and the cost of buses. This is our match to the federal and state funding that we get for that. ITS was a slight change on an annual basis. The right-of-way of pertinence was a slight increase. With the historic district, that money was a slight increase. It was spread over a couple years. We have moved that forward to get some work done earlier. We have received a lot of comments on the bike infrastructure.

**Ben Chambers, Transportation Planner** – You will see on this proposed budget that we don't have a change to our bike infrastructure fund. We are holding it constant at \$100,000 for FY27 through FY31. We don't want to show this as 'this is all we are spending' on bike infrastructure over the next 5 years. We currently have about \$1 million sitting in this fund right now. We have about \$800,000 worth of that programmed out throughout the rest of this fiscal year. We are programming that out on things like the 5<sup>th</sup> Street Cycle Track, Rose Hill Drive Restriping, and repaving planning work that we are starting this winter, and a protected bike parking pilot that

we will be looking at in the spring. This will leave us with about \$200,000 to carry over into FY27 along with the \$100,000 that we are proposing for this fiscal year. We would be looking at supporting planning for West Main Street, Cherry, and Elliott as we are working through the repaving and utility work on those corridors. We are also going to be working with utilities and with our Public Works partners to make sure those corridors are safe to go through as they are under construction. As we are finalizing designs on those utilities and repaving projects, we are also finalizing maintenance of traffic plans that account for bicycle and pedestrian movement. I would like to note that along with doing a lot of bike work with the existing funds that we have, we are also going to be figuring out what the network looks like in the future. We have \$750,000 that has been appropriated by Council to start the development of a citywide transportation plan, which will help us figure out what we will need to invest in next. While we are putting that together, we are scoping of that over the spring. We will be planning for that for FY27 and FY28. While we are doing that, we are also going to be looking for opportunities to align with any repaving or utility work that is going on and may come to you in the future. We have the funds that we need to move forward with the work that we have.

**Ms. Hammill** – Mr. Sanders has spoken a lot about trying to move away from more of these lump-sum accounts to more specific projects. Part of that will come from this planning that Mr. Chambers just spoke of. Any of the projects that are bonded, because we don't sell the bonds until we are ready to do the project or the project is underway, we don't have to build up a savings account per se as long as we are accounting for that in the future plans. Don't be alarmed that it is only \$100,000. We are working on that. We will be coming back. There will likely be changes in the CIP. We are trying to spend down the funds that are available now to get that work underway like what we did with the sidewalks. Many times, we were here, and we had lump sums in the new sidewalk account. As Mr. Sanders alluded to in the work session, he was saying 'please don't give me more money. We can't do the work.' It is a similar situation to where we are with bike infrastructure. We are working on that. You will see more in the future.

**Commissioner Stolzenberg** – Are we certain that what is remaining in the account plus this \$100,000 for next fiscal year will carry us through all our needs for FY27 without any possibility of any of those projects you mentioned?

**Mr. Chambers** – I cannot give you 100 percent certainty. We are still working with Utilities and Public Works to identify the project schedules for West Main, Cherry, and Elliott. We think that \$300,000 is going to be a pretty good starting point and probably would not be able to advance much planning beyond that.

**Commissioner Stolzenberg** – Is there funding on the operational side or funding needs on the operational side that are limiting our capacity to do more projects like this and get that money out the door to build more infrastructure like we saw with the sidewalks, building up our in-house crew, and improving our capacity within project management in Public Works? Are there funding requests or needs for the operating budget that could increase our capacity there?

**Mr. Chambers** – We have not identified any of those needs at this point. We are still trying to figure out what that network needs to be before we identify the staff that are needed to implement it.

### **Next Slide – Parks & Recreation**

**Ms. Hammill** – With Parks & Recreation, we are a little over \$2.7 million in FY27 and \$14.2 million for the 5 years. You will notice that there are multiple yellow highlights in this area. All of these are just lump sums that we have requested are specific project lists from the departments. We are in the process of holding meetings for departments to come back and discuss that and make proposals to Mr. Sanders. Those numbers will likely change as we get more specifics for how those funds will be spent. The City County Park Maintenance account was a new request that was received from the county. Traditionally, we have had this line item in the CIP. We

share the costs for parks such as Darden Towe. Generally, they identify a project, bill us, and we budget for 50 percent. In this case, they have asked us to designate a lump sum account to address small maintenance things like our small cap projects that we have for facilities. That is a new request. We are waiting for a little more information on that. That is why that one is highlighted. The Parks and School Playground was slightly increased based on their work plan.

### **Next Slide – Affordable Housing**

**Ms. Hammill** – Not a lot of changes here. Carlton Mobile Homes was changed in the CIP last year. Those numbers were much bigger in the early years. At the time, we were working on the CIP last year. Their financing was not complete. That has since been completed. These funds here reflect the actual loan payments that the PHA will be making during that time. There is a balloon payment in FY30.

### **Next Slide – Technology Infrastructure**

**Ms. Hammill** – These are small funds. The public access TV is \$40,000, which comes from the PEG fees that I mentioned earlier in the revenues. The citywide IT infrastructure is an account that we use to leverage different information technology opportunities that arise. We have used this to help when we move forward with our asset management system. We have moved this when we move forward midyear with a procurement system. We have used it to purchase TVs for informational purposes for different places throughout the city. That is what those funds are used for. With the replacement of voting equipment, that was the second year of funding that that equipment needs to be replaced next fiscal year.

### **Next Slide – What’s Next?**

**Ms. Hammill** – Those are the details. We are having the public hearing tonight. You will use this time to make a recommendation to the City Manager. The CIP will be proposed as part of the overall budget and presented to Council on March 2<sup>nd</sup>.

**Commissioner Yoder** – With the bike projects in the past, we were amassing funds in an account for this. We could not spend it or did not have the capacity to spend it on projects. We are trying to move away from that to where we have the sidewalk projects. I think it is a great example. We have a list of projects, and this is what we are funding. In looking at the budget explorer and looking back at the fiscal year we just had, we had \$60 million in new funding and \$201 million in prior years on expended funding. There were several times more funds coming from prior years. Is that typical? Is that what we want to see? Are we trying to move away from that?

**Ms. Hammill** – There are a couple things going on there. Typically, we would not like to have over \$200 million sitting unspent. That seems like a big number. However, a large percentage of that is related to our VDOT projects that are large federal and state funds. As we budget those projects, we must put the full budget in with the expectation of those funds. We have been working on that portfolio to move those projects along. We are on our way with that. We do anticipate that you will see that balance fade away. As we embark on larger projects, such as \$46 million for a Pre-K Center, it will depend on what projects are in the CIP. VDOT numbers are what drives that \$201 million.

**Commissioner Roettger** – With affordable housing, in the future it would be interesting to have a work session just on a particular topic, maybe not each department. On some of the topics, it would be interesting to have some of the constituents that are usually listed as taking some of the funding in the room to hear what is going on in the larger picture from all the different levels of subsidies that are available to offer. We don’t need to get into the school situation. We don’t need to do everything. In that one, there were questions about the funding

coming in from some big new projects in town. It would be interesting to have a session with everyone involved.

**Ms. Hammill** – That is a great suggestion. Mr. Sanders has been using the 4 PM sessions with Council to address some of those. We can send you that schedule. We have already had some. We can share that schedule with you.

**Commissioner Solla-Yates** – I understand that we were far along on the Walker design for the Pre-K building. How far back does the Oak Lawn switch push us in time? Would it be appropriate to push the funding back a year and pull something else ahead?

**Mr. Goddard** – That is a good question? The Walker site was not quite through the schematic design. We were not that far down the road. There is a delay because of the way we do scheduling projects, typically in one-year increments, so we land at the end of the summer. We aren't experiencing a delay directly associated with Oak Lawn. There was an earlier delay associated with the FEI (Federal Executive Institute) debacle. It is that same year that we are now working through. I don't believe that it makes sense to switch the order of the projects just because we are already back into design. We are doing site examinations of the Oak Lawn site, so we can take over that site and know what we can do with it as soon as it is available to us. It is a step back. Hopefully, we will reuse as much of that design process if not the actual drawings as we can.

**Commissioner Solla-Yates** – I read the notes from the 1975 City Council meeting where the current McGuffey arrangement was made. Council was concerned about leaving the historic property vacant and possibly losing it. They established a committee to study the matter. They recommended the current approach to understand that it would cost about \$100,000 up front to make it happen. Could we have a similar committee today to look at this issue? Could we look at a hybrid option where many community needs are addressed with modernized facilities? I list several possibilities. There are 2 acres downtown worth \$10 million that is potentially useful for many public purposes.

**Mayor Wade** – The question is whether we will consider another committee? I don't see why not. I am not going to make that commitment now. It will be something to investigate.

**Commissioner Solla-Yates** – I like saving money. I see a couple ideas on the "unfunded list" that save money. Solar and HVAC come to mind. If we did want to recommend funding for those, my understanding is that they would increase our overall capacity to deliver capital projects going forward. Is the math right?

**Ms. Hammill** – In terms of energy savings? Is that where you are going? For HVAC, we did increase the funding over \$1 million each year if you look at both the school and the facility accounts. With solar, we do have several new installations. We are still looking at what those cost savings would be. We are also looking at other alternative ways to get solar, such as PPA and those other things. There certainly is energy savings with solar. The devil is in the details in terms of cost benefit of those. We are looking at all those options.

**Commissioner d'Oronzio** – Can we speak to the out years on housing? On the CIP side, we are looking at a drift down. I understand that some of that is caused by these major capital projects coming to an end. Presumably we will be replacing those major capital projects with new ones. It looks like we have a precipitous drop. Is that a follow-up on to Mr. Sanders' preference not to be accumulating huge savings when we don't know when we are spending it and how it aligns to our \$10 million a year commitment?

**James Freas, Deputy City Manager** – We don't have projects lined up now. I will note that the \$10 million a year objective set in the Affordable Housing Plan was for 10 years for \$100 million. We are coming to an end to

that. That has been often referred to as a starting point and we have treated it as such. I can assure you that we have not put a sign on the door that says, closed for business.

**Mayor Wade** – We have had discussions as to whether that needs to even be higher because of inflation.

**Commissioner d’Oronzio** – Is 2031 or 2030 ten years?

**Mr. Freas** – 2030 is ten years under the Affordable Housing Plan,

**Commissioner Stolzenberg** – You often start these discussions by explaining what a CIP is. What do we want from our CIP? What is the purpose of having a CIP beyond the state law? What do we want to get out of it? Is it to understand our future financial picture or keep track of upcoming projects?

**Ms. Hammill** – I think it is all those things. Your CIP should be indicative of the Council Strategic Plan. Your CIP should make sure that it is making the mark there. It should also be following your Comprehensive Plan or the projects meeting the Comprehensive Plan. Part of the reason why it is a plan and a multi-year plan is that they are expensive. We need to try to chart that out and figure out what we can do, how we can pay for that. That is what I think is part of a CIP plan.

**Mr. Freas** – I would offer some degree of transparency to the community at large about what it is we are intending to use those funds for. That is the conversation we have been having with Council about CIP in general and we are trying to expand and improve our reporting on how we are using those funds. When we look ahead, these are the projects that are upcoming and being able to share that with the community. We are also trying to be more specific in those lines around what the use of the funds is.

**Chairman Schwarz** – With the Westhaven Redevelopment line item, we have \$10 million in there for the next 2 years. Is Westhaven going to be completed in 2 years? What is the \$10 million doing?

**Ms. Hammill** – We will get back to you with an answer.

**Councilor Oschrin** – I watched the Planning Commission work session about this. I have a couple of follow-up questions based on those original questions and some of the answers that we have seen since then. One of the biggest concerns that I have and that we have seen from many people is the bike infrastructure line item. We have heard the explanation about wanting concrete projects before we have concrete funding. There is bike infrastructure in other line items that are not clear. The milling and paving are going to include bike lanes or restriping in a way where the parking is now protecting the bike lanes. That is not visible in the bike infrastructure line item. We got a suggestion from Commissioner Joy about how to add an asterisk or something to collect that information or let people know. An easier way to present that information is to have some kind of collected subcategory list of things that are overlapping in multiple sections that people are going to be interested in. If we know that x amount of money is for these projects that don’t read as bike projects aren’t going to touch the bike infrastructure plus the bike infrastructure line item. There is a section that says that all these things are related to bikes. I think the ADA stuff is a similar situation where there are the ADA line items. There are also all the other pieces of different things that collect for ADA. There is probably a couple of those types of categories that might be useful to collate in that way just for communication with people who are concerned about those things and the ability to figure out more specifics. It is good to hear the feedback from the community that we have been getting about how important bike infrastructure is. That is where we have room for so much potential. It is the most shift with the most potential. We are finally seeing the sidewalks that people have been clamoring for. We are finally seeing action on those. That is great. More people are going to get out of their cars, have safer driving, and safer streets when we invest in bike infrastructure. When people get out of their cars and the people left who must drive, they have a better experience. It is better for everybody. If

the purpose of the CIP is to show the priorities of Council and community, I think we need to make a bigger statement regarding bike infrastructure to communicate that priority. We know that the transportation plan is coming. When we have that plan done, there will be a lot of need for infrastructure and investment in that. Maybe it is \$100,000 for the next 2 years. With the out years beyond that, we must start planning for spending that is going to happen once things start coalescing. What I am nervous about seeing is a lull and a jump where we must save up for something before we can do it when constant progress is going to be better both for usage for people and to reinstate our priorities. I understand wanting to make sure that our budget is streamlined with things we will spend, but knowing that it is also a signal about our priorities to put some extra numbers on the out years if that is something that we are going to need to be investing in and we want to invest in.

Do we have a work plan for hardening our quick builds? Is that money reflected in here?

**Mr. Chambers** – The quick build projects that we have out there right now are currently under evaluation. We put out a lot over the past summer, about \$500,000 worth of quick build projects associated with transportation improvements. We will be spending the early winter and spring evaluating those and figuring out what are the next quick builds that we can roll out, largely using neighborhood transportation improvement funds and potentially Safe Routes to School funds. As part of that evaluation, we would also be looking at other opportunities here to harden that. Are there cheap ways of hardening that? Are there materials that we can put in place? We don't know the answer to those things right now. We do have some funding through neighborhood transportation improvements to be able to do that.

**Councilor Oschrin** – That might be something to think about in putting more money into that project. I don't know what line item that would fall under. I appreciate all the quick builds that have gone in and that there is more and the coordination with Public Works in getting the paving scheduled. I know there are a lot of moving pieces there.

For the affordable housing portion, something that Commissioner Stolzenberg had asked during the work session was the plans for the approximately \$11 million that we will get from those 3 big projects we have coming online.

**Ms. Hammill** – We first need to get the money. As that starts to materialize, I think plans will begin coming forward for how to spend, for suggestions, and for approval from Council on how to spend that.

**Councilor Oschrin** – I want to hit the ground running with that in the same way that we are not 'socking' away money until we have projects here. It seems like we will get a lot of money but not have the projects. If there are suggestions for that, I don't know if that is something we provide now, send an email, or both.

Something that we have talked about before is Crossings 2. We have been focusing on our low barrier shelter needs. With permanent housing, there is Vista 29 coming on board. Crossings 1 already exists. The need will continue to grow. I know repair and replacement funding to keep people in livable houses, energy insulation, funding AHIP at a greater amount, eviction prevention, the tax abatement program that we are looking at NDS for larger projects. I don't know if that is an offset funding source. I am curious about whether the plan would be to use it to replace already allocated funds or if it would be to add to it. I know that is a conversation that we need to have.

**Ms. Hammill** – With every year, we continue to talk about the CIP, the CIPs get more aggressive in terms of what we want to spend. As we have been talking over the last few years, we are not at capacity in terms of our debt. Affordability is an issue. As these funds come in, they might be able to replace. Most of the affordable housing projects that are in the CIP now are required to be cash funded. They cannot be bond funded. There

may be some opportunity to redirect those funds to some of your other priorities. All those things are on the table. I am sure Mr. Freas and Mr. Sanders would love to start getting some of your ideas.

**Councilor Payne** – With CATEC, are we anticipating that at any point over the next 5 years a request for additional CIP expenditures related to CATEC will be coming?

**Mr. Goddard** – I would be shocked if nothing came out of a new facility that we are stepping into and figuring out how we use it. Nothing has come through yet. We are conducting a planning exercise for the long-term future of all our schools and facilities right now. If something is going to come up, it would probably come through that process.

**Councilor Payne** – There is not yet a known sense of scale of what a request might be.

If the state legislature approves and passes a 1-cent sales tax for school facilities, is there, at this point, an expected date for when that additional money would be reflected in the CIP?

**Ms. Hammill** – As soon as we possibly could. We have a lot of projects we can use that money for.

**Mr. Goddard** – I don't know when it would make its way through the legislature. We do have our planning group that is meeting and putting together the long-term planning exercise to put together a capital plan for all our schools and facilities to be prepared for when that happens. If it does not happen, we will scale down our plans or stretch them out over more time. We are poised for that.

**Councilor Payne** – It sounds like in 2 years there would be the existence of a list of priorities throughout the school district that would be ready to be plugged in with funding.

**Mr. Goddard** – I would say that it would be sooner than 2 years as our goal. I would say more like 1 year. How long we stretch that out depends on how many new needs come to the forefront. We are at the beginning phases of that process now. I am sure there are a great number of needs. I anticipate that we are ready with a list of projects to get started on. We will flush that out more during this time we have between now and when those funds become available.

**Councilor Payne** – With the inclusionary zoning in-lieu fees, in my opinion, it must be on top of our existing \$10 million commitment. As I understood it, the structure of our in-lieu payments to not do that would be to abandon working class families in Charlottesville. That kind investment is the only thing that will provide housing for people at 0 to 30 percent of area median income. It is vital that we don't utilize that and just view it as covering our existing \$10 million a year commitment. It sounds like at this point though that if that \$10 million of in-lieu fees come, there is not yet a process for determining how they would be spent or how to solicit requests to evaluate how it could be spent. Is that correct?

**Ms. Hammill** – I would say yes. I would say that all those decisions would be coming back to Council for your decision.

**Councilor Payne** – With pedestrian infrastructure, there is the conversation around funding, which is very important. As the money is spent, what are the internal performance metrics for evaluating success or failure? How are you measuring how it is spent?

**Mr. Chambers** – We have several projects that we have identified for the existing funding. Those were projects that were identified in previous plans. Once we put those projects into place, like the 5<sup>th</sup> Street Bikeway, we will be looking at things. What were the impacts on vehicular traffic? Did it change the delays? Did it add to the

volumes? It is the same with bicycles and pedestrians. We will be looking at installing counters, so we will understand what the change in traffic is that we are seeing along there. We would also like to collect community feedback and understand how people react to this new facility being in their community, how they feel about using that facility. Does it feel safer? That is a big factor that we are trying to understand with these investments. Is this something that is making people feel safer so that they can use these facilities and feel like they have a mode choice given these infrastructure improvements?

**Kellie Brown, NDS Director** – The creation of this citywide transportation plan is also an opportunity to identify what our real goals and metrics are for evaluating program and project success. As we look to scoping and building that plan out, it is an opportunity to identify what we are looking for when we fund and build these projects.

**Councilor Payne** – That makes a lot of sense. It sounds like that process will be a key point for saying explicitly what our performance metrics are. Depending on what our performance metrics are, are we going to incentivize completing a higher number of low impact projects or a lower number of high impact projects? I would also say that our trajectory is positive. We are far better than we were 3 years ago. Some of our larger projects are still experiencing a significant number of delays and cost escalations.

**Ms. Brown** – That is a good point. The transportation plan can be an opportunity to establish those priorities, identifying where we are looking for smaller interventions versus larger scale investments. I agree with your point there.

**Councilor Payne** – To answer 2 questions from the Planning Commission, my understanding is that the timeline for completion of the resident led development of Westhaven would not be in the next 2 years. There is a long way to go in terms of applying for and securing funding of multiple sources. In terms of the purpose of the CIP, planning is important there and transparency is important for the community. Part of that transparency is being able to communicate to the community what we are prioritizing and what we are not prioritizing. I think part of the transparency is the community being able to understand that. We have made a huge amount of progress in terms of the budget explorer tool and the amount of information and transparency that anyone can access there compared to 5 years ago.

**Councilor Snook** – I am curious about the \$100,000 a year that is being set aside for Dominion Power Pole replacement. We have talked a lot about that in several different ways. I had not talked about it. We had not talked about it in terms of more money that the city was going to have to put out. What is that going to be for?

**Brennen Duncan, City Engineer** – As we start working with Dominion about addressing ADA issues with the poles, there will be instances where a pole cannot be moved. It is on the sidewalk and there is a no parking area that we can take to build a bump out or there is a retaining wall behind the sidewalk to where there is not a good spot to move it. We will have to acquire right-of-way either to build a sidewalk around that pole that is ADA compliant or to give a spot for those poles to move. We don't have an exact number of how much that is going to cost. There is going to be a cost associated with this moving forward. We wanted to put something in there to identify that we will have to expend some funds here in the next several years as we try to address ADA issues as they come from these power poles.

**Councilor Snook** – If the pole is in a place where it needs to be moved, it probably is not ADA compliant. Is that fair to say?

**Mr. Duncan** – That is correct.

**Councilor Snook** – If it is not ADA compliant, why is it not an obligation of the people who put it up in an ADA non-compliant fashion to fix it?

**Mr. Duncan** – Many of these poles were installed before ADA was even a consideration. With the new ADA rules that are coming out or have come out, even the ones that came out in 1991 allowed for the narrowing of the sidewalk around impediments. With the PROWAG, that no longer exists, that kind of exemption for power poles and fire hydrants. The new requirement is that you must maintain 4 feet no matter what. What is ADA compliant has changed over time. We have narrow right-of-ways. Sometimes there just isn't room within what we currently have as the right-of-way to move the pole. While Dominion might move the pole at their own cost, we must give them a place to move.

**Councilor Snook** – It is easy for me to understand. Since the pole was put there, the rules have changed. It is now non-compliant. Under those circumstances, I think Dominion has a right to say that they don't have to move it if they don't want to.

**Mr. Duncan** – That is correct. As a city, we still want to make it compliant. You are right that they probably have a case that they don't have to make it compliant. Over time as poles are replaced, it is grandfathered in. Once you start making modifications, if that pole is hit by car, they must replace that pole. There is no place for that new pole to go that is ADA compliant. We need to work with them to give them a spot. Either move the pole or it might be simpler to extend the sidewalk around the pole to get the space we need.

**Councilor Snook** – With right-of-way-of-pertinence, it is \$150,000 a year. I understand the concept of right-of-way. What is right-of-way-pertinence?

**Mr. Duncan** – This is mainly guardrails throughout the city for right-of-way-of-pertinence. As they are struck, it is repair, remediation of those.

**Councilor Snook** – I was curious about several things under the Affordable Housing category. I note that in this year's budget explorer, we have a total of about \$6.4 million set aside for 2 PHA projects: the MACAA site and Park Street Church site. None of the money has been spent. Nothing is allocated for future years. Is there an issue with getting those built?

**Ms. Brown** – Those projects are still in the queue. We are working through the details of the loan agreements and expect to be able to disperse funds for those projects within the next year.

**Councilor Snook** – It would not be necessary to allocate other funds into the CIP to do that because that money is already allocated.

**Ms. Brown** – That is correct.

**Councilor Snook** – I am curious about the progress on the Carlton Mobile Home Park. I note that we have money in the budget for this year totaling \$1.4 million with FY26 expenditures a little over \$1 million with \$371,000 left. What is the status of that project and that funding. Is that going to be sufficient to carry us through?

**Ms. Hammill** – The money that is in the CIP is just the money that is for the loan to make the purchase. In terms of the project, I don't know. You reminded me because that budget for this year is more than what we need to pay out. We may be able to make an adjustment in these other years.

**Councilor Snook** – Is it your thought that perhaps the \$1,082,087 in this fiscal year is what is going to be necessary for this fiscal year?

**Ms. Hammill** – I know the payment schedule has change. I know there was a principal payment made this year. I will have to check. There might be some extra money there.

**Mr. Freas** – The agreement that was struck between the PHA and Habitat partnership and the residents was that they had 3 years to stay within the mobile home. They have 3 years to stay within the park before they begin redevelopment of the park. The intention is for everybody who lives there to have the opportunity to stay within. I believe that they have begun planning redevelopment park. That is going to be another resident led effort. We have not heard at this point whether there are going to be any additional requests for funding. The agreement discouraged the idea of coming back to the city for additional funding.

**Councilor Snook** – What is in the budget right now shows for 3 years roughly \$227,000 a year and \$4 million for FY30 payment. What is being done in 2027,2028, and 2029 for \$227,000 a year?

**Mr. Freas** – That is still paying for the purchase of the land. We are paying the loan to buy the land.

**Councilor Snook** – I remember 20 years ago it was a thing to talk about programmatic budgeting. People realized programmatic budgeting is nice. You still must make the numbers add up. We have the numbers to add up. There is a point of programmatic budgeting that has a distinct advantage. If it is done right, you might generate one page, for example, that would talk about all the money we are spending on affordable housing. In the last paragraph, it would say, ‘here are other things we are doing.’ We could talk about the ADA compliance money and how that works to facilitate bike/pedestrian things. It might be useful in the city manager’s office rather than in the budget office when the city manager comes out with a budget at the beginning of March. There is at least some discussion of some of those programmatic consistencies and overlaps. We can look at it all. With the point about payments in-lieu, we have never had the discussion that I am aware of that attempts to say what we think ought to be done with that money. I am opposed to earmarking things because we are always trying to figure out whether we can get around that earmark to do something else we need to do this year. I would encourage us to think about it in terms of perhaps looking at that money as either perhaps being direct expenditure on affordable housing things or to recognize that there are several other aspects of our budget that end up touching in some way on housing. Transit is one of those things. Workforce development is another one of those things. One of the best ways to get affordable housing is to increase people’s incomes. I would hope that we would not end up thinking of that \$11 million as an earmark specifically to building buildings but looking at the problem of poverty and affordable housing with a broader scope. When we decided that we would buy CATEC, one of the things we wanted to try to do was to think about how our ownership of CATEC might interrelate with other workforce development issues. Who is going to be looking at the use of the property? Who is going to be looking at this workforce development issue? Is it only going to be in the school division? Is it going to be the school division and some other group of people who are going to be considering these other issues? If we are given the opportunity or difficulty of the 1 percent sales tax bump, that would have to pass a referendum in November. It would be political malpractice for the city not to have a list of what would be spent no later than July 1<sup>st</sup>. If we don’t have a list of that by July 1<sup>st</sup>, anybody who is going to be campaigning in favor of passing the referendum is going to be seriously handicapped. Whoever is going to oversee that effort going forward, that is going to require a lot of work. It is going to require a lot of thought. It is going to require a plan.

**Mayor Wade** – I will talk about CATEC. It came up today in my meeting with the workforce committee that I represent Council. The school division has hired Sarah Morton to help lead that. She is doing a great job. She talked about some of the things that they are doing to help lead and guide that. I know that is being done. I wanted to add that on to your questions. I go to PHAR meetings a lot. They ask a lot of questions about it. As

soon as we get information, it is not only that, but also Kindlewood and its various stages. Costs are going up. We are not as sure about the federal funding even if it had been promised. I want to make sure. It is hard to determine how and if that is going to impact our budget. A lot of times they will come to us if they lose some of the funding. These don't require responses. With the shelter, we buy it. The next phase is to renovate it. We then must operate it. I imagine that it is going to have an impact. It is probably not anything referring to this. I am just looking at the pool of money that we have to go from. Another issue that travels on Locust every day is the work that they are doing there. I know that they are doing some water main work there. The cost of maintaining all the aging infrastructure that we have in the city.

**Commissioner Stolzenberg** – The \$11 million of in-lieu funds are in the form of a proffer of a donation to the Affordable Housing Fund and in part in required in-lieu funds under the old 34-12 ordinance. I would caution against repurposing those funds lest we violate the proffer and potentially must give it back. You can repurpose other funds. The old ordinance did specify the affordable housing fund. That \$11 million is under the old ordinance.

**Councilor Oschrin** – It would replace funds that had been allocated already towards affordable housing projects. The question was not whether we can use that \$11 million for other things. If we already have money allocated from the General Fund that we are putting towards certain projects that are affordable housing related, does that \$11 million replace that or does it add to that?

## ii. Public Hearing

**Public Speaker #1** – I want to talk about bike infrastructure. We should caution about the evaluation. If you build a bridge that is connected to nothing and nobody uses it, it is not that bridge's fault. It is not connected. All the success stories in many cities across the world were about the speed, how quickly they built that connected network that led to the success of the bike infrastructure. Regarding raising income, an interesting statistic is that on average, Americans spend \$12,000 to own a car. If you replace a car with a bike, you save more than \$10,000 per year. That is \$10,000 more a year. You can spend it at local businesses. By riding a bike, you get healthier, and you don't spend as much money on healthcare. Studies have shown that this is the case. Every dollar invested gets a return between \$3 and \$5 to society. It is one of the highest return investments that we have. It does not work until it is connected and saved. Nobody will use it until it is connected. With climate change, investing in bikes and climate change, public transit is one of the cheapest. I wanted to mention that. It is baffling to me that the city is not able to spend the money. Everywhere I look, it is unsafe. I cannot let my kids ride their bikes by themselves. I don't think it is safe. I take my son to school. With every street, there are no traffic calming measures. Every time I cross Locust, I get nervous and tense because cars are driving fast. There is no infrastructure to slow cars down. One of the best ways to let kids learn better is to let them walk and bike to school.

**Terry Tyree (South First Street)** – I had a couple questions about what I heard today. Is this the only CIP public hearing? Why does Pre-K take \$46 million? I am not knocking on education. That \$46 million is more than the affordable housing fund. Westhaven has no answer on how much the redevelopment will cost or when it will be done. Westhaven residents have been primarily here speaking on the LV Collective. To leave them out once again by not having the answer for the fund or how long it is going to take for redevelopment is ridiculous. The decrease over the decrease in affordable housing and for the redevelopment of properties was a big question for me. Where was the need regarding the bridge that was just built? I am sure that you had something to do with that. What was the need for that bridge? How was it measured? How much was it to build a bridge from Seminole to Stonefield? It may be simple to create a plan or a budget to come up here to show City Council. For the public, asterisks, subcategories, and subsections are needed. Break it down. If the only place that you have these meetings is online or here, you want to simplify or clarify where the money is being allocated to the

public. Were the funds that are being allocated for everything brought to the public? I know we are having a public meeting now. I am not sure how long it has been going on and if there is another one. Was that documented? Are the comments from the public a part of the CIP? There was \$21 million that rolled over last year. How come more money is not put into the affordable housing fund? A one cent sales tax referendum in November does not give you much time to list how much money would be spent on the school facilities from the sales tax.

**Andrea Carr** (CRHA Properties) – I am PHAR member. I am very passionate about Westhaven. I grew up there. I moved to Friendship Court. To see Friendship Court getting a full renovation with a different building and different setting. To see Westhaven still be that way, I know that money is tight. If we can squeeze money from poles, bike lanes, or different buildings, we can squeeze this money for Westhaven. There are children over there still playing in the park. The ground is falling in and we are worried about bike lanes. We are worried about a bridge that we just built over 29. A lot of people asked that question online. A lot of people are wondering what that bridge was built for. It does not make any sense. Coming out of Michie Drive, I wish I was here to have input. There have been about 20 accidents since that happened in that area. I feel that there is money somewhere that somebody could be squeezing from. We can do a little more. Let's start with the park. We have these kids going to school. When they wake up in an environment where they cannot even play freely, that is not fair. Would you allow your child to play in a park with part of the park sinking in? Let's treat everyone's children, who are the next generation, that we want to run Charlottesville next.

**Mike Wedet** (100 Avon Street) – I try to bike to get around town as my primary mode of transportation. The bike infrastructure is inadequate. It is not safe to bike around town a lot of the time. Bike lanes disappear at random when you are going down a street. If the city's goal is truly to create and maintain a safe, convenient, and pleasant network of bike lanes for pedestrians, the city should consider increasing the amount of funding that is going into the CIP starting 2027. Even with all the planned projects, all the funding that has been allocated, those projects are not going to create a safe network. There are a lot of needs and a lot of opportunities to invest in that. We can do bike lanes and affordable housing. We can do both of those things. We can invest in Westhaven. I think Westhaven would also appreciate having some bike lanes so they can get around town as well.

**Peter Krebbs** – I am speaking on behalf of the Piedmont Mobility Alliance, which is a coalition of over 40 organizations, businesses, agencies, and groups that share a belief that a prosperous community is one that is well connected with everyday access to the outdoors for everyone. We are working on a sign-on letter. We wanted it to have a lot of signatures more than getting it to you quick. Some of the highlights have been addressed here today. Commissioner Stolzenberg asked a good question. What is the point of a CIP? What is the point of a budget? We have a Comprehensive Plan that talks about walkability and prosperity for all. The budget is where that stuff shows itself in reality. The CIP is where the stuff is made. What we have seen is if it is not safe to walk, people still walk anyway. They try to get around and they wind up dying. Why was there a pedestrian bridge built on 29? People keep dying there. Somebody died there a couple weeks ago. This stuff is crucial. It wasn't cheap. I did want to correct one small thing. The milling and paving do not create bike infrastructure. That just does the pavement. Any markings and any protection are the bike infrastructure budget line. Spend \$100,000 and you get the network that we have. You get the lines that are wiped off. They are not protective or safe. I appreciate how we are doing a methodical way of planning. We know that we have about 2 years before we get the comprehensive transportation plan. We have about \$1 million in the bank for bike infrastructure. I think FY27 is going to be Ok. FY28 will not be Ok. I am not confident that you will have the plan ready for that. I would go ahead and be ready with these projects that we know we will have to do. West Main will be torn up for the sewer line. Don't let that opportunity to repave it right with proper markings pass away. I would also like to point to the Parks Master Plan. That is one of these unserious numbers. It is \$500,000 toward a \$70 million price tag. That will take 140 years to implement the plan at that rate. It is just not serious. I would like to see larger numbers for that.

**James Van Brink** (Ridge Street) – The clarity that we heard from Mr. Chambers was very helpful. I trust him when he says that he has enough money. I would only ask that be better communicated in the CIP and planned for. We know that we will spend a lot on these essential bike projects within the next 5 years. It is not reflected in the plan. I would like to echo the calls of TBD or asterisk would be clearer than what we have. I would also like to echo Commissioner Stolzenberg’s and Councilor Oschrin’s points on operational expenses. We have heard a lot this year as advocates about opportunities that were lost because of miscommunication, lack of staffing, or bad cross departmental organization. I know it is hard to get right. The amount of money that we are spending on public works employees, getting enough people on the streets who can build these things. We know all that matters. My other point is about the huge success this year we have had with the installation of the temporary quick builds. The feedback we have had as committee members on most of these projects has been overwhelmingly positive. There are a lot more places where it is needed. They were funded with neighborhood transportation improvements and cost around \$500,000 this year. The CIP has funded it at only \$100,000 for next year, which means little money for quick builds and no money for making them permanent. We understand that they can’t all be made permanent right away. Allocating no money for them this year seems like an awful loss of momentum. It risks turning 2025 into a flash in the pan and wasting the money and organizational effort that I have seen these guys behind me making great strides.

**Chris Meyer** (124 Oak Lawn Ct.) – I came to Charlottesville and have 2 young children. I was concerned about sending my children to the public school system because of the infrastructure and the status of our school buildings. As we consider the long-term capital investments, we are thinking of those investments through in the school infrastructure to ensure our youngest are going to school in properly functioning and adequate education spaces. A lot of them need upgrades and remodels. I was happy to hear that the staff is coming up with a list of coherent investments that need to be made in our schools. That will not be cheap. We have not invested over the last 3 to 4 decades in the schools. We have set aside Charlottesville Middle School. We will be needing to make substantial investments in those building to ensure our students have the proper educational opportunities.

### iii. Commission Discussion & Motion

**Chairman Schwarz – I do consult for an architecture firm. One of their projects is one of these affordable housing projects. I am not working on that project. I am not making money from that project. I figure that I need to disclose that. If we start discussing that project, I will not speak. I will abstain from that.**

**Commissioner Solla-Yates** – I have been watching the events in Richmond with great interest. I keep hearing the word ‘money,’ which is a word I love to hear. I think we will be having money coming to the city for projects in the next year, not just for schools, but for everything we do. I advise that we have projects ready to go for state funds to spend on.

**Commissioner Joy** – If we have general comments that are not tied to an amendment, should we get those out of the way first?

I am speaking as a city resident and taxpayer, not in my capacity as representation from UVA. I am appreciative of the ongoing commitments to those 3 top categories in the CIP with Education, Transportation & Access, and Affordable Housing. These are near and dear to many people’s daily experiences and knowing that this place can be the best version of Charlottesville that it can be. I think the work with the CIP team has been great. I can already see improvements in the tools of how we go about and review this. What is tricky for the public is that the CIP can be mistaken as a planning tool. It is really a cash flow tool. I know there are planning documents that help influence the CIP. When we are trying to design consensus and trying to get people around these difficult topics of how to spend our limited resources, I wonder if the tool, in its current form, is in its optimized

state. The Councilors had great points about how we can be clear about this. We see that there is some confusion around bike lanes. There is confusion about how we are going to earmark affordable housing in the out years. This one shows it diminishing. That is not necessarily what we will spend in the out years. I am curious about the data portal. We have these interactive maps. Is there a way to create links within this tool to begin to highlight areas that are potentially being targeted in the CIP or some way to bring clarity to how we prioritize these projects. I know about the 2015 transportation master plan. There is great work already done showing what areas don't have great accessibility. I think of the documents we generate and how they can help facilitate the conversation. There might be opportunities to try to perfect the tools. As we continue and look at these projects, we are using things that bring as many people as possible to the table for the discussion.

**Commissioner d'Oronzio** – I agree with you. We have an intrinsic tension. There is a misapprehension that this is a strategic planning tool, not a practical spending tool. If the strategic planning and the integration of that with how we will spend the money is not clear, what we get is a great deal of confusion as to what the priorities are. We have the beginnings of a strategy. We need to have a real plan for the entire city before we can start talking about spending money on specific things. The City Manager's position on this from a practical point is that he does not want this to be an aspirational document. He does not want us to throw money in there that we will spend when we get there since the decision tree that is made must do with how we are bonding and how we are obligating the city. That is really complicated to get across. I understand that we are trying to hire a chief strategy officer for the city. I think that job #1 for that would be to develop a communication strategy for that. I don't think that we are there. With the housing, we will spend \$10 million on those out years. We don't know what we are spending it on. Will we find a way to spend it? Will we spend \$10 million in 2031? That is a difficult process to have a conversation about the cash flow and strategy at the same time

**Commissioner Joy** – I agree with that. I wonder if there is an opportunity for some way to acknowledge that this line item is in conformance with an existing plan. Does this line item go with the Comp Plan? It is an indicator when things are in conformance with previously planned road maps versus things that are maybe new to it. If you have the thing, people can then have a breadcrumb trail to find those comp plans. I think getting public engagement, getting people to understand how it is working cohesively. That is almost impossible looking at the CIP document. I don't think this is the document. I wonder how we can create links to help facilitate that engagement and that understanding so we can get the consensus.

**Commissioner d'Oronzio** – It sounds like a great priority for the new chief strategy officer. It is one of the great difficulties. In the affordable housing space, do we need a line item that is based on the idea of knowing that we are going to have large projects and competitive funding for it. We are committing to spending the money. This line item is a strategic development line item that we can put out for competitive bid down the line. Does that belong in the CIP? In the absence of a strategy document that links to it, maybe it is.

**Motion to Approve – Commissioner Stolzenberg – Move to recommend approval of the FT27 Capital Improvement Program with the following amendments. Second by Commissioner Solla-Yates.**

- **Increase expenditures on affordable housing including the incoming in-lieu payments in FY29, FY30 and FY31 by creating a plan for the competitive transparent process by which those expenditures will be selected. There is a need for staff and expertise capacity.**
- **Fully fund quick builds to the extent of our capacity for next FY. Ensure that funding is adequate to address all-time sensitive projects that are pending on bicycle transportation prior to the transportation plan.**
- **Create a plan and allocate any funds required including in this Fiscal Year to obtain safe harbor for IRA solar projects for all contemplated projects.**

**Motion passes 7-0.**

**Commissioner Solla-Yates** – Increase money for the Charlottesville Affordable Housing Fund in out years following FY34.

**Commissioner Stolzenberg** – The CAHF is a specific fund within our affordable housing umbrella. What we don't have now is any real strategy for what we are doing altogether for funding things. I earlier asked what the purpose of a CIP was. I heard a lot of good things. I agree with all of those: to be planning for things that are expensive to tell the public what we are planning and what expensive things we are planning on buying. I have been spending time in the last week looking through the CIP, looking through old CIPs. I was surprised today to read an article that one of our CIP items will have an off cycle budget request come to Council in less than a week to buy a portion of the property for something that is not a surprise expenditure. It is not something that unexpectedly popped up. It was easily knowable a long time ago. I am talking about 501 Cherry. I was asking for \$1.7 million to buy a retail condo for a grocery store, a retail condo that we knew was going to be there when the SUP was approved years ago before any funding was even in the CIP. My frustration at that not being planned got me thinking about how we don't have any plan at all for how we will spend the money we commit to affordable housing. Specific projects have popped up there due to one-off commitments that we have made or because they were the only things that were being brought or people were asking for money. We are finally getting to the end of that backlog of random things that people have asked for money for or projects that Council committed to. That is an opportunity to think through what our plan is for affordable housing. We spent a lot of money on an Affordable Housing Plan that was supposed to get that. It came with a commitment to spend \$100 million. We now have more than \$100 million out the door already before we are talking about making a plan. That is alarming because we spent a lot of money with few criteria for how we decided what would go to what. In many cases, we don't even know what we were getting for that money. We should not have funded a lot of money for Kindlewood, seen it built, and then be surprised when residents are moving back into their homes and they are not at the income levels that we thought they were going to be. All these projects have been complicated and large funding stacks to get done. We don't know what those are. We don't get a performa. Just for Kindlewood Phase I, I tried to compile all the different funding sources that I could find in press releases and such. There are over a dozen on that. I don't even know if it is complete. I don't think we are requesting that money or that information from our grant recipients. That is leading to our overall affordable housing program being completely aimless. We get the money out the door and we get some affordable housing. We hardly know what we are going to get. We are not prioritizing the way we said we were going to. My recommendation for an amendment would be to create a plan for the process by which both the \$11 million in expected incoming in-lieu funds to the affordable housing fund and all new out year expenditures will be allocated to affordable housing projects.

**Commissioner d'Oronzio** – We are also speaking to a capacity issue. We are now in a position where our capacity to manage affordable housing is frankly crippled. We have one excellent staff member. We can see 'her eyebrows over the pile of stuff on her desk' barely. We have lost capacity. We need more than we had before we lost it. We need a strategic planning level. We also need a system that we can put in place that has measurables that are less ad-hoc than what we do. We do have measurables, but they are ad-hoc. We need a lot of that to make any of that work. I don't think we can get out of the starting block with your suggestion if we don't have capacity to do it. We don't have the capacity right now to do it. I don't see a quick fix for that either. It is not a matter of finding bodies, it is a matter of finding the expertise that can come in and develop this over time. Capacity is a big part of all that. We don't have it.

**Chairman Schwarz** – Let's get through the list that we want to put out. It would be good to have a list. You skipped over Commissioner d'Oronzio's capacity issue.

**Commissioner Stolzenberg** – The capacity issue is an operating budget thing. It is something that was called out in the Affordable Housing Plan that we were supposed to be tending, spending 10 percent of our money on figuring out how we are going to spend our money and keeping track of it to make sure that we spent it right.

For a while, we did staff up. There has been some turmoil in staff related to that. It might be worth calling out that we need the staff and we need the expertise to create that plan for that process and to successfully run that process. I would agree that it is not a capital item.

**Commissioner Solla-Yates** – A plan can be a bondable expense.

**Chairman Schwarz** – You just mentioned adding money for Westhaven in the out years. I am still confused as to what the \$15 million that has already been allocated is.

**Commissioner Stolzenberg** – My understanding is that the CRHA asked for \$15 million to supplement LI HTC and the rest of their funding stack. Unless it was somewhere other than the requests table that you gave us, I did not see a new request for more.

**Ms. Hammill** – That is correct. The money that is in the CIP is exactly what the CRHA requested for that project. They do have other funding in the planning of that as well.

**Commissioner Stolzenberg** – With regards to the timeline, according to their last free development newsletter, they are planning on applying for LI HTC tax credits in this coming cycle in March. I know they have their development plan in. It just got its first comment letter back, which is going to make it tight to get done in time for March. That is something of a tradition. The way these things work is they apply for LI HTC, they get the funds by late next year. Those funds will be committed, they go to banks, and try to sell those tax credits, and get the actual cash. They then start building. Their development plan has 2, maybe 3 phases.

**Commissioner d’Oronzio** – The CRHA, if it needs it, the CIP next year may have out year funding that we don’t see. Back to the City Manager plea not to throw money at something that they don’t yet have a plan for, I am not sure out year funding makes sense at this moment.

**Commissioner Stolzenberg** – They will need more money. I suspect that it will be an in-year money request. At this point, that is their request.

**Commissioner Solla-Yates** – Increase money for quick builds for next fiscal year.

**Commissioner Stolzenberg** – Wouldn’t that be the neighborhood transportation improvement line item?

**Commissioner d’Oronzio** – Is that a matter of allocating things? Is that an exhortation that if this can possibly be quick built, try to quick build it. Is that what we are saying?

**Commissioner Solla-Yates** – My understanding is that they are studying this right now and will be able to spend funds soon. They don’t know what those funds will be.

**Chairman Schwarz** – Mr. Chambers, would this be helpful to you?

**Mr. Chambers** – Until we finish evaluating our builds.

**Commissioner Stolzenberg** – I might recommend something like ‘fully fund quick builds to the extent of our capacity to continue to deploy them next year.’

I had something similar for bikes: to ensure that funding commitments in FY27 are adequate to address all urgent projects that are known to be pending or might come up prior to the Comprehensive Transportation Plan completion. To the extent that they think they have enough money for the things they need to get done before

the transportation plan is done, that is not a recommendation for change. We have all these paving projects. Hopefully, the schedule will finally be published. We are learning that these things are happening. We are starting to understand the scope of the West Main and Cherry Avenue repaving projects that we fully fund anything that can be done in the near term.

**Commissioner Solla-Yates** – The wording was addressing all urgent projects that are pending on bicycle transportation. Is that correct?

**Commissioner Stolzenberg** – It was to ensure that funding commitments are adequate to address all urgent projects that are known to be pending or may come up prior to completion of the comprehensive transportation plan.

**Commissioner Solla-Yates** – I have a final recommendation. Increase money for solar in out years.

**Commissioner Stolzenberg** – That is not what my recommended path on solar would be.

**Commissioner d’Oronzio** – I am befuddled, bemused, and betrayed by the current administration’s behavior towards this. I am not sure.

**Commissioner Stolzenberg** – We know what the incentive structure before us is right now. We need to be safe harbored. We need to spend 5 percent of what our eventual cost will be for each project. To get safe harbored by July of next year or we will not get that 30 percent solar credit for it. Office of Sustainability says that we have plans to get the middle school and high school ready in safe harbor by next year. We have 3 elementary school roof replacements coming up over the next 3 years. At this moment, there is no way that we can get those safe harbored via a power purchase agreement where a private company will build it, get tax credit, and we pay them for the power. Without any money in the CIP for spending 5 percent this year to get safe harbor for us.

I would word it: Create a plan and allocate any funds required, including this fiscal year, to obtain safe harbor for IRA solar credits for all contemplated projects. Otherwise, we are throwing away \$1 million. It is frustrating that it has gotten to this point after we have talked about solar every single year. I have been on this Commission in these CIP hearings. There was a line item before that. It is at least 2019, if not further back, that we were talking about PPAs. We still have not gotten a PPA RFP out the door. We still don’t know if PPAs are the way to go. We are now out of time. We need to figure out by July one way or the other or keeping out options open if there is a way to do that. We need to create a plan and allocate the funds if necessary to make that happen.

**Commissioner Solla-Yates** – The wording I have is to create a plan and allocate any funds required including this fiscal year for IRA solar projects for all contemplated projects to obtain safe harbor.

**Commissioner Yoder** – I think Commissioner Stolzenberg’s suggested amendment on the affordable housing fund, setting up a program for how that is allocated towards projects is related to Commissioner Solla-Yates’ first amendment on increasing affordable housing in out years. I think what we are hearing is that increasing funding in out years does not make projects happen. Staff must have a plan to spend that money. There are a lot of specific projects this year and the next couple of years. That is why the funding is higher. We get through those projects, and the funding goes down. If we had a program in place where we said we know we are committing x funds to affordable housing or we are getting these in-lieu fees every year. We know what is coming 4 or 5 years from now. We should build a program that makes sure that there are people in the development community who are going to build affordable housing who can start to plan for that and apply for funds. Ensure that the amount that we do have for affordable housing goes to the highest impact projects. At

least, it achieves our highest priorities for affordable housing. I think that we can find a way to make those 2 amendments one amendment. We are creating this program particularly focused on the out years where we don't have projects now. We know that we will be spending money on affordable housing

**Commissioner d'Oronzio** – I would call your attention to last year's set of recommendations #8 which reads 'create a funding line item for large affordable housing expenditures with a competitive program for selection for the out years, look to start funding in FY31.' I don't know if we cut and paste that. It is pretty good.

**Commissioner Stolzenberg** – If I recall, I had a slightly more expansive proposal last year that was argued down into what that became.

We still don't have a concept plan for Kindlewood Phase 4 that we have committed to fund. Why did that amount get picked? We don't know what the plan is. There is an amount in there

**Commissioner Yoder** – I know that with the in-lieu payments, we don't want to start allocating them towards things until we have the money. We have a couple of big projects under construction. We know that some significant in-lieu money is coming. Are we going to be prepared to use those funds? Since affordable housing is an urgent need, will we be prepared to move on it quickly? Is it the fact that we must wait until we get the funds, we know we will have the funds to start to make a plan? I am concerned that there will be too much of a lag between getting the funds, knowing how much we have, and turning around and trying to spend them on important projects. I don't know if there is a way we can suggest addressing that.

**Commissioner d'Oronzio** – We don't want to make these in-lieu payments the equivalent to what many states did with lottery funding and education. It was 'oh great, we have the lottery to fund education. Let's decimate the regular budget.' This is on top of our \$10 million commitment. We need to fight every battle we can to prevent that from being substituted.

**Commissioner Stolzenberg** – There is a tension there because ideally, we would spend it quickly and we would have already planned it. In practice, we don't have a good process right now that works. The details of creating that are going to delay spending that money. We don't want to wait too long because there are statutory limits on proffered money where we would have to give it back. It might make sense to spend all that money on cash projects we have already committed and spend other cash on future projects. Once we get cash proffers, the amounts and purposes must be specified in the CIP each year until it is spent.

**Commissioner Joy** – I wanted to acknowledge some of the comments that came up around the Parks Master Plan implementation. I understand these are highlighted yellow. They are not fully formed. I was not sure how the rest of the Commission feels about maybe asking for an amendment for some specific clarity around the Parks Master Plan.

**Commissioner d'Oronzio** – My sense is that by the time March comes around, that will be clearer. That was based on the conversation about these yellow lines. They are still in formation.

**Commissioner Stolzenberg** – I think the exact amounts might be in yellow. I would be surprised if they were going from 500 or 2.5 million total to 70 million by February without some explicit discussion about whether we want to implement the master plan.

**Commissioner Joy** – The reason I bring that up is that we have this core thread about being a culture of planning and a culture of implementation. It feels like this is a case in point where we see a completely divergent path.

**Mr. Freas** – If it is helpful to the conversation, we have a Parks Master Plan that identifies an annual list of projects that we would fund. We are just waiting to get a list of specific projects to insert into the CIP. We are using that plan as we have suggested we identify specific projects with the specific dollar figures. That is the specific thing we are waiting for, the dollar figures. That is the path we are taking rather than identifying a lump sum each year for a vague master plan implementation.

City Council meeting was adjourned.

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

#### **V. Adjournment**

The Meeting was adjourned at 8:26 PM.



# City of Charlottesville

*To be a Place Where Everyone Thrives*

Office of Budget & Grants Management

## Policy Briefing Memo

To:	Planning Commissioners
Re:	<b>Public Hearing for the Draft One-Year Annual Action Plan &amp; Associated Funding Recommendations for HUD-funded Activities for Program Year 2026-27 (1<sup>st</sup> of 1 reading)</b>
Date:	April 14, 2026
Staff Contact:	Anthony Warn, Grants Analyst

### Action Requested

City staff seeks input and guidance from the Planning Commission regarding the draft 1- Year Annual Action Plan for program year 2026-27 (“PY26”) and associated funding recommendations from the CDBG/HOME Taskforce for the Community Development Block Grants (“CDBG”) and HOME Investment Partnerships (“HOME”) programs, to be forwarded to City Council for further consideration.

### Background/Rule

The City of Charlottesville engages as a ‘participating jurisdiction’ (“PJ”) in the Community Development Block Grant (“CDBG”) & HOME Investment Partnerships (“HOME”) programs offered by the U.S. Department of Housing and Urban Development (“HUD”). Charlottesville is, in that role, the periodic recipient of federal funds to support eligible community development, affordable housing and planning activities as identified by HUD’s Office of Community Planning & Development (“CPD”).

The City of Charlottesville is also a contributing member of the Thomas Jefferson HOME Consortium (“TJHC”) in partnership with the Thomas Jefferson Planning District Commission (“TJPDC”) and the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in the HOME program.

### Discussion

For the Winter 2026 funding round, the city received thirteen (13) Requests for Proposals (“RFPs”), eleven (11) of which were requests for CDBG funding and two (2) of which were requests for HOME funding, an overview of which is provided as an attachment.<sup>1</sup> Consistent with previous years, the greatest number of applications received were for proposals that are classified by HUD as CDBG

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<sup>1</sup> PDF copies of the applications received during the Winter 2026 Requests for Proposal application cycle can be found on the city’s CDBG & HOME web page at <https://www.charlottesville.gov/678/CDBG-HOME-Programs> or by direct link at <https://www.charlottesville.gov/DocumentCenter/Index/1097>

Public Services activities.<sup>2</sup> The volunteer members of the city’s CDBG/HOME Taskforce have carefully reviewed these requests and based on their deliberations have adopted the proposed funding requests presented here today.

### Status of HUD Guidance

While the city is still awaiting receipt of HUD’s official notification letter, HUD recently posted on [hud.gov](https://www.hud.gov)<sup>3</sup> a spreadsheet containing their 2026-27 formula-based allocations for CPD-funded programs. The funding recommendations adopted by the CDBG/HOME Taskforce are currently being amended based on this new notification and will be added to the Planning Commission agenda packet upon receipt of the official notice from HUD.

### Deliberations of the CDBG/HOME Taskforce

The current recommendations attempt to maximize the benefit of the limited funds available for these two programs emphasizing proposals that detailed clear and measurable outcomes. Consistent with previous years, deliberations were exceptionally difficult given that all proposals seemed worthy of funding at some level. It should be noted here that at least one applicant built on the feedback received from the Commission during last year’s public hearing by splitting their funding request between the CDBG and HOME programs to stay away from the Public Services cap so as to avoid the limitations imposed by HUD’s 15% spending cap on Public Services activities.

The review team did identify some issues regarding some of the applications that impacted on their deliberations. In one case, an applicant requested significantly more money than is typically available within that program category while also specifying that receipt of less than their full request might make it impossible to complete the proposed activity within the upcoming program year as it would necessitate new fundraising to complete. The review team also noted that many of the applications did not provide a clear and measurable statement of what they hope to accomplish if funded (what the application document refers to as the ‘Shark Tank Elevator Pitch’). Program staff will continue to emphasize inclusion for future funding rounds the need for applicants to craft a concise statement of the work to be done, including the estimated number of measurable outcomes.

### Implications for Amendments to the CPP

The taskforce also experienced an issue that may inform proposed revisions to the Citizen Participation Plan and associated municipal code (at Chapter 2, Article XIII).<sup>4</sup> Specifically, one active,

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<sup>2</sup> Public Services is the eligible activity category most severely constrained by HUD in that no more than 15% of each year’s allocation of CDBG funds can be expended on these activities. Due to this HUD-imposed spending cap, for example, for the current 2025-26 program year the city was allowed to award no more than \$66,817.80 for public services activities in spite of the fact that requests for funding in this category totaled \$369,236.00, resulting in a shortfall of available funds of for this category of \$302,418.20.

<sup>3</sup> <https://www.hud.gov/hud-partners/community-budget-26>

<sup>4</sup> [https://library.municode.com/va/charlottesville/codes/code\\_of\\_ordinances?nodeId=CO\\_CH2AD\\_ARTXIII\\_CODEBLGRPL](https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTXIII_CODEBLGRPL)

engaged member lost their seat by statute when they had to move out of the neighborhood to which they had been appointed by Council to represent. This member remained at all times a city resident and their statutory removal after deliberations had begun was interruptive to the work of the taskforce. The City may wish to consider adding language that would allow members to continue to serve in such cases, such as by having such a seat convert automatically to an at-large seat, at least until such time as Council can take further action on their appointment, among other options available for consideration.

### Evaluation Criteria

The members of the Taskforce have also expressed an interest in reconvening in the near future to evaluate the current CDBG & HOME application templates and associated evaluation criteria to more closely align these documents to the city's current needs to take full advantage of the new grants management software the city has recently adopted, and would appreciate any feedback and/or suggestions the Commissioners may have that can help guide this work.

### Conclusion

In conclusion, while the members of the CDBG/HOME Taskforce would have liked to have been in the position of being able to fund each applicant in full, the funding recommendations outlined in the draft Plan represent the Taskforce's best efforts to invest the limited funds available to them so as to maximize the positive impacts for our community and those residents at the heart of this work.

### **Financial Impact**

There is no adverse financial impact of these recommendations, as the funds proposed to be awarded are federal funds allocated to the city by HUD to support community-benefit activities, and, as such, do not draw from the city's General Fund. Rather, use of these funds as recommended here will instead serve to address important and pressing community needs while at the same time supporting the city's continued eligibility for allocations of entitlement funds in future years.

### **Recommendation(s)**

Staff respectfully recommends that the Commissioners of the Charlottesville Planning Commission accept the draft Annual Action Plan and associated funding recommendations as presented here today with the recommendation that these be forwarded to City Council for further consideration. All feedback received from the public during the scheduled Public Comment period and from the Commissioners here today will be incorporated into the Plan to be presented before City Council during two (2) public hearings currently scheduled for May 4 and May 18, 2026, respectively.

### **Suggested Motion(s)**

**I move that the Planning Commission accept the draft 1-Year Annual Action Plan for program year 2026-27 and associated draft funding recommendations as presented here before us today.**

and

**I further move that the Planning Commission recommend that staff present the draft Plan and the associated draft funding recommendations as presented here before us today to the City Council for public review and consideration.**

Attachments:

- 2026-27 CDBG & HOME Funding Recommendations (“PY26), as Adopted by the Members of the PY26 CDBG/HOME Taskforce on April 1, 2026, and Updated based on Preliminary Notice of New Allocations from HUD
- Overview of 2026-27 CDBG & HOME Funding Requests Received
- Draft City Council Resolution to Approve the 2026-27 Annual Action Plan
- Draft City Council Resolution to Approve CDBG Grant Awards for the 2026-27 Program Year\*
- Draft City Council Resolution to Approve HOME Grant Awards for the 2026-27 Program Year\*
- CDBG/HOME Taskforce PY26 Reviewer Evaluation Criteria

*\* Note that these funding recommendations are in draft form pending receipt of the official notification to the city by HUD of actual 2026-27 allocations*

**2026-27 CDBG & HOME FUNDING RECOMMENDATIONS (PY26)**

*Amended based on HUD Allocations Transmittal Letter Received on \_\_\_\_, 2026\**

**PY26 HUD Allocations (2026-27 Anticipated\*)**

CDBG est.	\$ 464,924.00
HOME Local Share est.	\$ 92,568.21

\* The City is still awaiting official notice from HUD \$557,492.21

**Programmatic Funding & Setasides**

CDBG Planning & Admin	\$ 92,984.80
Public Services Cap @ 15%	\$ 69,738.60
Council Priority: Public Facilities & Imprv.	\$ 89,896.51
Council Priority: Economic Dev.	\$ 89,896.51
HOME Program Local Match (25%**)	\$ 23,142.05

\*\* Typically funded from CAHF

**CDBG Economic Development**

*Recommendations*

CIC Entrepreneur Programs & Supports	\$ 23,994.75
BGF Cville Builds - Construction & Renovation for Nonprofits & Small Businesses	\$ 35,486.24

*Subtotal: \$59,480.99*

**CDBG Public Facilities & Infrastructure Improvements**

*Recommendations*

Arc of the Piedmont Shamrock Group Home	\$ 20,408.76
The Haven Day Shelter Infrastructure	\$ 34,442.53

*Subtotal: \$54,851.29*

**CDBG Public Service Activities**

*Recommendations*

The Haven Coordinated Entry	\$ 26,092.82
IRC Financial Capabilities & Language Access Support for Newcomers	\$ -
LVCA Beg. Workforce Literacy	\$ 14,421.82
PHA Eviction Diversion & Housing Stabilization	\$ 29,223.96
PHAR Resident-Involved Redevelopment	\$ -

*Subtotal: \$69,738.60*

**CDBG Affordable Housing**

*Recommendations*

AHIP Charlottesville Critical Home Rehabs	\$ 93,934.16
LEAP Healthy, Safe & Energy Efficient	\$ 93,934.16

*Subtotal: \$187,868.32*

**HOME Investment Partnerships**

*Recommendations*

BGF C'ville Builds: Local Repair & Renovation for Homeowners	\$ 37,727.45
Council Housing Initiatives Fund	\$ 54,840.76
CRHA Shared Housing Rehabs and Renovation in Fifeville	\$ -

*Subtotal requests HOME: \$92,568.21*

**2026-27 OVERVIEW OF CDBG & HOME REQUESTS FOR FUNDING**  
*For consideration by the PY26 City of Charlottesville CDBG/HOME Taskforce*

**PY26 HUD Allocations (Anticipated\*)**

CDBG est	\$ 445,452.00
HOME est.	\$ 85,876.13

*\* Estimated based on HUD allocations for PY25* *\$531,328.13*

**Programmatic Funding & Setasides**

CDBG Planning & Admin	\$ 89,090.40
Public Services Cap @ 15%	\$ 66,817.80
Council Priority: Public Facilities & Imprv.	\$ 89,896.51
Council Priority: Economic Dev.	\$ 89,896.51
HOME Program Local Match (25%**)	\$ 21,469.03

*\*\* Typically funded from CAHF*

**CDBG Economic Development**

*Requests*

CIC Entrepreneur Programs & Supports	\$ 25,000.00
BGF Cville Builds - Construction & Renovation for Nonprofits & Small Bus	\$ 35,000.00

*Subtotal: \$60,000.00*

**CDBG Public Facilities & Infrastructure Improvements**

*Requests*

Arc of the Piedmont Shamrock Group Home	\$ 19,554.29
The Haven Day Shelter Infrastructure	\$ 33,000.00

*Subtotal: \$52,554.29*

**CDBG Public Service Activities**

*Requests*

The Haven Coordinated Entry	\$ 50,000.00
IRC Financial Capabilities & Language Access Support for Newcomers	\$ 35,000.00
LVCA Beg. Workforce Literacy	\$ 50,000.00
PHA Eviction Diversion & Housing Stabilization	\$ 30,000.00
PHAR Resident-Involved Redevelopment	\$ 55,000.00

*Subtotal: \$220,000.00*

**CDBG Affordable Housing**

*Requests*

AHIP Charlottesville Critical Home Rehabs	\$ 140,000.00
LEAP Healthy, Safe & Energy Efficient	\$ 125,000.00

*Subtotal: \$265,000.00*

**HOME Investment Partnerships**

*Requests*

CRHA Shared Housing Rehabs and Renovation in Fifeville	\$150,000.00
Building Goodness FoundationC'ville Builds: Local Repair & Renovation	\$35,000.00

*Subtotal: \$185,000.00*

**DRAFT**  
**RESOLUTION**

**Resolution to Approve the City of Charlottesville-Thomas Jefferson Area HOME Consortium  
One-Year Annual Action Plan for Program Year 2026-27**

**WHEREAS** the City of Charlottesville engages as a ‘participating jurisdiction’ (“PJ”) in the CDBG & HOME programs administered by the U.S. Department of Housing & Urban Development (“HUD”) and in that role is the periodic recipient of federal funds to support eligible community development, affordable housing and planning activities as identified by HUD’s Office of Community Planning & Development (“CPD”); and

**WHEREAS** the City of Charlottesville is a contributing member of the Thomas Jefferson HOME Consortium (“TJHC”) in partnership with the Thomas Jefferson Planning District Commission (“TJPDC”) and the counties of Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD’s HOME program; and

**WHEREAS** as such, the city is required by HUD to develop on an annual basis a One -Year Annual Action Plan (“AAP”) to inform the work of the city’s CDBG and HOME programs, a plan which is required to be presented to the public with opportunities for public comment, of which consideration by City Council is an important element.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Charlottesville, Virginia, hereby approves the Charlottesville-Thomas Jefferson HOME Consortium One-Year Annual Action Plan and its submittal to HUD for final review, as presented at a public hearing before the Charlottesville Planning Commission on April 14, 2026, and at two public hearings before Charlottesville City Council on May 4 and May 18, 2026.

Date Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

**DRAFT**

**APPROPRIATION**

**Appropriation of Community Development Block Grant (“CDBG”) Funds Anticipated from the U.S. Department of Housing and Urban Development for Program Year 2026-27, in the Approximate Amount of \$464,924.00<sup>1</sup>**

**WHEREAS** the City of Charlottesville (“City”) has been advised by the U.S. Department of Housing and Urban Development (“HUD”) that it is eligible to receive an anticipated CDBG allocation for the 2026-27 program year in the approximate amount of \$464,924.00; and

**WHEREAS** City Council has received recommendations for the expenditure of funds from the city’s CDBG/HOME Taskforce, as reviewed and approved by the City’s Planning Commission at a public hearing on April 14, 2026, in accordance with the City’s established Citizen Participation Plan; now

**THEREFORE BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that upon receipt of CDBG funds anticipated from the U.S. Department of Housing and Urban Development, said funds are hereby appropriated to the following individual expenditure accounts in the Community Development Block Grant Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

**Economic Development Activities**

<i>Fund</i>	<i>SAP Order #</i>	<i>Funding Recommendation</i>	<i>Award</i>
218	_____	CIC Entrepreneur Programs & Supports	\$23,994.75
218	_____	BGF Cville Builds: Construction & Renovation for Nonprofits & Small Businesses	\$35,486.24

*Subtotal:* \$59,480.99

**Public Facilities & Infrastructure Enhancements Activities**

<i>Fund</i>	<i>SAP Order #</i>	<i>Funding Recommendation</i>	<i>Award</i>
218	_____	Arc of the Piedmont Shamrock Group Home	\$20,408.76
218	_____	The Haven Day Shelter Infrastructure	\$34,442.53

*Subtotal:* \$54,851.29

**Affordable Housing Activities**

<i>Fund</i>	<i>SAP Order #</i>	<i>Funding Recommendation</i>	<i>Award</i>
218	_____	AHIP Charlottesville Critical Home Rehabs	\$93,934.16
218	_____	LEAP Healthy, Safe & Energy Efficient	\$93,934.16

*Subtotal:* \$187,868.32

<sup>1</sup> While the city has been made aware of by HUD preliminary allocations for the HOME program, as of April 6, 2026, the city had not received official notification; as such, the numbers presented here are subject to change pending receipt of this official notice and will be updated when such guidance is received by city staff.

*Draft print date: 4/6/2026 2:53 pm*

**Public Services Activities**

<i>Fund</i>	<i>SAP Order #</i>	<i>Funding Recommendation</i>	<i>Revised Award</i>
218	_____	The Haven Coordinated Entry	\$26,092.82
218	_____	LVCA Beg. Workforce Literacy	\$14,421.82
218	_____	PHA Eviction Diversion & Housing Stabilization	\$29,223.96

*Subtotal:*        \$69,738.60

**Programmatic Funds**

<i>Fund</i>	<i>SAP Cost Center</i>	<i>Funding Recommendation</i>	<i>Revised Appropriation</i>
218	_____	CDBG Planning & Admin	\$92,984.80

*Subtotal:*        \$92,984.80

**Total 2026-27 Funding Recommendations: \$464,924.00**

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt by the City from HUD of not less than the full amount of anticipated CDBG funds detailed above for the 2026-27 program year, and all subrecipient awards are also conditioned upon receipt of these funds.

**BE IT FURTHER RESOLVED** that in the event that funds received from HUD differ from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient’s grant may subsequently be increased above the amount(s) listed above without further consideration by Council.

**BE IT FURTHER RESOLVED** that any unspent funds available after the approved activity is completed and closed out with HUD will hereby be returned to the unallocated lump sum account within Fund 218, to be reallocated to suitable new activities by Council at a later date.

**FINALLY, BE IT FURTHER RESOLVED** that the funding awards appropriated within this resolution will be provided as grants to private non-profit, charitable organizations (“subrecipients”) and shall be utilized by said subrecipients solely for the purpose(s) stated within their approved Scope of Work agreements. The City Manager is hereby authorized to enter into funding agreements with the subrecipients named herein as deemed advisable to ensure that all grant funds are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and to provide guidance and assistance in the subrecipients’ execution of these approved activities.

Date Adopted:

Certified: \_\_\_\_\_

Clerk of Council

**DRAFT**  
**RESOLUTION**

**Resolution to Approve Award(s) of HOME Investment Partnership Program (“HOME”) Funds Anticipated from the U.S. Department of Housing and Urban Development for Program Year 2026-27, in the Approximate Amount of \$92,568.21<sup>1</sup>**

**WHEREAS** the City of Charlottesville (“City”) has been advised by the U.S. Department of Housing and Urban Development (“HUD”) that the region served by the Thomas Jefferson HOME Consortium (“TJHC”) is eligible to receive an anticipated HOME allocation for the 2026-27 program year, in the approximate amount of \$740,545.64, of which the City anticipates receipt of approximately \$92,568.21 to support local affordable housing initiatives; and

**WHEREAS** City Council has received recommendations for the expenditure of funds from the city’s CDBG/HOME Taskforce, as reviewed and approved by the City’s Planning Commission at a public hearing on April 14, 2026, in accordance with the City’s established Citizen Participation Plan; and

**WHEREAS** the City of Charlottesville will continue certify with HUD certain local affordable housing activities funded through the Charlottesville Affordable Housing Fund (“CAHF”) to meet HUD’s 25% local match requirement for the use of HOME funds, as detailed in the Cooperation Agreement established between the City & the Thomas Jefferson Planning District Commission (“TJPC”); now

**BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia, that upon receipt of HOME funds anticipated from the U.S. Department of Housing and Urban Development, that the following HOME-funded affordable housing activities are approved:

<i>Fund</i>	<i>Subrecipient</i>	<i>Funded Activity</i>	<i>Revised Award</i>
210	Building Goodness Foundation	BGF C’ville Builds: Local Repair & Renovation for Homeowners	\$37,727.45
210	TBD	Council Housing Initiatives Fund	\$54,840.76

*Total Recommended HOME Recommendations: \$92,568.21*

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt by the City from HUD of not less than the full amount of anticipated HOME funds detailed above for the 2026-27 program year, and all subrecipient awards are also conditioned upon receipt of these funds.

**BE IT FURTHER RESOLVED** that in the event that funds received from HUD differ from the amounts referenced above, all awarded amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient’s grant may subsequently be increased above the amount(s) listed above without further consideration by Council.

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<sup>1</sup> While the city has been made aware of by HUD preliminary allocations for the HOME program, as of April 6, 2026, the city had not received official notification; as such, the numbers presented here are subject to change pending receipt of this official notice and will be updated when such guidance is received by city staff.

**FINALLY, BE IT FURTHER RESOLVED** that any funding awards appropriated within this resolution will be provided as grants to private non-profit, charitable organizations (“subrecipients”) and shall be utilized by the subrecipient solely for the purpose(s) stated within their approved Scope of Work agreement, as approved by TJPDC staff in accordance with the Cooperation Agreement. The City Manager is hereby authorized to enter into a funding agreement with subrecipients named herein as deemed advisable to ensure that all grant funds are expended for their intended purposes and in accordance with applicable federal and state laws and regulations.

To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and to provide guidance and assistance in the subrecipients’ execution of these approved activities.

Date Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

**Requests for Funding Evaluation Criteria**

**CDBG/HOME Taskforce PY26**

Applicant/Proposed Activity:

<i>Category</i>	<i>Exceeds (4 pts)</i>	<i>Meets (3 pts)</i>	<i>Approaching (2 pts)</i>	<i>Developing (1 pt)</i>	<i>Total</i>
1. Program Description / Scope of Work	④ Provides a clear description and clearly explains how it will address one or more Council priorities	③ Provides a description that adequately explains how it will address one or more Council priorities	② Provides a description that somewhat explains how it will address one or more Council priorities	① Provides a vague and/or unclear description and little explanation as to how it addresses Council priorities	
2. Program Goal(s)	④ Provides a clear explanation of the programs goal(s). Identifies what services will be provided and to whom. Provides clear demographic information of the intended beneficiaries and how they will meet the income guidelines	③ Provides an adequate explanation of the programs goal(s)	② Minimally or somewhat explains the program's goal(s)	① Goal is missing and/or not clearly explained. Identification of beneficiaries, number of beneficiaries, demographic information, and information about how the beneficiaries will meet the income guidelines is vague and/or missing	
3. Demonstration of Need	④ Clearly describes how the program will directly address the important needs; Provides local data to describe the needs of the community and beneficiaries	③ Adequately describes how the program will directly address the needs using some local data to describe the needs of the community and the beneficiaries	② Description of need needs improvement; Only state, regional, or national data provided, data not specific to clients	① Does not describe how the program will directly address the needs and/or does not provide data to describe the needs of the community and the beneficiaries	
4. Projected Outcomes	④ Clearly explains how proposed outcomes will be meaningful, client-focused and related to the service(s) being provided	③ Adequately explains how proposed outcomes will be meaningful, client-focused and related to the service(s) being provided	② Explanation of how proposed outcomes will be meaningful, client-focused and related to the service(s) being provided needs improvement	① Does not explain how proposed outcomes will be meaningful, client-focused and/or related to the service(s) being provided	

<i>Category</i>	<i>Exceeds (4 pts)</i>	<i>Meets (3 pts)</i>	<i>Approaching (2 pts)</i>	<i>Developing (1 pt)</i>	<i>Total</i>
5. Implementation Strategies	④ Provides evidence-based strategies for how the program/project will address the program goal(s)	③ Adequately describes how strategies address program goal(s) using researched best practices strategies at a minimum	② Describes how strategies address program goal(s) without information about best practices or research	① Does not identify how strategies directly support program goal(s)	
6. Implementation Timeline	④ Timeline is detailed and realistic	③ Timeline is adequate	② Timeline is limited or not realistic	① Timeline is unclear, unrealistic and/or missing key details	
7. Evaluation Plan	④ Provides a rigorous evaluation plan which informs ongoing work, explains metrics and why they are used	③ Provides a solid evaluation plan	② Evaluates some elements of its work, but the evaluation is not thorough	① Proposal does not provide an evaluation plan or the plan is insufficient	
8. Eligibility Verification	④ Proposal clearly describes how the applicant will collect and verify all required information	③ Proposal adequately describes how the applicant will collect and verify all required information	② Proposal describes how the applicant will collect and verify some required information	① Proposal does not describe how the applicant will collect and verify any required information	
9. Financial Benefits	④ Proposal thoroughly describes how the program will deliver benefits to its beneficiaries	③ Proposal adequately describes how the program will deliver benefits to its beneficiaries	② Proposal somewhat describes how the program will deliver benefits to its beneficiaries	① Proposal minimally describes how the program will deliver benefits to its beneficiaries	

<i>Category</i>	<i>Exceeds (4 pts)</i>	<i>Meets (3 pts)</i>	<i>Approaching (2 pts)</i>	<i>Developing (1 pt)</i>	<i>Total</i>
10. Collaboration	④ Proposal describes how the program collaborates with other organizations to achieve a common goal using defined deliverables and metrics (eg, clear accountability, shared management, such as MOUs or formal partnership agreements)	③ Proposal describes formal agreements with more than two organizations describing how they cooperate, but does not share common deliverables or metrics	② Proposal describes collaboration informally with other organizations (ex. information sharing, resource sharing)	① Proposal does not describe collaboration with other entities	
11. Engagement/ Outreach Strategy	④ Proposal describes complete outreach and engagement strategies and explains how it will serve needy and underserved populations	③ Proposal describes some outreach and engagement strategies and how it will serve needy and underserved populations	② Proposal explains that services are available to needy and underserved populations but proposed activity does not conduct outreach or engagement	① Proposal does not provide strategies for outreach and engagement to needy and underserved populations	
12. Budget	④ Proposal clearly demonstrates: (a) How requested funds will be applied to expense line items; (b) How the amount requested is reasonable; (c) That the overall program budget shows a direct relationship with proposed service items	③ Proposal provides an adequate budget; adequately addresses A, B, and C	② Proposed budget needs improvement and only somewhat addresses A, B, and/or C	① Proposed budget needs improvement: the proposal does not demonstrate how the requested funds will be applied to expense line items, how the amount requested is reasonable, and does not show a direct relationship with proposed service items	
Reviewer:	<input type="checkbox"/> CDBG <input type="checkbox"/> HOME				Subtotal:

CITY OF CHARLOTTESVILLE  
Department of Neighborhood Development Services  
City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
[www.charlottesville.gov](http://www.charlottesville.gov)



**PLANNING COMMISSION REGULAR MEETING**  
**APPLICATION FOR A SPECIAL EXCEPTION PERMIT**  
**APPLICATION NUMBER: PL-26-0030**  
**DATE OF MEETING: April 14, 2026**

**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT**

**Project Planner:** Dannan O'Connell

**Date of Staff Report:** April 6, 2026

**Applicant:** Dustin Greene, Roudabush Gale and Associates

**Current Property Owner:** Neighborhood Investments LLC

**Application Information**

**Property Street Address:** 408 Harris Road ("Subject Property")

**Tax Map & Parcel/Tax Status:** 21A104000

**Total Square Footage/ Acreage Site:** Approx. 0.203 acres (8,857 sq. ft.)

**Comprehensive Plan (General Land Use Plan):** Medium Intensity Residential

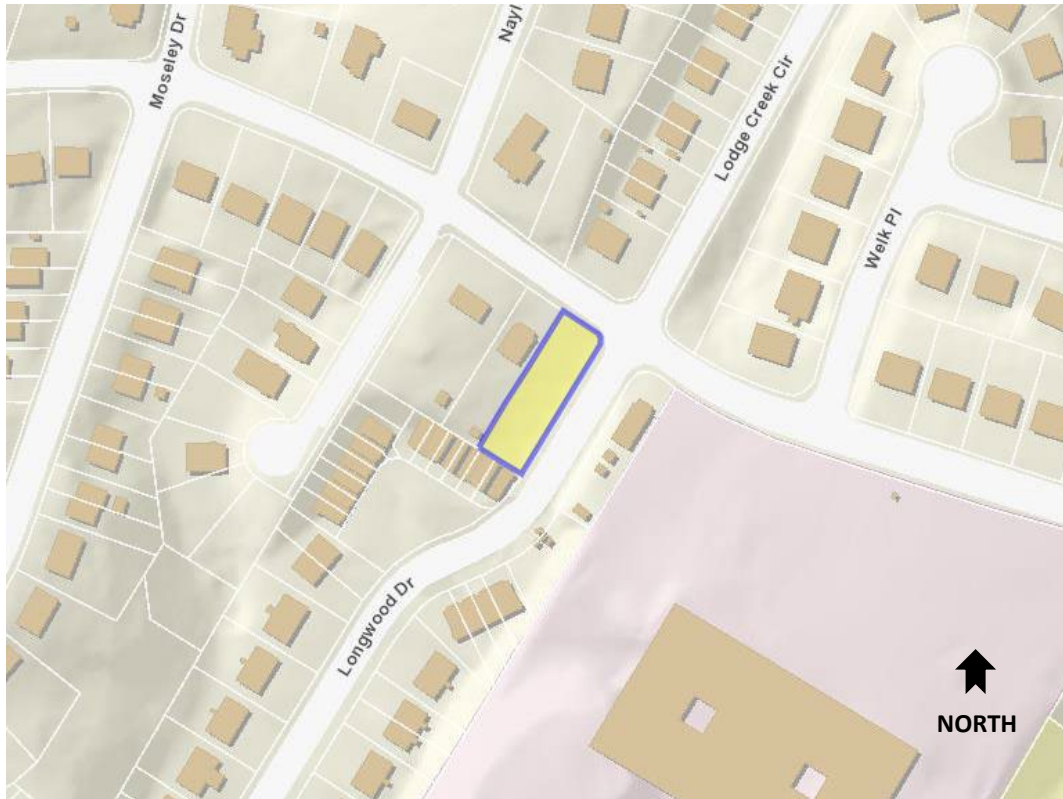
**Current Zoning Classification:** R-B

**Overlay District:** None

**Applicant's Request (Summary)**

Dustin Greene of Roudabush Engineering (applicant), representing Neighborhood Investments LLC (property owner), has requested a Special Exception Permit (SEP) pursuant to City Code Sections 34-2.2.4.A.3 and 34-2.10.4.C for outdoor amenity space. The applicant wishes to subdivide and improve the above-referenced property (Subject Property) with six attached residential dwellings. The R-B Residential district requires all lots to provide amenity spaces having a cumulative area of 10% or more of the lot area. Each amenity space must also be at least 400 square feet in size, with no horizontal dimension of less than ten feet. The intent of these features is "[to ensure] adequate recreation and open space areas for occupants, and to ensure such spaces are accessible, usable and safe;" per Section 34-2.10.4.C.1. The applicant proposes approximately 7.6% of lot area be provided in three landscaped yards, with widths of less than six feet and areas of between 198 and 252 square feet.

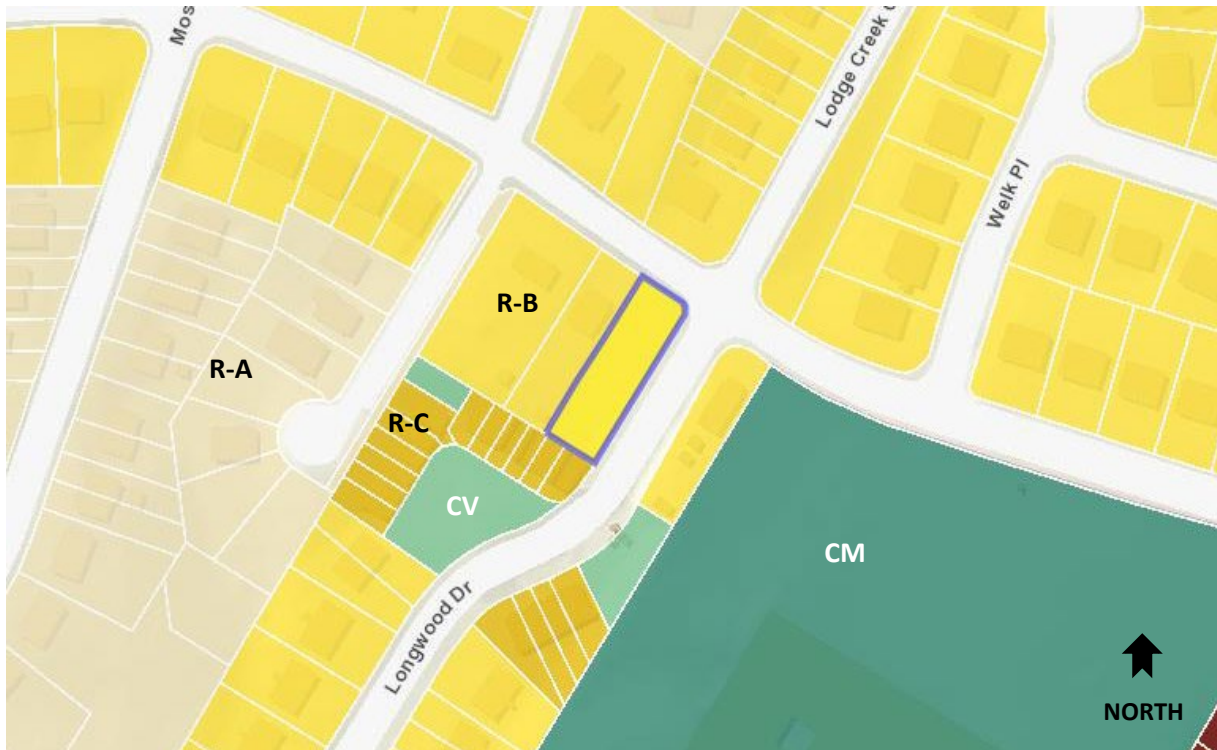
**Vicinity Map**



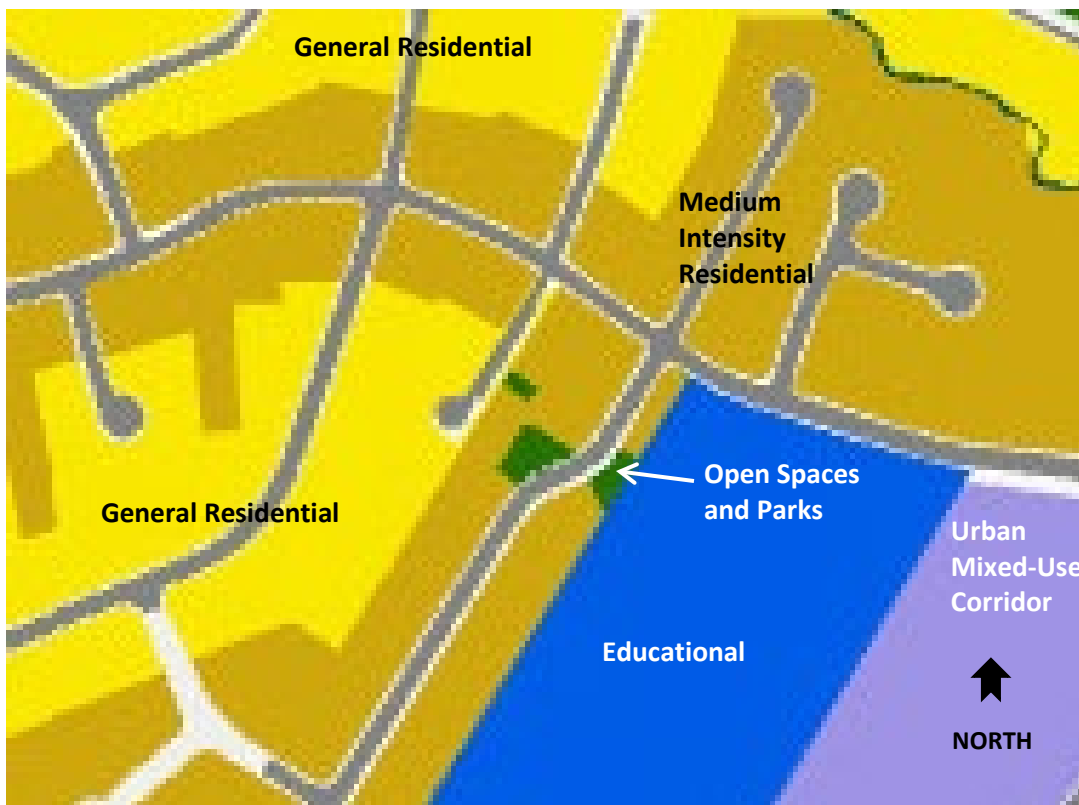
**Context Map 1**



**Context Map 2- Zoning Classifications**



**Context Map 3- Future Land Use Plan, 2021 Comprehensive Plan**



## **Standard of Review**

City Council may grant an applicant a Special Exception Permit (SEP), giving consideration to a number of factors set forth within Zoning Ordinance Section 34-5.2.15.D. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SEP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SEP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the proposed development.

Section 34-5.2.15.D of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SEP. Following below is staff's analysis of those factors, based on the information provided by the applicant. The applicant's analysis of their request can be found in Attachment A.

### **(1) Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;**

The applicant proposes to construct three attached residential buildings (six residential units total) on six sublots. The buildings have side-facing garages and are separated by shared paved driveways. The applicant is proposing that the front yards between these buildings and the street lot lines be counted as amenity space. These yards will be landscaped and contain required street trees as well as paved private sidewalks for the required street-facing entry features. Site location and dimensions can be found within the applicant's submitted Amenity Space Exhibit (Attachment B).

*Staff Analysis:* Harris Road is currently developed with one- and two-family residential uses to the east and west of the Subject Property. Jackson Via Elementary School is also located along Harris Road to the east. Longwood Drive is currently developed with a mix of two-family residential uses and townhome rows containing between three and eight residential units. The development to the immediate south also includes several small areas of landscaped open space under common ownership of a homeowners' association.

Most parcels adjacent to the Subject Property contain landscaped yards similar in character to what is proposed, which could qualify as 'amenity space' given current interpretations of the Development Code. However, these yards are all significantly larger than what is proposed on the Subject Property. The two townhome rows immediately south of the subject property have no yards; however, they are adjacent to several thousand square feet of landscaped amenity space under common ownership due to their construction as part of

a Planned Unit Development (PUD). The development is therefore not harmonious with the existing patterns of development within this area, as the proposed yards are significantly smaller than what exists around other residential properties in the area.

**(2) Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;**

*Below are specific areas of the Comprehensive Plan for which the development is in compliance:*

**a. Land Use, Urban Form, and Historic & Cultural Preservation**

**Objectives for Residential Areas:** Encourage incremental “house-sized,” contextual infill within existing residential neighborhoods.

**Goal 3:** Protect and enhance the existing distinct identities of the city’s neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community.

Comprehensive Plan- Staff Analysis:

The Future Land Use Map of the 2021 Comprehensive Plan designates the Subject Property and surrounding properties as Medium Intensity Residential, which is intended to “*increase opportunities for housing development including affordable housing along neighborhood corridors, near community amenities, employment centers, and in neighborhoods that are traditionally less affordable.*” Building form is to be compatible with existing context, with “house-sized infill” with “*similar building height, building width, and side and front yard setbacks as surrounding residential structures. Zoning tools will define building form and neighborhood compatibility criteria for development.*”

The proposed residential structures are compatible with the “house sized” dimensions and context called for within the Medium Intensity land use category. However, the proposed reduction in amenity space does not align with existing zoning criteria for development.

The Charlottesville Development Code allows significantly higher residential densities and smaller yard setbacks throughout the City. Amenity space requirements are meant to mitigate this upzoning by providing recreational common areas for residents or pedestrians. Reducing or eliminating these requirements goes against the development form specified within the Comprehensive Plan.

**(3) Whether, with conditions, the Special Exception Permit is consistent with the public necessity, convenience, general welfare, and good zoning practice.**

As the application does not align with existing patterns of development along Harris Road and Longwood Drive, or the Development Code’s emphasis on providing adequate, useable open space for occupants, staff finds granting the Special Exception Permit would be inconsistent with good zoning practice and general public welfare.

**Public Comments Received**

Staff has received no public comments on this Special Exception request at the publishing of this report.

**Staff Recommendation**

Staff recommends denial of this Special Exception Permit to alter the required outdoor amenity space.

**Recommended Conditions**

Should the Planning Commission recommend approval of this Special Exception Permit, no conditions are recommended by staff.

**Suggested Motions**

1. I move to recommend denial of this application for a Special Exception Permit in the R-B Residential district at 408 Harris Road to permit the construction of six residential units with reduced amenity spaces.

**OR,**

2. I move to recommend approval of this application for a Special Exception Permit in the R-B Residential district at 408 Harris Road to permit the construction of six residential units with reduced amenity space.
  - a. [condition(s) proposed by Planning Commission]

**Attachments**

- A. Special Exception Request Letter received March 6, 2026
- B. Amenity Space Exhibit received March 6, 2026

**To:** Danna O’Connell, Senior Planner, NDS  
**Re:** Special Exception — 408 Harris Road, Longwood Drive  
**Applicant:** Neighborhood Properties, LLC, Roudabush, Gale & Associates., Inc.  
**Date:** March 3rd, 2026

**Special Exception – Outdoor Amenity Space Requirement**

The R-B zoning district requires outdoor amenity space equal to ten percent (10%) of the total lot area. For this 8,858-square-foot property, the ordinance requires 886 square feet of outdoor amenity space.

Due to the configuration of the existing right-of-way (ROW), the required amenity space cannot be provided in full compliance with the ordinance standards while remaining entirely within the existing property boundaries. Specifically, Section 2.10.4.C requires that each amenity space contain a minimum area of 400 square feet and maintain a minimum horizontal dimension of ten (10) feet. The location of the existing ROW line prevents the site from accommodating amenity areas that satisfy these dimensional requirements without encroaching into the area between the property line and the proposed sidewalk.

As illustrated on Exhibit A, when the amenity spaces are confined strictly within the existing property boundaries, the available area created by the existing ROW alignment prevents full compliance with the minimum dimensional standards. However, as illustrated on Exhibit B, if the usable amenity space were permitted to extend to a line located one (1) foot behind the proposed sidewalk (consistent with the City’s typical “1 foot behind back-of-curb” condition), the required 886 square feet of amenity space could be fully provided and each area would meet the minimum dimensional requirements.


The hardship is therefore created by the existing right-of-way configuration rather than by the applicant’s design. The current ROW alignment reflects historic conditions and prior right-of-way dedication practices associated with streetscape improvements.

The applicant previously approached the City regarding the potential purchase of the narrow strip of land between the existing property line and the typical 1-foot-behind-sidewalk alignment, but was advised that relief should instead be pursued through a special exception request.

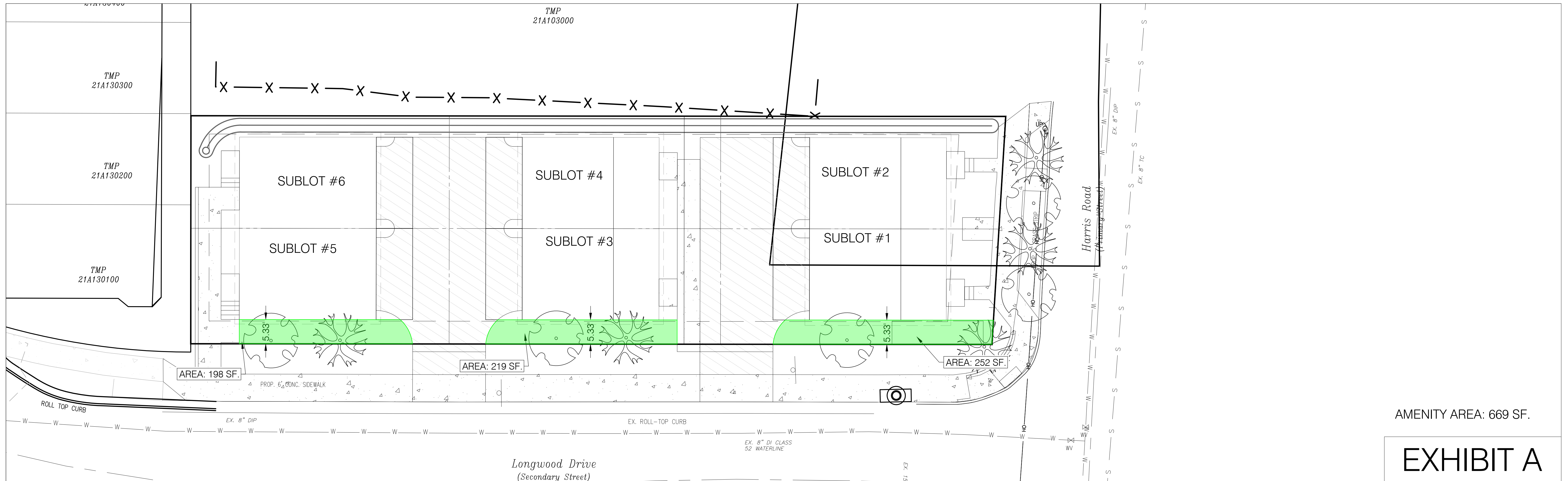
Accordingly, the applicant requests approval of a special exception to either reduce the required outdoor amenity space dimensional standards or allow the removal of the amenity space requirement for this site. The proposed development still provides usable outdoor space for residents and maintains appropriate open areas consistent with the intent of Section 2.10.4.C.

Granting this request would recognize the practical limitations imposed by the existing right-of-way while allowing reasonable development of the property without compromising the intent of the ordinance.

Best Regards,

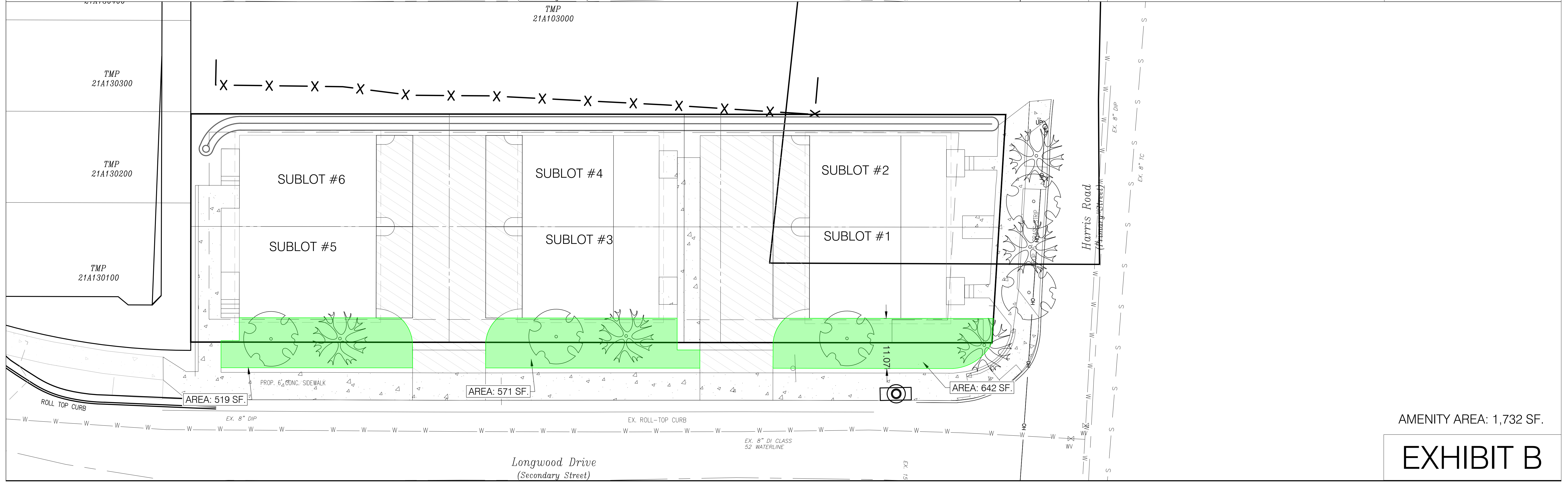


Dustin E. Greene, PE



AMENITY AREA: 669 SF.

**EXHIBIT A**



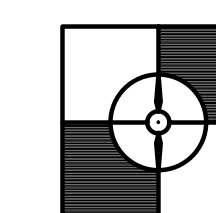
AMENITY AREA: 1,732 SF.

**EXHIBIT B**

# LONGWOOD DRIVE

PROPOSED AMENITY AREA | DATE 20 FEBRUARY 2026

SCALE 1" = 10'



**ROUDABUSH, GALE & ASSOC., INC.**

A PROFESSIONAL CORPORATION SERVING VIRGINIA SINCE 1956



# ADU Manual In-Lieu Fee & Student Housing Study

Planning Commission Presentation



# Agenda

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- **Study Background**
- **Purpose & Scope of Study**
- **Public Engagement, Goals, and Guiding Principles**
- **Study Findings**
  - **Findings from Other Jurisdictions**
  - **Findings from Initial Fee Evaluation**
  - **Public Engagement**
- **Feasibility Impacts**
- **Policy Recommendations**

# Study Background



# Affordable Housing and Student Housing Requirements

## Residential Development:

- Projects  $\geq 10$  units provide 10% at  $\leq 60\%$  AMI or pay in-lieu fee
- Bonus height for units at  $\leq 50\%$  AMI or same fee
  - In-lieu fee = average total cost per unit of developing a residential unit in the Charlottesville market, based on bedroom count up to 3 bedrooms

## Student Housing

- Projects that rent by the bedroom within  $\frac{1}{2}$  mile of Campus Grounds
- No on-site affordable units are required
- Bonus height may also be realized
- In-lieu fee is required
  - In-lieu fee = difference between the value of a market rate unit and that of an affordable unit (i.e. value gap), based on bedroom count up to 3 bedrooms

## Non-Student Housing

**Figure 1: Construction Cost Per Unit and Average Total Cost Per Unit In-lieu Fee**

Number of Bedrooms	Cost Per Rental Unit	Cost Per Ownership Condominium Unit
Studio	\$184,152	\$324,510
1	\$250,797	\$362,120
2	\$368,303	\$413,709
3	\$547,339	\$483,138
<b>Average Total Cost Per Unit In-lieu Fee</b>	<b>\$337,648</b>	<b>\$395,869</b>

## Student Housing

**Figure 2: Value Gap Cost Per Unit and Average Total Cost Per Unit In-lieu Fee**

Number of Bedrooms	Cost Per Rental Unit	Cost Per Ownership Condominium Unit
Studio	\$41,380	\$269,727
1	\$107,472	\$342,937
2	\$186,038	\$284,653
3	\$261,209	\$403,741
<b>Average Total Cost Per Unit In-lieu Fee</b>	<b>\$149,025</b>	<b>\$325,265</b>

# Rationale for Different Student Housing Requirements

- Student housing projects do not typically include non-student housing
  - Unique requirements for student housing projects (rental by bedroom, parental preferences for student living conditions and amenities)
- Value gap method resulted in a lower in-lieu fee requirement
- Lower fee requirement deemed appropriate given the lack of an on-site affordable unit requirement

## Non-Student Housing

**Figure 1: Construction Cost Per Unit and Average Total Cost Per Unit In-lieu Fee**

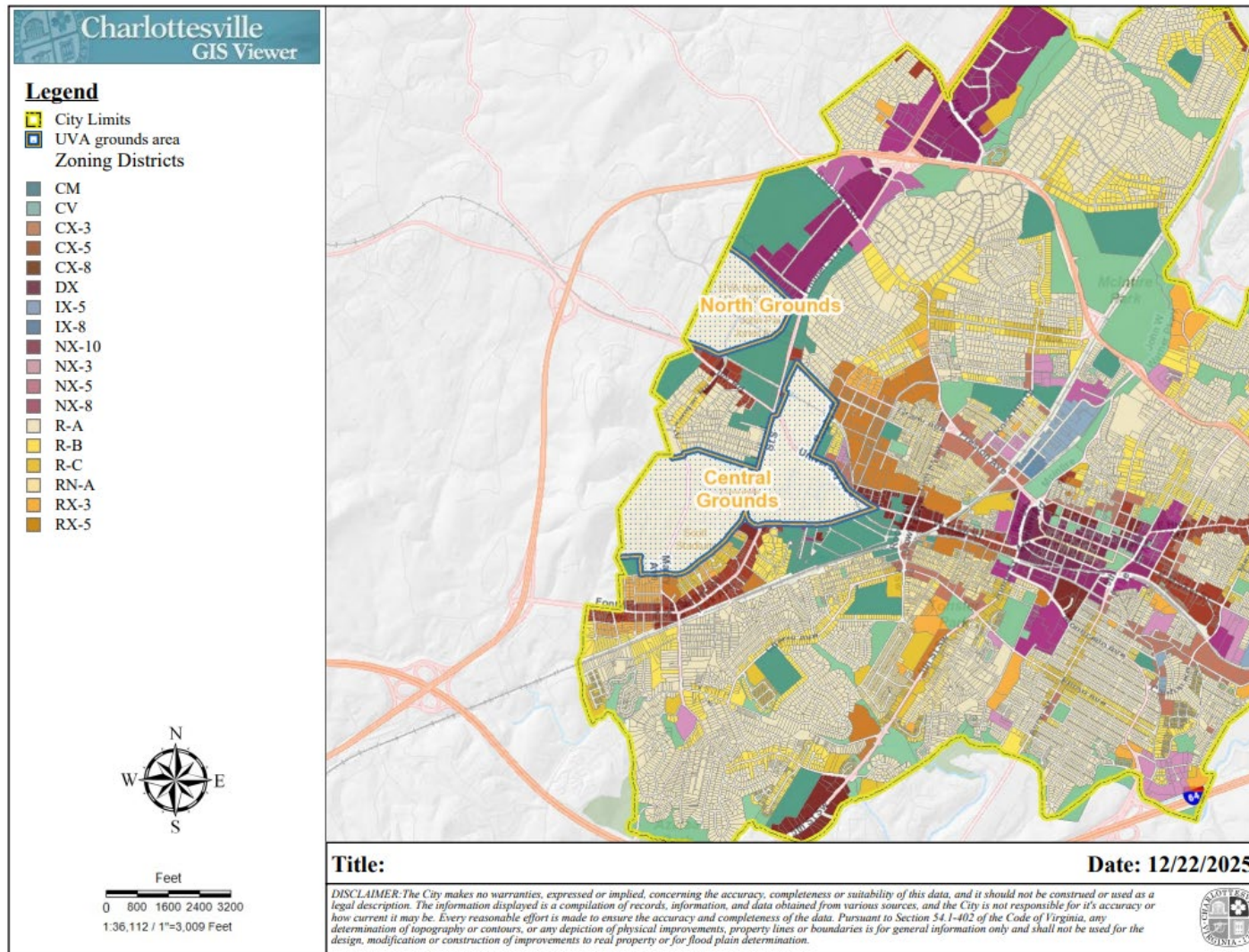
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## Student Housing

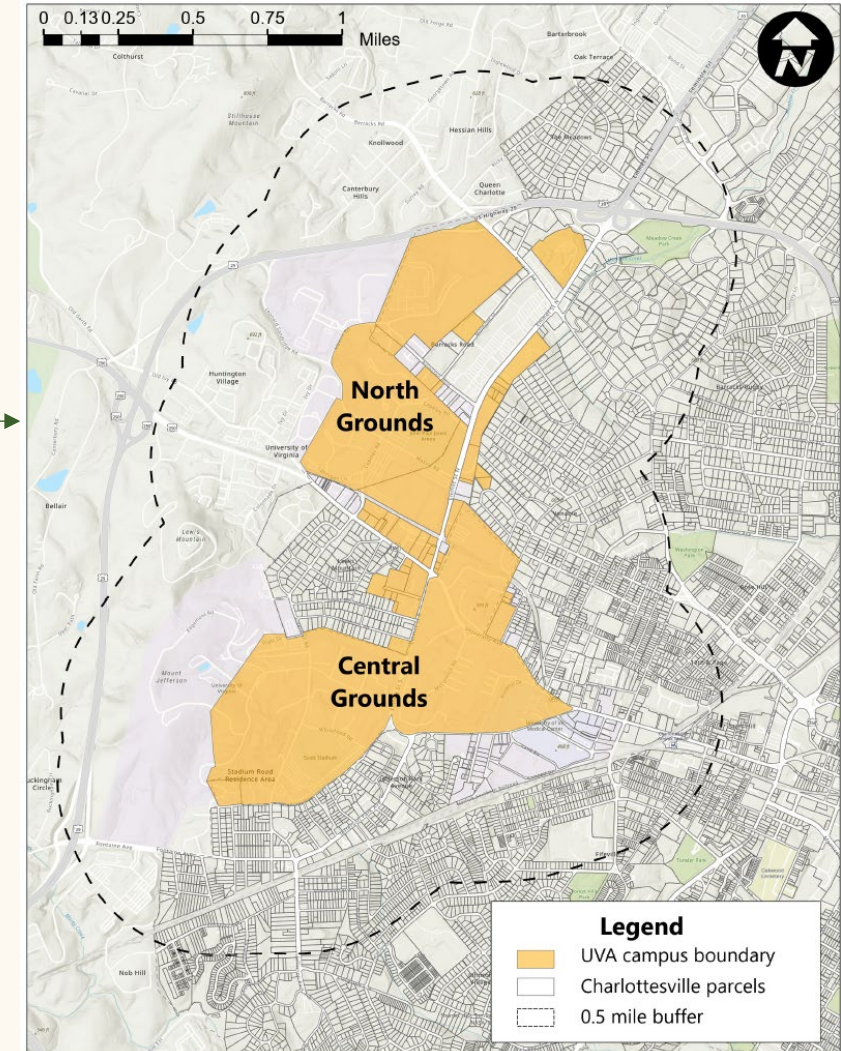
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# Locations Where Affordable Housing Expectations for Student Housing Apply



UVA Grounds



Area within 1/2 Mile of Grounds



# Student Housing History

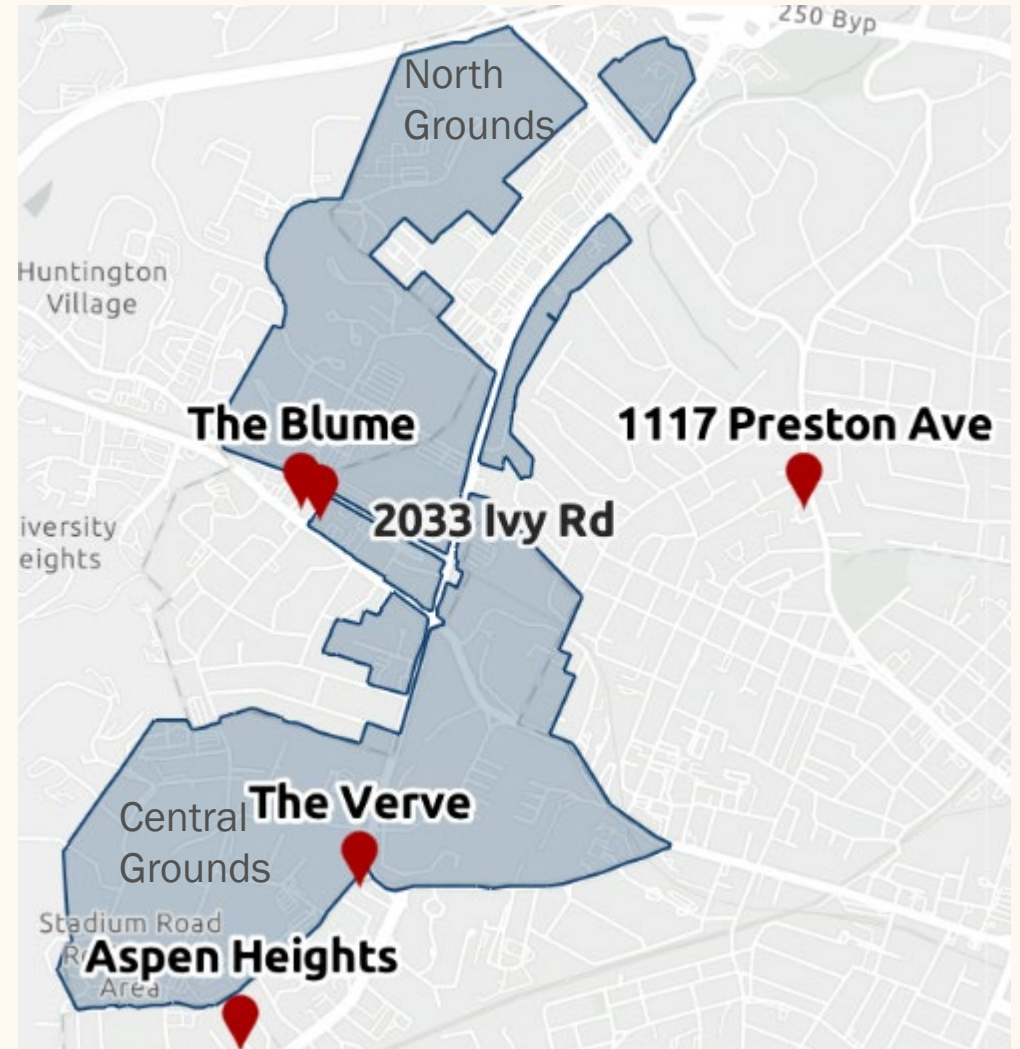
- UVA enrollment growth has steadily increased demand for student housing.
- Historically, students lived:
  - On Grounds (limited capacity)
  - In older apartment complexes near UVA
  - In converted single-family homes in neighborhoods within walking distance to the university
- As enrollment grew, private developers increasingly stepped in to build purpose-built student housing, concentrated closer to Grounds
  - 4-bedroom units, rental by bedroom

Neighborhood	Key Student Housing Features
The Corner / University Area	Oldest off-Grounds student district; dense housing near UVA
Venable	Early 20th-century homes converted to rentals; adjacent to Grounds
JPA Corridor	Mix of apartments + subdivided homes; close to hospital & Grounds
West Main	Longstanding transition zone; now major student-housing corridor
Fifeville (edges)	Increasing student-housing pressure near West Main
10 <sup>th</sup> and Page	Early 20 <sup>th</sup> -century homes converted to rentals; increasing student housing pressure

# Student Housing Supply and Demand

Total Undergraduate and Graduate Enrollment On Grounds ~ 27,000\*

- ~ 7,000 beds on Grounds (4,000 for First-Years)
- 2030 Plan aspires to house all first year and second-year students
- 5 projects currently under construction off Grounds, totaling 3,515 beds
  - Verve (442 Units / 1,332 beds)
  - Aspen Heights (119 Units / 390 beds)
  - 1117 Preston Avenue (16 Units / 32 beds)
  - Ivy (Blume) (231 Units / 641 beds)
  - 2033 Ivy Rd (780 beds)
  - Darden Graduate Housing (County) (340 beds)



\*Darden Graduate Housing not pictured

# Student Housing – National Perspective

- National report note a continued trend toward:
  - Private bedrooms and bathrooms
  - High-end amenities (fitness centers, study lounges, pools)
  - Mixed-use developments near campus
  - Preference for **private space and modern amenities**

\* [Inland-Insights-Robust-Student-Housing.pdf](#)



The Verve, Charlottesville, VA (UVA)



Ivy (Blume), Charlottesville, VA (UVA)

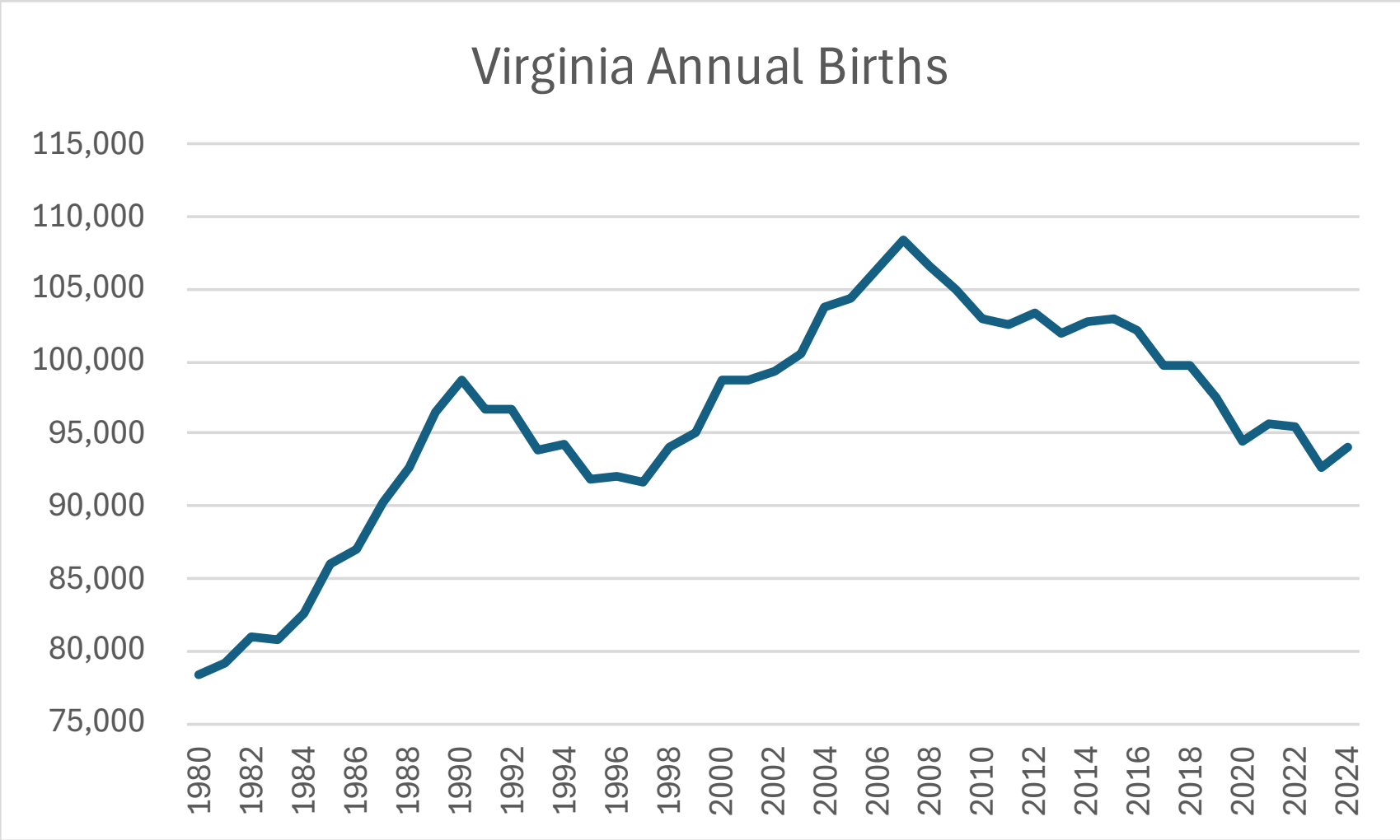


Jolly Roger, Greensboro (ECU)



# Virginia Demographic Trends

Number of births has been declining since 2008



# Study Focus and Scope of Work



# Study Purpose

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- Annual review and update of the Affordable Dwelling Unit Monitoring and Procedures Manual (ADU Manual)
- Evaluate current merits of
  - In-lieu fee payments
  - Student housing
  - Bonus height projects
  - Geographic criteria

# Timeline

## December 2025 – January 2026: Consultant Evaluation of Key Study Questions

- Do the current in-lieu fee payment structures accurately reflect construction costs and the value gap?
- What are the approaches of other Virginia jurisdictions?
- What approach to requirements for in-lieu fee payments best incentivize production of on-site units without limiting development feasibility?

## January – February 2026: Stakeholder Engagement

## March – May 2026: Develop Proposals and Commission and Council Review

# Timeline

December 2025 – January 2026: Consultant Evaluation of Key Study Questions

January – February 2026: Stakeholder Engagement

- What are the most important things for the policy to achieve?
- What impacts do we want to avoid?

March – May 2026: Develop Proposals and Commission and Council Review

# Timeline

December 2025 – January 2026: Consultant Evaluation of Key Study Questions

January – February 2026: Stakeholder Engagement

March – May 2026: Develop Proposals and Commission and Council Review

- Guiding Principles
- Policy Recommendations\*
- Manual and Development Code Amendments

\*Development of recommendations will be coordinated with presentation of key findings and recommendations from tax abatement study

# Initial Observations and Concerns

## Residential Development (Non-Student Housing)

- Significant gap between non-student and student fees
- Current fee structure may not be best practice
- Inconsistent in-lieu fee payment structure for bonus height

**Figure 1: Construction Cost Per Unit and Average Total Cost Per Unit In-lieu Fee**

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# Initial Observations and Concerns

## Student Housing

- Lack of on-site unit requirement limits new ADUs near campus
- Student housing's lower per-bedroom fee further incentivizes student housing
- No consideration for conversions to non-student housing, or 4+ bed units
- Large geography leads to displacement concerns

**Figure 1: Construction Cost Per Unit and Average Total Cost Per Unit In-lieu Fee**

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# Public Engagement, Goals, and Guiding Principles



# Goals & Guiding Principles

Asked staff and stakeholders two key questions:

- **What are the most important things for the policy to achieve?**
- **What impacts do we want to avoid?**

Questions posed as ‘would you rather’, to highlight trade-offs in fee policy

## WHAT MATTERS MOST?

Fewer projects, but mixed income  
vs.  
More projects, but units built elsewhere

Mixed income in buildings  
vs.  
Mixed income on site

Private provision of ADUs  
vs.  
Nonprofit/public provision of ADUs

More financial control of ADU decisions  
vs.  
Less operational burden of ADU decisions

# Engagement Strategy & Reach

*The engagement process for the Housing and Student Housing Study utilized a "digital-first, community-supported" model to capture broad feedback and targeted stakeholder expertise.*

## **Connect Charlottesville Participation Metrics**

- 270 Unique Visitors and 475 Total project page
- Over 800 Page Views, indicating repeat engagement.
- 45 Contributions submitted across various forum topics and surveys.

## **Engagement Mediums**

- Digital: Connect Charlottesville portal, interactive website features, and targeted email campaigns.
- Consultative: Meetings with the Housing Advisory Committee, stakeholder group representatives, and the Neighborhood Leaders list-serve.
- In-Person/Offline: Promotions via Boards and Commissions, newsletters, and direct neighborhood outreach.

# Key Discussion Themes & Sentiments

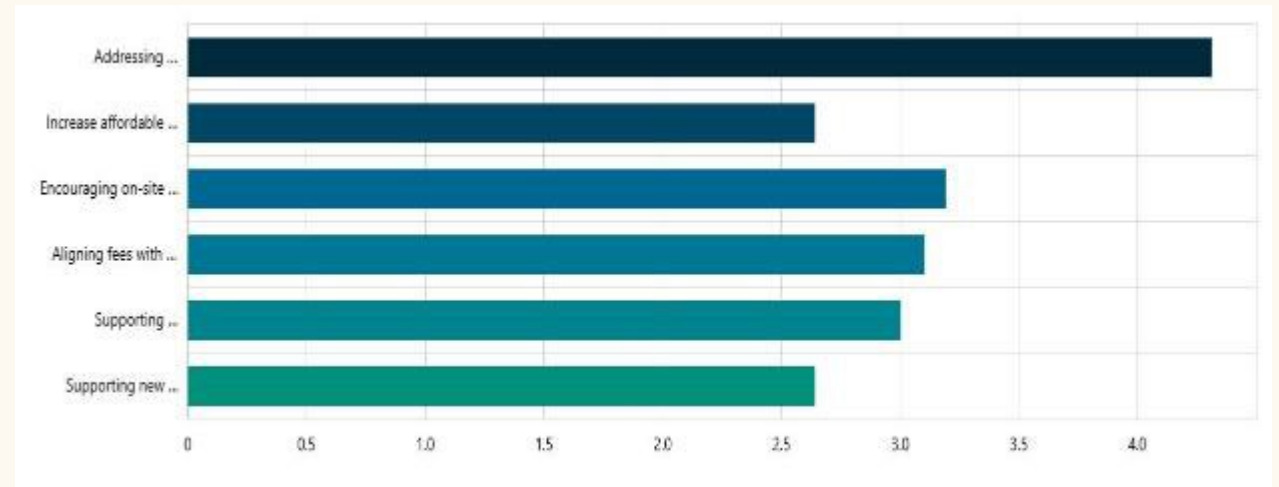
## Core Themes:

1. **Neighborhood Preservation & Character** - A High concern regarding the "ruining of the character of Charlottesville" due to luxury high-rises, particularly in areas bordering the University.
2. **In-Lieu Fee Loopholes** - Significant apprehension that current in-lieu fee policies allow developers to bypass the actual construction of affordable units, potentially failing to meet the city's housing needs.
3. **Environmental & Quality of Life Impacts** - Concerns that increased building heights lead to reduced green space, loss of natural sunlight, and increased greenhouse gas impacts.
4. A recurring theme of private **Student Housing "Encroachment"** on year-round residential areas, creating a detrimental impact on neighborhood stability.
5. Specific anxiety that market-driven density mandates will accelerate **Displacement Risks** of long-term residents, particularly in historically marginalized areas.

# Community Priorities & Sentiment

## Ranked Community Priorities

1. **Addressing displacement pressures in vulnerable neighborhoods** – greatest percentage of participants ranking it as their top concern
2. **Encouraging on-site affordable housing units** - preference for "in-kind" units within new developments
3. **Aligning fees with current financial costs to produce and maintain affordable units** - ensuring policy revenue matches the actual cost of creating housing.
4. **Supporting development feasibility for housing production** - balancing policy requirements with the practical ability to build new units.
5. **Supporting new student housing within walking distance to UVA Grounds** – seeking to concentrate students to protect residential areas.
6. **Increasing affordable housing options for students** - expanding specific housing supply for the student population.



# Guiding Principles

## We want to have:

- ✓ Predictability
- ✓ ADUs on site in new development
- ✓ A policy that promotes both public and private provision of ADUs
- ✓ New build and preservation of existing ADUs are both important

## We want to avoid:

- ✗ Concentrating ADUs in low-cost areas
- ✗ Luxury-only development
- ✗ Undue displacement pressures in vulnerable neighborhoods

# Study Findings



# Study Findings | Best Practices Fee Methods

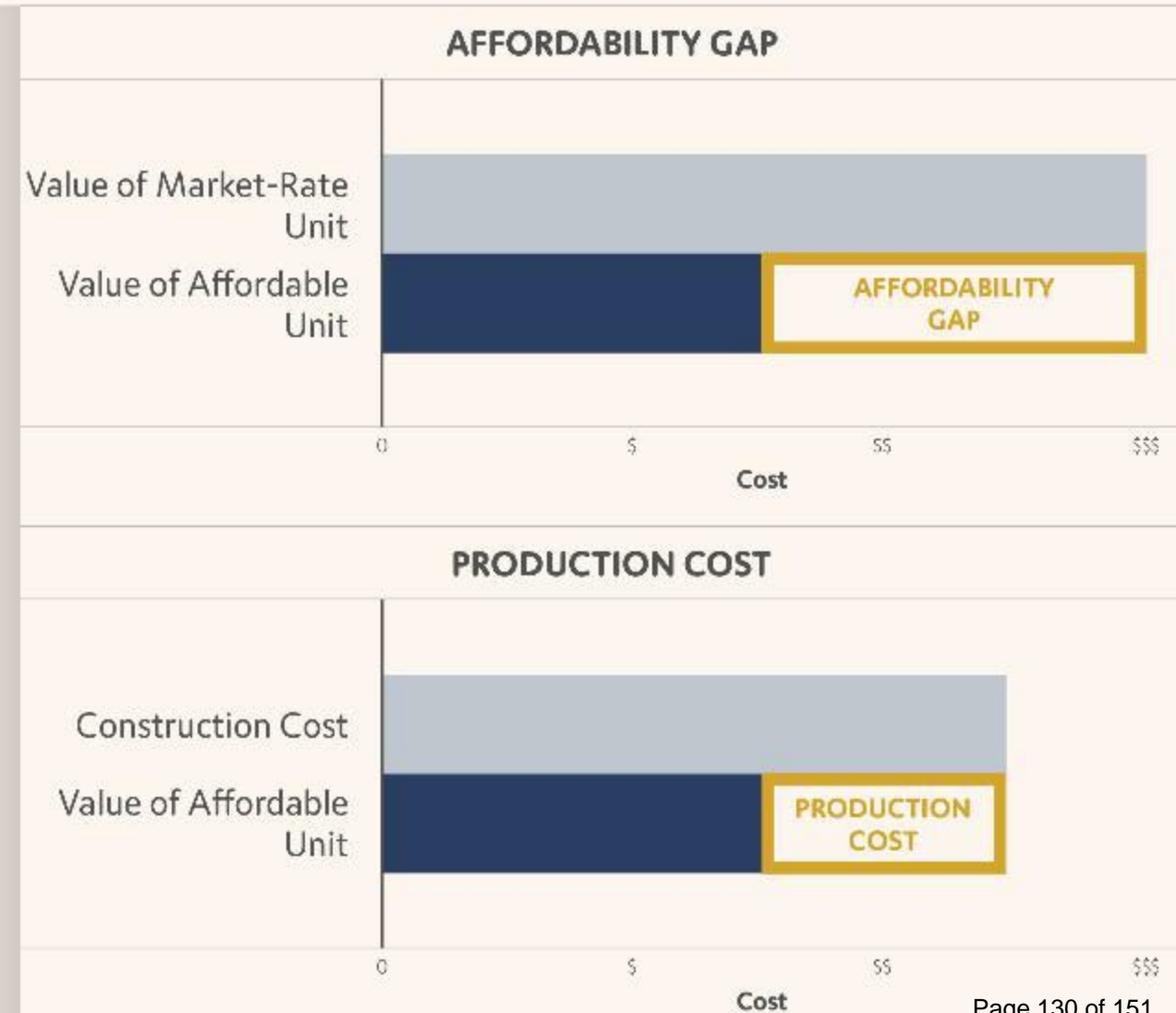
**Affordability Gap** –the financial gap between the value of a market-rate unit and that of an ADU. Measures impact on developer

**Production Cost** –the financial gap between construction cost and the value of an ADU. Measures impact on non-profit developer

- The amount needed to break even

**Fees can be fixed or indexed, and can be per unit or per SF**

References: [Urban Institute 2020](#), [Grounded Solutions Network](#)



# Study Findings | Best Practices Fee Methods

Note that construction cost (the current method) is **not listed** among common best practice

# Study Findings | Best Practices Fee Methods

PROS	CONS
<b>CONSTRUCTION COST</b>	
<ul style="list-style-type: none"> <li>• High fee promotes on-site units</li> <li>• Ensures sufficient funding to build units off site</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of developable land limits off-site units</li> <li>• Fee is higher than loss of revenue from ADUs</li> <li>• Does not account for affordability levels</li> </ul>
<b>PRODUCTION COST</b>	
<ul style="list-style-type: none"> <li>• In line with subsidy for nonprofit developer to build off site units</li> <li>• Doesn't depend on keeping up to date with fluctuating market rents/prices</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of developable land limits off-site units</li> <li>• Fee is much lower than loss of revenue from ADUs – developers likely to choose fee</li> </ul>
<b>AFFORDABILITY GAP</b>	
<ul style="list-style-type: none"> <li>• <b>Good match for market-rate developer cost</b></li> <li>• <b>Could fully subsidize off-site units</b></li> <li>• <b>Allows for fees at multiple affordability levels</b></li> <li>• <b>May align well with tax abatement strategy</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Lack of developable land limits off-site units</b></li> <li>• <b>Less likely to promote on-site units than current fee</b></li> </ul>

# Findings from Other Jurisdictions



# Takeaways from Other Virginia Jurisdictions

- Most places with requirements have an in-lieu fee
- Fee in lieu structures are different for every community
- Few communities have ADU requirements similar to Charlottesville



# Minneapolis Case Study

- Uses a definition of rooms rented by the bedroom and location to define student housing, within a university overlay district.
- Student housing projects can pay an in lieu fee or provide onsite units.
- Projects with affordable units:



[Identity Dinkytown](#)



[Doyle Apartments](#)



[Fieldhouse Dinkytown](#)

# Findings & Takeaways of Initial Study

- Existing fee matches local construction costs, but fee is high and method is not a best practice (though it is used elsewhere in Virginia)
- Existing student housing fee (“value gap”) may actually be production cost, which is low
- **Affordability gap** is a best practice alternative with more flexibility and better policy alignment

# Feasibility Analysis



# Feasibility Analysis

- Used the feasibility tool developed for the tax abatement study to test the in-lieu fee's impact on development feasibility
- Compares feasibility of a project in three scenarios: on-site units, existing fee in lieu, proposed fee in lieu (Affordability Gap fee)
- In theory, feasibility of on-site and fee in-lieu should be similar

**CHARLOTTESVILLE DEVELOPMENT FEASIBILITY ASSESSMENT | Project Evaluator**

**PROJECT INPUTS**

Development Type	High Rise	<- SELECT
Submarket	Tier 2	<- SELECT
Buildings in Project	2	
Avg Units per Building	100	
Total Units	200	
Parking Type	Below Ground Deck	

<b>Affordable Units</b>		
AMI Band 1	60%	<- SELECT
% of Units	10%	<- ENTER
<b>Total Affordable Units</b>	20	

**OVERALL FINDINGS**

<b>WITH AFFORDABLE UNITS</b>	<b>EXISTING FEE IN LIEU</b>	<b>VALUE GAP FEE IN LIEU</b>
<b>Yield on Cost</b>	<b>Yield on Cost</b>	<b>Yield on Cost</b>
6.0%	6.0%	6.1%
<b>Possibly Feasible</b>	<b>Possibly Feasible</b>	<b>Possibly Feasible</b>

# Existing Fee vs. Affordability Gap Fee

- Tested the existing fee compared to a fee based on the Affordability Gap method
- Included a fee for 4-bedroom units

Current Fee Structure

Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$184,152	\$324,510
1	\$250,797	\$362,120
2	\$368,303	\$413,709
3	\$547,339	\$483,138

Proposed Fee Structure

Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$136,000	\$97,000
1	\$176,000	\$154,000
2	\$317,000	\$228,000
3	\$411,000	\$393,000
4 or more	\$495,000	\$439,000

# Feasibility Analysis - Rentals

- Most housing types fall below desired 6% yield for rentals
- Fees do not (and should not) change yield much compared to units
- Little difference between existing and proposed fee for rentals
- Proposed fee (Affordability Gap) is a better match to units for most housing types

ESTIMATED TYPICAL YIELD ON COST BY HOUSING TYPE BY AFFORDABLE UNIT PROVISION		
Housing Type	Yield On Cost for projects On-Site Units	Yield on Cost for Projects Existing Fee
Garden Apt	4.1%	3.9%
Low Rise	4.2%	4.1%
Mid Rise	<b>4.5%</b>	<b>4.5%</b>
High Rise	<b>5.8%</b>	<b>5.8%</b>
Townhouse	4.2%	4.1%
Student Housing	6.6%	6.8%

ESTIMATED TYPICAL YIELD ON COST BY HOUSING TYPE BY AFFORDABLE UNIT PROVISION		
Housing Type	Yield On Cost for projects On-Site Units	Yield on Cost for Projects Affordability Gap
Garden Apt	<b>4.1%</b>	<b>4.0%</b>
Low Rise	<b>4.2%</b>	<b>4.2%</b>
Mid Rise	4.5%	4.6%
High Rise	5.8%	5.9%
Townhouse	<b>4.2%</b>	<b>4.2%</b>
Student Housing	<b>6.6%</b>	<b>6.6%</b>

# Feasibility Analysis - Condos

- Very little recent local data available on condos – limited confidence in results
- Model indicates that condo feasibility is far below target 20% gross margin
- Affordability gap shows much better alignment for condos compared to existing fee
- Lower fee helps but does not make projects feasible

ESTIMATED TYPICAL GROSS MARGIN BY HOUSING TYPE BY AFFORDABLE UNIT PROVISION		
Housing Type	Gross Margin for projects On-Site Units	Gross Margin for Projects Existing Fee
Garden Apt	8.1%	3.4%
Low Rise	4.9%	0.6%
Mid Rise	-1.3%	-4.7%
High Rise	11.8%	5.7%
Townhouse	-4.4%	-6.1%

ESTIMATED TYPICAL GROSS MARGIN BY HOUSING TYPE BY AFFORDABLE UNIT PROVISION		
Housing Type	Gross Margin for projects On-Site Units	Gross Margin for Projects Existing Fee
Garden Apt	<b>8.1%</b>	<b>7.7%</b>
Low Rise	<b>4.9%</b>	<b>4.6%</b>
Mid Rise	<b>-1.3%</b>	<b>-1.2%</b>
High Rise	<b>11.8%</b>	<b>11.2%</b>
Townhouse	<b>-4.4%</b>	<b>-4.2%</b>

# Feasibility Analysis | General Findings

- Changing to Affordability Gap fee narrows the financial gap between on-site provision and fee payments in most cases
- Changing the fee as recommended will not make a difference in project feasibility, especially for rentals
- Because the fee is an average,
  - Fee has higher feasibility than units in more expensive places
  - Units have higher feasibility than paying fee in less expensive places
  - This is true for both existing and proposed
- Bringing student housing fee in line with other housing types removes the incentive, but student housing remains the most feasible housing type to construct

# Policy Recommendations



# Change Fee Method to Affordability Gap

## Why?

- Brings fee in line with best practices and true cost
- Addresses possibility that current fee is curtailing new development

## Potential impacts

- Increased supply of housing
- Increased fee payment

### Current Fee Structure

Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$184,152	\$324,510
1	\$250,797	\$362,120
2	\$368,303	\$413,709
3	\$547,339	\$483,138

### Proposed Fee Structure

Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$136,000	\$97,000
1	\$176,000	\$154,000
2	\$317,000	\$228,000
3	\$411,000	\$393,000

# Align Student Housing with Other Housing

## Why?

- “Student housing” is housing, so can be contributing in line with other housing types
- Further simplifies affordable housing policies

## Potential Impacts

- Increase in student housing fee

### Current Fee Structure

Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$41,380	\$269,727
1	\$107,472	\$342,937
2	\$186,038	\$284,653
3	\$261,209	\$407,741

### Proposed Fee Structure

Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$136,000	\$97,000
1	\$176,000	\$154,000
2	\$317,000	\$228,000
3	\$411,000	\$393,000

# Eliminate Geographic Criteria for Student Housing

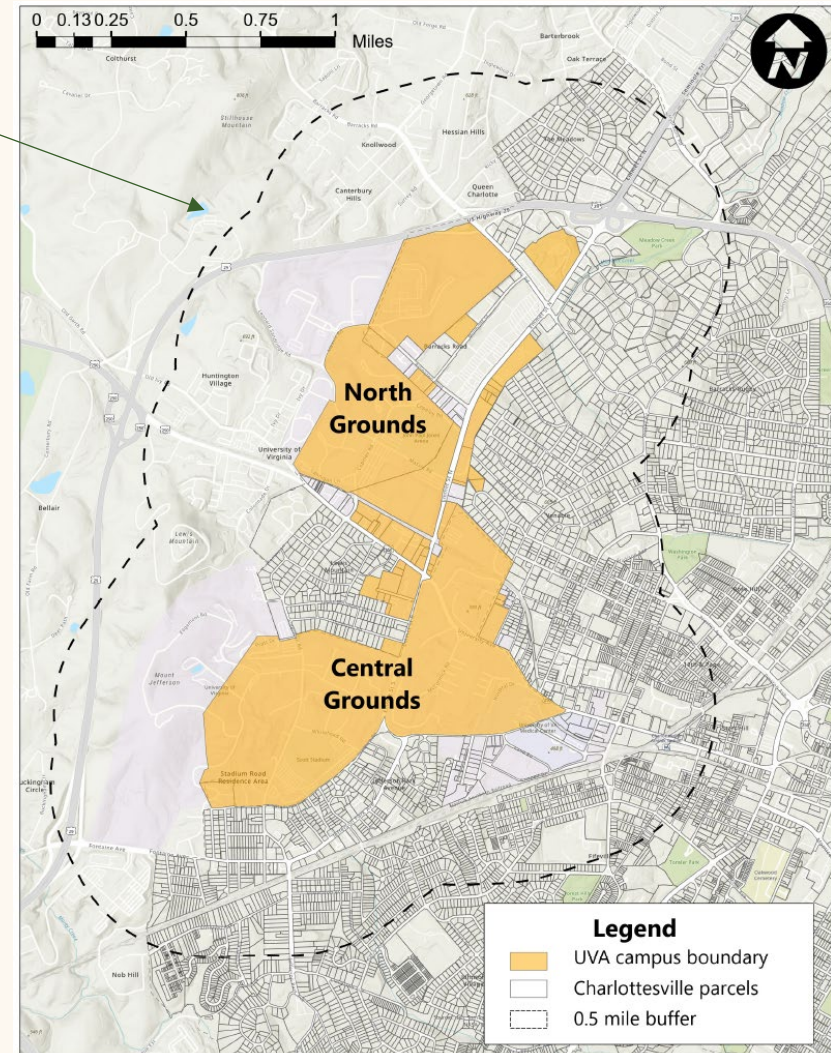
## Why?

- Equivalency with non-student housing expectations

## Potential Impacts

- Simplify affordable housing policies
- Market-driven concentration of student housing closest to Grounds

Remove



# Add In-Lieu Fees for 4+ Bedrooms

## Why?

- Current fee structure ends at 3 bedrooms
- Many units in student housing have 4 or more bedrooms

## Potential Impacts

- Increase revenue from 4+ bed units, or decrease the viability of this product
- Student housing still unlikely to include on-site units

Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$136,000	\$97,000
1	\$176,000	\$154,000
2	\$317,000	\$228,000
3	\$411,000	\$393,000
<b>4 or more</b>	<b>\$495,000</b>	<b>\$439,000</b>

# Add Fee Requirements for Bonus Height

## Why?

- Concern that it's too easy to get the bonus height
- Concern about large buildings, especially near vulnerable neighborhoods

## Possible changes

- Higher in-lieu fee for bonus height (see table)
- Alternative: require on-site units to get bonus height

Fee for Bonus Height - Affordable at 50% AMI		
Number of Bedrooms	Cost per Rental Unit	Cost per Ownership Condominium Unit
Studio	\$185,000	\$152,000
1	\$227,000	\$196,000
2	\$358,000	\$262,000
3	\$446,000	\$422,000
4 or more	\$526,000	\$464,000

# Summary of Potential Options to Consider

## Non-Student Housing

- Apply affordability gap approach to in-lieu fee expectation in line with best practices and alignment with true cost
  - Addresses possibility that current fee is curtailing new development
- Increase fee for bonus height to reflect that the on-site requirement for bonus height is **50% AMI**, not 60% AMI

## Student Housing

- Require on-site affordable units for student housing, with allowance for an in-lieu fee equivalent
  - Addresses potential conversions to non-student housing
  - Allows for on-site affordable units when financial and market conditions are favorable
- Removes geographic criteria (1/2 mile distance from Grounds) for student housing, given new equivalency with expectations for non-student housing
- Add in-lieu fee requirement for four-bedroom units
  - Removes unintended incentive to build student housing

# Future Considerations

- Monitoring how well fee promotes on-site units vs. fee payment once updated
- Considering additional measures to address displacement in vulnerable neighborhoods
  - Could in-lieu fees be used to mitigate displacement or benefit vulnerable neighborhoods?
- Monitoring market conditions given policy and demographic changes (e.g. second-year students, birth rates)
- Comparison of financial viability for student housing in different locations? Different heights?

# Thank You

