



Planning Commission Meeting Agenda

June 9, 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: (Council Chambers, 605 E. Main Street, Charlottesville, VA 22902 and Electronic/Virtual)

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 - January 13, 2026 Regular Session

b Minutes - February 10, 2026 Regular Session

III. Commission's Action Items

Beginning: 6:00 p.m.

1. Special Exception Request - 1138 Rose Hill Drive [PL-26-0063]

2. Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME"): Revised Citizen Participation Plan

IV. Future Meeting Schedule/Adjournment

Tuesday, June 23 - 5:00 PM - Work Session Tuesday, July 14 - 5:00 PM - Regular Meeting

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3185 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

Planning Commission pre-meeting 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. Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: 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.

PLANNING COMMISSION REGULAR MEETING
January 13, 2026 – 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 Roettger, Commissioner Joy, Commissioner Yoder, Commissioner Harness, Commissioner Carp, Commissioner Mitchell, Commissioner Solla-Yates

Staff Present: Patrick Cory, Dannan O’Connell, Matt Alfele, Kellie Brown, Carrie Rainey

II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Schwarz at 5:33 PM.

Beginning: 5:30 PM

Location: City Hall Chambers

A. COMMISSIONERS’ REPORTS

Commissioner Carp – No Report

Commissioner Mitchell – No Report

Commissioner Solla-Yates – The Virginia General Stakeholders work group worked on the building code met January 5th and 6th. I could not attend. I understand a submission was made based on my previous submission. Mine was allowing 4-story single-stair residential. This was allowing 5- and 6-story single-stair residential with the same additional safety restrictions. The committee did not reach consensus. It proceeds to the Board for a vote.

Commissioner Harness – No Report

Commissioner Roettger – I was at a Tree Commission meeting a week ago. They are preparing their State of the Forest Report to go before Council in April. There is a lot of work to put into that in terms of recommendations. The one that would be most relevant to the Planning Commission is that there is work creating a pamphlet packet for developers on the best ways to keep or preserve existing trees rather than planting new trees. They offer so much if we can keep them. They have been working on suggestions and images to do that better.

Commissioner Yoder – No Report

B. UNIVERSITY REPORT

Commissioner Joy – I was going to talk about the two housing projects that UVA has undertaken. Both are at Darden and at the Emmet/Ivy Corridor. If you pass by on 250 for the Darden one or go by on Ivy Road, you can start to see the extents of both projects, more so at Darden where you can see the mass coming to completion. Along Ivy Road, they have come out of the ground. They are no longer subgrade. If you want to

get a sense of where the limits are relative to the public realm, it is becoming clearer each passing week. As they transition up and rise, you will see a lot of progress this Spring. Hopefully, they will top out.

C. CHAIR'S REPORT

Chairman Schwarz – From the Board of Architectural Review, the only large item was the apartment building at 7th and Delevan in the Fifeville neighborhood. The BAR denied that project. An appeal has been filed with City Council. Council will be looking at that project in the coming months.

D. DEPARTMENT OF NDS

a. Tax Abatement Study

Kellie Brown, NDS Director – I am going to do a brief introduction on our tax abatement study. At a City Council meeting on April 21, 2025, Council charged staff with conducting research and analysis to determine if an affordable housing tax abatement program could have a material impact to incentivize housing construction in Charlottesville within the context of the high cost associated with housing construction. If such a program could have an impact, Council also asked staff to define an optimal tax abatement program structure that could improve housing construction financing and minimize administrative complexity. In June 2025, staff contracted with 3TP Ventures to lead and conduct this study, market analysis, and model building to test the potential impact of an affordable housing tax abatement on the feasibility of housing construction projects. The goal of this project is to enable an informed recommendation to Council regarding a tax abatement program in Charlottesville. 3TP has reached the point where they have prepared a final report and completed a feasibility model that they will present and demonstrate for the Planning Commission this evening. This is not an action item, but an opportunity for commissioners to learn more about this research, ask questions, provide feedback & insight, and learn how this feasibility model can help with the policy and programmatic considerations related to an affordable housing tax abatement.

Jeremy Goldstein, Consultant – You should see here an outline of the kinds of things we want to talk about, mostly get you up to speed on the reason for the study, our methods, make sure we are all on the same page about tax abatements, show you a little bit about this tool we built, and the findings therein and the key takeaways.

Next Slide – Findings Overview

The biggest takeaways are here in these three main points. We will talk about the numbers themselves.

Looking at typical housing projects across the city, we are not seeing a lot of projects that can really pencil out. There is effectively limited development feasibility.

If we remove the inclusionary zoning from that math about the current realities of the market, that does make some small improvements in feasibility, it still does not create a condition where housing is easy to build right now. Effectively, this is the difficulty of the market. If you hear from the local development community that it is difficult to make projects work right now, this data concurs with that. It also concurs with the fact that inclusionary zoning has a role to play but is not the solitary reason why things are not penciling today.

Lastly, tax abatements can help in this process. I think we should be looking at some alternative mechanisms **or** other ways to make sure that we are really aligning some of the public sector concerns with not wanting to overpay or over-subsidize and the need to create more housing with this real market dynamic

of things not being able to pencil right now. We may want to be thinking more flexibly about that. While this study was not meant to provide a definitive solution to this problem, it is meant to inform those kinds of decision-making processes as we move forward.

Next Slide – Overall Purpose

We want to evaluate the market as it stands today. We want to evaluate the impacts of inclusionary zoning from a financial perspective. There is a financial evaluation. We are not going to talk a lot about administration or some of the other real burdens to making projects happen. Right now, we are still mostly talking about the math. We will venture a little bit into some of these other issues. We want to talk about the financial or fiscal benefits of tax abatements in a couple of different realms. The other task was to provide a mechanism for continued monitoring and updating evaluation of impacts and findings. We don't want to leave you with a static picture of the market today when the market can change tomorrow. I want to give you something that allows you to continue to monitor over time.

Next Slide – What This Project is and isn't

There are a couple of things that this project does and some things that it doesn't. The tool is like the leave behind portion of this project and what that tool is and what it isn't. More than anything, it is a means to inform policy decisions. You can see those lines in bold. It is not giving you the policy decision. It is helping to inform it. The more that private sector math is understood by those making public sector decisions, the better we are going to be. That is what this thing is about. We wanted to provide you with a method that is transparent, flexible, and adaptable. It is something that you can come back to again. You can feel very clear about where the data comes from. You can be making changes to it over time as better information comes along. We don't want to act like we have all the answers. We want to give you the means to make those adjustments as we move forward. This is meant to be a collaborative effort. It was not just us doing this in some back room. It was done with a lot of conversation with city staff, the local development community, developers who aren't local who can also provide outside context. We wanted to make sure that this was as inclusive as we could be in making sure that we were doing our best to understand and inform a complicated housing market. This tool is a handful of things. It is not meant to be the thing that determines the policy. There is a lot more to this than just math. It is certainly not a way to provide staff who will now have control over this tool moving forward, to supersede what a private developer is saying when they are looking at their map. This is meant not so much to inform a specific project but typical projects. Every project is unique. That is something that must be understood. It is not a black box tool. It has all the assumptions and things built in. It can and should be adjusted.

Next Slide – Background and Need

This is one step in an ongoing thing that started several years ago with the identification of the need for more than 4000 affordable housing units in the next 20 years. A zoning code was adopted that was meant in some ways to address this, which included inclusionary housing alongside a real financial attempt to provide some financial backing to that and noticing that market rate projects with affordable units have not come to fruition. The city wanted to know: What can we learn more about that? What can we do as it relates to tax abatements? That is something that has been brought up on several occasions. How valuable is an option to improve the outcomes of housing construction? Our goal was to build a tool, build this model that can help inform this multivariate set of interests.

Next Slide – Tax Abatement

What we are talking about is some kind of reduction in taxes because of meeting the needs of that abatement policy. Whatever the policy would be, it would be with the intent to improve the financial feasibility of projects that have affordable dwelling units in them. It was authorized under this act. What happens is that it is a grant that you refund after the fact. We must operate within the bounds of state law.

Next Slides – Method Overview

This is 3-step process.

1. Collaboratively determine typical costs and revenues.
2. Build a development feasibility tool that mirrors the private sector analysis process. Build a proforma tool. Let's add into that tool the means to analyze impacts of public interventions. This is a screenshot of a portion of the user interface tab of this tool. You can see that there is a section for project inputs and a section for policy testing. You can see that under this situation how things pencil? What is the yield? What if we add this policy? How does that change the yield? That is what this thing is doing. It is calculating current feasibility of the typical project and how that changes under a range of interventions. Our primary issue was tax abatement. We tried to go further with this work.

Why a tool? You need to have something where a tool that can change with changing market conditions. This is not the first time someone has tried to evaluate the fiscal feasibility of the housing market. If you have been here for some of these previous plans that come as PDFs, it does not always take long for the data and the underpinnings to have changed. It makes a lot of the findings therein. However solid the methodology it was, it is not as relevant anymore. We want to avoid that. We wanted to give you an opportunity to change with changing times and allow you this opportunity to start playing with a wide range of interventions and cede other things moving forward.

Next Slide – Model Inputs

The inputs to proforma tool can become incredibly complex, especially for a specific project where there is real money on the line and need to go out and get financing from other people, which is often the case when you are doing more than enough units to trigger the affordable dwelling unit requirement. Overall, the basics are that you need costs and revenues is what goes into that. There is a wide range of costs. There are different ways you can calculate revenues. There is another handful of financial assumptions that go into all this stuff. These things can be unique to any individual project. They change with regularity. What we are trying to do is get in the right range of overall financial viability. We have had that vetted with people inside and outside of this room. We feel comfortable with the order of magnitude about this. What we want to care about is that this gives us an opportunity to make some 'apples to apples comparisons.' If this was the financial feasibility of this project, here is how it would change if we added this other stuff. It is really the change that matters most.

Next Slide – Hard Costs

One of the biggest things is hard costs. It comes down to labor and materials. The way that we wanted to do that was to try and mirror real projects that already exist in the city. We are not making up silly projects. We were asked to evaluate a range of housing options from single-family to high-rise. I do want to note NOT student housing. That is not here. If there are questions about student housing, that would have to be an ancillary thing. The model is in place to begin. We have gone a good way on that. It is just not part of this study. We started with an outside cost estimating software asking it to price out projects like the ones that already exist in the city. That was vetted with local and outside developers based on their project experiences. We made changes as a result. We took real world examples into consideration. They were always included in our numbers. They did not necessarily replace things. They were always included as part of that finding.

Next Slide

This slide shows effectively the hard costs per unit for these different types of units. These can change over time. One person's number will not be the same as another person's number. We are fine with that. There is nothing about this model now that does not allow somebody to say it.

Next Slide – Land Costs

Land cost is another one of the important components. Getting accurate prices for land right now has been difficult for several reasons. What we started with was assessed land values. We did go back and look at the small number of land sales that have been in the city, especially over the last few years. There did seem to be pretty good alignment between 2023 and 2024 land sales and the assessed land values. It is not a bad place to start from. These can change wildly over time. What we want to do with this was to create tiers of submarkets. The prices in one part of town are not the same as the prices in another part of town. Even if the construction materials cost the same, the land is not the same. We wanted to use this tiering system. It means that from tier 1 to tier 5, as you will see in these charts, it relates from the most expensive assessed areas to the least. This is a map of the assessed land value per acre. It will not surprise you to see the darker colors indicating the higher prices or higher assessed land values. We did not want to say that there is a downtown submarket. For now, it is high priced. It does not necessarily have to be in the future nor is it the case that there might be projects outside of downtown that would get downtown type prices even if they don't show up on this map. Instead of these tiers being submarkets in the way that you are used to them being, that is not what this is. It is effectively a place that has the land costs and commensurate rents associated with the types of places that currently fall under this tier one.

Next Slide

When we vetted this with a local community, there was no real consensus. While we were able to reach a reasonable consensus on construction costs, there just was not a real consensus on land costs. I expect these numbers are likely to change over time. For some people who run performance, this is an input to see how it changes yields. For others, the land cost itself relates to meeting a bottom line first. Whatever money is left over, it becomes the land cost. There is not even consensus on how to price all these things. I would fight anybody about changing any of these numbers.

Next Slide – Soft Costs

That is also true with soft costs, which mostly have to do with fees and whether they go to the city to review things or to the consultants for drafting plans.

Next Slide – Revenues & Financial Costs

The model ties soft costs to time. If you were to discover over time that it is taking longer to get stuff done, that is a material soft cost. We want the model to account for that. If there are situations in which things can go faster, that could have a benefit to cost. There is no maximum. We set a minimum. At some point, there is only so much savings from that. We did not want to overemphasize.

Next Slide

Lastly, there are revenues and some financials. Most of what we did was pull rents. We pulled rents for that from apartments.com on projects that we felt were representative of tiers one through five for each of these kinds of building costs to the extent that we could find them. We did not necessarily find a robust number of comps across our 5 tiers and 6 building types, but enough to at least give us some reasonable numbers to start from. That is our market rent rates. Affordable rents are based on area-wide median income, a proportion of that number. That changes every year. That is a static number. There is some other stuff in this model. All can have substantive changes in outcomes. They were all vetted with at least some portion of the group. Everything was looked at by somebody else besides us. All can be modified as we need to.

Next Slide – Tool Overview

This tool provides 2 critical standard proforma outputs. Yield on cost and IRR. Yield on cost is focused on how much you are effectively getting as a return once a project is stabilized. It cares about your net operating income relative to the project costs. That is its role. In some ways, it is a simple kind of calculation. It does not care about time. Time matters tremendously in a lot of these projects. It is nice to know that you have a stabilized yield. Once everything is up and running. These are all for rentals. This tool

is just looking at rentals. Once you have a stabilized project, it is interesting to know how much money you are generating every month. The other side also cares about time. When did you have to buy the land? How long did it take to get things running? When did you start getting rents? The way that you would look at that is with internal rate of return, which is almost like inscrutable calculation that you just put into Excel, and it gives you a number. It is like a goal-seeking thing that it is trying to do to get to a net present value of zero. You mostly just let the machine tell you the IRR. They both have generally standard thresholds for what counts as feasible or not feasible. That is what we care about: those thresholds. We built that into this model along with a couple other types of measurables that might yield a little more information for the public sector people besides the private sector finances. What we care about is the difference in these performance metrics with and without policy interventions. That is what matters.

Next Slide – Interface

This is a screenshot of the tool interface. What this thing is doing is it is giving users an opportunity to make selections about the development type in the submarket, how many affordable units you are supposed to have at various AMI bands if you want, and what kind of policies you want to test. On the right side are the overall findings of yields and IRR with and without these policy changes, what the difference is, and some additional other summaries of the costs and benefits of these incentives. We will show you some of the findings in at least one example so you can see the relative impacts.

Next Slide – Key Questions We Explored

- What is the feasibility of a ‘typical’ project today?
- What does the inclusionary zoning policy do to feasibility?
- What incentives (tax abatement + others) do to feasibility?
- How are city revenues affected by incentives?

Next Slide – Current Market Feasibility

We just looked at the current conditions’ market feasibility. That does include the inclusionary zoning. These are the typical findings. Red seems bad. Green would be good. I missed adding a key that green means that you have reached the standard threshold for something likely to be developable. With yellow, we kept it as a wide band. It says that there is a chance under the right conditions projects of this type have a chance of being built. With red, these look tough. What we are seeing is that as of now, new construction with financial feasibility looks limited. The only thing that maybe seems to be penciling out or has the chance of penciling out under just the right conditions would be a high-rise building that has good rents. You can perhaps fill in the gaps. What kinds of projects might meet the criteria today? There are a lot of reds. A lot of this is out of Charlottesville’s hands. What if we removed inclusionary zoning? What if it never existed? How would that change financial viability? How big of a deal is inclusionary zoning on its own?

Next Slide – Inclusionary Zoning Feasibility Impact

What we found is that it is not a sea change. It is not like everything turned green. You see a little bit more, a little bit of improvement maybe in even in some other kinds of products. In general, yields tend to increase by about 50 basis points and IRR increases maybe 2 percent. It is still difficult for things to pencil out. If you want things to be built, there is space to provide incentives or interventions to make projects pencil.

Next Slide – Tax Abatement Methods

We want to talk about 2 different kinds of approaches. One is what people talk about for tax abatement. The standard is a value-based abatement. I expect to introduce people to a rent-gap abatement. I think it was originally brought to us through someone from Livable Cville. We presented this to CADRE, HAC, and city staff. That was one of the things that came to us. The value-based abatement is on the improvement value

associated with that project. It does not care about land prices. The land cost is the same. The tax rate of the land stays the same. What is abated is the building itself, the tax on the building itself.

The rent-gap abatement is very different. It is focused on the difference between market-rate rents, what that unit would have rented for if it was offered to the market and the rent that is mandated as affordable. It is an abatement of the gap between those two numbers. Those are the 2 things we want to show you.

Next Slide – Value-Based Tax Abatement Impacts

It is a summary table for running the model on an example, a mid-rise project on in a tier three area. It is average prices, rents, and land costs that was subject to inclusionary zoning and then gets an abatement. The rows are different levels of abatement. If you look in columns 2 and 3, you can see that as you add abatement, increasing the abatement amount, you improve the yields and improve IRR. I also want to note the next 2 columns, which is another way to evaluate the efficacy of this sort of work. If you have mandated that a unit must be offered to someone at an affordable rate, there is an effective loss in income or revenue associated with that requirement. Under this project, that amounts to \$13,000 a month. With the abatement return associated with each of these abatement percentages; you can see that it does not get anywhere close to \$13,000. Full 100 percent abatement on the improvement value. There is still an effective gap between what the financial mandate of inclusionary zoning and this style of tax abatement. That is another way to evaluate how good this program is.

Another way to look at this is if we did not have this abatement and somebody built this project; how much money are we giving away? This is one of the things people are concerned about. Are we just giving away money? How much is that? In this case, this would amount to as much as \$50,000+ in tax revenue waved because of this tax abatement. On the flip side of that, there are many times where in some ways what you are trying to do is provide an incentive that creates a unit that otherwise would have not existed, a project that otherwise would not have existed. The other way to look at this is to say how much new tax revenue do you still get because of this project with the presumption that nothing would be there otherwise. You can get maybe as much as \$530,000. Maybe it drops down to \$490,000. It is still \$490,000 more tax revenue that would not have otherwise been there. It is important to think about this from multiple scales. What are the basic financials from the private sector side? That is something that you should know about but does not necessarily need to be the only reason that you make a decision. How are you giving them relative to what is being lost? How much are you giving away relative to what you might be getting back in return? There are multiple ways of thinking about this. This is the way in which we hope that this sort of information informs a decision.

Next Slide – Rent-Gap Tax Abatement Impacts

Let's show the version with that rent gap where the abatement is tied to the gap. Let's say that an average rent is \$2,500 a month. We are saying that the affordable rent here is about \$1,500. All these things are built with a mix of studio to 3-bedroom units. We are now abating that difference. We are saying there is a \$1,000 a month difference. We are going to abate somewhere up to that just in these cases up to that \$1,000. You can see the yield changes and IRR changes.

If you go back, you can see yield changes and IRR changes. The version in rent-gap is much higher. This has a much stronger financial impact.

The other thing that this does is doing a 100 percent abatement. The whole point of it is that you are giving back the monthly loss. It is a \$13,000-loss and a \$13,000-abatement. It does not have to be that number. You can reach that more easily under this sort of mechanism. That means a much higher amount of revenue waved and effectively lower new tax revenue. This sort of abatement may increase the probability of a project being built because you have had a larger financial impact.

Commissioner Yoder – With the second to last column, annual revenue wave, that is annual tax revenue that the city is waving.

Mr. Goldstein – That is correct.

Commissioner Carp – In terms of cost to the city of the abatements of either form, is this looking at the first year the project is built? We are doing a 99-year IZ requirement. Is that right? Is this averaged over 99 years the first few years? What timeframe are we talking about?

Mr. Goldstein – This would be over the time of the abatement. You could have inclusionary zoning requirement for 99 years and have a tax abatement for 6 months. That would be up to you. This is part of the policy.

Commissioner Carp – What is modeled here?

Mr. Goldstein – This is what would happen for the course of a year.

Commissioner Carp – The gap narrows every year. The numbers might heavily depend on the duration of the abatement.

Mr. Goldstein – It would depend on the duration of the abatement. It would depend on which of these methods you use. One that is more focused on the existing market rate prices of that particular project would certainly have changes in the gap year over year.

Commissioner Carp – Is the duration of the abatement a parameter?

Mr. Goldstein – Yes. It is the last thing to tweak. It is not doing a lot of the net present value changes. The way in which that would manifest itself is in the downstream effects and the model. It is only looking at 30 years. If you wanted to build it to look at 100 years, it would seem more robust. There is a cap on it as it stands right now. All those things can be changed over time. At some stage, we were looking at a macro scale how valuable this thing is? More than trying to get down to how long we should be doing this.

Next Slide – Tax Abatement Pros & Cons

This is a little bit about the pros and cons of these two. The number one pro for the value-based abatement is that it is the standard. It is the industry standard. It is the one that is tried and true. That is what you see all over the place. There are a couple of cons associated with it. It does not fully close like a market gap. This is not a technical finding. One could think through this logically. That kind of abatement does not look like it is often going to make a project pencil when it otherwise would not. It might be the kind of thing that is particularly useful in good market conditions. It does not make a huge difference in bad market conditions. It does not mean it is still not beneficial. I am sure that there are projects that would pencil that otherwise. This is probabilistically. It may not address some of these like getting us to the finish line in tough times.

With a rent-gap abatement, the pros are that because it is tied to market conditions, it is addressing the financial loss that is associated with the inclusionary zoning. A person could say that this is an unfunded mandate. Doing something that is focused on addressing that unfunded mandate, this is probably the best way to do that. Since it is more robust, it might be more beneficial in a wider range of economic times. The number one con is that it is rarely used. We found this Baltimore example. Our project was not to do a deep dive into the Baltimore version. This is mostly trying to get information from them. They have just started it and don't have a lot of results yet. They are dealing with the same macro level housing conditions that

Charlottesville is. There are some number of administrative hurdles that exist. It is intriguing. There are still things that must be figured out.

Next Slide – Other Potential Incentives

We did not go far down this path. It was easy enough to program into the tool a couple other standard kinds of incentives for housing feasibility. We built those into the model that includes gap financing, land provision, reduced development timelines, and forgivable loans. They are sitting there ready to be used. We have a couple examples. You can see that they also have demonstrable improvements on IRR. It is not surprising that you will hear that there are other places that use multiple incentives at once to make something happen. This is part of why there is no single one that is the silver bullet. Some of these can be layered on top of each other. The model allows for that. You could turn on two policies at the same time and see what happens. It has not been done as robust manner as some of the other parts.

Next Slide – Key Findings

Here are the key findings. Market conditions are challenging right now. Inclusionary zoning adds a financial burden to that challenge. Traditional tax abatements can help. It is a net positive. They would look today to be sufficient on their own. I don't think you could make a reasonable recommendation that this is a thing that needs to happen today to solve your problem. You could recommend it today because it can be part of solving problems. It may be worth learning more about this rent-gap tax abatement and model vetting it. What are the things that we need to be thinking about? Are we missing anything about how this would work? Are there other kinds of administrative challenges that we would need to face? It does look like it might be a better balance between some of these public and private priorities. It does help make market dynamics the crux of what it is that we are trying to work towards. That makes a lot of sense. For the purposes of future exploration, future adaptation I hope this tool is a mechanism to keep this part of the conversation.

Commissioner Joy – Do you consider completion time? Is escalation built into the tool? You can modify when it would open up.

Commissioner Solla-Yates – Developers often will talk about the hurdle rate for a loan. You cannot just pencil. You must make enough profit so that the bank gets 'big feelings.' Did you consider that?

Mr. Goldstein – All we said was that if you reached a particular yield, that might mean that it is likely to be feasible. That is the full extent. It may well be that this hurdle rate needs to be something that would ultimately be included in any other version of this. We have available tools to us to affect positive change. That is not one of them. Talking to the bank is not one of them. Here are the impacts of the tools that we have.

Commissioner Solla-Yates – For about 5 years, Charlottesville has been trying to get permission from Richmond to do a split-rate tax, land at a higher amount than buildings. The hope is that this could reduce the land acquisition costs, reduce holding costs, and improve the profitability of for-profit and non-profit development. I am guessing that is not in the model.

Mr. Goldstein – No. It is modeling your existing condition. If you wanted to change it, it would just be a field that would be changed.

Commissioner Harness – I really appreciate this tool. It is not necessarily the point of the study. Having this accessible can help some people that may not understand how this works and be able to build themselves a model this way can get in here. I have not yet played around with the tool. Looking at the input screen here, it appears to be relatively straightforward. You talked about this a few times about the delta

between with and without. That is what matters. With some of your matrices, I am curious to know what project return on cost or IRR did you pick for those tables that showed the results? You were showing a half percent yield on cost improvement and 2 percent IRR improvement. Knowing the base yield or the base IRR is important. A change at a 5 percent IRR will be smaller than the exact same monetary change at a 10 percent IRR. I am curious to know what the results of the project were when you started playing around with these.

Mr. Goldstein – We ran that same table on lots of different scenarios. That was a generic finding. Sometimes, it would go as high as half a percent. It would not always go to half a percent. In some ways, it depends on the inputs of the project and the project type. That is all here. If you want to try and test the viability of a particular style, you would be able to get a sense of that project type. There is nothing to prevent you from making specific changes, even away from the typical. You can see here in a midrise tier one project where we are assuming it is 135 units with above ground parking with 3 spaces for every 4 units. You could change those if you wanted to. You would have to reset to default at some point to make it go back to the original typical. You can try and mirror some real-life projects. It will never be as robust as the versions that people are doing.

Commissioner Harness – I am hearing you say that some of those results slides that you showed is not necessarily specific to a project. It is medium to average compared to the many projects that you looked at.

When you talk to local developers about this, did they give you a delta that they are looking that would help?

Mr. Goldstein – No. It was not asked. I hope that we were upfront with people about what it was that we were looking for. We are looking to try and make this thing as reasonable as we can so that it could help inform decisions moving forward as opposed to this thing being the thing that is some part of a negotiation that is happening right now to decide on a number. That kind of question would not even necessarily come up in the kinds of questions we were asking.

Jeff Levein – We were talking about an assumption. To get an IRR, you must assume some exit date. You picked a date. Through that, the real estate taxes were zero because you had a full abatement.

Mr. Goldstein – They were regulated on whatever you put in for the abatement. You can set the abatement. You can turn it on or off and set the percentage.

Mr. Levein – You were showing how the abatement does not help that much in getting that different yield up. Real estate taxes are around 33 percent of our opex. It goes to IRR if you can exit in 5 years. There are a lot of variables other than going in yield on cost. You can go overtime and get the benefit of the real estate tax abatement versus 2 to 4 years. Burning it off decreases value. You did not present value that when it burns off and the city gets the real estate taxes for 20 years, your net present value versus the real estate taxes on that piece of property today. My economics have shown that sometimes it is 8x to 10x of what they get today. They get 40,000 and over the time would get 400,000. That would be a good thing to factor. I would change your name of it. I don't think the city is giving anything up. It is a city investment in its infrastructure. This is a place for cities to make investments because of the housing shortage and the other economic benefits that flare out from housing. The city right now invests in affordable housing. The city invests a lot of different ways in city infrastructure. This is just another way.

Mr. Goldstein – I want to be respectful of the wide range of opinions about this. That is why that is mentioned. If you look at this through a developers' lens, what does it tell you? If you look at it through a person who is skeptical about development lens, what does it tell you?

Commissioner Joy – Looking at the presentation, you started with the yield on cost with the market feasibility. You just did the analysis saying that it is hard to build right now. You did another one. You took the same sampling. You said that if we removed inclusionary zoning, it moves but not in a fundamental way. Did you think about overlaying the same data set through the rent-gap and through the other one a couple scenarios to visually continue that thread? With these things, look at things turn green. I was curious if that thread would be helpful. It is different once you look at real projects but to give a case point to show the baseline and how it plays out.

Mr. Goldstein – I can imagine that being helpful as a visual aid and only just in the sense that these are all typical and rounded numbers. I would not want to over emphasize doing this at this exact percentage is the solution to this problem.

Commissioner Joy – It is around six runs. You show that those things can start to shift. There could be avenues if you ‘drill down’ on the numbers to change the landscape.

Mr. Goldstein – There is plenty of evidence that these can change the landscape, especially if you are savvy enough to do things at the right time and take advantage of them in the right way. In some ways, this tool will never be able to capture all that stuff nor should it. In some ways, it is good to know that there is merit in an abatement. It is not a cure-all. Those who want to take advantage of it can do great things with it and make positive changes.

Commissioner Joy – I have a question for NDS. This is new rental construction. Has there been any precedent or exploration of tax incentivization around existing inventory, ways to create abatements to take existing stock, give owners a reason to maybe lower the rent and offer them at a lower rent?

Ms. Brown – No, we have not considered any policy in that vein.

Commissioner Joy – I have seen other tax abatements for other investments or other

Commissioner Solla-Yates – We have an Economic Development team. They are good at problems like this. Have they looked at this?

Mr. Goldstein – Yes/ They have been involved.

Commissioner Yoder – Looking at the 3 example cities, there are 2 strategies: the traditional tax abatement and the rent-gap abatement. How does a traditional abatement become operational? If I am building a project, does the city have to tell me the percentage of the future tax revenue that we will refund to you. Is there something that must happen every year in a city department to make sure that this is administered? With rent-gap, is that a one-and-done calculation or does it happen every year?

Mr. Goldstein – Those are done annually. There are compliance components. I will not pretend that I am an expert in the administration of this stuff. We are reaching the end of the things where I think I am the number 1 choice for doing this stuff. It is certainly an ongoing administrative burden on both sides. There are other costs besides just those that come up with the creation of the requirement of affordable housing. That may not be shown on a proforma spreadsheet or the kinds of things that would come up if you wanted to go down this path. Some of them have obvious financial costs and some have ‘karmic’ costs to deal with. They are all real. Any additional component that you are putting onto people. Often, they just returned the debt that they accrued by loaning the money from somebody else. These are major projects. Every one of these examples are 7- to 9-figure projects. Nobody has that money. It is loaned from someone else. Often

the capital that you are raising does not care about the policy that you have put in place. It is looking for a return and the burden of getting that return is on the developer. That is just like a real hurdle they must deal with. Anything you are adding onto that probably has an additional cost beyond the financial one.

Commissioner Carp – You have in the matrix an entry for single-family homes. Inclusionary zoning comes into play for 10 or more units. Is that talking about a cluster of 10 or more single-family homes? What does that mean?

Mr. Goldstein – At this stage, it is a placeholder. Are there real-world situations where you could have this be applied to single-family housing or is this the portion that was assessing the market in general?

Ms. Brown – The scope of study was for the tax abatement. The study was to look at where the city policy comes into play requiring affordable units. That is at 10 or more units. We did not look at the potential for tax abatement on infill projects.

Commissioner Carp – That is my confusion. There is a row in the output for that.

Mr. Goldstein – We still wanted to know the feasibility. It would not come into play. It should maybe be removed from that matrix.

Commissioner Carp – The modeling that you are doing is saying that most land tiers and most typologies are not feasible to build right now. How many IZ units are in the pipeline under the new zoning ordinance?

Ms. Brown – I think that we have worked through review of 2 or 3 units.

b. ADU Manual and Student Housing Study

Ms. Brown – I am here to present another presentation on another study that we are getting ready to embark upon, looking at our Affordable Dwelling Unit Manual with a specific focus on the in-lieu fee requirements for student housing and non-student housing. I have a presentation to share that provides an overview of some background on the topic of student housing, what we are looking at in this, and a timeline. We are hoping that it can be an opportunity for the Planning Commission to provide some feedback on the scope of work to inform the study approach moving forward and desired outcomes. We will be coming back to you with updates once the study is underway.

What I would like to share with you today is some background on student housing, some initial observations on areas of concern or questions for what we form our policies for requirements of in-lieu fees for student housing and non-student housing moving forward. What we have proposed is a scope of work for study, an approach to community engagement, some potential options, really one set of options that we may want to test through this study, and a timeline for that work.

Next Slide – Student Housing History

UVA growth enrollment has steadily increased and increased the demand for student housing. Students historically lived on Grounds in a limited capacity and in older apartment complexes near UVA. That does include converted single-family homes and small apartment buildings. What we have seen recently, as enrollment has grown, construction costs combined with feasibility of development has changed over time. Private developers are now stepping in and building purpose-built student housing around Grounds. Walking distance of Grounds seems to be an important consideration. Another key feature is the provision of 4-bedroom units, allowing for rental by the bedroom.

Next Slide – Student Housing Supply and Demand

This is by no means a comprehensive market assessment of student housing, a comprehensive assessment of supply and demand. This is some high-level statistics to provide some foundation for understanding what the city is facing in terms of need for student housing and how that is being met. Total graduate student and undergraduate student enrollment at UVA is 26,470 students according to one article. If you go on the UVA website and look at their facts and figures, it puts it close to 27,000: 18,000 undergrad and 9,000 graduate. There are approximately 7,000 beds on Grounds. The 2030 Plan that UVA is following aspires to house first-year and second-year students on Grounds. There are 5 projects currently under construction off Grounds that are looking to meet some additional need. This map shows the locations. They are hugging close to that proximity to the University with little over 3,500 additional beds. There is still quite a bit of unmet demand to speak for housing. Many students are still living in residential neighborhoods and in the county.

Next Slide – Student Housing-Definitions and Perspective

In terms of definitions of student housing in the development code, it is defined as projects that rent by the bedroom within a half mile of Grounds. Some other things to understand about student housing, national reports note that there is a trend and desire for private bedrooms and bathrooms, high-end amenities, really to locate these near campus. If you can get commercial development on the ground floor, that is a great thing. That kind of development is happening here in Charlottesville and around the country.

Next Slides – Development Code Amendments-Background

You have seen this slide before. By way of context, I did want to share that we are looking at the Development Code at policies and regulations that were established when we adopted it in 2023 and seeing what is working and what is not working: tier 1 and tier 2 recommendations for Development Code changes. Tier 3 studies are much broader in scope, require a lot of engagement, and thought for how the process should lay out to look at key questions and develop recommendations. Looking at the Affordable Dwelling Unit Manual and this question of student housing really does represent a Tier 3 study that we have determined is appropriate to bring forward as a priority on our work plan. Having housing as part of NDS and given several questions about our student housing policies as the new Development Code is looking to be implemented

Next Slide – Zoning Categories and Overlay Districts

As you know, there are a lot of provisions in the Development Code for what intensity of development is in different places. Housing is permitted everywhere. There are several overlay districts that govern some special features and special requirements, such as our entrance corridors, our architectural control districts. There is no specific overlay district for where student housing can and cannot be built. It is just that a specific geography was established for where you need to require a different type of in-lieu fee if you are not providing affordable dwelling units. That is important to understand. It is not that we are permitting student housing in some places and not in others. It is permitted everywhere. We need to make sure that we are not restricting different types of housing. It is that we created this geography to govern how we are allowing for an in-lieu fee for affordable housing.

Next Slide – Affordable Housing Requirements

These are the specifics on the affordable housing requirements and non-student housing. Any project that provides more than 10 units is required to provide 10 percent of units at 60 percent of the AMI or less or pay an in-lieu fee. Bonus heights for units are permitted if you are providing those affordable units at 50 percent of the AMI or you must pay the same fee. For non-student housing, that in-lieu fee is equal to the average total cost per unit of developing a residential unit in the Charlottesville market based on the bedroom count up to 3 units. For student housing, the requirement is different. I described the definition of student housing. For student housing, no affordable units are required on site, but you might achieve bonus height. An in-lieu fee is required. The in-lieu fee for student housing is different. That is based on the difference between the value of a market rate unit and that of an affordable unit, which we have used term value-gap to describe that.

Commissioner Solla-Yates – I have heard this described as a ban on affordable housing within a half mile of the University. Is that accurate? How would you distinguish it?

Ms. Brown – If it is student housing, no affordable on-site units are to be built. If it is non-student housing, the requirement applies. It is not a ban. If student housing is the more attractive option to build, you will not see affordable units built in those locations. In terms of a rationale for why we have this approach, the rationale from when these requirements were established was that student housing projects do not typically include non-student housing. This is because that student housing program is unique. It is designed to offer rental by the bedroom for students. There are parental preferences and student preferences for what those living conditions and amenities look like. You are just not going to see non-student housing included in a student housing project. Because of that, it was deemed appropriate not to require on-site affordable units. In looking at different methods of calculating an in-lieu fee, when you compared the construction cost approach to the value-gap approach, the value-gap approach was found to be lower, that was determined to be a more appropriate requirement. If you are not requiring on-site affordable units, how can you have an in-lieu fee requirement that is as high as the in-lieu fee requirement for non-student housing. A lower fee requirement was deemed appropriate given the lack of on-site the affordable unit requirement. We are trying to determine if that still makes sense or if we should consider some other approaches.

Next Slide

In terms of that geography/of where that requirement is applied, it was determined that requirement for student housing within a half mile radius of Central Grounds would be defined by the location of North Grounds and Central Grounds through our zoning map where there is no zoning for those parcels and a half mile radius outside of those boundaries. Any project that comes forward in that area, if it is proposing student housing, there is no on-site requirement for affordable units, and the lower in-lieu fee requirement kicks in.

Next Slide – Initial Observations and Concerns

There is an inconsistent in-lieu fee payment structure for bonus height. That is something that I will mention briefly. If you are gaining bonus height, there is no requirement that you pay an additional amount in an in-lieu fee to achieve that bonus height, despite that if you were providing on-site units, they would have to be at the 50 percent AMI rather than the 60 percent AMI. In terms of the student housing requirements, there is a lack of requirements for an on-site unit limits new affordable housing where student housing is the most financially feasible reinvestment option. Student housing has a lower per bedroom cost requirement for an in-lieu fee. That further encourages student housing. There is no consideration for conversions to non-student housing, no consideration for 4-bedroom units, which is what we are seeing the most of. This geography that was established, that this policy apply within that half mile radius starts to impact neighborhoods where displacement is a concern.

Commissioner Carp – When you say no consideration for 4-bedroom units, what does that mean? There is no number in the chart. What does someone pay to build a 4-bedroom unit?

Ms. Brown – We don't have a metric right now that can be used. We must use the 3-bedroom calculation. That is something that needs a fix in the near term. We are seeing 4-bedroom applications come forward.

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As we look at what the scope of study should be for this effort, it is part of an annual review that is required of the Affordable Dwelling Unit Manual. We are really using this review as an opportunity to focus on studying and potentially refining expectations for in-lieu payments broadly, bonus height projects specifically and student housing.

Next Slide – Next Steps/Key Study Questions

Our next step, or what we are proposing as the scope of work for this effort, is to try to answer several questions through research and analysis. We have hired 3TP to help us with this. They will be coming back to provide a report on their findings on this topic of the in-lieu fees and student housing specifically. They will be updating the model to include student housing so that we can determine what approach to requirements for an in-lieu fee payment provides the best balance of incentivizing production of on-site units without limiting development feasibility. We will also be looking at whether the current in-lieu payment structures accurately reflect construction costs and the value gap method that has been proposed. What are other Virginia jurisdictions doing? What are the best practices?

We also want to take time in this study to make sure that we have the right understanding of our goals, what the guiding principles should be for developing some recommendations? What are the city's goals for student housing? Where do we think it should be located to the extent that is something that we should have power to control should an in-lieu payment be greater for bonus height than for non-bonus height? Those are all questions that we want to ask through some engagement with key stakeholder groups and broad engagement.

Next Slide – Key Stakeholders & Engagement Strategies

We want to make sure our key commissions have an awareness and understanding of the scope of work. We will be engaging with property owners, UVA, Albemarle County, TJPDC, and advocacy organizations to get their input on what are the answer to those questions about our goals and guiding principles. We are doing outreach to commissions. I am happy to report that we will be using our digital engagement platform, Connect Charlottesville, to do some digital outreach. That has not been as easy for us to do in the past. Connect Charlottesville is currently live. Right now, it is focused on several ongoing projects in NDS. That has been something Ose Akinlotan and our long-range planning group has led that effort to make that happen for us. This study will be featured on Connect Charlottesville as an opportunity to provide feedback. We will do some focus groups and pop-up visits as well.

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What do you think is the most important outcome for this policy? What should it accomplish for the community? What are the impacts or unintended consequences that we want to try to avoid?

Next Slide

Here is one set of potential options that we could explore. A lot of these are crosswalks from some of the issues that I previously identified. It would be to study the creation of an in-lieu payment structure that increases the requirement for bonus height to reflect that the on-site requirement for bonus height is 50 percent of AMI, not 60 percent of AMI. As it pertains to student housing, consider requiring on-site units for student housing. Just because developers will not build them does not mean that we should not have a requirement, especially if there is an option to provide an in-lieu fee payment instead. Some advantages of exploring that approach are that it would address the potential for conversations to non-student housing. That has been raised as a concern. It would also allow for on-site affordable units when financial market conditions are favorable to that.

Adding an in-lieu requirement for 4-bedroom units. That is a must-do. Consider geographic criteria. Is there still a need given the potential merit of making the requirement for non-student housing the same as for student housing? Are there other reasons to maintain a geographic boundary for some other reason? The merit of this is that it removes that unintended incentive to build student housing. For all housing projects, good tie-in with the tax abatement, consider if there are some strategies to help offset the costs associated with affordable housing production and facilitate investment.

Next Slide – Timeline

We have brought the consultant on board to do some of that back of the house research, continue to update that model, look at what other jurisdictions are doing. In the next part of this process, we will do that stakeholder engagement, try to get feedback on guiding principles, and in the spring, we are hoping to be able to develop some recommendations for policy refinements and amendments.

Commissioner Solla-Yates – Are there any quick tweaks we could do to get something rolling? I am concerned that the building cycle is annual. Acting in spring means we are losing another year.

Ms. Brown – In terms of developing the big picture policy, we want to make sure we take our time to do that so that the recommendations are in line with what the community sees as appropriate. We can take that back and think if there are any changes that could be immediately made.

Commissioner Schwarz – You are planning to have this wrapped in a couple months?

Ms. Brown – That is correct. This is a short timeframe.

Commissioner Roettger – I feel the diagram showing the boundary was a parallel line. In talking to neighborhoods, there might be ways to adjust the line. When we have hillsides, railroad tracks, or bus stops, there could be other ways we could refine that mapping to be more in line with where neighborhoods see that divide. What we are seeing is that Main Street has different neighborhoods adjacent. Maybe there are some neighborhoods that have more room for student housing that might be outside of that. I would be interested in looking at that as a potential place for feedback from neighborhoods.

Commissioner Joy – The 4-bedroom was a great pickup on your part. You are correct. I think that there are 5-bedroom units in some of those developments. Getting ahead of that seems like a smart thing to incorporate. We were showing how tough buildings are right now. It seems like some of these loopholes are making student housing less difficult to build. We are seeing it with bricks and mortar going up. Looking at affordability and looking at these new products being offered that are approximate to Grounds that are solely geared towards a student experience. They are by a bedroom, not by a unit. I am curious what the ripples are to existing historic student housing. Should the city put a bullet point on here to cast what incentives can go in some of these historic neighborhoods and these single-family homes that have been subdivided into student houses? Is there a pathway for those landowners to return those into market rate housing instead of student housing? I wonder if there is some part of the student housing study that looks at a broader net that is not new development but helps restore some communities that were historically single-family homes.

Ms. Brown – Whenever we do a study like this, it always raises additional questions or areas of study or exploration. That is perhaps something that could be added. While we may want to keep the scope of this contained and be able to bring forward recommendations that meet this specific need, it could flag some areas for additional study in the future.

Commissioner Harness – I think you said a couple times that there is this distinction between the geographical boundary for the in-lieu fee versus the definition of student housing. From my understanding of what you just said, student housing is defined as rental by the bedroom. Is there more to it than that?

Ms. Brown – It is only referred to in the Development Code as rental by the bedroom and located within the half mile boundary of Grounds. We don't have a definition for student housing as a use that is permitted in some areas and not in others.

Commissioner Harness – You had also said that student housing is permitted citywide. The difference is inside the boundary is what in-lieu fee is.

Ms. Brown – That is the extent.

Commissioner Harness – Some of the concerns you have brought up is that potential in-lieu fee inside the boundary is over-incentivizing the creation of student housing versus some other forms of housing.

Ms. Brown – That is correct.

Commissioner Carp – The previous topic was about the high cost of building in Charlottesville. All the changes I am hearing in this presentation would increase fees. We are adding more fees for higher bedroom counts. That makes sense. The effect is to make the fees higher given what is being built. Changing the fees for the height bonus units makes sense. The effect is to raise the IZ fees. I get the idea to harmonize in-lieu fees for student housing and non-student housing. It sounds like the in-lieu fees are much higher for non-student housing. If you harmonize those by raising student housing in-lieu fees to match non-student housing fees, you are talking about doubling them. That seems challenging to square with 3TP's previous presentation about how IZ is already a material burden on development such that we have 3 units in the pipeline citywide. I think harmonizing by lowering the non-student housing IZ fees to match in-lieu fees to match the student housing fees makes a lot of sense. It lowers cost. The rent gap makes sense conceptually in a way that construction costs I don't get why that would be the matter. I would like to hear more about how we square that we want to make development more feasible.

Ms. Brown – I don't think we know yet that it would be appropriate to bring the requirement for in-lieu fee for student housing up to the same level as what is currently required for non-student housing nor that the current expectation for non-student housing is appropriate either. That is something that I can maybe clarify in the presentation. We will be looking at the in-lieu fee expectations for student housing and non-student housing to see if it provides the right balance of promoting the provision of on-site units and still supporting the production of housing. We will look at both of those questions. We just don't know yet. A key question that we will be trying to raise through our engagement is what we are trying to do here with these in-lieu fee expectations. Are we trying to increase revenue for uses elsewhere? Are we trying to promote the production of on-site units? Those are still open questions.

Commissioner Carp – What I am hearing is the possibility of harmonizing student housing and non-student housing in-lieu fees might look like raising student fees to meet non-student or lowering non-student to meet student. Both of those are on the table.

Commissioner Yoder – I assume that we will have the chance to weigh in on the stakeholder engagement that will be in February. Will we have a work session to give feedback to the study team?

Ms. Brown – There will be opportunities for additional engagement and to weigh in on the guiding principles and goals.

Commissioner Solla-Yates – The Affordable Housing Plan is the best guide that I have on those topics of what we are doing and why we are doing it. It is not specific in some areas. It can create challenges for us.

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

Jeff Levien – Tonight is interesting and what is laid out to you. The development community, who go into business to do this, follow the path of least resistance and how they get an economic return on their risk and their capital. If you look at everything that has been laid out, the structure is to build affordable housing or maybe hospitality. If you make the in-lieu payment so high but combine it with a real estate tax abatement that

is given, if we build affordable housing and the math works, we will be more inclined to build affordable housing because the math works. In almost every instance, it probably pays to pay the in-lieu. You have no burden of that low-cost housing that you must give away. You can finance that in-lieu. There are ways to put these together. I don't know if every department head is thinking collectively. Our code is meant to have density and to go tall where you get the 'most bang for your buck.' If you can use a half-acre parcel to build 300 units versus 12 acres building only 3 stories, that is where you get 'best bang for your buck.' If you help the economics for larger projects, high-rise projects to give you the 'most bang for your buck,' that helps. If this amorphous thing not called the code worked in a way that worked for an urban setting and was not laid out for green space, if everybody spoke together about what everybody wants, what I hear is that the city wants housing. They want affordable housing and market rate housing. What we heard tonight is that none of that is being built. Student housing and hospitality are being built. The thought of raising any fee and anything that makes this more complex has made this even more complex to go through site plan approval. The private and public sectors are not together. All the public heads are looking to get what we want. Right now, there is this vision of encouraging development. Everything in place does not do that.

Valerie Long – I wanted to provide comment to the most recent discussion you just had about the in-lieu fee rates for student housing relative to non-student housing and the perception that it creates an incentive for student housing to locate in certain areas so they can take advantage of the lower fees. In our experience, we work with a lot of the large, national student housing developers find that they are focused almost entirely on location. Finding a location that is strategic for their market, finding a willing seller, and finding a seller who will work with them on a price that pencils. By the time they find us, and we are talking to them, they have heard about the affordable housing requirement. Usually, they assume it is a requirement for a certain number of affordable units. We spend a fair amount of time educating them on all the types of things that Ms. Brown discussed today about the differences for in-lieu fee, where you can and can't do units, and the different schedules are and why they are different. They don't know any of that information. They factor it into their budget and their purchase price. They don't start by looking at where we can go and develop student housing in the city and pay the least amount of money for our in-lieu fee. That is an afterthought. It is an important figure. They don't start there. They are focusing on location.

James Snyder – I have a home at 206 5th Street Southwest. It is one of six units on 1/3 of an acre called Oak Lawn Cottages. Across the street there are another 6 units on 1/3 of an acre called Oak Grove Cottages. Next door to us is a 3-story condominium flat called 5th Street Flats. These were built 20 years ago by a local developer and architect. They define what you are trying to get through your missing middle effort. Unfortunately, they along with some historic homes on 5th Street have been rezoned to RX-5 at 7 stories. They are damaging our property. With no setbacks, someone can build student housing next door to our property. We have been asking since June to get this fixed. We are the poster child of what you are trying to get done. Together, we have more units by several times built that define missing middle than you are getting built through all this time and effort out in the neighborhoods. We have requested and had no response to how we can get our zoning fixed. It is going to create hardship for us. It is going to create disinvestment. It damages our property by removing any setbacks requirements. You have 100-year-old homes, which are historic or contributing on 5th Street, which are now zoned for several stories. We are next to the railroad tracks. You have tall buildings being built next to the railroad tracks. The state of Virginia hopes to include a passenger line from Charlottesville to Richmond. These developments, being built on the property lines, will make that eventual improvement to the Charlottesville station impossible. The city has not coordinated with the Virginia Passenger Rail Authority. It is a state agency that owns the property. They don't know what you are doing. There are some serious things that need to be looked at. While we are talking about bits, pieces, and studies and consultants, some basic things like rezoning us back to what we should be. We can show off what the missing middle can be in terms of scale and livability. We have been punished with this seven-story RX-5 zoning. We have been at meetings. We have had no formal response from staff.

Matt Alfele, Development & Planning Manager – A rezoning can be pursued by any property owner for their property. There is a process. Staff are happy to help with that process. It is not necessarily done as a collective. You would do it for your property.

Joe Leung – I am excited for the tier 3 amendments. I think the city focusing its energy is in the right direction and starting to address some of the problems the public has talked about in the past months. I am wondering about the communication the city has with the private actors or developers within Charlottesville and Albemarle County. I remember when the tier 1 and tier 2 amendments were starting, there was a lot of energy and enthusiasm from developers about the communication and working with the city on working out specific solutions on tier 3 amendments and having ideas on how to make development more feasible with the city. I am wondering if there has been movement on that front. I feel that developers want to develop and make money. They want to have a positive impact on the city. They have worked out the financials. It would be wise to get their opinions early on.

Kim Allen – I am the Chief Operations Officer for City Schools. There was a mention about ripple effects with the high-rise student development. I want to make sure this body is aware that we have recent precedent for a significant ripple effect with public school enrollment that occurred between 2010 and 2017/2018. After decades of no growth in our public schools, we have year-over-year growth of 3 to 8 percent. It was when the new high-rise UVA student housing opened on West Main. It freed up single-family home stock in the city in a way that had not been seen in a long time. You will see that opportunity with this next wave or push for high-rise student development. What happens when those parcels free up that is some of the issues you are wrestling with. It will depend on how quickly developers buy that up for more UVA student housing or whether it goes towards single-family homes.

F. CONSENT AGENDA

a. Minutes – October 28, 2025 Work Session

Motion to Approve – Commissioner Solla-Yates – Second by Commissioner Mitchell – Motion passes 5-0.

The Meeting was recessed at 7:25 PM for 5 minutes.

The Meeting was called back to order at 7:30 PM.

III. PLANNING COMMISSION PUBLIC HEARING ITEMS

Beginning: 6:00 PM

Format: (i) Staff Report (ii) Public Hearing (iii) Commission Discussion & Motion

1. Development Code Text Amendments

i. Staff Report

Matt Alfele, Planning Manager – You are going to holding a public hearing related to a series of development code amendments and making a recommendation to City Council.

Next Slide

You have seen some of these slides before in previous meetings. What you see here is the background of the development code, the approach to moving minor amendments forward, and the next steps. The best way to think about this tiered approach is the car analogy. Tier one is washing the car. Tier two is changing the oil and rotating the tires. Tier three is the car making an awful noise and needs a new transmission. What we are looking at tonight is moving those tier one and tier two amendments forward.

Next Slide – Tier 1 Amendments

In your packet, you have a full outline of the tier one amendments. For general purposes, there are 63 amendments that we are proposing to move forward. These are addressing copying, editing, scribe errors, legislative updates, and small changes.

Next Slide – Tier 1 Amendment Examples

The full list of all amendments is available. In this presentation, you just see some examples of those tier one amendments.

Next Slide – Tier 1 Amendment Examples State Regulations

In addition to the legislative amendments, we need to make it to conform to changes in state regulations that happened July 1st of this year.

Next Slide – Tier 2 Amendments

Here we see the tier two amendments. Staff are recommending 23 changes to the code. The purpose is not to alter the intent sections of the code. This is to provide clarity, to remove some misunderstandings, and to provide small changes that do not require much in the way of community engagement outside of the public hearing we are having here tonight. That is another distinction when thinking about tier one, two, and three. With tier one and tier two, the public engagement should be happening here at a public hearing. Anything that is tier three needs to be a robust community engagement where we hear from the community and making the changes that are coming from our fellow residents.

Next Slide – Tier 2 Amendment Examples

Here are some examples of these tier twos. The full changes are in your packet with the full analysis with them.

Next Slide – Public Comment and Community Engagement

The processes to how we got here tonight has been an ongoing effort. It has been one with many different touch points. Staff have been continuously collecting data on these issues and keeping track of them in the working document, which is Attachment C in your packet. We have had several work sessions with this body to improve and refine the amendments that you are holding a public hearing on tonight.

Next Slide – November 12, 2025 Planning Commission Work Session Highlights

At the most recent Planning Commission work session, feedback was provided to staff on the proposed tier two amendments. Most of the Planning Commission's recommendations were incorporated into what you are seeing here tonight. There were a few areas that came up that staff did make changes. I wanted to make sure that they were covered. You could see what we heard from the Planning Commission and how we addressed it, the first being the existing structure date. There was discussion at that meeting about having a rolling date to allow structures that have been built for the next period to count toward that existing structure preservation bonus. The Commission is worried that a fixed date might exclude new units from qualifying from the existing structure bonus. After reviewing it, staff were concerned that having a rolling date could create loopholes. It would need an engagement with the community if you wanted to go that route. Even though December 18th might feel arbitrary, a decision was made as a community that structures before that date had a significance. We want to preserve them. When you get into your conversation, I can get into some of the loopholes that staff would be worried about the rolling date. That is why we are recommending having a fixed date. It is something we could come back to and review in the future. It would at least clear up the issue we have right now. Right now, there is no date. If something got a CO, it could be viewed as an existing structure the next day.

The next was the side setbacks for attached dwelling units. Staff had presented an alternate form. There was a lot of good, constructive conversation in the work session. We went back and looked at it again. We came up

with a better solution by just putting the attached side and detached side in each zoning district. Then having the definition covering that must be for the project. That would hopefully help alleviate the concern that someone would just not build one half of the attached dwelling.

Next Slide

The last was the fence and walls. Staff's original suggestion was to have a different definition of a fence. There was a lot of good debate and conversation on that at the work session between the 6 feet and the 4 feet. Staff took that information back and reworked it to allow more of an exemption section within fences and walls. We went with 4.5 feet to get a little wiggle room for posts. When you are talking about 4 feet, it is what the Commission talked about at work session. That would give room to have a post and have those 4-foot panels. It also has the exception for when it is required for health and safety under the building code and when it is required for separation to state agencies, such as ABC.

Next Slide – Recommendation

You will hold your public hearing. Staff recommend approval of these. You will have your conversation. The next step will be taking these to City Council.

Commissioner Yoder – I remember the discussion about side setbacks for allowing attached dwellings. The wording would say, if it is one project, you are building 2 attached units, the side with 0 side setback applies where they are attached in the single project.' Does a project mean that both or all units are being constructed at once? Is there still the possibility that you could build one and come back 2 years later and build the second?

Mr. Alfele – You could. The project means that it is part of it. You are planning to build 4 units. You may phase it and say that you are building 4 units in 4 phases. At least, it is still documented, and it is still part of a plan.

Chairman Schwarz – With needing a building permit for something over 256 square feet, we are getting rid of that requirement because the building code does not require a permit for something smaller than 256 square feet. Is that why we are doing that? This is B.5. We have crossed out that a permit is required for accessory use or structures exceeding 256 square feet of gross floor area. The implication is that you need a building permit for like a doghouse or something.

Mr. Alfele – What we are saying is if it does not need a building permit, you still must follow the rules. We will not make you go through that whole development process for your doghouse. There are a lot of things that we are held to complaint driven. You should talk to us. If you don't do it, you could get a citation.

Chairman Schwarz – Somebody going to Lowes and buying a prefab shed to put in their backyard, you will never see it unless someone complains.

Mr. Alfele – This gets to the conversation we had in the work session where we were saying we did not want accessory structures in the front yard. If we are allowing accessory structures anywhere, we want what is in that façade range to match all our development standards. This code is very much a form-based code even though our last code was somewhat. This code is not so much about the use. It is a structure. A structure has design elements that it needs to have. It is going to be in that area.

ii. Public Hearing

Joe Leung – It looks pretty good. The code itself is a mystery to me as to how it works. All the edits from the work session look pretty good and reasonable.

iii. Commission Discussion & Motion

Chairman Schwarz – We talk about some of these things we can get around with a special exception process. That special exception process is lengthy and expensive. I don't know if there is some way that some of these things seem so small. Is there another way to make them go faster and not cost as much? For example, exceptions to setbacks and build-to zones, I understand it is the same exception process. It is \$1800. It is 4 to 5 months. I wonder what happens when you have a project in front of the BAR and they want to push something back. It sounds like we are holding up the project 4 to 5 months. Does the special exception process have to happen if you have for that streetscape exemption? When you have an easement in your front yard and there is an opportunity to ask the administrator whether your setbacks can be moved back the amount of that easement? Is that the same?

Mr. Alfele – With this administrative, that has happened during the review. That would happen in the cycle of review. You would not need to go to anything that is administrative. You would not need to go to City Council.

Chairman Schwarz – Anybody else who wants to have some kind of variation to that front yard setback, it is a 4- to 5- month process. That is a concern. I would feel so much more comfortable with some of these things if there was a way to speed that up somehow. I feel that is the type of thing where there may be a better project. We are not getting the better project because waiting 4 to 5 months is too much of a risk.

Mr. Alfele – Someone right now would have to go through that process to change the setback. Could you expand on that concern?

Chairman Schwarz – I am trying to think of a good example. I am not sure why somebody would want to push their building back further. Maybe they have a use they want to put in the front yard. Somebody had tested the site. That apartment building that is causing so much controversy by Westhaven, that site. Mitchell Matthews had come into the BAR to test that right before we adopted the zoning code. They were going to put a hotel there. They wanted to have an outdoor dining area in front. That would have required a deeper setback. I think everybody with the BAR agreed. This is fantastic. This would make a better project. That project would have to go through the whole special exception process. With something that large, I don't feel that it is such a big deal. I don't know if there are smaller projects that might put a wrench in things.

Mr. Alfele – This probably will not be helpful to this conversation. As part of these amendments going through, you see that we are making some changes to our development review process. There are some things that we have been working on in house for a while that are just on that process-wise. We would like to get those in place. It is changing the major and minor development plan to just a development plan and having a major and minor site plan. As we get through this round, we could explore, trying to scale up or down special exceptions. It might not be something right now. It could be something that would be a path that we could explore on the development review side, how to remove barriers, how to speed things up. It might not be a code thing but just a scaling special exceptions. If someone is building a 12-story apartment building and they have a set of special exceptions they want to move forward, that probably needs to be onerous and time to go through. If somebody is trying to put a building in their backyard off East High Street, the process could be quicker.

Chairman Schwarz – The Element Workshop is where I keep coming back to. It felt ridiculous how we ended up there.

The code allows you to add on to the back of an existing building without having to build with the build-to zone. It does not let you put a separate building in the backyard without doing so. That seems strange

Mr. Alfele – This is more of a policy thing. The code is about bringing things up to the street. That is a fundamental part of the code to build this more urban area where you are bringing things up to the street. Where we landed is to at least have a relief valve for supporting structures, not the primary structure, if you are going to do an addition, that is fine. The primary structure needs to be up to the street before you build the next primary structure. At least in these amendments, it is giving a relief valve that it did not have before where you can do any structures. This is saying ‘I don’t need to bring that primary structure up into the build-to zone to add accessory structures to the site.’

Chairman Schwarz – My concern is that a dwelling unit cannot be considered an accessory structure. I wonder about the examples where you have a single-family house, and they want to have another dwelling unit somewhere on the property. In the R zones, it sounds like there is an exception for that with the existing building preservation bonus provision. We have a lot of houses and historic buildings. High Street is in the CX-3 zone. A lot of those old houses are well beyond the build-to zone. A way around that is somebody could add onto the back of them and physically attach to the back of them. It seems silly that you are physically attaching versus building behind. You are getting the same thing. By forcing them to attach to the existing building, you are starting to require sprinklers being added to the whole building or some other things that would drive up the cost of the project.

Mr. Alfele – This is going to be yearly once we wrap up. We are jumping into 2026 with lessons learned and trying to move things quicker. Maybe we look at this in 2026. I would be hesitant of blanketing all the districts. Using this example of preservation if it was a contributing structure were deemed to meet build-to. This would be more of a fundamental change. The code is about getting to the street. I am not saying that it is pro or con. That is the conversation that we should have more with our communities because that is a fundamental change.

Commissioner Solla-Yates – I was heavily involved with the construction of the theory of the zoning. Our thought at that time was that the special exception process would be relatively fast and easy. It would be a speedy and effective process. It would not be like a special use permit. It would not go to Council. It would go to the Planning Commission to focus on the specific issues and dispense with it efficiently for the good of the public. That is against the law. I now know that everything goes to Council. If it is a special exception, it must by law go to Council. I think that changed in 2016. We are bound by law to be more thorough and public with these decisions which we were not calculating when we wrote these. That might be a thought as we have learned that the process is more burdensome. That may inform us how we think about this process.

Chairman Schwarz – Ideally, it would be like that where it would be like going to the BAR. It is a month, 30 days, a small fee, and get some consensus and move on. I guess that is not going to happen. If we need a special exception for the active depth, I am stuck on the definition of active depth. Is there a free administrative ‘this is bad hallway/good hallway’ type of thing? How is that resolved?

Mr. Alfele – How it is currently written, it is prescriptive.

Chairman Schwarz – It is written that it is defined by the administrator or something in the wording. I think that is what you added.

Mr. Alfele – I am saying what is existing now there is no administrative.

Chairman Schwarz – If you have project in a DX zone. I think it is a 30-foot active depth on the front façade. I believe it goes up the whole front façade. They must come in with their plans and say that they have these many closets in these offices. Is it an informal review?

Mr. Alfele – One of the tradeoffs is that a form-based code is meant to allow more freedom, not about use. It is about form. It requires an applicant to have ‘their ducks in a row’ earlier in the process so that we can determine whether they are complying with the development code early in the process. We are trying to be sensitive to not needing architectural drawings that early. They must show us something that they need these active depths. This is building in more flexibility. I think we would be consistent on how we use that flexibility. If there was better definition, we would entertain that.

Chairman Schwarz – If somebody builds apartments, there are going to be bathrooms and hallways and closets within the 30 feet of active depth that is in a DX zone. I believe that is how the DX zone is defined. The front façade must be 30 feet ground floor to the roof. If someone puts an apartment there, that is not by definition possible. I am assuming that by reading this I am hoping that when it says, ‘as determined by the administrator.’ The administrator will look at that and that there are all components of an apartment and it is allowed within 30 feet. The way it is written, I am worried that it may not be like that.

Mr. Alfele – When we wrote this, we were trying to give more flexibility to the administrator. Unfortunately, when you get into the actual section on active depth, it has these things like hallways, restrooms called out differently. I would have preferred to take them out of the definition because they are so tied into the code. It is why they are still in the definition.

Chairman Schwarz – I feel that it could be a major problem depending on how it is interpreted. If this means 2 more weeks of looking through the code for staff, if you are telling me that it is going to be another year.

Mr. Alfele – I don’t know if we would have time to fix that section of the code to match. I am less concerned. The projects that this would really impact on what we are seeing is they are probably going to be coming forward with special exceptions. We have not had large projects come forward and say that they are doing it 100 percent by right. I would love that. We are running into it with our topography where we are seeing some of the active depth on the front end becoming an issue. As you are dropping down and your plates are not lining up, people do not want to do the modular. They are talking about coming to do special exceptions because they have exposed wall.

Chairman Schwarz – I love the changes to fences and guardrails. The thing that I notice is that for bullet point A, you say that it does not have a solid foundation. I could imagine that someone could build a masonry wall that would have a solid foundation. I don’t know if you even have that line.

Mr. Alfele – Because the code is split into walls and fences, there is a whole list of requirements when you get into foundation as a wall. We kept that in place because that is more permanent. It gives more discretion to City Council. Walls are allowed in a lot of areas per district.

Chairman Schwarz – There is a difference between someone building a brick wall that is 4 feet high versus a wood picket fence that is 4 feet high.

Mr. Alfele – The code breaks it up into walls and fences. We did not touch the walls because that has not been an issue. Fences have been an issue.

Commissioner Yoder – I share your concerns about the active depth going all the way up to the roof. After our work session, we asked why do we have this build-to requirement? We want you to preserve the structure. We then say it is not to the build-to. This would make it harder for you to preserve the structure. I can’t remember if some of these things are in tier three. I agree that these things are longer term, more substantial changes to the code. I would be on board for looking at these things outside of what we are doing tonight and discuss a more substantial change in the future.

Mr. Alfele – What we are hoping for as we roll into the 2026 amendments is that I am hoping it is not 60 but 20. I hope we can pair it down. The Planning Commission, as a body, can work on maybe four or something more manageable to dig into deeper. Our tweaks are not changing the intent of the code. They can be this as the public engagement.

Chairman Schwarz – I hope that for next year we tackle some philosophical issues in this. We have some disagreement between the Commission and staff. It seemed like from our work session that we had some philosophical differences that we would like to at least study. I am content if we have a work session every month that includes going through this stuff if that is what we must do to get this right.

Commissioner Carp – Are there topics in tier two that people on the Commission want to see pulled into tier three to talk about more?

Chairman Schwarz – The issue is we want to make changes as fast as we can. The changes that we want to make in tier two are that we cannot make tier two if they need to wait for tier three. We keep trying to grasp tier three and pull into tier two. We are told not to for good reason. It needs more public comment and study.

Motion – Commissioner Solla-Yates – Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, and good zoning practice, I move to recommend approval of the batch of zoning text amendments as proposed by staff within this report. Second by Commissioner Roettger. Motion passes 5-0 with 2 abstentions (Commissioner Carp and Commissioner Harness).

Recommendations

Build-to zones with eye to preserving existing buildings.

Redefinition of active depth – do we need active depth?

Concern over ability to add onto existing properties without having to build in front of existing structures.

Commissioner Solla-Yates had a question about the landbank ordinance – The landbank ordinance has been put on pause by the HAC.

Commissioner Solla-Yates mentioned that the School Board would like to work more with the Planning Commission.

IV. PLANNING COMMISSION ACTION ITEMS

Beginning: Following any public hearings

V. Adjournment

The Meeting was adjourned at 8:12 PM.

PLANNING COMMISSION REGULAR MEETING
February 10, 2026 – 5:30 P.M.
Hybrid Meeting

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

Beginning: 5:00 PM

Location: NDS Conference Room

Members Present: Commissioner Carp, Commissioner Harness, Chairman Schwarz, Commissioner Solla-Yates, Commissioner Mitchell, Commissioner Yoder

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

II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Schwarz at 5:31 PM.

Beginning: 5:30 PM

Location: City Hall Chambers

A. COMMISSIONERS’ REPORTS

Commissioner Carp – I went to the BPAC meeting last week. I think BPAC is advisory to the Planning Commissioner or believe they are advisory to the Planning Commission. There is now a publicly available city portal on the paving schedule. If you want to know when we will have a road resurfaced or repaved, that information is available. We don’t think it is complete or fully correct, but it is there. Follow up questions are going to Public Works. There are some omissions there like Rose Hill and Main Street that we will investigate. It is a place to start. There is hope and uncertainty about bike and pedestrian improvements to follow along with utility work on Main Street, Cherry, and Elliott, a topic that needs to be followed up here and elsewhere. There is also hope, uncertainty, and questions about the future of the city’s quick build program. Last year, the Planning Commission discussed more money for quick builds in the CIP. Within BPAC, there is not much clarity on how that program will continue in the medium and long term.

Commissioner Mitchell – No Report

Commissioner Solla-Yates – I have two updates. One is from the school’s capital improvement meeting today. The other update is a legislative update. We talked about the zoning update on field lighting. That is not time sensitive. It is good to fix. Oak Lawn Pre-k is currently in legal limbo. We may see a year or more of unplanned delay. Our legal team is working hard on this with the University. Solar on school roofs appears to be on track, especially for the high school and middle school. We have power purchasing agreements lined up for both. With the smaller schools, we are still figuring out a way forward. The facilities plan is on track for around June. That is related to HB334, sales tax for schools. It passed the House and now moves to the Senate Finance Committee. It would need to pass a local referendum here. It would generate \$15 million a year in needed school revenue that could be used for meaningful improvements, especially at Charlottesville High School. I see that Kim Powell, the city school’s Chief Operations Officer, is attending this meeting and will be attending future meetings to better coordinate between our two bodies. With the legislative subcommittee, HB1279-Faith and Housing has passed the house with a 1-year delay with LI HTC processes. That is an additional year. We are talking about two-year delay. That goes to the Senate Local Government Committee. HB282-Real Property Tax for Charlottesville, Falls Church, Fredericksburg, and Newport News from Delegate Callison has passed the House. It moves to the Senate Finance Committee. That does not include the County if we want to fund

regional transit. That would have to go another year. HB888-Zoning Minimum Off-Street Parking requirements has passed the House. That goes to the Senate Local Government Committee. It is like what we have done here. SB454-Housing Near Jobs has passed the House and Senate.

Commissioner Harness – I attended the CAAR Foundation meeting today, which is the local association of realtors. They held a lunch-and-learn for realtors. They hosted former Commissioner Rory Stolzenberg and development & land use attorney Nicole Scro to talk about the city’s zoning code. There was a good discussion about how this impacts realtors and how they can think about it when working with landowners and property owners in the city. There was a good discussion between the presenters and the crowd. I was there to listen to and hear what people’s concerns were.

Commissioner Roettger – No Report – Not Present

Commissioner Yoder – I had my first meeting with MPO Tech last week. Since I am new to that committee, I will give some background on that committee. The Metropolitan Planning Organization (MPO) is the federally designated body that coordinates primarily transportation planning for the region. It has a staff. There is a policy committee made up of elected representatives of Albemarle County, City of Charlottesville, etc. There is a tech committee, the technical committee, which is what a member from the Planning Commission serves on. The technical committee votes on things to recommend to the policy committee, which adopts them. Like the Planning Commission, the real power is one level above, but we recommend things to the people with the power. We heard a couple updates from the MPO and VDOT. It is the transportation bodies that attend. The Department of Rail and Public Transportation, VDOT, FHWA, Federal Highway Administration, and Federal Transit Administration attend. A lot of the conversation was on smart scale, which is the state’s performance-based process for allocating funding to transportation projects. Most of these projects start out as a study, which then results in a smart scale application. The city, county, and the MPO are allowed to submit a certain number of smart scale applications. There is a formula that the state uses to basically rank these applications and decide what is funded. The current formula weighs congestion, mitigation, and roadway capacity heavily. It is difficult to win funding for smart scale projects if you are building a bike trail, unless you can show that you are increasing roadway capacity somehow. The city’s goals, county goals, and MPO goals are to manage highway capacity while shifting trips to other modes like transit, biking, and walking. A lot of what they are focused on in these smart scale applications is finding a project that scores well with smart scale so it will be funded. It means that it has roadway capacity but also has multimodal elements like a path or something like that or a transit improvement. The Ridge, McIntire, and West Main intersection is currently a study that VDOT is leading on behalf of the city, which will likely result in a smart scale application and make its way through this process. The tech committee and policy board are going to vote on advancing certain projects to the smart scale application phase. The city is probably going to recommend Ridge, McIntire, and West Main. We had a public meeting for that a couple weeks ago. Albemarle County has four. There are five under consideration for the MPO, which is Rt. 29 and Barracks Road. That has some kind of sidewalk trail improvements there near the off ramps. There is I-64 and 5th Street diverging diamond interchange, which may or may not have multimodal improvements. The status is that VDOT does not think that they can have a path crossing over the existing bridge there. There is I-64 and Rt. 29 which is more of a highway safety and capacity project. There are two on the bypass at Rt. 29 & Rt. 250 offramp extension and onramp extension at Old Ivy Road, which is a sheer capacity project. It has no multimodal benefits. The plan for next month is for the tech committee and policy board to vote on what should be recommended. The MPO is going to resubmit a build grant application for the Rivanna River Bike-Ped Bridge, which is a federal grant program. They have submitted it multiple times in the past. It has not been approved. The feds have said, ‘We think you should resubmit this.’ ‘It is a great project.’ They are going to do it again. The MPO is updating its travel demand model. The future year of planning is for 2050. Their modeling consultant presented the demographic estimates for 2050 for approval. They are projecting that the city’s population will grow by 13 percent to 57,000 by 2050. This is based on Weldon Cooper projections. However, this is the lowest population growth of any of the jurisdictions in the region.

Albemarle County and all the other counties are experiencing much higher rates of growth. They presented the unified planning work program, which is essentially the MPO's budget. It is 80 percent funded by the federal government. 20 percent is funded by local government.

B. UNIVERSITY REPORT

Commissioner Joy – No Report – Not Present

C. CHAIR'S REPORT

Chairman Schwarz – I went to the BAR meeting last month. We did not have any agenda items. We reviewed our bylaws and what constitutes a major and minor historic review and the various levels of minor reviews. We do have a landscape architect vacancy. When the zoning code was redone, certain things were moved out of the ordinance into the Procedures Manual and vice versa. One of those items is that the BAR only has 30 days to review a historic conservation district application. I had thought that was in our ordinance. It is in the Procedures Manual. This was done by Council when they created the Woolen Mills Historic District. The idea was that it would make things move along faster for homeowners. The unintended consequence is that if the BAR for some reason cannot form a quorum, items that are part of a historic conservation district review are automatically approved. We did have that happen last year when an item was automatically approved. This seems like something that would be good to fix.

D. DEPARTMENT OF NDS

Dannan O'Connell, City Planner – The ADU Manual and the student housing study that you were presented with at the last meeting in January has been published. The city is seeking feedback on it. It is published on Connect Charlottesville, which is the city's new public engagement website. That is connect.charlottesville.gov. That is available for feedback through February 28th. The City Council will hold a work session on the tax abatement study, which was also presented to you in January. That work session will be next Tuesday, February 17th.

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

No Public Comments

F. CONSENT AGENDA

III. PLANNING COMMISSION PUBLIC HEARING ITEMS

Beginning: 6:00 PM

Format: (i) Staff Report (ii) Public Hearing (iii) Commission Discussion & Motion

IV. PLANNING COMMISSION ACTION ITEMS

Beginning: Following any public hearings

V. PLANNING COMMISSION WORK SESSION

REGULAR MEETINGS DATES, WORK SESSION DATES, AND TOPICS

Matt Alfele, Development Manager – You are going to start with reviewing the dates that was included in your packet. The Planning Commission regular dates and work sessions were also included. As noted, this is a draft. Since it is draft, there have been some changes that I would like to read into the record. Under work

sessions, for March 24th, you will have the Homestay/Short Term Rental work session. At your regular April 14th meeting, there will be the housing, student housing in lieu of fee and ADU Manual work session. That will be a combined regular meeting and work session. There is no item listed for April 28th. For your regular meeting on May 12th, there will be a presentation on the Downtown Mall Action Plan. At the May 26th work session, that will be your citywide mobility plan scope. There are currently no items at the June regular meeting. June 23rd is a tentative BAR Guidelines work session or sometime in the 3rd quarter. For the 2nd quarter, but no date has been set, is a work session for the NDS 2026/2027 Department work plan that the Director puts together each year. She would like to bring that forward sometime in the 2nd quarter. There are no items in your 3rd quarter work sessions. For the 4th quarter, your October 27th meeting is open. You will have on November 24th your CIP work session. Typically, the December 22nd work session is cancelled. Those are the general layouts. This is an opportunity to ‘digest’ that. If there are any specific things you are looking at specifically, this would be a good time to have that conversation.

Commissioner Mitchell – With the June 23rd meeting with the BAR Guidelines, what are we trying to get done in that meeting?

Mr. Alfele – The Preservation Planner has been wanting to re-evaluate the BAR’s Guidelines. This would be an opportunity to bring those thoughts forward to the Planning Commission.

Commissioner Mitchell – Do you have any idea what is broken and what we need to fix?

Chairman Schwarz – The Guidelines are going to be reviewed for some updates. It has not yet been fully defined.

Commissioner Mitchell – What is our role? What is the Planning Commission’s role in updating the BAR Guidelines?

Chairman Schwarz – I don’t exactly know what our role would be for this work session. I will confirm with Mr. Werner what he is thinking and make sure that this is a productive work session. I asked him about June 23rd. Right now, it is just a date to make sure that there is a placeholder.

Commissioner Yoder – Didn’t the CIP this year include money for a BAR Guidelines update? Is there a consultant study or something happening?

Chairman Schwarz – Step one and what we have been working on is making sure the scope is defined. Then hire a consultant to do that. We had some discussion on that. It is an item that needs to be pushed forward. That might be part of why this is on our work session list.

We will try and coordinate with the County and hopefully use one of these work sessions for a city/county cooperative meeting.

Commissioner Harness – The May 26th meeting says the Citywide Mobility Plan Scope. Is that to define the scope at that meeting? Are you taking suggestions from scope prior to that?

Mr. Alfele – I am not sure. I don’t have much information on this. We can get you that information prior to this meeting. When we sent the request out, it was more just ‘are there certain meetings you’re wanting to come forward to Planning Commission for a work session.’ They are not providing much detail other than trying to find some holding dates.

Commissioner Harness – If it is part of the mobility plan, I don't know that it needs to be a separate plan. I would like to see a discussion on transit and CAT and what the status of those are. There is some vision planning that has been done in the past and looking for updates on that front. I would like to have a discussion on the neighborhood commercial ideas. I believe that is a big part of the Comprehensive Plan that is not totally defined within the Development Code. I would like to have a discussion there. Based on some comments from previous work sessions that I have been paying attention to, there have been some suggestions about having larger discussions about stormwater and critical slope and how those might play a part or play together or separately.

Mr. Alfele – That last one could maybe be an update that NDS could provide as far as with the environmental study where that is in the process. That is because that is one of the larger NDS work plan items that is ongoing.

Commissioner Harness – If there are other places for those suggestions to go, that makes sense.

Commissioner Carp – It is not yet known. It sounds like what the scope of the mobility plan work session will be. Unless this is going to be covered there, there was a joint Planning Commission/Council work session in 2022 about ongoing transportation projects. It has been some time. I would like to have another one of those if possible. My experience in trying to track a given project or projects is really challenging, even putting a lot of time into it to figure out what is on track, what is not on track, and what is being built each year. If it is not too redundant with other things already planned, I would like to have a work session much like the one in 2022 about ongoing transportation projects if we have time.

Mr. Alfele – Going with transportation, you could have our transportation planner and representatives from PWE give an update on funded and currently bid out projects.

Commissioner Carp – I would like to have representation from multiple departments at such a work session. I have been finding that the different departments are not always well coordinated. One thing I want to try to accomplish is to make sure that the plans from NDS, Public Works, Utilities, and anybody else that I am forgetting about are lining up. The experience at BPAC is that we can ask NDS staff about a project. Often the answer is that is a question for Utilities or Public Works. If you ask them, they might say a different thing. I would like a joint high-level overview of what is happening across those departments if possible.

Mr. Alfele – That is fair. It would maybe be a good opportunity to have Ben Chambers speak. That position is fairly new. It is integrated into both NDS and Public Works for that to make sure there is coordination and understanding across departments. A work session is a good idea. I would maybe want to frame it more through Ben to make sure we are getting the correct people in the room

Commissioner Carp – I would love to have Ben be the point of contact. It would not be a useful work session if half of our questions were answered by 'I will check with another department.'

Mr. Alfele – Prior to a work session, having a presentation from Mr. Chambers so that maybe a work session could be tailored.

Commissioner Solla-Yates – Transit with CAT is a huge priority to get a lot of our housing and parking stuff done. We need functional transit. We just are not there. I am not clear on why that is or how we get there. That is crucial. This is something that we had in the legislative packet. I have spoken with Public Works staff about it. They are supportive of the idea. I have also talked with school staff about school streets. The idea is that some streets really matter to the function of our school system. Some streets are not as essential. It comes to mind with the ice. In some areas, when it is icy, the kids cannot get to school. We could map those, manage those, fund those, and get that done. This is one of those things. If Charlottesville does not do it, nobody is

going to do it. With The World Heritage Trail, the idea is a safe, educational trail between the University of Virginia and Monticello. We could bring in Piedmont Virginia Community College in there. We could bring in the middle school. There is the Downtown Mall and Jefferson School. There are a lot of potential ways to make it work so that it is safe, educational, multimodal, and of global interest. It could potentially draw national or state funding. A lot of people are excited about it. We should talk about it. With Corner safety and accessibility improvements, there is tremendous pedestrian use; limited bicycle use because of safety issues and not functional as a transportation corridor for transit or private vehicles because it is so congested during rush hour. We could talk about that. I met with the head archaeologist of Alexandria. The entire city of Alexandria is an archaeology zone as defined by state code, which creates some problems. We have some archaeological areas in the city. I am thinking of Swans Tavern, Stone Tavern, and cemeteries. I know that city staff have been interested in this topic.

Chairman Schwarz – Jeff Werner has been good about anytime that there is a demolition downtown or in any sensitive area, making sure there is an archaeology component to that.

Commissioner Yoder – If we are approaching one of these work sessions and our regular session, there is nothing on the agenda, do you think there might be opportunity to pull some of those work sessions up and use our main meeting date for the work session, so we have fewer meetings in the year?

Mr. Alfele – In theory, yes. Because just how the state has changed some of its authority, we anticipate the Planning Commission having less regular meetings to handle the things we used to handle in the past. It would need to be thought out because of the preparation and the timing. Like tonight, we can use regular dates for work sessions. You run the risk of an influx of applications. It can be. We just need to be flexible.

UPDATE ON DEVELOPMENT CODE AMENDMENTS & PRIORITIZING TIER 3 AMENDMENTS

Mr. Alfele – I want to give an update on the 2025 development code amendments (tier 1 and tier 2). You held your public hearing last month. That will be going to City Council next Tuesday. Staff have prepared the material to go into effect at the end of March. That allows time for other actions that are going on related to the anticipated code amendments that are connected to development review. We need time to make sure that it coordinates with our workflows and changes we are making to the Development Manual. Hopefully, this will be the conclusion of the 2025 cycle. We are starting the 2026 cycle. In your packet is a draft 2026 sheet. This will be an opportunity, not only to go over and prioritize the tier 3 items, so that the Director of NDS has a better idea of what is a priority to the Planning Commission, as she puts together the 2026-2027 Department Work Plan. This is an opportunity to give some feedback on what we went through, and what you would like to see. In the memo, it talks about maybe having a subcommittee of 1 or 2 commissioners that is championing the 2026 amendments. We would like to get feedback on that as we scope out the 2026 amendments. The idea is similar. We are going to have tier 1, tier 2, and tier 3. We are always collecting data and this information. We would be moving through another batch of tier 1 and tier 2s; hopefully not as many tier 1s and keeping the tier 2s more focused. This will give you an opportunity to help us shape that and go into your tier 3s and provide some prioritization.

Chairman Schwarz – We are going to go quickly item by item. I have a question about the 2025 code amendments. How is that being advertised to developers and the community that there is a new code to download?

Mr. Alfele – An email will be going out tomorrow keeping stakeholders involved that it is going to another public hearing. We will be using that time between the public hearing and when it is enacted to do some education. We will be ratcheting up the education portion of this. We have been doing that at our pre-application meetings, letting the developers know about the changes, here are the general changes that are going on based on the development code amendments and our process. It is an ongoing education process.

Chairman Schwarz – We have tier 1. A1 is going to be adopted next year.

Mr. Alfele – That is correct. It was not something that was pressing. It is something we hope that we can fix.

Chairman Schwarz – B1 is talking about sight distance triangles on the 2026 list. Any questions or comments?

Commissioner Mitchell – Are we going item by item, page by page? What page are we starting on?

Chairman Schwarz – We are starting on pg. 23. Make sure you are looking at the 2026 table, which is in the 2nd half of the packet. With B1, I am fine with staff doing what they are doing.

B2 was B10 on the list. It is graphics. It sounds like that is going to be fixed.

I don't believe B15 from 2025 was resolved. That is not listed in this list anymore. That had to do with how height bonuses are achieved for the RC district. We had a B15 item. That wasn't part of it. That was supposed to be part of it. I think we ended up resolving something else in the process. In the RC district, there is a height bonus that is allowed. It is based on the rules that go with all the other districts and not based on RB and RA. If you have more than one unit, you are allowed a height bonus. I don't know if that was forgotten or if we did resolve it someplace.

Mr. Alfele – We did have a B15 that went through.

Chairman Schwarz – I think we did resolve something to do with the height bonuses there. I don't think we resolved the fact that with the RC district it does not define how you get that bonus.

Mr. Alfele – We added under proposed language for Section 344.2.2.c.3. We added a new 3.D, which says 'projects in the residential district.' It did not call out each district, just R. It covered the RC or residential neighborhood core are in district.

Chairman Schwarz – B3 was B20 on the list-linking requirements.

B21 was another one that I don't think we fully resolved it. You have a sentence there that calls for a fence type X. I think that was a typo. I don't know if we picked that up or not. We had a whole bunch of changes that we made to the fences and how we define fences. Under accessory uses for outdoor storage, there is a requirement for a fence type X. I think that was supposed to be included as far as the fence updates. It was not included in that.

Mr. Alfele – I see it in the 2025 list crossed out. I am trying to figure out why.

Chairman Schwarz – I think that is an easy fix.

Mr. Alfele – If we did not catch it, we will catch it for tier 1.

Chairman Schwarz – B4 was B22-finish grade. Do you think that you are going to be able to include that in 2026. It sounds like that one needs some thinking. It had to do with how finished grade is defined.

Mr. Alfele – There is a graphic that does not line up with the actual language. We are not sure. We have not investigated enough to know if it is an easy fix.

Commissioner Yoder – This means B4 is on the 2026 tier 2 list of things to work on.

Mr. Alfele – We will use B4 as an example. On the 2025 list, it appeared as B22. I wanted to keep the numbers. When we are doing the history, we will be able to connect it.

Commissioner Yoder – We received some comments via email after that one session where builders and developers gave feedback on finished grade. I don't know if this is just a graphics fix. I remember hearing from a couple architects about some difficulties around where do you define the finished grade. Is this a graphics fix? Is this a bigger question about how we define the grade.

Mr. Alfele – That is why it was basically labeled as it is. We need to do more study. It was brought up as an issue. We have not flushed out the exact issue. We know there is a graphics issue where the graphic talks about finish floor elevation. The actual code language says finish grade. There is a disconnect. We know that is a disconnect. We have not studied to see if there are other issues going on with this.

Commissioner Harness – I believe that there were comments at that meeting or a different meeting. The code does not really match the topography of the city. We have rolling neighborhoods like Belmont or other areas of the town that have some rolling topography and how the code does not match with that. Is that a part of this discussion or is that a separate one?

Chairman Schwarz – I think that is more of a broader discussion. If you have a steep site, it forces you to break a project down into multiple pieces. I feel that is leading more into a philosophical question. Is that what we want? It is fair game for this. I assume that it is going to be tier 3.

Commissioner Yoder – Is that philosophical question on the list somewhere?

Chairman Schwarz – It is on the list of development questions. I don't think it is in the tier 3 list that we currently have. If we want to add that, that would be something. We can talk about whether we want that in tier 3 or not.

My thought on the finish grade is that I don't know how much of a problem that is for you. As you are reviewing these projects you would know if it was holding things up or not.

B5 was B23. I guess this is language for the special exception process. It sounds like you are on top of that.

Commissioner Solla-Yates – Broadly, critical slopes is older than current state code. It was terribly innovative. A bit of it is duplicative with state code now, which does exist. It is great. With the rest of it, we have standard language that we apply to every project. In terms of process, since we always say the same thing, we are not adding any value. We copy and paste every time. Could we move this standard process to a non-discretionary administrative process where the same thing we say every time is applied without a public hearing. Let the staff do their job.

Chairman Schwarz – I would agree if there were more things that we could make administrative. I think that would be better. If staff have time, I would like to see what they think would be appropriate items to move to full administrative review versus special exception.

Commissioner Carp – Isn't there an item in tier 3 about making some special exceptions less exceptional? Is that related? Are they distinct?

Chairman Schwarz – I think that is somewhat related. That makes sense to look at.

B6 was B37. Allowing more things to go to building permit review. Do we have thoughts on that? Do we let staff do what they think is best?

Commissioner Harness – In the comments, staff says that they are looking at 2 options: keeping the current policy, which is allowing 1 and 2 units to go straight there versus allowing anything in the R district to go there. Do we want to opine a preference for their 2 options?

Chairman Schwarz – It has to do with how staff reviews things.

Mr. Alfele – Here is some background on this. Staff wanted to be as ambitious as possible. When you look at zoning compliance, zoning compliance can happen. Under the code changes that we hope go in effect at the end of March, it would be codifying the 1- and 2-family, which is our current policy going straight to building permit. There is a zoning compliance that happens at the building code. On the zoning compliance side, we could do that at different levels. It does not need to be its own process. There are communities around the country. Do they allow more things to go straight to building permit and they do their zoning compliance as part of the building permit review? We would like to get there. We don't think that we are there as an organization yet to make that work. It is something we are going to keep trying to work on to break down barriers. Some of the problems we are running into is that anything more than 2 units is commercial from a building code standpoint. That creates some challenges on the staffing side and doing it at the building permit side. That would be the goal. How could we get more things through the process faster that are creating more housing units in the city? We don't think we are at the place yet where we could say all our districts. That is why we scaled back. It is still a conversation we want to keep having.

Chairman Schwarz – Whatever thing happens, the same stuff will be reviewed. It is not like we are having a lighter review for the R districts. It is just a different, faster process.

Mr. Alfele – That is correct. Instead of going through a development review process, then a building permit process, we roll in the zoning compliance with the building review.

Commissioner Harness – The distinction between a minor and a major development review is also at the 2- to 3-unit barrier?

Mr. Alfele – With the code amendments that are going forward next week, one of them is to go to a strict development plan, which is just a zoning compliance. People will get value out of larger developments where you are trying to get a plan vested for a large development. You can go to a bank and say, the city can't change the zoning on me while I am exploring making sure this is constructible' and doing major and minor site plans. Minor site plans would be additions or anything that does not require a VSMP plan. It would go through the process quicker and be cheaper. The review times have not changed yet. That is going to be one of our next steps in our process as we evaluate this. It would be cheaper than doing a final site plan.

Commissioner Harness – It sounds like staff is working on several fronts on trying to get this faster.

Chairman Schwarz – B7 was B39. It is how Individually Protected Properties are represented. This sounds like housekeeping.

B8 was B41. It is required bicycle parking. Whether we require too many bike spots for hotels or not. I don't feel like I know enough.

Commissioner Harness – This is also a tier 3 discussion. It is not specifically to hotels. It is generally bicycle parking above 4 units.

Commissioner Carp – I think they are distinct. This is about hotels, and the other is about exceptions for smaller residential developments. Is staff considering those items together or separately?

Mr. Alfele – There is how you calculate what you need is just residential-commercial. Hotels are considered commercial. There is no nuance. The other question on tier 3 is we exempt requiring bike parking for any residential development less than 4 units. Is that something we want to continue doing? It is 2 distinct questions.

Commissioner Harness – It makes sense to me how many people are riding bicycles to hotels.

Chairman Schwarz – We are saying to staff to move ahead with figuring this out.

B9 is the new one on food trucks. Do we have thoughts or concerns? Does our code say that only one food truck is permitted per lot?

Mr. Alfele – Yes. It is a temporary use. This is more about food courts. How the ordinance is written right now, it is about ‘I am going to park on a street or sell out of a truck.’ Not what we have basically at High Street and the bypass where there is continuous parking there. Do we as a city need to explore that? Do we need to explore a different model than currently what is in our code? In our code, it is a temporary use. You are supposed to be leaving in the evening. It is one food truck per lot. It is a use that we are not capturing. Are we fine with our current code? Is it something we should explore where this type of use is different than what is currently in our code?

Chairman Schwarz – If my neighborhood had a block party on private property, we could only have one food truck on that property? Is that what this is saying?

Mr. Alfele – That is what our current code says. It says that you get one permit per truck per lot.

Commissioner Harness – Could you not permit the entire food truck lot and have various number of food trucks in that one lot that is permitted? It must be one permit per truck.

Mr. Alfele – That is how it is written now because it is a temporary use. It is how the temporary use section is set up. It is not necessarily calling out per truck. When you go to the temporary uses, it talks about temporary uses are per lot per the one use. It gets complicated. Our temporary use for food trucks is one permit per one truck per one lot.

Commissioner Mitchell – This means that we cannot have a food truck court.

Mr. Alfele – No, that is not permitted.

Chairman Schwarz – Or just a private event or wedding where somebody wants to have food trucks.

Commissioner Harness – The comment here has the idea of breaking into an alternative form. This feels like an alternative form to a specific use. I would prefer to avoid that designation. Is that how I am reading this?

Mr. Alfele – This is very new. Staff have not done a lot. They were trying to capture it and trying to capture how it could be resolved. Feedback from the Planning Commission can be an issue. We like how our code is. Staff have come across this several times. An applicant has come forward and wanted to do a food court.

Commissioner Mitchell – A practical example would be a court at the base of High Street and Long Street. Would that be a violation based on our code today?

Mr. Alfele – That is correct.

Commissioner Harness – Food truck courts are to me are amazing temporary uses of vacant lands to try to revitalize or bring some community into areas that have a little bit of vacant land. I would hate to restrict it to one truck.

Chairman Schwarz – Is there anybody here who agrees with the current restriction? That is some direction.

Commissioner Solla-Yates – I am most familiar with the example at the University where there is an area where you can go. There are a lot of food trucks there. It is very popular. Could this be an option on public property? I am thinking of parks.

Mr. Alfele – It could be an option. What we are getting at is staff resources to dig into it to solve it. Is this a high enough priority? We can come to a solution. I don’t know how much time and energy it would take.

Commissioner Solla-Yates – Has Economic Development weighed in on this? This sounds like their kind of thing.

Mr. Alfele – They would like to see them. Economic Development is part of our pre-application meetings. They were there when this one came up. Someone had an idea, and we had to say that it is not permitted in the code.

Commissioner Mitchell – I think this is worthy of a ‘deep dive.’

Chairman Schwarz – With outdoor amenity space, it is currently just a flat percentage. It does not consider the quality of the space. This sounds important but not a priority to me.

Commissioner Harness – Are we getting a lot of outdoor amenity space that is just blank space?

Mr. Alfele – What we are getting a lot of is this grass area right here. I am counting it towards my amenity space.

Chairman Schwarz – I think the outdoor amenity space is a weird requirement. We have public parks. To require someone to have a little playground that probably won’t be used on their property is silly.

Mr. Alfele – What we are getting under the code right now is you are required to have a percentage. I will not say it is an afterthought. Developers are looking for what space they are not using and carving that out and calling this shape their outdoor amenity space. Would we get amenity space if we were able to tier them? If you were providing an amenity space at X level, you only need to do 2 percent. If it is at a less level, you are providing more because it is not necessarily active. That was the thought behind it.

Chairman Schwarz – It is a nice idea. We have other things.

Mr. Alfele – This is a living document. We did add one more. That is why it is not in the packet. I can read it to you. You will see it in future things. Under our current code, you can be on a private street or a public street. Under our old code, all our private streets were connected to townhome developments. We did not get a lot of private streets. Under this new code, you can have private streets. Nothing in the code though speaks to a private street being a dedicated parcel. It could technically be a dedicated easement over a private parcel, which creates a lot of issues. We have not run into it. This is one we are trying to get in front of. We have not seen it yet. We could see issues. In some areas, it speaks to property lines. In other areas, it speaks to edge of a road/street. That road is a private street within an easement on a piece of property, it creates a lot of frontage, build-to issues. Staff are suggesting some language in the definition of street being either a public right-of-way or a private dedicated parcel, not an easement.

Chairman Schwarz – That makes sense.

Mr. Alfele – It is one I feel like we probably could do at tier 1. It can be looked at in the future by the Planning Commission. It is a new one that was recently added.

Chairman Schwarz – I know that Habitat was always trying to do private streets. There were some issues with them being taken over by the city as public streets. That is a different issue.

Mr. Alfele – This is more of an issue if you have one lot. You run a private easement down the middle. Our code speaks to things about the property line, edge of streets. If somebody wanted to put a building, how are you trying to measure your build-to, which speaks to property line if that is bisected. It would be better if we did not allow access easements to be streets. It is not preventing you from doing an access easement. We just would not count that as a private street. It needs to be a standalone parcel. This came out in speaking to the attorney’s office. We have language. I feel comfortable putting it in tier 1. I put it on tier 2 to be a placeholder.

Chairman Schwarz – Tier 3. We have C1. This is height based on unit counts. C1 and C2 are connected.

Commissioner Harness – It appears that staff placed C2. It has been resolved.

Chairman Schwarz – We did have this discussion. A single building with multiple units or multiple buildings on a single parcel, whether they can qualify for the height bonus. Do we have thoughts or concerns?

Commissioner Solla-Yates – My recollection was our intention was for the height bonus to apply regardless of how they are sliced up in terms of lot that if you are building them in a way that benefits the public. There should be a height bonus.

Chairman Schwarz – That’s how I remember that as well.

Commissioner Harness – It is saying that if you have a current building with one unit and you put a second one, that second unit can get it. The question is whether the second unit gets the height bonus

Chairman Schwarz – Even if ignoring whether there is an existing building or not. You have something in RA or RB zone that you have 2 houses on a piece of property. Is it one more that we get the bonus? Whatever triggers the bonus, you have 3 houses on a piece of property, they are all separate. There is space between them. Do they all qualify for extra height? Is it only if they are combined into a single building? Does that building get extra height? I think what we were leaning towards was that it does not matter whether it is a single building or 3 separate buildings. You have 3 units on that parcel. They should have extra height.

Commissioner Yoder – My recollection is that Council, when they were deliberating over this, this was almost like, how do we not have the mansions? If you build one unit, you cannot build a massive, tall building. If it is multi-unit housing, you can get the height. I agree with what others are saying. The idea here is to not allow you to build one big mansion. You can build multifamily housing that is bigger. Who cares how many buildings you build on that lot.

Chairman Schwarz – I don’t know if that is a big priority. It seems like it would be nice to get fixed. It seems simple.

Mr. Alfele – I think that this was fixed accidentally through B5 too. When you look at B5, we added the definition of building primary. It says the building or buildings occupied or designated for primary principal use on a lot or site. It covers that. If you have multiple buildings on a site, it would be multiple buildings.

Chairman Schwarz – The other question that came with this was also with maximum length of buildings. If you have a string of townhouses that are part of a single site but span multiple parcels, are they one building? In that case, if they are in an RA district, they are limited to 40 feet, which is basically a duplex.

Mr. Alfele – By adding the ‘and site,’ we would consider the site for the multiple buildings for that primary use. You can either have one or the other. We have had some developers try to argue one and then back to the other. If you had a townhouse development, which is the site? You are going across multiple lots. You would get the height bonus because that is the site where that was where the problem was where you were looking at that. That was an apartment. We would give you the height because it was one building on one lot. If it is townhomes, you were not getting the height because it was one building per each lot. You could have had that 60-foot width. With the update, where it would now allow, that is a site instead of just a lot. That is multiple buildings on a site. They get the extra height for townhomes. The width is still measured by lot.

Chairman Schwarz – I don’t know that I like the idea that just because you spread projects out on a single site over multiple lots that they would get the bonus height. That seems backwards to what we are thinking.

Commissioner Yoder – The Council discussion on this was focused on preventing mansions. If you have townhouses across multiple lots, you are not building mansions.

Chairman Schwarz – They don't necessarily have to be townhouses for it to be a single site. I feel that went backwards to what our intention might have been.

Commissioner Yoder – Is someone really going to use this as a loophole to build a mansion? They would have to build multiple mansions.

Mr. Alfele – The example you look at is you have a single lot. You have a single-family home on it, and you want to build a single-family home in the back. Where we are struggling is that you are probably going to get that larger house because they could now build it higher. It is multiple buildings on a site and not just one building. The trade-off is the whole conversation with the townhomes versus an apartment. Physically it does not look any different. If you looked at a row of townhomes, that would not look any different if there were property lines running between them to break it up or to be townhomes or not. It is difficult. I remember from the work session we had that this was a hard thing to answer. One of the things I think I was hearing from the Commission was that the tradeoff is units are units. Even though you might get that larger house in back, it is still a unit.

Chairman Schwarz – They are sharing a single lot. Where I am getting worried is now it sounds like they don't have to share a lot to get the height bonus. I think that is what you told me.

Mr. Alfele – If you were doing a development, the site would be the 6 lots of townhomes.

Chairman Schwarz – We have a minimum lot width in the RA and RB districts. Theoretically what we are saying is we could have a string of 6 townhouses. Each one is 40 feet wide and gets the height bonus as well.

Mr. Alfele – The maximum width is 60 feet.

Chairman Schwarz – We are saying that you are limited to the maximum building width. That also seems silly. In RA, that means you can only have duplexes. You cannot have townhouses. We have just made this whole attached dwelling unit thing to allow townhouses.

Mr. Alfele – Your building width is per lot.

Chairman Schwarz – Your lot is 40 feet wide. You have a string of 40-foot-wide lots. With each townhouse, someone decides that they want to build these massive townhouses that are 40 feet wide. They can go on indefinitely and they get the height bonus. Is that what we are doing?

Mr. Alfele – That is what we would be doing. I guess that is where we would need to figure it out. It is making those two work is going to be very difficult without getting this tradeoff for the height.

Commissioner Yoder – It seems like if someone was to do this and build a bunch of 40-foot townhouses that are extra tall, that seems okay to me. I think it is strange to try to do a zoning code to make it impossible to build mansions but possible to build big apartment buildings. Erring on the side of allowing you to build stuff seems like the priority here. I see a difference between a string of 40-foot-wide townhouses than mansions that are huge single-family homes.

Chairman Schwarz – Your site is a single development that is built all at once. Could a site consist of 6 parcels? Each one has a single dwelling unit on it that gets the height bonus.

Commissioner Yoder – How much land in the city is there where you could build 6 mansions?

Mr. Alfele – If someone said that they are going to do a subdivision, we would not consider that a site with single-family homes on that. We would say that it is per lot. We would not say that you got that bonus height because you just came in and built 6 single-family homes on individual lots. It is different for a townhouse because it is being built at once.

Chairman Schwarz – Are we okay with this? We may have just killed one of these items.

Commissioner Yoder – I will say that item C13 has to do with the definition of a site being only the land and not what is on it. We were just using site to incorporate the building.

Mr. Alfele – What staff had added to that language for 2025, primary building being a lot or site, trying to add that in.

Chairman Schwarz – I think this has to do with what triggers a certain type of review.

Commissioner Yoder – It does. I just want to make sure we are using site when we are talking about this townhome example with tall townhomes. According to this, that site is only the dirt under the townhomes.

Mr. Alfele – On 78, it is about the different type of activity, site modification. Any modification of an existing site that affects less than 50 percent of the existing site area. Staff's recommendation is to change the definition of site to a single lot or group of connected lots or improvements. There was concern about a specific activity type. The language cannot be as strong as it could be.

Commissioner Yoder – I am asking that when you review this, make sure that those 2 things are working together.

Chairman Schwarz – Hopefully C1 and C2 have been removed from the list. We will see if the site thing changes that. It looks like C3 has been taken care of. C4 can be a tier 1 change. Let's make it a tier 1 change. It seems simple enough so that a deck is not considered part of a primary building.

With C5, lots having vehicular access from a street other than a primary street or not having vehicular access at all must meet the minimum width required for lots with other vehicular access specified by the zoning district. I am confused by this one. Is this an issue? Is this where someone thinks there is a clearer way to write it?

Commissioner Harness – It says from any street other than a primary street or having no vehicular access at all. That leaves a broad set of access points that that covers.

Mr. Alfele – I think it maybe is just adding that side or rear.

Chairman Schwarz – If it does need clarification, it seems like it is simple.

Mr. Alfele – We might need more information. We could maybe move it to tier 1.

Chairman Schwarz – It looks like C6 was resolved. C7 is midblock pedestrian pathways.

Commissioner Mitchell – It seems like the devil is in the detail. This seems like it could be tier 2. We arrived at this based on an erroneous assumption. The assumption being that there is only one primary street frontage. Around town, there are many with more than one primary street frontage.

Chairman Schwarz – Is the fact that it needs study?

Commissioner Mitchell – What are you going to study? There is not a whole lot to study. We can just move this to tier 2 and move on.

Chairman Schwarz – I agree unless there is something in the code that it is tangled up in some other language.

Mr. Alfele – We can move it to tier 2. If it starts to unravel, we can always move it to tier 3.

Chairman Schwarz – It seems simple enough. C8 is already resolved. C9 seems easy without any discussion required. Can we move that one up? That just looks like ‘housekeeping’ again.

With C10, projects with 1 to 4 dwelling units are not required to provide short-term or long-term bicycle parking. Do we have an opinion?

Commissioner Harness – Things with 1 to 4 dwelling units are going to primarily be in the residential districts. Building anything is already difficult without layering on more requirements. If we were to expand this to the discussion that we alluded to earlier with the hotel, larger buildings, are those bicycle requirements working well?

Chairman Schwarz – One of the other questions is whether this is applied per lot or per project. I am leaning towards per lot, which means less bicycle parking. It does mean more flexibility. I imagine that if someone is building a project that has 1 to 4 units on it, there is going to be default bicycle parking as part of that.

Commissioner Harness – I am thinking that if some of this reform Commissioner Solla-Yates is doing about single point access, it ends up being a reality. The vestibule is in other parts of the country used as bicycle storage. I don’t know if it is forcing people to have a designated area. I am all for a designated area. I am not saying I don’t want that. Forcing that is a different discussion. I would be for not requiring these to have bicycle parking.

Commissioner Carp – I have a question about how bicycle parking works in the code. I think most residences can fit a bicycle somewhere. Sometimes the bigger problem is getting the bicycle inside. We have been talking about the topography of the city. It is hilly. Sometimes the sidewalk is a few steps up or down from the home and you must get, especially when we are talking about cargo bike for carrying children or other things. I am not carrying my 85-pound cargo bike upstairs. I am guessing that is orthogonal to bike parking requirements. You can have a required bike room in a structure that is also up some stairs. It is not useful. Unless bicycle parking means bike parking that you can easily get in and out of, I think it is fine to expand the exemption and make it lots. I live next to a townhouse row. You cannot get a bike into any of them because they are all 4 stairs up from the sidewalk. I don’t think we can solve that problem here.

Chairman Schwarz – If we require that they have bicycle parking, I don’t know what the requirements are for bicycle parking.

Commissioner Carp – Do we require that it is good? If we say there must be a place to keep a bike that happens to be up a flight of stairs, I don’t care about that. That is not very useful.

Mr. Alfele – We have bicycle regulations. They are prescriptive. They speak to when you provide short-term and long-term, where it is provided, how it is provided. It is very prescriptive. Right now, up to 4 units are exempt. There just was conversation coming from different places. Do we want to keep that exemption? Should bike parking be provided? It would either be bike parking per what we already have in the regulations. If a quadplex must do bike parking, there are standards. The standards are prescriptive.

Chairman Schwarz – I feel that if someone is doing a smaller development like 1 to 4 units, chances are they probably are not providing sufficient vehicular parking. The developer would probably want to provide some kind of bike parking anyways. That might be putting too much confidence in the developer.

Commissioner Yoder – I live in a duplex. When I first moved to Charlottesville, there was no bike parking. It was frustrating to me. I also don’t want to map on my experience in the zoning code. The purpose tonight is to discuss what tier it should be in and whether it should be prioritized. This strikes me as a tier 2 item, like something to do more research and more thinking about this year; maybe not a whole study that takes 1.5 years.

Chairman Schwarz – I was hoping there would be a quick and easy consensus from the Planning Commission. If there is not, it does not sound like it is a priority.

Commissioner Solla-Yates – I would suggest that this is not a priority at this time.

Chairman Schwarz – C11 Allowing both physical and dimensional and numerical changes by special exception. I think attached to this is allowing parking locations to be modified under a special exception process. Is that correct?

Mr. Alfele – I believe so. I know that this is tied to the bikes. How the special exception is written, you can change the dimensions and all those requirements. You cannot change the actual numbers you need. If the code says that you need 20 spaces, there is no relief from that requirement to do 20 spaces. You could shrink the stalls. That is where this comes from. With parking, I would need to investigate it more. It is not ringing a bell.

Chairman Schwarz – I think somewhere there was whether the location of parking could be modified by a special exception. It might have been from 2025. If everyone on the Commission agrees that numerical standards should be included in special exceptions, we could push this one forward.

Commissioner Harness – Is this something we are running up against in current reviews?

Mr. Alfele – It was the bike parking at a hotel because of how hotels are considered just commercial. How you calculate it is just residential/commercial that is not nuanced. It came up with around 80 spaces needed for a hotel.

Commissioner Harness – Instead of carving out a hotel, can we instead do the special exception?

Mr. Alfele – That is what this is to say. What we ended up having to tell the applicant is we don't have an avenue of relief unless you wanted to go to City Council and say 'I want to change it. I am still going to provide 80 spaces. The spaces are going to be 2 feet by 2 feet.'

Chairman Schwarz – I want to figure out where I got my note. Somewhere there had been a question about whether parking location could be allowed under a special exception process. Maybe that is not an issue.

Commissioner Harness – That is stemming from people not being able to put parking in the front yard.

Chairman Schwarz – Probably. It was a workaround for active depth possibly.

C12, I thought it was updated.

C13, This seems important for your ability to review projects. Is there any reason this one needs to wait? It sounds like you have already figured it out.

Mr. Alfele – Staff has a suggestion that we think would clarify it.

Chairman Schwarz – C14, you have determined that it is not an issue.

C15, I am not sure why this one needs to be a tier 3 as well for subplot access. Does anybody have any concerns with access easements coming through other zoning lots?

Commissioner Harness – It would probably move to tier 2.

Chairman Schwarz – Active depth, we have issues with parking. There are also other issues with how we want to define active depth and active spaces. I need to be reminded that active depth is measured from only the required active width of a building. You have a 20 percent allowance for inactive spaces. It is not as severe as I have made it out to be. I was troubled. I think we have some buildings or lots in town that you must get a

special exception to build anything. Going back to our special exception question. I assume that you can ask for an exception to the depth. Can you ask for an exception to the percentage? Can you change the percentage of inactive spaces from 20 percent to 50 percent if you had to?

Commissioner Solla-Yates – I would like to propose dwelling units should be exempt.

Chairman Schwarz – I would agree.

Commissioner Yoder – There is also the question of applying this to every story of a building. I don't know why we want to do that.

Chairman Schwarz – What I am going to suggest is if we can maybe get some general philosophical consensus on this one. Maybe this is one of the ones that we have a subcommittee do. I would really like to have this one taken care of sooner rather than later. It bothers me that you must get a special exception. Is that fair?

Commissioner Yoder – Are you suggesting that it moves into tier 2?

Chairman Schwarz – It becomes a priority. It also becomes one that if we form this subcommittee, maybe the subcommittee could work out the language.

Commissioner Harness – I agree that it should be prioritized. This sounds impactful.

Chairman Schwarz – As far as philosophy of how this goes or the general concept of it, exclude dwelling units.

Commissioner Yoder – I am open to it. I don't know enough to say yes.

Chairman Schwarz – Thinking back to when I had this discussion when we were working on this years ago, I had brought that up. James Freas said that you could have a house that they put all their bathrooms and everything on the street side. That would be one of the drawbacks. My thought was that I did not care. It is counter to what we originally tried to do with the code. Are there any further thoughts on dwelling units?

Commissioner Harness – Is this also a discussion of the length of the active depth?

Chairman Schwarz – That is included. How deep it is. With DX, we have 30 feet.

Commissioner Yoder – If you only apply to active depth requirements to the ground floor, the question about exempting dwelling units would be mute.

Chairman Schwarz – There is still active depth for in the R districts.

Commissioner Yoder – I thought it did not apply to under a certain unit count. If you build a single-family home, am I misremembering that?

Mr. Alfele – In this section, I believe there is an exception.

Commissioner Harness – I don't know if it is the ground floor or first 2 floors or first 3 floors. For it being every floor of the building, it seems a little too much. Reading the intent, it is like bringing the activities that are happening to the street. How high up does that impact the experience of the public realm?

Mr. Alfele – With the current regulations, a lot with 1 dwelling unit does not have to meet the active depth.

Commissioner Harness – Along the lines of dwelling unit exempt residential, I must think through the implications of that.

Commissioner Yoder – The thing that we are trying to prevent is putting a big utility room facing the street or a hallway. You have no windows for some reason.

Commissioner Harness – That is protected from the transparency requirement.

Commissioner Solla-Yates – I am also thinking of the West Main Street examples where you have a window into a utility room.

Chairman Schwarz – Some of that you would hope would be taken care of. The developer would not want to waste exterior wall space in most cases. Sometimes they are forced to. Ideas that we are looking at: excluding dwelling units, looking at how deep the active depth is, looking at whether it applies to all the different stories. We should look at the definition. I don't think a hallway should be defined as an inactive space. Kellie had brought up the idea of a single loaded corridor, fronting on a building. We have a couple examples of that. There is one on McIntire, one of those older apartment buildings. We had Cavalier Court, the hotel that was at Ivy and Emmet was like that. Am I right in thinking that? Is that a concern? Parking in active depth was one of the main reasons that we have active depth. It is only on the ground floor. Is it still a problem?

Commissioner Solla-Yates – We talked about some parking variations. A dingbat seemed to be a concern where it is just parking the first story. We talked about the Japanese model where there is parking. It has been recessed down. It has less impact on pedestrians.

Chairman Schwarz – Are we okay with the idea of second level parking?

Commissioner Yoder – I don't love it. I could be okay with it. What is the place on Main Street that basically has this? It is fine.

Mr. Alfele – Is this something you feel comfortable with as the Planning Commission? Being the only public engagement would be the public hearing for any changes.

Chairman Schwarz – What I am hoping is whatever subcommittee we form, we could work on this sooner rather than later and get something to you, then dissect and decide if it needs to get more public input. If there is any way we could get it done in a year, that would be fantastic.

Commissioner Yoder – It seems like such a technical issue. I am not totally sure this is something that requires an extensive public engagement. Are we changing the philosophy behind the code? I don't know that it is. It is almost like saying, "do we really intend to make it this strict?" Can we achieve the same outcomes by making it more lenient?

Chairman Schwarz – I want to agree. It is Ms. Brown's gut check.

Mr. Alfele – The public might end up telling you at a meeting.

Commissioner Carp – I have a hard time imagining that if there were a public event for feedback on this topic, people would show up. We will maybe have the event. Who is coming to this event if we have one?

Chairman Schwarz – The depends on how well it is advertised. There might be the development community that shows up. We would like to push this one ahead if we can. We will try and form that subcommittee and dissect it further. We have some general ideas, which are excluding dwelling units, looking at how deep the active depth is in each of the zones, looking at whether it is just the first story or every story on primary facades and looking at the definition of active space.

What is C17 about?

Mr. Alfele – There was a lot of discussion on entry and entry feature. Staff made some determinations when we reviewed plans. Does this need to be re-explored? It seemed like it caused some issues and consternation.

Commissioner Yoder – Is this like a special exception request we got for Kindewood? That was one of the special exceptions. They did not have enough entrances. Is that related to this?

Mr. Alfele – It is more general high level. It was not necessarily getting into the specific details. It is just entrances, and entry features are a requirement of the code and a newer kind of design centric requirement of this code. Do we want that? Is it giving us what we want? Should we re-examine it?

Commissioner Harness – The current maximum distance between doors is about 40 feet depending on the district. I did a little checking using the GIS site. Based on the current built environment, average doors are over 50 feet apart looking at what is built out there today. The intent of this is to provide flexibility for future space. You already have a door there. If somebody comes in and wants to have the space of 2 doors as one restaurant, that is possible. If they want a smaller restaurant, they can just have one of the doors. I struggle with this one because doors are not that hard to retrofit into a building. It can be difficult.

Chairman Schwarz – I think the doors must be usable.

Commissioner Harness – I struggle with forcing them to put a door in today for possible flexibility use.

Commissioner Yoder – Isn't it primarily about eyes on the street, activating the pedestrian realm. We want people going in and out of doors on the street so that there is activity there. I don't think that the entrance requirement works. I always think of 10th & Dairy, the building on 10th Street has all those doors that I have never seen one person go in and out of. Is it doing anything for us? I know that it was not built under this code. Because we have that special exception permit, it is a proxy for pedestrian activation. Is it doing anything?

Commissioner Harness – I feel that this code is going to make us end up with a bunch of doors that won't be used.

Commissioner Yoder – On 10th & Dairy, the doors go into somebody's apartment I assume. I have never seen anyone come in and out.

Mr. Alfele – As you have your discussion, I do like this about our code versus our old code. These sections do have an intent section. When you are having these conversations and you want to see where we are coming from and if it is meeting what we are trying to do. The entrances section has an intent section. It is just a tool to think about as you are having your discussion.

Chairman Schwarz – It sounds like this one is one we are leaving in tier 3. We need to think more about it. I really have not liked the entrance feature since before we approved the code.

Commissioner Solla-Yates – I would just note that looser requirements make some sense to me.

Chairman Schwarz – We talked about the garage and active depth. I am going to add that with C16.

C19, we have athletic field lighting. You already briefly talked about that. It can stay as a special exception. The city can go through its own process

C20, I am confused by this one. The section that is quoted is about ribbon driveways.

Commissioner Harness – This one intrigued me. I dug into it. The ribbon minimum width is 2 feet for the tire to go across. If you also want to use that ribbon as pedestrian access, it must be 3 feet. Another part of the code says you cannot mix pedestrian access and vehicular travel. The part of the code about not mixing pedestrian

and vehicular travel is more focused on parking lots. You basically want to separate vehicular movement from pedestrian movement.

Commissioner Solla-Yates – Public versus private?

Commissioner Harness – I think it could even be on a private parking lot.

Commissioner Carp – Is a ribbon driveway pedestrian access? Wouldn't there be cars parked there?

Commissioner Harness – If the graphic in the code shows a home with a ribbon driveway and right here it is 3 feet but after you get past the front porch of the house, it is then 2 feet. The garage is behind the house. It is like using one of the ribbons as the connector from the sidewalk to the front porch.

Commissioner Carp – Past where the car goes?

Commissioner Harness – No, the car goes further than the pedestrian walkway. Do we want to allow the mixing of pedestrian and vehicular travel?

Chairman Schwarz – Or at least for small scale residential projects? I think you see this in subdivisions all the time where people use their driveway as part of their walkway up to the house.

Commissioner Carp – Staff could come up with a way to 'square this circle.'

Chairman Schwarz – It does seem like an easy fix.

Commissioner Harness – That was just the example in there. I am sure there are other examples where this could be applied. I generally don't have any issue with mixing pedestrian and vehicular access.

Chairman Schwarz – For small scale residential development, does anybody on this commission have a concern with mixing vehicular and pedestrian access? Using your driveway as your walkway up to your house?

Commissioner Solla-Yates – My only concern would be a situation where there is no possible way to have a safe access. There just is not enough parking. One would assume that it will be used for parking. That would be my only concern.

Chairman Schwarz – I think this one is going to sit here for a while on C3.

Mr. Alfele – I have the concerns. It has not come up as a big issue. It is a contradiction in the code.

Chairman Schwarz – C21 is critical slope regulations. It sounds like staff already has a solution.

Mr. Alfele – I don't know if there is a solution. There is a study.

Commissioner Harness – This is one that we are redundant with the state. Is that true?

Mr. O'Connell – Not exactly. I was the one who put this into the spreadsheet a while ago based on the research that James Freas did a couple years ago where he showed that the original purpose of our critical slope regulations was to protect against erosion and stormwater in the old days, when we did not have strong rules for that. Since we have a 6,000-square-foot limit and we have requirements for erosion and stormwater management planning, anything that does not go through those plans should come to you. Anything that doesn't, doesn't necessarily need to. We talked about this today. There was a little bit of push back. This kind of language may change in the future when we do more research.

Chairman Schwarz – Setbacks and build-to zones, one idea that has been floated is whether there are further exemptions to this. I think we currently have an exemption. If you can take advantage of the existing building in the R zones. Is that correct?

Mr. Alfele – That is correct. That will hopefully pass next week. We carved out an exemption. If you are eligible to use the existing structure bonus, your existing structure would be deemed meeting the build-to and setback requirements.

Commissioner Yoder – If you are eligible for the existing structure bonus, that means if you are not taking advantage of that bonus, you don't need to meet the build-to?

Mr. Alfele – That is correct. It would cover things. You are doing things that would require you to bring it up to current regulations.

Chairman Schwarz – That does resolve a lot of issues in the R zones. One of my concerns is that we have historic structures and even non-historic structures that are worth preserving outside of the R zones. Is that of concern to anybody else? Currently, you are allowed to build onto the back of an existing building without bringing it up to the build-to zone. If you add a separate building on a site, that building or all the construction needs to be within the build-to zone.

Commissioner Yoder – That is because the non-R zones do not have the existing structure bonus system. There is no we can say if you qualify for this bonus. Couldn't we apply the same logic to the non-R zones and say if the old building remains, you don't have to comply with the build-to.

Chairman Schwarz – I would suggest that is a possible option. Define the existing building the way that we are defining it for the R zones. Is this a shared concern?

Commissioner Harness – The intent with this built-to requirement is to bring buildings closer to the public realm. I can see how in a brownfield environment or built environment like we are here in the city for existing lots and structures that are quite difficult. I can understand the exemption for the residential areas even though I think that is one of the areas that buildings are far away from the street. I really struggle with this one. I fully understand the current code in a greenfield environment. In a city that is built like ours is here today, I really struggle with this. I think that in the X zones, non-residential zones, those are really the spots that I believe that moving buildings closer to the street makes sense with the intent of that purpose. How much building, growth, or development is that going to inhibit if we keep it that way is my question that I do not have an answer to.

Chairman Schwarz – Where I got interested in this was when we had a special exception last year for Element Construction that has a house on High Street. It is in a commercial zone. It is an old house. They wanted to put a workshop in the backyard. I forget if that was determined as an accessory use or not. Had that been a primary use, it would have had to go in front of this house. That would have started the process. Eventually we would like to see High Street have commercial construction fronting on it. As it exists now, it is a mix of small commercial projects and houses that are set further back. Do we want a code that encourages those buildings to be demolished or to have something built in front of them if there is enough room to achieve that streetscape? Is it more important to allow the maintenance of what exists for character's sake and sustainability's sake? It is better not to tear something down, build new if you don't have to.

Commissioner Harness – It is the point that Commissioner Yoder keeps bringing us back to prioritizing or moving into a different tier. I think that this is one to prioritize.

Commissioner Solla-Yates – Something I have been thinking about is uses. For residential uses, I am less concerned about this as the public realm. Residential uses are not the public realm in the same way. For commercial uses, it is. That might be a useful distinction.

Chairman Schwarz – You are saying if it is a commercial use, you would be in favor of maintaining the current code? Even in the case of Element’s building.

Commissioner Solla-Yates – With the special exception process.

Commissioner Yoder – I always thought of this build-to requirement and this goal of moving things closer to the street, if you are going to build a new building, put it there. I would tend to come down like commercial or residential. I don’t think it makes sense to say, ‘Oh, you want to build onto the back? Sorry you can’t. You must build onto the front like that.’ I don’t think what we are going to do is induce people into tearing down buildings. I think we are just going to induce the property being of less use to them. They are just not going to do the thing that they want to do, which is not what we want to do with our zoning code. In terms of priority, are you thinking tier 2?

Chairman Schwarz – This is one of the ones that I would like to work out in a subcommittee and try to get it done in the next year if we can. My concern is for preservation and architectural design control districts. We could tie this to whether a building is a contributing structure in a design district, whether it can have an exemption. I find it funny that you can add onto the back of a building, but you cannot build behind a building. With some of our older buildings, if you attach a building to the back of it, you will end up having to do sprinklers and other things that change the cost of the project. Those 2 things don’t change how things feel on the street. I am not sure that distinction that we currently have in the code makes no sense to me. If you are building behind, keep building behind. Once you build something in front, it must start meeting our code. That is where I am landing on this. I would like to have a general exception that says if you have an existing primary use that meets the definition of an existing building, you are allowed to build behind it. Once you build in front of it, you must start meeting our build-to requirements. If that does not distinguish between commercial and residential and it does encourage building up front as much as the code currently does.

Commissioner Harness – From a different perspective, how does this requirement to build to the street inhibit the point of the new zoning code of getting more housing built? Does it limit potential new units forcing people to build to the street?

Chairman Schwarz – If somebody is not in one of the R zones but they have their residential units in a C zone, they cannot build a backyard ADU. They can build an attached addition on the back of their house, but they cannot build a backyard dwelling unit.

Commissioner Harness – From that perspective, you are limiting units with the current zoning code.

Chairman Schwarz – That would be an example of where that would be limiting.

Commissioner Carp – Is that in the R zones?

Chairman Schwarz – That is outside the R zones.

Commissioner Carp – What about the simpler idea of saying ‘do the same exemption for existing structure for all zones?’ Does that miss important cases?

Chairman Schwarz – Exempting parcels that have an existing structure. I don’t think it would miss any. I think that captures everything.

Commissioner Solla-Yates – The only issue I would worry about would be the shed on a primarily empty lot.

Commissioner Carp – The exemption is for preserving the primary structure.

Commissioner Solla-Yates – If the shed is the primary structure.

Chairman Schwarz – Didn't we already have to make some distinction between sheds and primary uses?

Mr. Alfele – You must first establish a primary structure. You could then have accessory structures. There must be a primary structure on a lot.

Chairman Schwarz – If there is an existing lot that has just an existing shed on it, that does not count as a primary structure. Or does it?

Mr. Alfele – It gets a little tricky. It would get into whether that is a non-conforming lot when the shed was built on the lot. It could happen. It would be very rare. It would be a handful. I can think of maybe 1 or 2 where there was a double lot. The house is on one lot, and the shed is on the other lot. Someone is now thinking about doing something with it. They would need to get a zoning determination letter to figure out the circumstance for that other lot.

Commissioner Solla-Yates – Could that kind of weird situation be handled administratively?

Mr. Alfele – I think that staff would have a hard time with it. I think we could do it. What I would caution you about is that this is one of the foundation principles of the code. If this is the direction we wanted to go in as a community, it could be done. It would take a lot to update the code to reflect it. This was one of the pillars of how I think the code was built. It could be done. There would have to be a lot of digging and making sure that we are not messing other things up based on this.

Chairman Schwarz – If we were to form a subcommittee and to work on this, are there any concerns with anything we have been saying? Will there be any concerns with the idea of any addition behind an existing building being exempted from build-tos? We are only talking about build-to zones. We will try and prioritize this and hash it out on the subcommittee.

I don't know if we need to go through all the Ds. Are there any that people have issues with or want to discuss? These are our own comments, which I think have already made it up to the Cs.

Commissioner Solla-Yates – There are Gs that I looked up. G9, that goes to the stormwater area of 6,000 to 10,000. G6, maximum coverage regulations, maximum heights. Give some mercy to allow more kinds of buildings without a special exception.

Commissioner Mitchell – We have skipped the Ds. We are fine with that because those are all our comments. We are moving onto the Gs.

Commissioner Solla-Yates – I pulled G14, build-to width, which we have talked about quite a bit here. G18, ground story definition. G6 is maximum coverage regulations. Maximum heights are an issue. This was Habitat. They physically could not get a Habitat house on a standard Charlottesville lot because the restrictions are too tight. We should allow Habitat houses.

Chairman Schwarz – I believe this is the one where we got rid of stories and went with a larger overall height for the R zones.

Commissioner Solla-Yates – It is just maximum coverage that is left.

Commissioner Harness – It has to do with having parking in the front.

Commissioner Solla-Yates – They can do alley and corner. It is not great. Their standard design is front parking for ADA.

Commissioner Harness – That does not really work with all the other intents of what we are doing with the code. What are you asking with G6?

Commissioner Solla-Yates – My current thinking is mercy on the maximum coverage.

Commissioner Harness – Just the maximum coverage, not necessarily the other points.

Commissioner Solla-Yates – G9, up the amount of disturbed area for stormwater from 6,000 to 10,000. That is just matching the state code. G14, build-to width is creating a lot of issues. Utility requirements just physically cannot be done. There also are slope issues, just giving more mercy or administrative relief without requiring special exception.

Chairman Schwarz – These are 2 different issues. What is the proposition for build-to width? It is that the minimum percentages are too much.

Commissioner Solla-Yates – It is for weird sites. We mostly get weird sites. Commissioner Stolzenberg said a lot about this. He had a lot of mathematical examples.

Chairman Schwarz – I think that what the intention would have been is that if you cannot build a building wide enough, you split the lot up or you re-subdivide. I guess that is not always possible. These are all things that can be done by special exception. You are still saying minimum percentages are too high. When you are highlighting these, what do we want to do with them?

Commissioner Solla-Yates – My suggestion would be that staff look at what kind of relief could be offered to reduce the number of special exception problems.

Chairman Schwarz – We are thinking of shifting these up to tier 3. I agree with all of these. I just want to make sure I know what we are doing.

Commissioner Solla-Yates – G18, ground story definition. This is another in the weeds one. It is an important one. How we are defining the ground story. This is beyond my mathematical understanding. Broadly, we should be able to make this possible without requiring a special exception.

Commissioner Harness – This is the one that I understand that the land around here is too steep to fit the code, or the code is not steep enough to fit land depending on which way you want to look at it.

Commissioner Yoder – Our code is not allowing them to have one gigantic ground floor where a lot of it is below grade. We are saying that you must break it up. You cannot have all that below grade. I think what this comment is saying is that it just makes it more expensive to break it up like that. Let us go back to the old definition where it is 50 percent above grade.

Commissioner Harness – The current code is 6 feet. Six feet in some areas of town happen very quickly. You end up with a building with small sections. I don't know if it is going to be 50 percent or if it is expanding the 6 feet or what makes sense on a rewrite of that section. That is what it is about.

Chairman Schwarz – Is this one that can be dealt with through special exception?

Mr. Alfele – It could be. You can ask for additional height, not stories, special exception. If you needed additional height because you did not want to modulate the build. The point was to modulate the building. If you did not want to do that for whatever reason, your plates would not match. You could ask for a special exception for more height there. I think you probably must ask for a lot of special exceptions. With that exposure now, you have a lot of things that apply to the first story transparency. There is a path. It is probably not a very convenient path.

Chairman Schwarz – That is where I was getting at because I feel like where I have seen this on the BAR is, for example, the hotel that is going to go on the Artful Lodger site over next to The Omni because Market Street slopes so much. They ran into some issues with where the ground floor is. They have one high ground floor and

then there is a lower level that ends up having to be treated like a ground floor. Their floor-to-floor heights were not appropriate for that because it was a garage level. Since it was a garage level, it was not going to have windows or anything. At the same time, I think it would be the type of thing. It said BAR review. We could make sure it looked okay. It is the type of thing I think that we do want to look at. Just as staff said, you could have a big façade that does not have windows on it. It does not have entrances or just has a big garage door. That is the tradeoff.

Commissioner Harness – There are requirements for a façade like that to have a mural. I think one of the options is a living wall. There are already ways to mitigate just having a giant blank wall.

Chairman Schwarz – It ended up being something that was helpful to look at from a discretionary point of view. It was not going to be the code whatever they did. That is just a counterpoint. I tend to agree. We have some issues with the mid-maxes causing some problems throughout town.

Commissioner Harness – I appreciate the special exemption process and what can and cannot be done through those. Because of the topology of Charlottesville, there would be a lot of special exemptions for this; not only that but also finding dimensional code language that more supports what we have here in town.

Commissioner Carp – Were there problems under the old code in this regard?

Chairman Schwarz – I don't think so.

Commissioner Solla-Yates – The issue I am thinking about is on West Main. You have one giant wall that is teetering above the rest of the street. There is a sidewalk and that looks odd. It is an aesthetic issue. I don't know if there is a health and safety component.

I have 2 more that I could find a G for. I would like to note them: grocery stores near schools. It is a big one that we talked about in the Comp Plan. We just have not done it in the zoning code. The big pushback was that there would be tobacco products sold in those grocery stores near schools. We don't want tobacco products sold near schools, which I am sensitive of. It is now legal in Virginia. For Council, if they are concerned about this issue to say, 'no tobacco products near schools.'

Commissioner Mitchell – With the old IGA, what are we going to do about that? How far is Johnson? The school is close.

Commissioner Solla-Yates – It is next to a park. Council could say, we are concerned about tobacco products being sold next to a park.' We will not allow them by ordinance.

Commissioner Mitchell – The community is expecting to have a grocery store there.

Chairman Schwarz – Do we already have regulations that are preventing a grocery store from popping up near schools?

Mr. Alfele – Not in the land use.

Commissioner Solla-Yates – Accessory dwelling unit diminimous exemption for aesthetic and sidewalk requirements. A homeowner who was upset about trying to build an ADU, looked at all the numbers for the costs of building an accessory dwelling unit behind an existing home. This is not possible to see. I think they were trying to build in Belmont. It would have forced substantial changes to the façade to get the lot into conformance. The ADU would not have been visible. He could not do it because a large façade did not make sense for the ADU revenue.

Chairman Schwarz – We have fixed that now. Aren't there exceptions in the R zones that you could build a second dwelling unit and not have to update the original house to meet all the zoning code requirements?

Mr. Alfele – It is about building that second unit in back. The first unit is non-conforming to build-to and setbacks. That will be fixed.

Chairman Schwarz – I thought that was part of next week’s work session. Is that correct?

Commissioner Solla-Yates – That would be for sidewalk and for tree planting.

Mr. Alfele – No, it is the area that you are disturbing. If you were tearing the house down and redoing the lot, you would come up to conformity. If you have an existing structure and you want to build behind it, staff only look at what is being proposed, not what is outside of what is being proposed. Unless it is very specific, we are running into, you could not build that second unit until the first unit met the build-to and setbacks. That is what we are trying to correct next week.

Commissioner Yoder – Can we add neighborhood commercial? It is not listed on tier 3. I thought that was the ‘poster child’ for tier 3 and needs further review, some community engagement, longer study. Is that in the workplan?

Mr. Alfele – Yes, I believe that is why it is not here.

Chairman Schwarz – I am going to note 2 things from the D sections, D2, this feels like an easy fix. Maybe it is not important at all. It seems like somewhere we can add in the zoning code that doors should not swing over the required walking zone in the public right-of-way. We have had a couple of instances on West Main Street where this happens. You have this narrow sidewalk. Doors from restaurants open onto the sidewalk. It is technically prohibited in the building code. The code official is allowed to make exceptions to that. In our zoning code, we should say that whatever the required sidewalk width, it cannot swing into that. If you have a 7-foot required sidewalk width and you have a 10-foot-wide sidewalk, no big deal. Don’t swing into 7 feet.

Commissioner Harness – Doesn’t that force the building to be pushed back by the width of the door?

Chairman Schwarz – It forces you to have a recessed entryway if you build a new building, which is one of our entry features that we allow.

Commissioner Harness – There is that option or there is the option of having a wider sidewalk.

Chairman Schwarz – Or sliding doors, which is what the Marriott on West Main does.

Commissioner Harness – There are a lot of outs that are not forcing the moving of the building footprint. That is my concern about that.

Chairman Schwarz – Where this has happened is when existing buildings have added new entrances or filled in their recessed entryway. That would be prevented. If you guys agree, yay. If not, it is not a big deal.

Commissioner Harness – How long is a door open versus closed? I feel like preventing somebody from holding a door open over the sidewalk is one thing versus not allowing it to open over the sidewalk at all.

Chairman Schwarz – I am thinking of getting smacked in the face with a door.

The sidewalk on West Main Street has driven me nuts.

D5, I saw that this was one of the developer comments. When you have a building width exception, you are required to have a 30-foot-deep alcove. If you build a building over a parking garage, it is a dimension that is not workable. Parking garages are 60 feet wide. If you have an apartment building sitting on top of that with a double-loaded corridor, your units are 26 feet wide, 26 feet deep. You have your quarter that is in the middle, and you have another unit. Having a 30-foot recess puts the recess in the middle of the corridor. It does not

work. It would make more sense if it was 25 feet. One of the developers mentioned that as well. I was not sure if that was worth bringing up as something to move into one of these tiers. It seems like an easy fix with minimal disruption to the code.

Commissioner Harness – Is this tied to active depth?

Chairman Schwarz – If your building is too wide, the way around that is to build a recessed courtyard. That depth is determined by the width of the building. It maxes out at 30 feet.

Commissioner Harness – If you have a corridor going through it, this breakout of the building cuts into the corridor.

Chairman Schwarz – If we could shift that one up just to look at, it seems like an easy fix for a silly problem.

Commissioner Solla-Yates – It would be changing the number 30 to the number 25.

Chairman Schwarz – Something like that.

Commissioner Solla-Yates – With minimum lot sizes, the hope was that sublots would make it so that we would have a relief valve for minimum lot sizes. For existing, non-conforming lots that are smaller than the minimum lot size, we are running into problems. We want a way to use our existing lots. I would like to flag that as an issue.

Chairman Schwarz – Is that a problem with the size of the lot or the fact the percentage that you are allowed to fill the lot is too low?

Commissioner Solla-Yates – All the calculations are based on a larger lot than what we have.

Chairman Schwarz – Does that make sense to staff?

Mr. Alfele – I would need to investigate it more. We have the non-conforming lot section. It states that you are allowed to use your lot for any use.

Chairman Schwarz – Your percentage coverage is 60 percent in RA. I will use my lot as an example. I can't add anything to my lot. My house is a tiny house. There is no room. If I added a garage or something, I would go over my percentage allowed.

Mr. Alfele – Exploring more what? Exploring more to the non-conforming lot section. It is something that we can look at. When we talk about a house being too small, a small house is too small. When you talk about a non-conforming lot, it does not categorize non-conforming lots. It is just non-conforming lots. You have the right to build on it. It does not mean I have the right to build a 25,000-square-foot-house. I can build an 800-square-foot-house. That can be a little tricky when we say the rules should change for a non-conforming lot. What do we mean by that?

Chairman Schwarz – That sounds like a good tier 3 discussion. I would love to solve it. That needs some research.

Commissioner Harness – Is the initial research how many non-conforming lots are there in the city as a percentage of total lots?

Commissioner Solla-Yates – I think we did do an analysis during the zoning code update. I do not remember the exact number. Most are non-conforming.

Commissioner Harness – That sounds like our minimum lot sizes don't fit with the city instead of having a non-conforming section.

Chairman Schwarz – I don't think the problem is the minimum lot size. I think the problem is just existing lots are not developable because they are bound by the same rules as your brand-new lot that you are creating a subdivision. I don't know how we categorize that.

Commissioner Carp – Are we missing a concept of reasons for non-conformity? Do we want to say if a lot is non-conforming due to its size being small, we consider some exemptions?

Chairman Schwarz – I think that is what we want to study.

Commissioner Carp – Not all non-conforming lots but a particular category. Is that the most common reason for a lot being non-conforming?

Commissioner Yoder – Is it being suggested that we not apply some of the basic requirements to existing lots like lot coverage and things like that? Is that what I am hearing?

Chairman Schwarz – Seeing if there is some sort of relief or lessening of standards and studying whether that even makes sense.

Commissioner Yoder – If it applies to small old lots, why not apply it to new lots as well? That is a major change.

Commissioner Harness – That was my erroneous point about minimum lot sizes instead of carving it out for non-conforming. Just change it.

Mr. Alfele – The minimum lot size did go down quite a bit from the old code to the new code. A lot of it is 2,000 square feet. There are still 6,000 square feet in the R districts. It did go down quite a bit.

Chairman Schwarz – I don't think that this has to do with the lot size.

Commissioner Harness – Instead of carving it out for non-conformity, whatever the actual issue is, just adjusting the metric.

Chairman Schwarz – Is the maximum percentage of building coverage in the RAs, is that the right number? That makes sense for something to look at.

Do we need to look at this final page? Did it make sense what we were trying to prioritize from our previous discussion? It looks like building height and massing. We talked about number 1. We are good with number 1. We can take that off the list.

Build-to setback requirements, this is one of the ones that we want to prioritize. We are going to do a subcommittee to move it along. It is the same thing for active depth.

Special exception permits, I think we agree that this is one that we want to push forward and prioritize.

Street typology map, I think we decided this was housekeeping. We are hoping that staff can just do that.

Definitions and site modification rules, we agreed they are not huge priorities.

Commissioner Yoder – What about the stormwater?

Mr. Alfele – That is being studied as part of the environmental. You will get more information as that moves along.

Commissioner Mitchell – We didn't talk about the EV charging. Is that something worth further deliberation?

Chairman Mitchell – Do we need to discuss that? I thought you guys were working through a way to make that work.

Mr. Alfele – There currently is a study that is going on. You will hear more information from this study. It came out of some preliminary internals. We wanted to make sure it was on the list. When you get more information on the actual report, that you are prepared for it.

Commissioner Solla-Yates – Is the Fire Department working on that?

Mr. Alfele – I believe the Fire Department is involved with that along with Environmental.

Commissioner Harness – The EV thing is a discussion about level 1 and level 2 chargers being allowed in parking lots and parking structures.

Mr. Alfele – That is correct. On the public side, where could public chargers be. With the level 1 and level 2 chargers, yes. Is it something that should be in publicly available space areas in the city? Where would those be?

Commissioner Harness – What do mean by public charger? I can imagine having one at a park or on the side of West Main Street that somebody could plug into.

Mr. Alfele – In a park or a publicly controlled garage. Is it feasible to have it in the right-of-way? There is a lot of discussion going on with it.

Commissioner Harness – Is that study going to come before this group?

Mr. Alfele – I am not sure. It is run out of Environmental. We can get you more information. I have not heard about it in a while. They had these preliminary findings a while back when I put it in this paper.

Commissioner Harness – EV charging is such an intense infrastructure upgrade. We need to be considered about where we want that to be potentially in the public right-of-way or on public structures, publicly controlled things because it is permanent.

Chairman Schwarz – Did that study include, in residential neighborhoods, people being able to plug in their own cars if they live across the street from their parking space?

Mr. Alfele – It has come up more from a public service standpoint and right-of-way access and ADA than a private land use issue, not blocking your ADA accessible routes in a public right-of-way. That is the big issue. For your small residential, there was not necessarily a building code or fire concern. The concerns were more crossing into public right-of-way and ADA issues.

VI. ADJOURNMENT

The Meeting was adjourned at 8:14 PM.

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



PLANNING COMMISSION REGULAR MEETING
APPLICATION FOR A SPECIAL EXCEPTION PERMIT
APPLICATION NUMBER: PL-26-0063
DATE OF MEETING: June 9, 2026

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT

Project Planner: Dannan O'Connell

Date of Staff Report: June 1, 2026

Applicant: Jacob Bender, Setty and Associates; Gerry Martin, Charlottesville Public Works

Current Property Owner: City of Charlottesville, Albemarle County

Application Information

Property Street Address: 1138 Rose Hill Drive ("Subject Property")

Tax Map & Parcel/Tax Status: 440030200

Total Square Footage/ Acreage Site: Approx. 2.54 acres (110,642 sq. ft.)

Comprehensive Plan (General Land Use Plan): Neighborhood Mixed Use Node

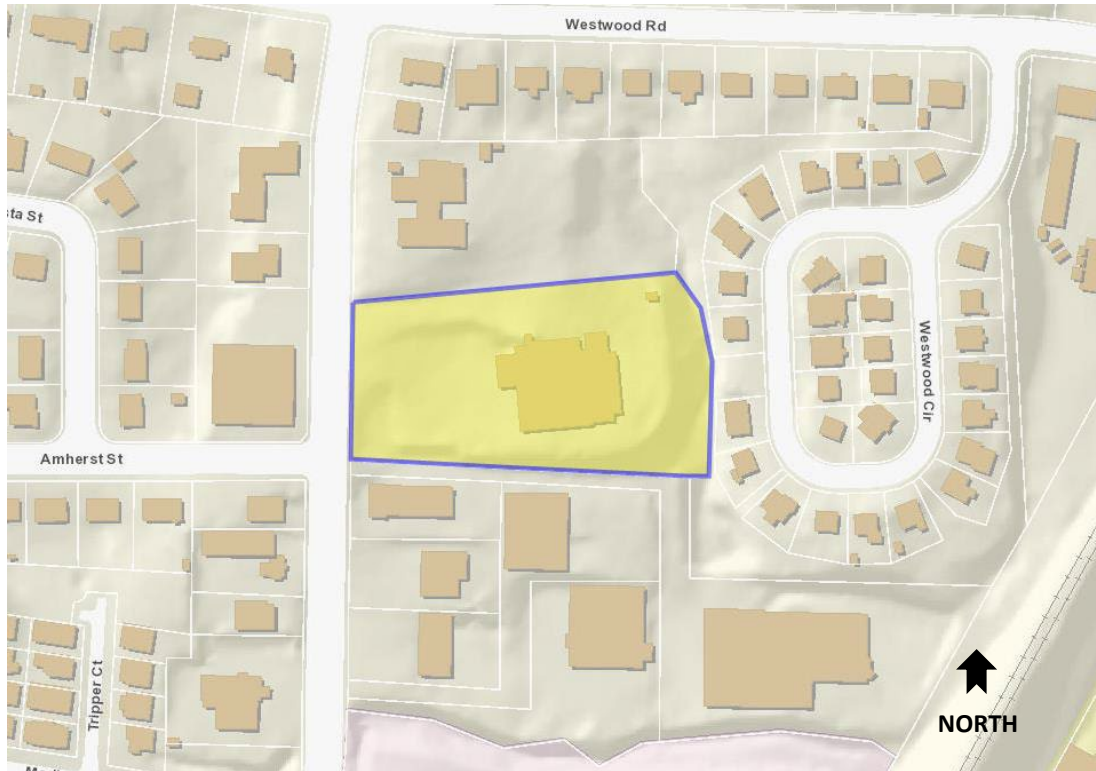
Current Zoning Classification: NX-3

Overlay District: None

Applicant's Request (Summary)

Jacob Bender of Setty and Associates and Gerry Martin with Charlottesville Public Works (applicants) have requested a Special Exception Permit (SEP) pursuant to City Code Section 34-4.7.4.C.4 for site element screening. The applicant wishes to replace and expand ground-mounted mechanical equipment located in the front yard of the above-referenced property (Subject Property). Site element screening requirements prohibit ground-mechanical equipment in front yards. The intent of these requirements is "[to facilitate] the creation of a convenient, attractive, and harmonious community by minimizing effects on surrounding properties and visibility from the public realm of site elements including mechanical, electrical, or utility requirement and waste receptacles;" per Section 34-4.7.4.A. Existing ground-mounted equipment located in this area is considered non-conforming, and may not be expanded by-right per Sec. 34-5.3.1.B.2.

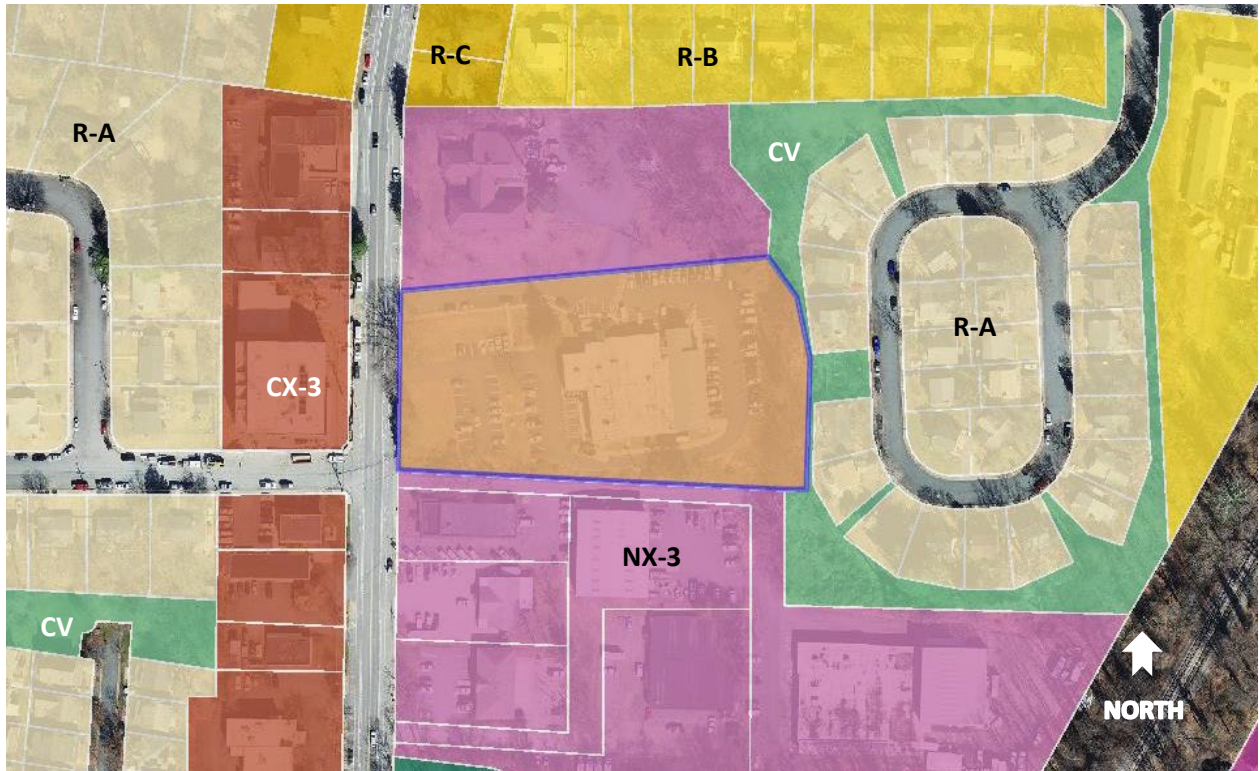
Vicinity Map



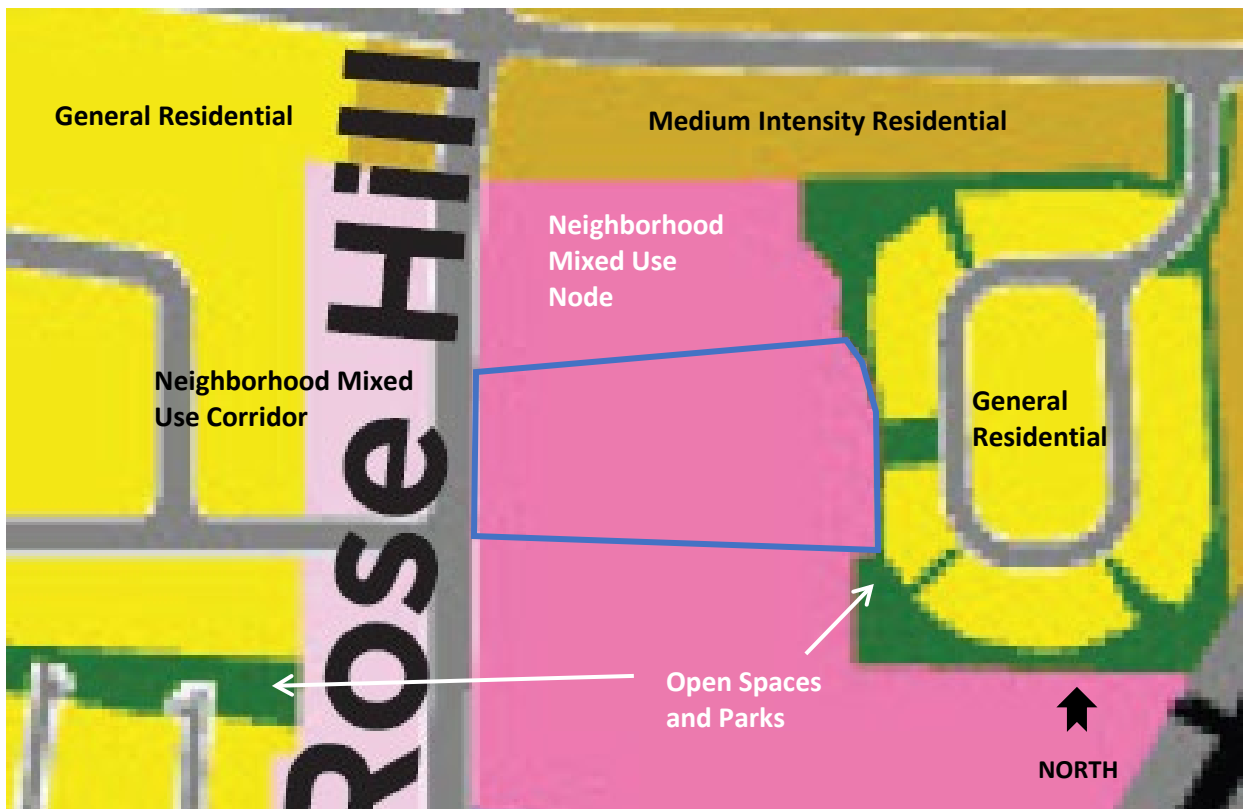
Context Map 1



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 expand an existing screened mechanical equipment area located in the front yard of the Subject Property to accommodate new HVAC equipment. The new equipment area will be screened with an opaque wooden fence that is expected to meet all screening requirements specified in Section 34-4-4.7.4.C.4. Site location and dimensions can be found on an exhibit from the applicant's submitted site plan (Attachment B).

Staff Analysis: Rose Hill Drive is currently developed with general retail, office and restaurant uses adjacent to the Subject Property. One-family residential uses are to the east and of the Subject Property, developed as part of a Planned Unit Development surrounded by landscaped open space. Additional one-family residential uses are located further away to the west, north and south. Jackson P. Burley Middle School is also located along Rose Hill Drive to the south.

Most of the commercial parcels adjacent to the Subject Property are non-conforming structures. Several contain unscreened mechanical equipment similar in character to what is proposed. The screened area proposed on the Subject Property is less impactful than these existing unscreened areas. The development is therefore harmonious with the existing patterns of development within this 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:

Chapter: Land Use, Urban Form, and Historic & Cultural Preservation

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.

Strategy 3.4: Encourage sustainable, energy efficient building designs and low impact development as complementary goals to historic preservation, including through support for adaptation, reuse, and repurposing of the built environment.

Comprehensive Plan- Staff Analysis:

The Future Land Use Plan of the 2021 Comprehensive Plan designates the Subject Property and surrounding properties as Urban Mixed-Use Node, described as *urban mixed use districts that support community housing, employment, and commercial development*. The proposed mechanical equipment will not significantly expand the footprint of the existing civic use and will allow continued reuse of the existing office structure. Staff finds the proposed improvement supports the goals and strategies of 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 aligns with existing patterns of development along Rose Hill Drive, as well as the Development Code’s emphasis on sustainable reuse, staff finds granting the Special Exception Permit would be consistent 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 approval of this Special Exception Permit to alter the required outdoor amenity space.

Recommended Conditions

Staff does not recommend any conditions be placed on this Special Exception Permit.

Suggested Motions

1. I move to recommend approval of this application for a Special Exception Permit in the NX-3 Node Mixed Use district at 1138 Rose Hill Drive to permit the construction of an expanded mechanical equipment area in the front yard.
 - a. [condition(s) proposed by Planning Commission]

OR,

2. I move to recommend denial of this application for a Special Exception Permit in the NX-3 Node Mixed Use district at 1138 Rose Hill Drive to permit the construction of an expanded mechanical equipment area in the front yard.

Attachments

- A. Special Exception Request Letter received April 28, 2026
- B. Site Plan Exhibit received March 10, 2026

To: Dannan O’Connell, Senior Planner, NDS
Re: Special Exemption – 1138 Rose Hill Drive
Applicant: City of Charlottesville Public Works – Facilities Maintenance Department, Setty & Associates
Date: April 21st, 2026

Special Exemption – Albemarle Charlottesville Health Department (1138 Rose Hill Drive), Mechanical Yard Equipment Replacement

The existing Albemarle Charlottesville Health Department building located at 1138 Rose Hill Drive is in need of HVAC maintenance replacement. A mechanical yard is currently in place adjacent to the supplemental entrance to the building and houses the building chiller as well as three condensing units. While this is not the primary entrance to the building, it is the side that faces Rose Hill Drive and thus by Zoning Code standards is considered the “front” of the building.

Per Zoning Code Section 34-4.7.4.C.4, equipment is not permitted to be located in a front yard, thus the existing building does not meet current compliance. There is a protective fence enclosing this yard, but it is not sufficient to screen the equipment from view as currently installed.

The existing chiller is the primary component in need of replacement at this time. There is not an effective capacity increase to the unit, however due to updated manufacturing designs, A2L refrigerant changes, and requisite clearances the replacement unit will not fit within the same physical footprint as the existing one. Replacing the unit will require shifting several components existing within this equipment yard and shifting the walls outward to allow for the new required clearances. No new systems are proposed within this yard, only reconfiguration of what is there currently. See associated Figures 1 and 2 for the Demo and New plan layouts for this area.

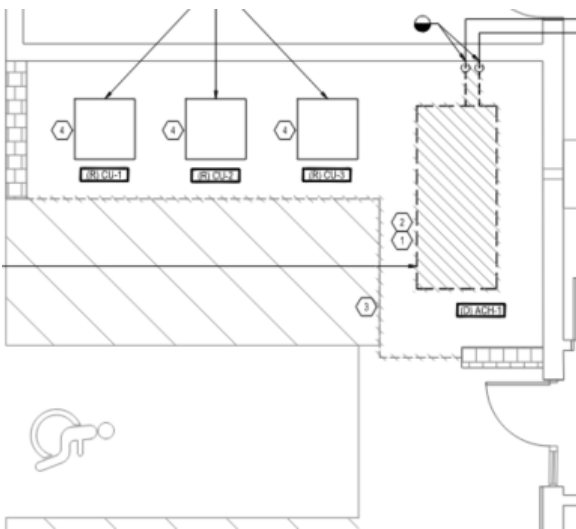


Figure 1: Demo Layout

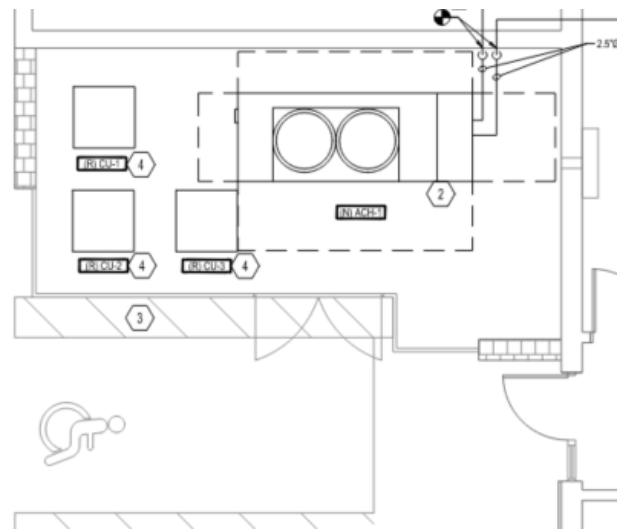


Figure 2: New Layout

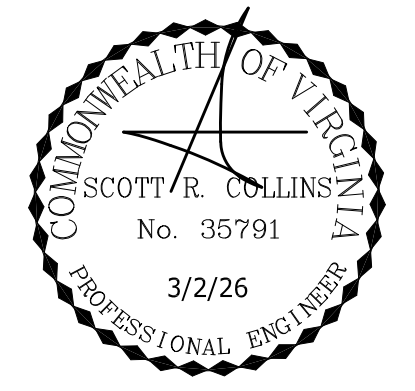
Along with this replacement, a new screening fence will be installed around the perimeter, built in compliance with Zoning Code Section 34-4.7.4.C.4 parts (b), (c), and (d). The expansion is not anticipated to reduce available parking within this zone.

The applicant requests approval of a special exemption to allow for this maintenance replacement, ensuring the continued function of the Health Department building without major building system redesigns. With the unit replacement and new screening wall, the net result of this project will be a cleaner building appearance than what currently exists.

Thank you for your consideration,



Jacob A. Bender, PE
Senior Mechanical Engineer



REVISIONS

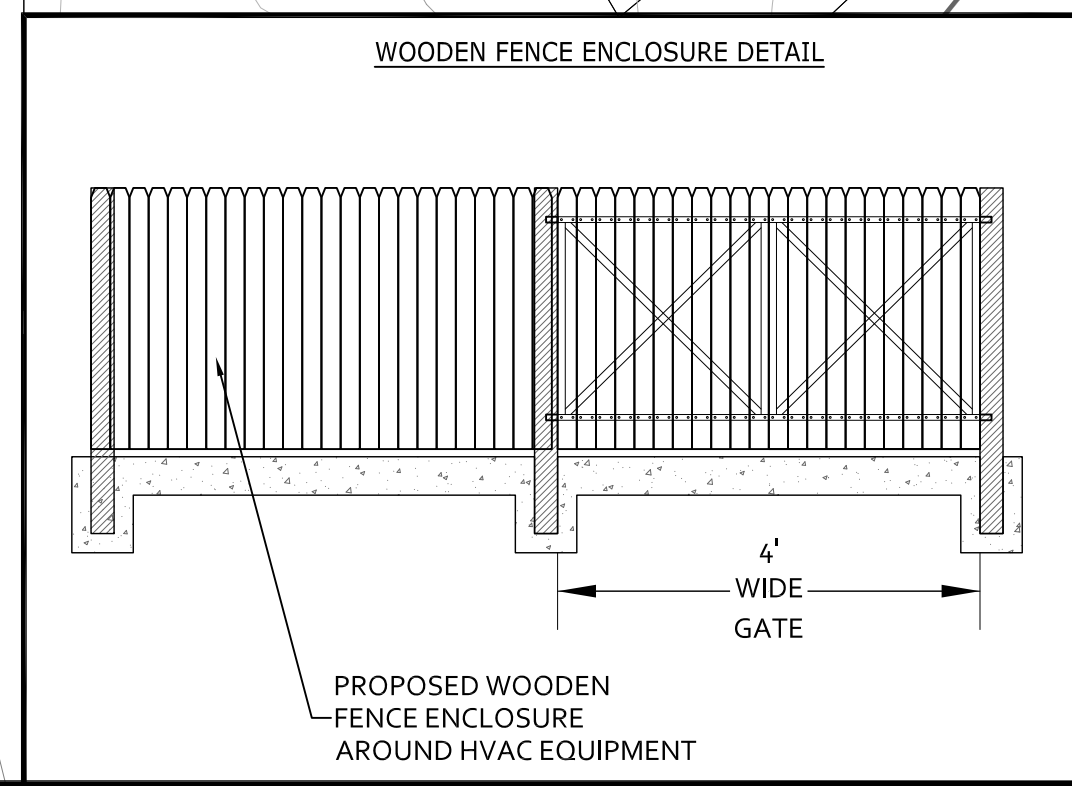
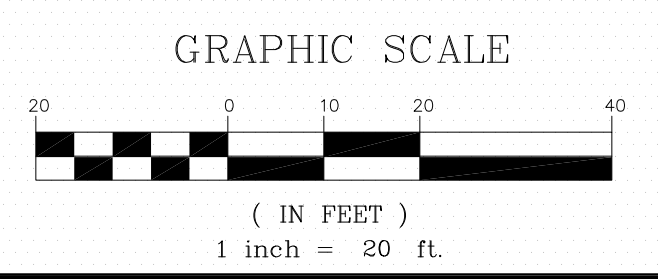
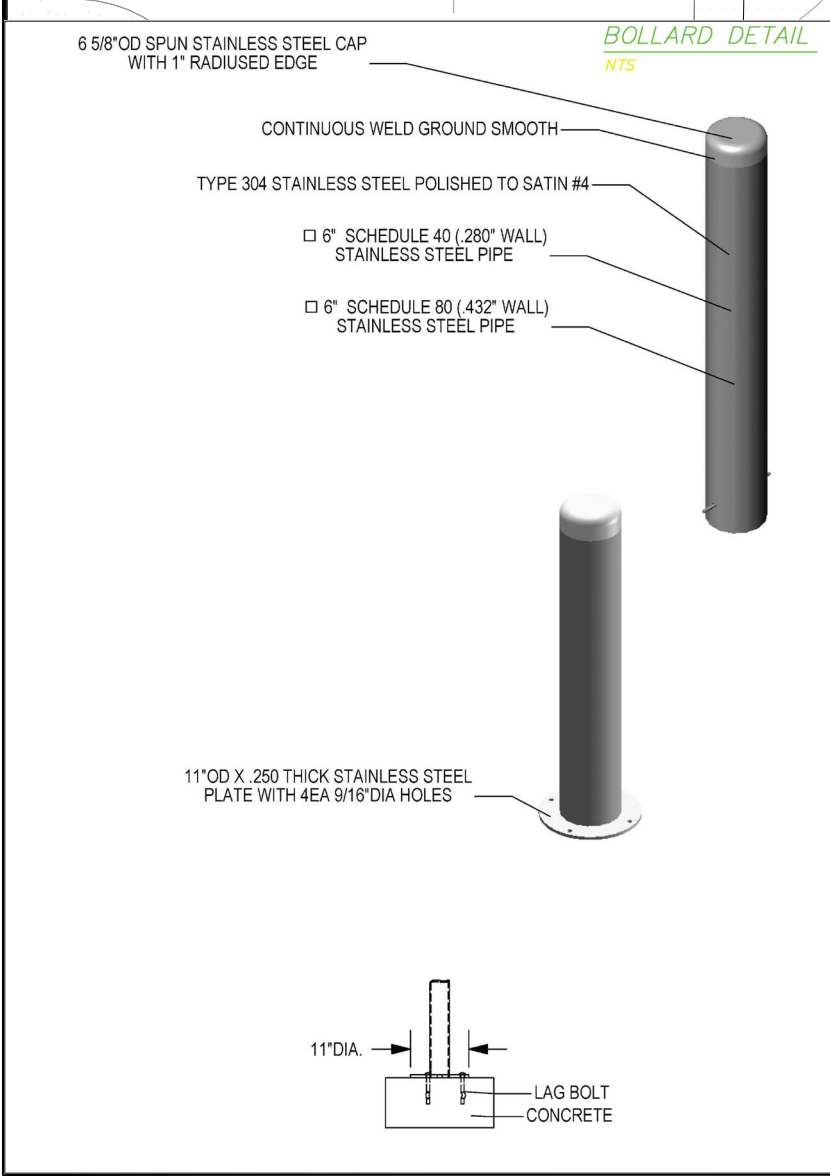
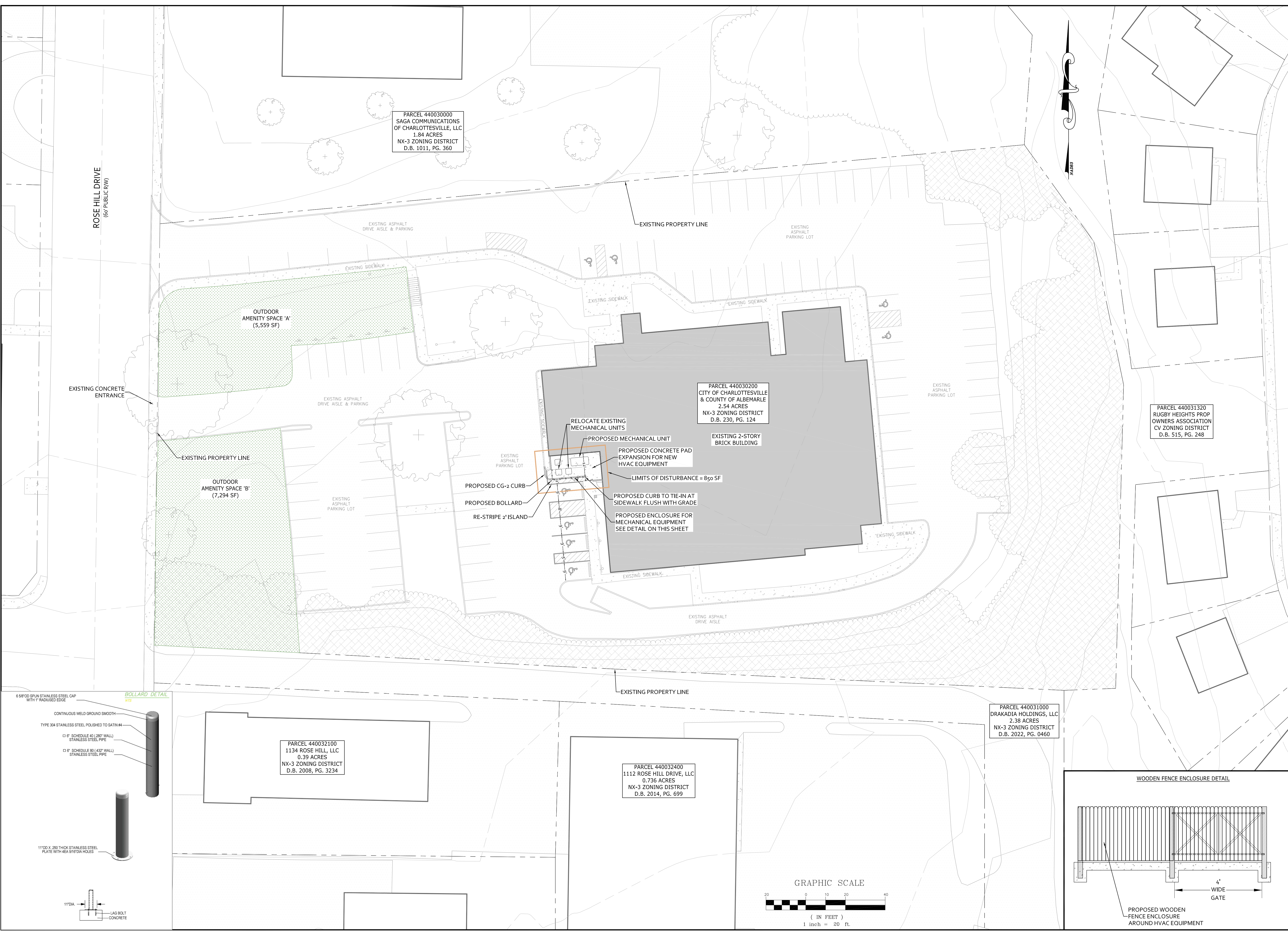
DATE	REVISION DESCRIPTION
3/2/26	INITIAL PLAN SUBMITTAL

COLLINS ENGINEERING
 200 GARRETT STREET, SUITE K.-CHARLOTTESVILLE, VA 22902-434.293.3719

1138 ROSE HILL DRIVE - SITE PLAN AMENDMENT
 SITE PLAN

PROJECT	JOB NO.
	262269
SHEET	SCALE
	1 = 20'
	SHEET NO.
	4

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City of Charlottesville

To be a Place Where Everyone Thrives

Office of Budget & Grants Management

Staff Memo

To:	Members of the Charlottesville Planning Commission
Regarding:	Proposed Revisions to the Citizen Participation Plan, a Component of the City's Community Development Block Grants and HOME Investment Partnerships Programs, and Associated Municipal Code
Staff Contact(s):	Anthony Warn, Grants Analyst Taylor Harvey-Ryan, Grants Programs Manager
Date:	June 9, 2026

Issue

The City of Charlottesville is an active '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") and in that role is the periodic recipient of federal funds to support important community development, affordable housing and planning activities. In this role, the City is required to "adopt a citizen participation plan that sets forth the jurisdiction's policies and procedures for citizen participation" in certain aspects of the development of these programs that encourages broad and representative citizen participation.

Background/Rule

The development and local approval of the Citizen Participation Plan ("CPP") are governed by federal regulations at 24 CFR 91.105, HUD implementing guidance, and Virginia Code § 15.2-1433 covering the codification and recodification of ordinances.

Analysis

The current Plan and associated municipal code were last updated in 2016 and no longer fully reflect changes in HUD guidance and/or current city needs, priorities and practices. In drafting the proposed amendments to the 2016 plan, staff has engaged in discussions with variety of stakeholders, consulted applicable HUD guidance, including the relevant sections of the Code of Federal Regulations, as well as studied similar plans from other participating jurisdictions, including Albemarle County, Richmond and Henrico Counties.

The City of Charlottesville ("City") and our partners at the Thomas Jefferson Planning District Commission ("TJPC") value the participation of all members of our community in the shared work of governance. With this as a core goal, staff also studied these resources with the goal of fostering broad and active representation on the CDBG/HOME Taskforce and recommends having seats for

nine (9) members, including: 5 at-large members; 2 representatives of public services groups serving the city's low- and moderate-income ("LMI") residents; 1 member of the Planning Commission; and 1 member of the School Board.

Financial Impact

There is no adverse financial impact to the City budget. On the contrary, approval of the proposed Citizen Participation Plan will support the City's work to address important community needs while at the same time maintaining the City's continued eligibility to participate in the CDBG and HOME programs.

Recommendation

Staff recommends approval of the amended Citizen Participation Plan, and the associated amendments to Charlottesville Municipal Code Article XIII §§ 2.416-421.

Recommended Motion(s)

I move that the Planning Commission recommend approval to City Council of the proposed amendments to the CDGB/HOME Citizen Participation Plan, and associated amendments to Chapter 2, Article XIII of the Charlottesville City Code.

DRAFT



Citizen Participation Plan

for the

City of Charlottesville

and the

**Thomas Jefferson
HOME Consortium**



Adopted by:

The City Council of the City of Charlottesville
on **___, 2026**

and the

The Commissioners of the Thomas Jefferson
Planning District Commission on **___, 2026**

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Commitment to Accessibility

The City of Charlottesville (“City”) and the Thomas Jefferson Planning District Commission (“TJPC”) value the participation of all members of our community in the shared work of governance.

Members of the public seeking assistance or special arrangements so they can participate in public meetings, or their caregivers, are encouraged to contact the City’s ADA Coordinator at (434) 970-3182 or to submit a request via email to ada@charlottesville.gov.

The City of Charlottesville requests that you provide at least 48-hours notice so that appropriate arrangements can be made.

Learn more at: <https://www.charlottesville.gov/153/Accessibility>

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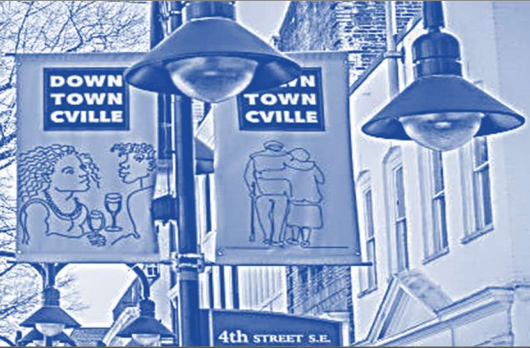
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I. Introduction

The City of Charlottesville (“City”) and the Thomas Jefferson Planning District Commission (“TJPDC”) value the participation of all members of our community in the shared work of governance. With this goal in mind, the City has developed this Citizen Participation Plan as a guiding framework that fosters and encourages citizens to participate in the development and review of strategic plans that drive our community development activities, with a special emphasis on those populations that are at the heart of this work.¹

The Citizen Participation Plan is an important pathway through which the Charlottesville community can exercise their voice and influence decisions that affect their neighborhoods and quality of life.

The participation and engagement of the people of Charlottesville in the development and evaluation of these plans is an essential element for ensuring that these activities deliver the maximum beneficial impacts for our community.

A. Background

The City of Charlottesville is an active ‘participating jurisdiction’ (or “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”) and in that role is the periodic recipient of federal funds to support important community development, affordable housing and planning activities as identified by HUD’s Office of Community Planning & Development (“CPD”). Through these programs, the city is the recipient of periodic allocations of federal funds. The City is dedicated to serving as wise stewards of such funds as our participation in these programs makes available to us and, as such, the City has worked closely over the years with our colleagues at the Thomas Jefferson Planning District Commission (“TJPDC”), many community-benefit nonprofit groups and our partners at HUD to support impactful community development and affordable housing activities on behalf of the people of Charlottesville.

¹ To this end, the City of Charlottesville has voluntarily committed itself to the goal of having the majority of benefits from our CDBG and HOME programs impact the lives of low- and moderate-income (“LMI”) making 60% or less than the city’s Median Family Income (“MFI”), as defined annually by HUD. Learn more about HUD’s income limits at <https://www.huduser.gov/portal/datasets/il.html>

The City participates in the CDBG program as the sole PJ and, as such, serves as both the HUD-designated Lead Agency and Managing Body for CDBG-funded activities within city limits. The City participates in the HOME program through a long-standing collaborative partnership between the City, TJPDC and the housing development teams of the counties of Albemarle, Fluvanna, Greene, Luisa and Nelson.²

In support of this regional partnership, the Thomas Jefferson HOME Consortium (“Consortium”), TJPDC serves as the HOME program’s Managing Body and the City serves as the Lead Agency, a role through which the City provides the Consortium with valuable financial and other programmatic supports. As the Lead Agency for the HOME program, for example, the City contributes through the work of the Charlottesville Affordable Housing Fund (“CAHF”) 100% of the funds used to satisfy HUD’s local match requirement for the use of HOME funds on behalf of the members of the Consortium, thereby freeing up more of these limited funds to support affordable housing activities within their communities and strengthening the region’s efforts to expand the supply of affordable housing.

B. The Citizen Participation Plan

As a participant in HUD-funded programs like CDBG and HOME, the City and TJPDC are called on to develop a guiding framework that provides for and encourages citizens to participate in the development and review of the plans that drive this work, including:

- A forward-looking 5-Year Consolidated Plan (“Cons Plan”) that identifies important community needs and sets ambitious goals to be worked towards over the subsequent five (5) years
- An Annual Action Plan (“AAP”) for each program year that describes activities designed to achieve the goals outlined in the Consolidated Plans
- Substantial and minor amendments to the Consolidated Plan, as needed, and
- The annual Consolidated Annual Performance Evaluation Report (“CAPER”)

C. Goals & Objectives

The City of Charlottesville has developed this Citizen Participation Plan to serve as an inclusive framework to promote community-wide dialogue that will identify community development and affordable housing priorities and guide the wise use of funding received through HUD’s Community Planning and Development (“CPD”) programs by, among other things:

² <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/>

- Carefully and strategically prioritizing the deployment of resources to support communities and individuals with the greatest needs
- Encouraging the engagement of communities often underrepresented in these conversations, including persons of low- and moderate-income (“LMI”), minorities, persons with disabilities and persons for whom limited-English language abilities may provide a barrier to full participation in this work
- Fostering a spirit of cooperation, accessibility and welcoming for all and reducing barriers that impede access
- Consultation with a wide range of public and private agencies, with a special emphasis on connecting to groups that may have been previously unengaged with this work

City residents are also encouraged to explore additional ways of engaging in the work covered by the CPP, including by, among other things:

- Volunteering to work with any of the area’s many local nonprofits, including those that participate in the city’s CDBG and/or HOME programs
- Volunteering to serve on the city’s CDBG/HOME Taskforce³
- Speaking before Council, whether as part of Community Matters at City Council meetings or in response to a specific item presented to Council at a public hearing⁴

II. Fostering Opportunities for Civic Engagement

Together, the City of Charlottesville and TJPDC seek to provide meaningful opportunities for citizen participation during the community development process and throughout the planning, implementation and assessment of the CDBG & HOME activities undertaken by the City and our community partners.⁵ With this goal in mind, we will seek out and learn from:

- Citizen feedback regarding city and/or regional community development and housing needs, staff recommended priorities, proposed program/project changes or amendments and program performance as detailed within the CAPER and other relevant documents

³ Interested adult residents of the City of Charlottesville can learn more about the work of the Taskforce online at <https://boards.charlottesville.gov/admin/board/6709>

⁴ Members of the public can learn more about how to speak before City Council by visiting the city's City Council webpage at <https://www.charlottesville.gov/692/Request-to-Speak>

⁵ Other organizations include but are not limited to: businesses, developers, non-profit organizations, philanthropic organizations and community and faith-based organizations including resident advisory boards, resident councils, resident management corporations, and other low-income residents in targeted revitalization areas.

- The participation of citizens in the development, review and formulation of funding recommendations to City leadership through the work of the all-volunteer CDBG/HOME Taskforce and designation of subcommittees as needed (*in accordance with Sections 2-417 and 2-418 of Article XIII of Chapter 2 of the Charlottesville City Code, 1990, as amended*)
- Discussion and feedback from citizens regarding funding recommendations as presented in public hearings before the city's **Planning Commission**, City Council and the Commissioners of the Thomas Jefferson Planning District Commission
- Discussion and feedback on drafts of proposed strategic plans, including the 5-Year Consolidated Plans and related 1-Year Annual Action Plans, and
- Discussion and feedback from the public on the **CPP** and any other HUD-required plans, such as the *Assessment of Fair Housing* ("AFH"), including feedback on the analysis of Fair Housing data, assessment of Fair Housing issues and contributing factors, and the identification of Fair Housing priorities and goals

A. Local & Regional Partnerships

The City of Charlottesville also seeks to encourage the participation of local and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) in the process of developing and implementing strategic plans for the CDBG and HOME programs.

B. Public Hearings

The City of Charlottesville is committed to providing ample opportunities for civic engagement in the development of strategic plans for its HUD-funded programs. At a minimum, public hearings will be held at key stages of the consolidated planning process to obtain public input regarding community needs, proposed use of funds, proposed strategies and actions for the 5-Year Consolidated Plan and the subsequent Annual Action Plans.⁶

- **Time and Location.** Public hearings related to HUD-funded programs will be held in conjunction with City Council open meetings⁷. Regular meetings of City Council are typically held on the 1st and 3rd Mondays of every month (except holidays) and begin at 4:00pm, unless otherwise stated in public notice. Public hearings for HUD-funded programs typically occur

⁶ Federal regulations require PJ's like the City of Charlottesville to "provide for at least one public hearing during the development of the consolidated plan" (at 24 CFR 91.105(b)(3)). The City and TJPDC, however, will consider it good policy to provide multiple public hearings for key plans, preferably in multiple forums (such as before City Council and the TJPDC Board of Commissioners, for example).

⁷ City Council meetings may at times be held at an alternate location to be specified in the public hearing notice(s). Information about City Council hearings, including dates, times and agendas, can be found online at <https://www.charlottesville.gov/677/City-Council>

during the regular business meeting portion of Council sessions, starting at 6:30pm, and can typically be found under the Action Items section of published City Council agendas.

- **Accessibility to Persons with Disabilities.** Council chambers within City Hall are accessible to citizens with conditions that may pose barriers to access. Reasonable accommodations can be made available for individuals seeking assistance or special arrangements so they can participate in public meetings. Individuals seeking assistance or special arrangements so they can participate in public meetings, or their caregivers, are encouraged to contact the ADA Coordinator at (434) 970-3182 or to submit a request via email to ada@charlottesville.gov.
- **Language Access/Translation Services.** Assistance with translation of key documents may be made available upon request to program staff listed below. With advance notice, City and TJPDC staff will accommodate the needs of non-native speakers of English within the community by providing translation services at public hearings.
- **Exceptions to Public Notice/Hearings Requirements.** The requirements to hold a public comment period and/or public hearing, and the duration of such comment period, may at times be modified or shortened in situations where HUD specifically authorizes such modifications.

C. Public Comment Periods

Staff will make available for public comment drafts of strategic plans, such as the 5-Year Consolidated Plan and supporting 1-Year Annual Action Plans, and the CAPER evaluation report, among others, to provide the public with an opportunity to review and provide feedback on these reports before they are submitted to HUD.⁸

- **Posting of Drafts for Public Review.** Draft copies of proposed Consolidated Plans and Annual Actions Plans, as well as the CAPER, are made available during periods of public comment on the TJPDC website at <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/>. Such drafts will be advertised on the City's CDBG & HOME webpage,⁹ with links to the TJPDC page above, and printed copies are also freely available upon request by contacting program staff. (Staff contact information shall also be posted in the public notices.)
- **Press Releases.** Drafts posted to the TJPDC website are advertised by the City: on Column.us through the local paper of record, the Daily Progress; on the City's CDBG & HOME webpage; and via Press Release by the City's Communications and Public

⁸ The city shall "provide citizens with a reasonable opportunity to comment on the original citizen participation plan and on substantial amendments to the citizen participation plan, and [will] make the citizen participation plan public" (at 24 CFR 91.105(a)(3)).

⁹ <https://www.charlottesville.gov/678/CDBG-HOME-Programs>

Engagement. Public notices are also provided by TJPDC to the papers of record for each of the Consortium member counties and on the TJPDC webpage for the HOME Consortium.¹⁰

D. Notice of Public Meetings

As required by Virginia code § 2.2-3707, advance public notice of not less than three (3) working days must be provided before public hearings are held and prior to the start of the public comment period for any Consolidated and/or Annual Action Plans to be considered by Council, as well as for the public hearing to present the results of the annual CAPER review.

- In the spirit of fostering meaningful civic engagement and as a matter of good public policy, program staff will strive to provide public notice of no less than fourteen (14) days where possible
- Notice of each public hearing shall be published at least once in a newspaper of general circulation in the community prior to the hearing (Note that the date of publication is day 'zero')
- The hearing notice shall also be conspicuously posted in one or more public locations at least seventy-two (72) hours prior to the actual hearing; this may also be accomplished by posting to the City and/or TJPDC's websites
- At a minimum, public notices shall: contain the date, time and place of the hearing; identify topics to be discussed; offer reasonable accommodations for persons with disabilities; and include an invitation to submit written comments and where to direct such comments.

Additionally, public hearings held at specific times in the process require specific information to be listed in the public notice. Public notices posted at the time of application should contain information about the amount of CDBG and/or HOME funds available, the types of activities eligible for funding and information about the proposed activities and the amount of funds anticipated to be made available.

III. The Community Planning Process

A. The 5-Year Consolidated Plan

The Consolidated Plan is a forward-looking analysis of the region's affordable housing and community development needs and a significant opportunity for civic engagement in the formulation of data-driven, place-based objectives that will guide the work of the CDBG and HOME programs for the next five years. The consolidated planning process serves as the framework for a community-wide

¹⁰ <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/>

dialogue to identify housing and community development priorities that align and focus funding from the CPD formula block grant programs.

The City is required to hold at least one public hearing during the development of the Consolidated Plan. A draft of the Consolidated Plan will be made available for a period of public comment of not less than thirty (30) days and shall be posted annually on the TJPDC website for the HOME Consortium.¹¹ The draft Consolidated Plan shall also be presented to the public at open public hearings before the City's Planning Commission, City Council and the TJPDC Board of Commissioners. Printed copies of the draft Plan shall be made available by written request to program staff listed below. All feedback and public comments received shall be considered impartially and shall be incorporated into the Consolidated Plan prior to its submittal to HUD for their statutory review.

- **Needs Assessment.** In the development of the Consolidated Plan and the associated Annual Action Plans, the city will make reasonable efforts to solicit and incorporate the views of citizens regarding city-wide community development and housing needs, staff recommended priorities, proposed changes to CDBG and/or HOME-funded activities, and/or amendments and program performance as detailed within the CAPER and other relevant information. Such needs assessment will also seek to better understand the language needs represented by non-native speakers of English within the community.

B. The 1-Year Annual Action Plans

The 5-Year Consolidated Plan is implemented through a series of consecutive 1-Year Annual Action Plans designed to provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. Public review of and comment on draft Annual Action Plans will follow the same procedures as established above for the Consolidated Plan.

C. The Notice of Funding Availability & Requests for Proposals

The City will publish on at least an annual basis a Notice of Funding Availability ("NOFA") so as to provide public notice of important funding opportunities to community organizations, developers, and other stakeholders related to the availability of funds to support eligible community development and/or affordable housing activities. The NOFA will be advertised through a formal press release by the City's Office of Communications and Public Engagement and will be available throughout the year

¹¹ <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/>

online at the City’s public website for the Office of Budget & Grants Management.¹² Printed copies of the NOFA shall be made available by written request to program staff listed below.¹³

D. CDBG/HOME Taskforce

The CDBG/HOME Taskforce (“Taskforce”), composed of volunteers representing neighborhoods and groups from across the City, serves as a vital part of citizen engagement in the work of the CDBG & HOME programs. Through the work of the taskforce, citizens from across the City serve as an advisory committee tasked with reviewing applications for CDBG and/or HOME funding in the areas of housing, economic development, public facilities and infrastructure and public services to support activities that will make progress towards the goals and objectives established in the city’s Consolidated Plan. The volunteer members of the taskforce then develop a slate of funding recommendations for consideration to City Council, consistent with federal regulations, HUD guidance and priorities for these programs as established by Council during open public hearings.

To this end, the Taskforce will hold periodic open public meetings throughout the year in the execution of their responsibilities, as established by City Council and noticed in advance through the City’s public Agendas and Meetings calendar¹⁴, among others.

E. Substantial and Minor Amendments

Circumstances may arise during the course of a program year that require amendments to the established Consolidated Plan and/or subsequent Annual Action Plans or to specific activities implemented to achieve the goals established by the plans. HUD regulations, at 24 CFR 91.105(c)¹⁵, define criteria for when an amendment to an established plan will be consider either ‘minor’ or ‘substantial’.

- **Substantial Amendments.** The City shall consider as substantial amendments any changes to the Annual Action Plan that are required by HUD to have one or more public hearings, a formal notice of a public comment period and local approval by City Council and that include:
 - Change(s) to the Citizen Participation Plan¹⁶

¹² <https://charlottesville.org/169/Budget-Grants-Management> and/or <https://charlottesville.org/1941/Grants>

¹³ A printable PDF of the Fiscal Year 2027 NOFA is available online at <https://www.charlottesville.gov/DocumentCenter/View/14566/FY-2027-NOFA-PDF?bidId=>

¹⁴ <https://www.charlottesville.gov/1077/Agendas-Minutes>

¹⁵ See also regulations at 24 CFR 91.105(c) and 91.505(b)

¹⁶ Proposed changes to the CPP will be publicly advertised for comment at least fifteen (15) days prior to the adoption or amendment of the CPP by the City Council to allow time for public comment. The proposed revisions will become effective immediately upon approval by City Council.

- Change(s) in the use of CDBG and/or HOME funds, such as through: a change in its allocation priorities or a change in the method of distribution of funds; by reassigning funds from one eligible activity to another; or when unspent funds within these programs are allocated to support a new activity not covered by the Annual Action Plan in effect at the time¹⁷
- Cancellation of any activity or activities listed in the Consolidated Plan and/or subsequent Annual Action Plans; or
- Change(s) in the purpose, scope, program category¹⁸ and/or beneficiaries of an activity listed in the Annual Action Plan or any change that results in a reduction greater than fifty percent (50%) of a Consolidated Plan Goal
- **Minor Amendments.** Proposed amendments to the Consolidated Plan and/or subsequent Annual Action Plans that do not meet the criteria for a substantial amendment listed above shall be considered by the City as ‘minor’ amendments. While minor amendments do not necessarily require City Council review and approval or public hearings, the City will consider holding public hearings where time permits.

Any change in the amount of federal funding allocated to either or both the CDBG & HOME programs after the draft Consolidated Plan is published and the resulting effect on the distribution of funds will not be considered a substantial amendment.

F. The CAPER

Localities participating in HUD-funded programs like CDBG and HOME report on accomplishments and progress toward Consolidated Plan goals and through the Consolidated Annual Performance and Evaluation Report (“CAPER”). The CAPER process provides an important opportunity for civic engagement through an analysis of the effectiveness of CDBG and HOME activities conducted in the previous program year as a tool for identifying changes and course-corrections that may be needed to meet the goals and objectives established through the Consolidated Plan.

The draft CAPER shall be made available for public comment for a period of not less than fifteen (15) days and shall be posted annually on the TJPDC website for the HOME Consortium.¹⁹ The draft CAPER shall also be presented to the public at open public hearings before City Council and the

¹⁷ New activities not established under the typical Annual Action Plan process are sometimes referred to as ‘special purpose’ or ‘off-cycle’ activities are subject to the same HUD requirements as any other approved HUD-funded activity; once approved locally by City Council, these special purpose activities are added to the Annual Action Plan then in effect

¹⁸ Specifically, changes to whether the activity in question is classified as: economic development; affordable housing; public facilities and infrastructure; public services; or administration and planning.

¹⁹ <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/>

TJPDC Board of Commissioners. Printed copies of the draft CAPER shall be made available by written request to program staff listed below. All feedback and public comments received shall be considered impartially and shall be incorporated into the CAPER prior to its submittal to HUD for their statutory review.

V. Additional Considerations

A. Applicability

The processes covered by this CPP shall apply only to funds specifically allocated by HUD for the CDBG and HOME programs and/or to other funds specifically allocated by City Council to support these programs, such as funds that may be appropriated by Council from the Charlottesville Affordable Housing Fund (“CAHF”) to satisfy HUD’s local match’ requirements for participation in the HOME program.²⁰

B. Authorities

No portion of this Plan shall be construed as to restrict the responsibility and authority of the elected officials of the City in the development, implementation, performance review and execution of any aspect of the CDBG and/or HOME program, except wherein proscribed by superseding statute or regulation.

C. Access to Records & Availability of Data

The City and TJPDC will provide members of the public, public agencies and other interested parties with reasonable and timely access to CDBG & HOME program information, in accordance with HUD regulations and Virginia public records law.²¹ The City shall make reasonable effort to assure that CDBG/HOME program information is available to all citizens, especially those of low and moderate incomes or Limited English Proficiency in a language that is accessible to them. Certain information regarding these programs will be afforded widespread access periodically throughout the year by city staff during open public hearings and associated staff memos and reports, available on the City’s ‘Agendas & Minutes’ webpage,²² among other locations on www.charlottesville.gov. Other key

²⁰ <https://www.charlottesville.gov/1837/Charlottesville-Affordable-Housing-Fund->

²¹ The city will "provide residents of the community, public agencies, and other interested parties with reasonable and timely access to information and records relating to the jurisdiction's consolidated plan and use of assistance under the programs covered by this part during the preceding 5 years" (at 24 CFR 91.105(h)).

²² <https://www.charlottesville.gov/1077/Agendas-Minutes>

information about these programs is available to members of the public through HUD's official website²³ and/or through the HUD Exchange website.²⁴

The City and TJPDC will also, as soon as feasible after the start of the public participation process, make HUD-provided data and any other supplemental information the jurisdiction plans to incorporate into its consolidated plan available to its residents, public agencies, and other interested parties, typically by cross-referencing to the data on HUD's website.

City and TJPDC staff will also affirmatively protect the identity of individuals receiving HUD-funded services by withholding personally identifiable information to the maximum degree allowable by law.²⁵

D. Comments, Concerns & Complaints

Public hearings and the formal process for public comments, as described herein, are designed to facilitate public participation in all phases of the community development process. Members of the public are encouraged to submit their views and proposals on all aspects of community development and housing at these public hearings. Members of the public may, at any time, also submit written comments or concerns to the City.

Any citizen or citizen's group desiring to comment or object to any aspect of the CDBG/HOME programs should submit such comments or objections in writing to the Office of Budget & Grants Management using the contact information provided herein, or as indicated on the City website if listed personnel/roles change.

The City will consider the comments or views of citizens, whether received in writing or orally at the public hearings, in the preparation of relevant strategic plans and reviews. A summary of any comments or views received as well as a summary of any comments or views not accepted and the reasons why will be attached to the final strategic plan and/or CAPER. Should a member of the public, after a reasonable period, believe that their comment or complaint has not been properly addressed or considered by the relevant program staff, the aggrieved party may appeal his/her case to the Director of Budget & Grants Management.

²³ <https://www.hud.gov/>

²⁴ <https://www.hudexchange.info/>

²⁵ In no case shall the City disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefits. Furthermore, the City shall not disclose any information which may be deemed of a confidential nature, except where required by law.

The Grants Analyst and/or TJPDC staff shall make every effort to provide written responses to citizen proposals or concerns within fifteen (15) working days of the receipt of such comments or concerns where practicable. Should the City be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to HUD. Records of all comments, objections and/or concerns by citizens regarding the City's CDBG and/or HOME s and subsequent action taken in response to those comments shall be maintained on file at the Office of Budget & Grants Management and shall be made available for public review upon request.

E. Freedom of Information Requests

Requests for information related to the CDBG & HOME programs can be submitted through the city's Office of the City Attorney in-person, via U.S. mail and/or online at <https://www.charlottesville.gov/774/Submit-a-FOIA-Request>.

F. Minimizing Displacement

The City and its partners at TJPDC do not anticipate any displacement effects from activities funded through the CDBG and/or HOME programs but are nonetheless committed to minimizing any such impacts should they occur, in accordance with HUD requirements.²⁶

IV. Technical Assistance

A. Requests for Technical Assistance

The City of Charlottesville and the Thomas Jefferson Planning District Commission value the participation of all members of our community in the shared work of governance. We are motivated in this work by the belief that widespread public engagement in the development, evaluation, and execution of these plans and their supporting programs and activities²⁷ is an essential element of ensuring they deliver deep and meaningful beneficial benefits for our community.

To support meaningful engagement by members of the public in the planning, implementation and assessment of the CDBG and/or HOME programs, and to foster public understanding of CDBG and

²⁶ Procedures and policies for minimizing/mitigating displacement caused by HUD-funded activities can be found in HUD Handbook 1378, "Tenant Assistance, Relocation and Real Property Acquisition," available online at <https://www.hud.gov/hudclips/handbooks/cpd>, and the implementing regulations for the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.) (Uniform Act), available online at <https://www.ecfr.gov/current/title-49/subtitle-A/part-24>.

²⁷ As used herein, and in accordance with HUD usage, 'programs' refers in general to HUD-funded programs like CDBG and HOME, whereas 'activity' and 'activities' refers to specific funded works designed to meet the goals of these programs.

HOME program requirements and associated HUD regulations, program staff are available to provide technical assistance to members of the public upon request, with a special emphasis on supporting persons of low- and moderate-income (“LMI”) in the development of requests for funding assistance under any of the programs covered by the Consolidated Plan. This technical assistance is meant to provide prospective applicants, interested citizens, elected officials and other members of the public with general information regarding the CDBG/HOME programs and their rules, regulations, procedures and/or requirements.

To learn more about these programs and how to request technical assistance, members of the public are encouraged to visit <https://www.charlottesville.gov/678/CDBG-HOME-Programs> and/or <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/>.

B. Staff Contacts

The City’s HUD-funded programs are coordinated by the staff of the Office of Budget & Grants Management, in partnership with TJPDC for the HOME program. Members of the public can learn more about the city’s CDBG, HOME and other grants programs by contacting:

<p>The Office of Budget & Grants Management²⁸</p>	<ul style="list-style-type: none"> • Anthony Warn, Grants Analyst e: warna@charlottesville.gov w: 434-906-2582 • Taylor Harvey-Ryan, Grants Program Manager e: harvevrvant@charlottesville.gov w: 434-365-8071 • Krisy Hammill, Director e: hammillk@charlottesville.gov
<p>The Thomas Jefferson Planning District Commission²⁹</p>	<ul style="list-style-type: none"> • Laurie Jean Talun, Housing Program Manager e: ljalun@tjpd.org w: (434) 422-4080
<p>The U.S. Department of Housing and Urban Development³⁰</p>	<ul style="list-style-type: none"> • Virginia Field Office 400 N 8th Street, Suite 300 Richmond, VA 23219 p: (800) 842-2610

²⁸ <https://www.charlottesville.gov/678/CDBG-HOME-Programs>

²⁹ <https://tjpd.org/our-work/thomas-jefferson-regional-home-consortium/>

³⁰ <https://www.hud.gov/states/virginia>

Within the Office of Budget & Grants Management, the Grants Analyst serves as the primary staff contact for coordinating citizen participation throughout the community development process and the implementation of all citizen participation activities and functions for the CDBG & HOME programs, except those which may be specifically delegated to other parties by this Plan. The specific duties and responsibilities of the Grants Coordinator shall include but not necessarily be limited to: disseminating program/project information; facilitating the citizen participation process; serving as a point of contact for program/project related inquiries; monitoring the citizen participation process; and proposing such amendments to the CPP as may become necessary.

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ARTICLE XIII. COMMUNITY PLANNING AND DEVELOPMENT GRANT PROGRAMS

Charlottesville, Virginia, Code of Ordinances

Chapter 2 – Administration

Sec. 2-416. Purpose and applicability of article.

- (a) This Article sets forth planning and decision-making procedures to guide the city’s engagement as a ‘participating jurisdiction’ (“PJ”) in the Community Development Block Grant (“CDBG”) and HOME Investment Partnerships (“HOME”) programs administered by the U.S. Department of Housing & Urban Development (“HUD”) under the federal Housing and Community Development Act of 1974, as amended, and the federal HOME Investment Partnerships Act of 1991, as amended.
- (b) HUD’s Office of Community Planning & Development (“CPD”) establishes that CDBG and HOME funds are to be used primarily to support eligible community development, planning and affordable housing activities, as defined by HUD, that are designed to benefit low- and moderate-income (“LMI”) persons and to address one or more of HUD’s core national objectives.
- (c) The processes established by this article shall apply only to funds specifically allocated by HUD for the CDBG and HOME programs and/or to other funds specifically allocated by City Council to support these programs, such as funds that may be appropriated by Council from the Charlottesville Affordable Housing Fund (“CAHF”) to satisfy HUD’s local match’ requirements for the HOME program.

Sec. 2-417. The Community Development Block Grant Program.

- (a) The City of Charlottesville is proud to partner with HUD to provide valuable financial and other programmatic supports to a wide array of community-benefit organizations that nurture healthy and vibrant communities. Through the CDBG program, the City of Charlottesville provides valuable financial and other programmatic supports to a wide range of local partners that enable them to design and implement programs that foster vibrant and healthy communities through activities related to economic development, commercial and residential revitalization, and/or job creation, all in support of a shared vision of Charlottesville as a place where everyone thrives.

draft print date: 12-Dec-25 8:51:00 am

- (b) CDBG funds shall be spent to support eligible community development and planning activities as permitted under the Housing and Community Development Act of 1974, as amended, and applicable federal regulations, and applicable federal regulations, in line with priorities established by City Council during open public hearings.

Sec. 2-418. The HOME Investment Partnerships Program.

- (a) The City of Charlottesville is proud to partner with HUD and the Thomas Jefferson Planning District Commission (“TJPDC”) to provide valuable financial and other programmatic supports to a wide array of community-benefit organizations that help nurture healthy and vibrant communities, with a special emphasis on affordable housing activities designed to support high-quality housing and living environments as well as to increase the availability of high-quality homeownership and rental opportunities for income-qualified city residents. Through HOME, the city partners with a wide array of local community-benefit organizations to design and implement programs that develop and/or rehabilitate affordable homeownership and rental opportunities throughout the city. In addition, through a regional partnership known as the Thomas Jefferson HOME Consortium (“TJHC”), the city works closely with TJPDC and the staff of five neighboring counties: Albemarle, Fluvanna, Greene, Louisa and Nelson, to support a strong regional approach to the national housing crisis.
- (b) HOME funds shall be used to strengthen public-private partnerships focused on affordable housing activities (“AH”) to strengthen housing stability for LMI residents and the local supply of affordable housing opportunities, as defined by HUD. The funds may be spent to support eligible affordable housing activities as permitted by the HOME Investment Partnerships Act of 1991, as amended, and applicable federal regulations.

Sec. 2-419. Citizen Participation Plan.

- (a) The City of Charlottesville and the Thomas Jefferson Planning District Commission value the participation of all members of our community in the shared work of governance, including the work of the city’s CDBG and HOME programs. We are motivated in this work by the belief that widespread public engagement in the development, evaluation, and execution of these plans and projects is an essential element of ensuring they deliver deep and meaningful beneficial benefits for our community.

- (b) The City of Charlottesville will develop and implement a Citizen Participation Plan (“CPP”) as an inclusive framework for promoting meaningful public engagement and community-wide dialogue that will inform community development and affordable housing priorities and guide the use of funding received from HUD for the CDBG and HOME programs.

Sec. 2-420. CDBG/HOME Taskforce.

- (a) The CDBG/HOME Taskforce is hereby established to serve as an advisory committee tasked with reviewing applications for CDBG and/or HOME funding in the areas of housing, economic development, public facilities and infrastructure and public services to support activities that will make progress towards the goals and objectives established in the city's Consolidated Plan. The volunteer members of the taskforce then develop a slate of funding recommendations for consideration to City Council, consistent with federal regulations, HUD guidance and priorities for these programs as established by Council during open public hearings.
- (b) The CDBG/HOME Taskforce shall be composed of nine (9) volunteer members appointed by City Council, to include:
 - a. Five (5) members representing the city at-large, with the goal of having no more than one member being drawn a specific city neighborhood if sufficient applications are received by City Council
 - b. Two (2) members representing nonprofit organizations engaged in Public Services activities, as defined at 24 CFR 570.201
 - c. One (1) member currently serving on the city’s Planning Commission
 - d. One (1) member currently serving on the Charlottesville City School Board
- (c) The terms of service for the members representing the Planning Commission and School Board shall be coextensive with the term of office to which such member has been elected or appointed, unless City Council, at the first regular meeting each year, appoints others to serve as representatives for these bodies.
- (d) All other members of the Task force first appointed shall serve respectively for terms of three (3) years, with a limit of two terms unless otherwise approved by City Council. Vacancies that may arise shall be filled by appointment for the unexpired term only. Members may serve up to

two (2) consecutive full terms, unless otherwise approved for additional service by City Council. (Charlottesville Municipal Code, Article 1, Sec. 2-8¹)

- (e) The seat of any members who, having been duly appointed by Council to a seat representing a designated neighborhood within the city, moves subsequent to their appointment but who otherwise remains a city resident will convert to an At-Large seat for the remainder of their term or until such time Council takes additional action regarding their appointment (such as to appoint them to another open seat). This conversion will occur even if all other At-Large seats have been filled prior to the date of member's move within the city.

Sec. 2-421. Subcommittees.

- (a) When the City Council is considering proposed HUD-funded activities with a city- and/or neighborhood-wide benefit, Council may choose to appoint members to a Special Purpose ad hoc subcommittee, including but not limited to representatives of the CDBG/HOME Taskforce, the Planning Commission or other city board or commission, residents, businesspeople and property owners from the priority neighborhood as Council deems appropriate.

Sec. 2-422. Annual processes.

- (a) In order to ensure the efficient and equitable administration of the city's CDBG and HOME programs, program staff will work to ensure that certain key processes occur on an annual basis, including:
 - (i) City Council will establish priorities for the upcoming program year
 - (ii) Program staff will issue a formal Notice of Funding Availability ("NOFA") and conduct an open and public Request for Proposals ("RFP") process
 - (iii) The volunteer members of the CDBG/HOME Taskforce will review requests for funding and formulate funding recommendations for consideration by the Commissioners of the Thomas Jefferson Planning District Commission and City Council
 - (iv) Program staff will coordinate public hearings and a public comment period for all CDBG and HOME items requiring City Council approval
 - a) Public hearing shall provide opportunities for members of Council to receive citizens' comments on recommended priorities, funding recommendations and reviews of program performance

¹ https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTIINGE_S2-8LITEMEBOCO

- b) The notice of the public hearings shall include estimates of funds anticipated to be made available by HUD to support eligible CDBG and HOME activities as well as how the public can request or access copies of important program documents
 - c) Public comments may be presented in writing, via email and/or in person during public hearings (or virtually when available).
- (b) After considering public input and the recommendations of the members of the CDBG/HOME Taskforce, City Council will approve a slate of funded activities, appropriate funds to support these activities and authorize staff to implement such activities.
- (c) The CDBG/HOME Taskforce may also be called upon to help review annual performance of the city HUD-funded activities and to identify accomplishments, challenges encountered and recommended amendments to the Annual Action Plan, such findings to be included in the city's Consolidated Annual Performance Evaluation Report ("CAPER") and used to inform future funding recommendations.
- (d) City Council may at times consider and approve certain special purpose funding recommendations received from program staff outside of the typical Annual Action Plan process, such as to meet HUD timeliness of expenditures requirements. Any such recommendations will follow all established public notice and public hearing requirements as established by HUD, Virginia law and/or this Article.
- (e) Once City Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the approved Citizen Participation Plan in effect at that time.

Sec. 2-423. Procedures for public hearings, meetings and records.

- (a) Plans and/or amendments, as required under this Article, shall be advertised in the manner provided by Code of Virginia, § 15.2-2204², and in accordance with the adopted Citizen Participation Plan ("CPP").
- (b) All meetings conducted pursuant to this article and all records of the CDBG and HOME programs shall be subject to the provisions of the Virginia Freedom of Information Act ("FOIA").

² <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2204/>

Sec/ 2-424. Reserved.



City of Charlottesville Citizen Participation Plan

Adopted: July 18, 2016

CITY OF CHARLOTTESVILLE
CITIZEN PARTICIPATION PLAN (CPP)
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS

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SECTION 1. INTRODUCTION

Citizen involvement and participation are critical to all aspects of local government and governance. Accordingly, the City of Charlottesville has incorporated this into the City Council vision statement, as follows:

Smart, Citizen-Focused Government - The delivery of quality services is at the heart of Charlottesville's social compact with its citizens. Charlottesville's approach to customer service ensures that we have safe neighborhoods, strong schools, and a clean environment. We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and **active citizen involvement**. Citizens feel listened to and are easily able to find an appropriate forum to respectfully express their concerns.

As required by the U.S. Department of Housing and Urban Development (HUD), the City of Charlottesville (City) must formalize a process for citizen involvement and participation by designating a Citizen Participation Plan (CPP) to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) programs. This plan is an essential element of the City's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG/HOME programs as regulated by the HUD.

The primary goal of this CPP is to provide citizens¹ of the community with adequate opportunity to participate in an advisory role in the planning (to include the Consolidated Plan, Annual Action Plan, and Assessment of Impediments to Fair Housing - AFH²), implementation, and assessment of the City's CDBG/HOME programs (to include the Consolidated Annual Performance and Evaluation Report – CAPER and AFH). The CPP sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis will be placed on encouraging participation of persons that are often marginalized. This includes persons of low and moderate incomes, minorities, non-English speaking persons, and persons with disabilities.

Citizens are encouraged to participate in all phases of the CDBG/HOME programs and will be provided access to program information to the extent feasible and as allowed by law. The City will encourage the participation of local and regional institutions, the Continuum of Care and other organizations³ in the process of developing and implementing the Consolidated Plan. The City will also encourage, in consultation with the Charlottesville Redevelopment and

¹ Citizens include **all interested parties**, as well as residents, CDBG/HOME Task Force, and designated subcommittees (i.e., Priority Neighborhood and/or Economic Development subcommittees), in accordance with Section 2-417 and 2-418 of Article XIII of Chapter 2 of the Charlottesville City Code, 1990, as amended. Interested parties also refer to organizations that represent City neighborhoods as well as persons that would qualify for CDBG/HOME assistance.

² Affirmatively Furthering Fair Housing into 24 CFR 91.10 Consolidated Program Year, 24 CFR 91.105 Citizen Participation for Local Governments and 24 CFR 91.115 Citizen Participation for States.”

³ Other organizations are included, but not limited to: businesses, developers, non-profit organizations, philanthropic organizations and community and faith-based organizations including resident advisory boards, resident councils, resident management corporations, and other low-income residents in targeted revitalization areas.

Housing Authority (CRHA), participation by residents of public and assisted housing developments.

SECTION 2. SCOPE OF PARTICIPATION AND PARTICIPANT RESPONSIBILITIES

The City will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG/HOME programs undertaken by the City. The City will look to consider and include:

- a. Views of citizens regarding city-wide community development and housing needs, staff recommended priorities, proposed program/project⁴ changes or amendments and program performance as detailed within the CAPER and other relevant information;
- b. Participation of citizens in the development, review and evaluation of request for proposal(s) and associated responses by means of a CDBG/HOME Task Force and designated subcommittees (in accordance with Section 2-417 and 2-418 of Article XIII of Chapter 2 of the Charlottesville City Code, 1990, as amended);
- c. Discussion and input from citizens regarding funding recommendations as discussed with and evaluated by the Planning Commission/City Council;
- d. Views of citizens on the proposed Annual Action Plan of the Consolidated Plan and the Consolidated Plan; and
- e. Views of citizens on the CPP and AFH including views on the analysis of Fair Housing data, assessment of Fair Housing issues and contributing factors, and identification of Fair Housing priorities and goals.⁵

All phases of the community development process will be conducted by local officials in an open manner. Citizens are encouraged to participate throughout the process and will be given access to program information during each phase of any CDBG/HOME program, as outlined herein.

The CDBG/HOME Task Force and designated subcommittees will hold various meetings in execution of their responsibilities, which will be noticed in advance as required by City policy. Such meetings will be held at City Hall, unless otherwise stated.

While the Planning Commission will review the recommendations of the CDBG/HOME Task Force and designated subcommittees, suggesting modifications or amendments as deemed necessary, final responsibility and authority for the development, implementation and performance review of the CDBG/HOME programs will reside with City Council.

⁴ Program, as used herein, refers to either the CDBG or HOME programs and is distinguished from projects and/or activities that are funded within a specific program.

⁵ The AFH is due in October 2017, prior to the City's next Consolidated Plan submission in 2018.

SECTION 3. CITIZEN PARTICIPATION CONTACT PERSON

The Grants Coordinator of Neighborhood Development Services (NDS) will serve as the contact person for all matters concerning citizen participation activities. This person shall be responsible for overseeing citizen participation throughout the community development process and the implementation of all citizen participation activities and functions, except those which may be specifically delegated to other parties by this Plan.

The specific duties and responsibilities of the Grants Coordinator shall include, but not necessarily be limited to: disseminating program/project information; facilitating the citizen participation process; serving as a point of contact for program/project related inquiries; monitoring the citizen participation process; and proposing such amendments to the CPP as may be necessary.

The Grants Coordinator may be contacted at Neighborhood Development Services, Charlottesville City Hall - P.O. Box 911, 610 E. Market Street, Charlottesville, Virginia 22902, (434) 970-3182 during regular business hours (8:00am – 5:00pm), except for weekends and holidays. All questions concerning citizen participation in the community development process should be addressed to the Grants Coordinator.

SECTION 4. TECHNICAL ASSISTANCE

City staff shall provide technical assistance to citizens and other interested parties, especially those representative of low or moderate income persons, as may be requested and/or required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG/HOME program(s).

Such technical assistance is intended to increase citizen participation in the community development decision making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG/HOME program requirements and associated HUD regulations.

Technical assistance shall be provided upon request or during technical assistance workshops (e.g., CDBG/HOME application workshop). Technical assistance is meant to provide potential applicants, interested citizens, elected officials and others with general information regarding the CDBG/HOME programs and its rules, regulations, procedures and/or requirements.

Technical assistance may be obtained at any time by contacting the Grants Coordinator.

SECTION 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the comments of all citizens, especially low and moderate income persons and/or groups representing such persons.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to provide comments concerning the development and performance of CDBG/HOME programs/projects. The Grants Coordinator will respond to questions from citizens at each public hearing. Any questions that citizens may have concerning the CDBG/HOME programs/projects will be answered and their comments/suggestions will be received and documented as appropriate.

5.1 Public Hearing Time and Location

All public hearings will be held in conjunction with City Council meetings (1st and 3rd Monday's every month at 7:00pm, unless otherwise noted/advertised) at City Hall which is accessible to all citizens, especially persons of low and moderate incomes⁶. This building is also accessible to persons with disabilities. Hearings may be held at an alternate location to be specified in the public hearing notice(s).

5.2 Priority Setting and Program Performance Public Hearing

At least one public hearing shall be held prior to the development of a request for proposal(s). The primary purpose of this public hearing shall be to solicit the views of citizens on city-wide community development and housing needs, staff recommended priorities, and program performance.

The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities.

Citizens will be provided with information concerning the CDBG/HOME programs at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG/HOME programs; staff recommended priorities, the proposed CDBG/HOME budget for the upcoming fiscal year; and program performance. This public hearing will be publicly advertised at least 15 days in advance to allow time for public comment.

5.3 CDBG/HOME Project/Activity Amendment Public Hearings

To ensure adequate opportunity for citizen participation to facilitate potential CDBG/HOME project/activity changes, the City shall hold a public hearing on all substantial amendments which require Council approval. The primary purpose of this public hearing shall be to solicit the views of citizens on substantial changes to CDBG/HOME projects/activities (as defined in "Section 8 – Amendments"). Proposed amendments will be publicly advertised at least 30 days in advance to allow time for public comment.

⁶City Hall is located on the east end of the downtown pedestrian mall, directly across from the downtown transit center which serves as the hub for the Charlottesville Area Transit (CAT) buses and free trolley service. Convenient bicycle racks and adequate parking are readily available, with the City providing a stamp for free parking at its Market Street Parking Deck during City Council meetings.

For “minor” amendments (as defined in “Section 8 - Amendments”) and changes for which Council approval is not required, no additional citizen participation will be required.

5.4 Consolidated Plan, Annual Action Plan, and AFH Public Hearing

- (a) Development of Consolidated, Annual Action Plan, and AFH: Citizens of the City will be provided with the opportunity to comment on the Consolidated Plan and Annual Action Plan. The City shall hold at least one public hearing during the development of the Consolidated Plan and Annual Action Plan and will publicly advertise the hearing at least 30 days prior.
- (b) Amendment of Consolidated, Annual Action Plan, and AFH: Substantial amendments to the Consolidated and Annual Action Plan will be publicly advertised at least 30 days prior to the consideration of the amendments by the City Council to allow time for public comment. The 30 day public comment period also applies to any revision to the AFH before the revised AFH is submitted to HUD for review. All comments received will be handled pursuant to this CPP.

5.5 Citizen Participation Plan Public Hearing

Proposed changes to the CPP will be publicly advertised at least 15 days prior to the adoption or amendment of the CPP by the City Council to allow time for public comment. The proposed revisions will become effective immediately upon City Council’s approval.

5.6 Non-English Speaking and Limited English Proficiency Residents

The City will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter and/or the provision of vital materials and notices in the appropriate language or format for persons with Limited English Proficiency, as required by the City’s Limited English Proficiency Four Factor Analysis.

5.7 Public Hearing Notices

Notice of public hearings will be published in advance in a newspaper of general circulation, subject to the time frame as specified within this Section. Each notice of a hearing shall include the time, date, place, topics and procedures to be discussed. Information and materials related to noticed public hearings will be included with the City Council agendas at posted on-line at <http://www.charlottesville.org/departments-and-services/departments-a-g/city-council/council-agendas>.

5.8 Accessibility to Low and Moderate Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate income citizens. The City may take additional steps to further promote

participation by such groups, or to target program information to these persons. Activities to promote additional participation may include targeted outreach efforts, holding public hearings at alternative accessible locations, and other reasonable efforts as may be deemed appropriate by City Council.

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings will be held at locations accessible to persons with disabilities. Additionally, the City shall provide reasonable accommodations whenever the Grants Coordinator is notified in advance (at least seven business days) that one or more persons with a disability will be in attendance

5.10 Minimizing Displacement

The City will seek to minimize displacement as a result of CDGB/HOME implementation. In all instances, the City will follow the Uniform Act and HUD Handbook 1378.

SECTION 6. PROGRAM INFORMATION / RECORDS ACCESS

Citizens, public agencies and other interested parties will be provided full access to CDBG/HOME program information during all phases.⁷ The City shall make reasonable effort to assure that CDBG/HOME program information is available to all citizens, especially those of low and moderate incomes or Limited English Proficiency, as required.

To facilitate access to CDBG/HOME program information, the Grants Coordinator will keep all documents related to the CDBG/HOME program on file in Neighborhood Development Services, City Hall - 610 E. Market Street, Charlottesville, VA 22902. This information will be made accessible during regular business hours from 8:30am – 4:00pm, except weekends and holidays. CDBG/HOME program information and materials, concerning specific CDBG/HOME projects/activities will be available and distributed to the public at the regularly scheduled public hearings as outlined in this Plan. Materials to be made available shall include all non-proprietary⁸ CDBG/HOME related information. HUD-provided data and other supplemental information that is incorporated into AFH will also be made available at the start of the participation process (or as soon as feasible after).

At a minimum, the draft and final versions of the Consolidated Plan, Annual Action Plan, CAPER, CPP, and AFH will also be available online at www.charlottesville.org. Substantial

⁷ Access to records associated with the Consolidated Plan and AFH as well as use of assistance under the CDBG/HOME programs will be provided for a minimum of the preceding five years as required by 24 CFR 91.105(h).

⁸ In no case shall the City disclose any information concerning the financial status of any program participant(s) which may be required to document program eligibility or benefit. Furthermore, the City shall not disclose any information which may be deemed of a confidential nature.

amendments to Consolidated Plan and Annual Action Plan and any revisions to the AFH will also be available online.

SECTION 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND CONCERNS

The public hearings scheduled, as described herein, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of community development and housing at these public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or concerns to the City.

Any citizen or citizen's group desiring to comment or object to any phase of the CDBG/HOME programs/projects should submit such comments or objections in writing to the Grants Coordinator. The City will consider the comments or views of citizens, whether received in writing or orally at the public hearings, in preparation of the final Consolidated Plan or final AFH. A summary of any comments or views and a summary of any comments or views not accepted and the reasons why, will be attached to the final Consolidated Plan or final AFH. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Grants Coordinator then the aggrieved party may appeal his/her case to the Director of Neighborhood Development Services.

The Grants Coordinator shall make every effort to provide written responses to citizen proposals or concerns within fifteen (15) working days of the receipt of such comments or concerns where practicable. Should the City be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to HUD.

Citizens may, at any time, contact the City and/or the HUD directly to register comments, objections or concerns related to the City's CDBG/HOME program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting HUD.

All comments or complaints submitted to the City or HUD shall be addressed in writing to:

City of Charlottesville
Neighborhood Development Services
Attn: Grants Coordinator
610 E. Market Street
P O Box 911
Charlottesville, Virginia 22902
Phone: (434) 970-3182
Fax: (434) 970-3359

Or:

U.S. Department of Housing and Urban Development
Virginia Field Office
600 E. Broad Street, 3rd Floor
Richmond, VA 23219-4920
Phone: (804) 842-2610
Fax: (804) 877-8339

Records of all comments, objections and/or concerns by citizens regarding the City's CDBG/HOME program and subsequent action taken in response to those comments shall be maintained on file at NDS and shall be made available for public review upon request.

SECTION 8. AMENDMENTS

Amendments to the Consolidated Plan and Annual Action Plan

The City shall amend its approved Consolidated Plan whenever it makes one of the following decisions:

- To make a change in its allocation priorities or a change in the method of distribution of funds;
- To carry out a project/activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Annual Action Plan; or
- To change the purpose, scope, location, or beneficiaries of a project/activity.

The City considers the following conditions to be substantial amendment criteria needed to amend the Consolidated Plan and Annual Action Plan and projected use of funds. A minor amendment is a change not listed below:

- A new program or project/activity is proposed for funding that was not previously identified in the Consolidated Plan and/or Action Plans;
- A program/project/activity that was listed in the Consolidated Plan and/or Annual Action Plan is eliminated during the program year; and
- The City increases/decreases funding for a listed project/activity or program category (e.g. economic development, public facilities, public services, administration and planning, etc.) by more than 50 percent.

A change in the federal funding level after the draft Consolidated Plan is published and the resulting effect on the distribution of funds will not be considered a substantial amendment.

Amendments to CDBG/HOME Program and Projects/Activities

The City will assure the opportunity for citizen participation during the implementation of the CDBG/HOME programs when "substantial" amendments/changes to a project/activity are under consideration by the City. A substantial amendment is defined based on the following:

1. A proposed change in the dollar amount spent on projects/activities of more than 25% of the total CDBG/HOME project costs (capped at \$5,000);
2. A proposed change in direct beneficiaries of the program so as to lower the total number of low and moderate income beneficiaries by more than 15 percent;
3. A proposed change in the scope of a project so as to modify/alter the project description in such a way that substantially changes the purpose, scope, or location of the original project/activities/beneficiaries. Substantial changes will be determined on a case by case basis by the NDS Director.

Amendments to Citizen Participation Plan

The City may modify the provisions outlined herein through amendments. All amendments shall be approved by resolution of the City Council and shall be incorporated into the CPP.

Amendments to AFH

Revisions to the AFH will be required when a material change occurs. A material change is a change in circumstances in the jurisdiction of a program participant that affects the information on which the AFH is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the AFH no longer reflect the actual circumstances.⁹

SECTION 9. AUTHORITY

No portion of this CPP shall be construed to restrict the responsibility and authority of the elected officials of the City in the development, implementation, performance review and execution of any CDBG/HOME program.

⁹ Examples of material changes include, but are not limited to Presidentially declared disasters, under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in the program participant's area that are of such a nature as to significantly impact the steps a program participant may need to take to affirmatively further fair housing; significant demographic changes; new significant contributing factors in the participant's jurisdiction; and civil rights findings, determinations, settlements (including Voluntary Compliance Agreements), or court orders.

ARTICLE XIII. - COMMUNITY DEVELOPMENT BLOCK GRANT PLANNING

Footnotes:

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Editor's note— *Ord. of August 15, 2016(2), amended Art. XIII in its entirety to read as herein set out. Former Art. XIII, §§ 2-416—2-420, pertained to similar material. See also the Code Comparative Table.*

Sec. 2-416. - Purpose and applicability of article.

- (a) This article sets forth planning and decision making procedures for the community development block grant (CDBG) and HOME Investment Partnerships (HOME) programs, funded under the federal Housing and Community Development Act of 1974, and the federal HOME Investment Partnerships Act of 1991, as amended.
- (b) CDBG funds should be used primarily to benefit low and moderate income persons and to meet the national objectives, as defined by the United States Department of Housing and Urban Development (HUD). The funds may be spent for any activities permitted by the Housing and Community Development Act of 1974, as amended, and applicable federal regulations. HOME funds should be used to strengthen public-private partnerships to provide more affordable housing, as defined by HUD. The funds may be spent for any activities permitted by the HOME Investment Partnerships Act of 1991, as amended, and applicable federal regulations.
- (c) The process established by this article shall apply only to funds specifically allocated for CDBG programs under the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Act of 1991, as amended, or other funds specifically allocated for such purposes by city council.
- (d) This process shall not apply to the allocation of any funds remaining from urban renewal activities in the Garrett Street or Vinegar Hill urban renewal projects.

(Ord. of 8-15-16(2))

Sec. 2-417. - Community development block grant and HOME task force.

- (a) The community development block grant/HOME task force is hereby established to make recommendations to the planning commission and city council for funding housing, community development, economic development, and public service needs based on the consolidated plan and the CDBG priorities as established by city council annually. The CDBG/HOME task force will work with city administration to evaluate CDBG and HOME programs to ensure consistency with the consolidated plan goals. Such recommendations and evaluations shall be forwarded in accordance with the procedures set forth in this article.

- (b) The CDBG/HOME task force shall be composed of nine (9) members appointed by the city council. The members shall include:
- (1) Five (5) members from HUD's identified income eligible areas of the city who are residents of city council designated priority neighborhoods;
 - (2) One (1) member of the planning commission;
 - (3) One (1) member representing public service programs as defined at 24 CFR 570.201;
 - (4) One (1) member of the city school board;
 - (5) One (1) additional citizen.

The term for the one (1) member of the CDBG task force from the planning commission and the one (1) member of the school board shall be coextensive with the term of office to which such member has been elected or appointed, unless the city council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the task force first appointed shall serve respectively for terms of one (1) year, two (2) years, and three (3) years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only. Members may serve up to two (2) consecutive full terms.

(Ord. of 8-15-16(2))

Sec. 2-418. - Community development block grant (CDBG)/HOME task force subcommittees.

- (a) *Priority neighborhood subcommittee.* When the city council determines that a portion of available CDBG funds will be used to assist an income eligible area, the council may appoint a priority neighborhood subcommittee, including but not limited to representatives of the CDBG task force, the planning commission and residents, business people and property owners from the priority neighborhood. The term of each priority neighborhood subcommittee shall be three (3) years, unless otherwise specified by the council, and each priority neighborhood subcommittee shall operate under such guidelines and perform such advisory functions as the council may direct at the time of appointment. Priority neighborhood subcommittee shall make recommendations to the CDBG/HOME task force for funding housing and community development needs based on the consolidated plan and work with the city to evaluate feasibility and to ensure consistency with programmatic regulations. The city council will designate an income eligible area for three (3) years with the authority to postpone or extend funding in the event of a compelling project or need.
- (b) *Economic development subcommittee.* When the city council provides for a CDBG economic development set aside, the city staff who participate on the strategic action team (SAT) will serve as the economic development subcommittee. The SAT is an interdisciplinary team of city staff who examine the city's workforce development efforts and assist with policy development

focused on self-sufficiency for city residents. When the city council determines that a separate economic development subcommittee is needed, the city council shall appoint members with economic development expertise, including but not limited to local business owners, chamber of commerce, office of economic development and other major stakeholders. The subcommittee shall make recommendations to the CDBG/HOME task force for funding economic development projects based on the consolidated plan and work with city staff to evaluate feasibility and ensure consistency with programmatic regulations.

(Ord. of 8-15-16(2))

Sec. 2-419. - Annual process.

The following steps shall comprise the annual process for planning and programming the expenditure of CDBG and HOME funds.

- (1) City staff assigned to CDBG task force will review CDBG/HOME consolidated plan goals and applicable regulations to formulate recommendations for annual funding priorities.
- (2) The city council shall conduct a public hearing to solicit the views of citizens on city wide community development and housing needs. The purpose of this public hearing shall be for council to receive citizens' comments on recommended priorities and program performance. The notice of the public hearing shall include an estimate of the amount of funds available for CDBG and HOME activities and the range of activities that may be undertaken, as well as how the public can access a copy of the most recent consolidated annual performance evaluation report (CAPER). Public comments may be presented in writing or in person.
- (3) After receiving all comments, council shall establish priorities for the grant year, including such percentage allocations of funds to categories and to particular income eligible areas as it deems appropriate.
- (4) After council establishes priorities for the grant year, city staff with the CDBG/HOME task force will develop a request for proposals, within the funding priorities established by council, to be advertised and distributed to interested parties and prior recipients of funds.
- (5) Responses to the city's request for proposals will be evaluated by the CDBG/HOME task force.
- (6) The CDBG/HOME task force shall provide funding recommendations to the planning commission and city council to ensure that proposed projects are consistent with the CDBG program requirements and national objectives and/or HOME program requirements, as applicable. Review will also include a determination of consistency with the city's comprehensive plan and affordable housing goal(s).
- (7) The city council and planning commission shall conduct a joint public hearing to receive public comments on the proposed annual action plan of the consolidated plan and CDBG/HOME performance, as appropriate. Notwithstanding the foregoing, the CDBG/Home performance

plan may be presented at a separate public hearing as required by the Code of Federal Regulations.

- (8) Following the public hearing and any additional meetings or hearings deemed by the city council to be necessary, the council shall make a final decision on the programs, projects and expenditures to be funded from the year's CDBG/HOME programs.
- (9) The city shall provide the task force and planning commission with the Consolidated Annual Performance Evaluation Report (CAPER) in conjunction with the city's submission to HUD. The CAPER and evaluation of program specific successes and challenges will be used in future CDBG/HOME recommendations to city council for projects and programs.
- (10) Once council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the citizen participation plan adopted by council.

(Ord. of 8-15-16(2))

Sec. 2-420. - Procedures for public hearings, meetings and records.

- (a) Plans or amendments, as required under this article shall be advertised in the manner provided by Code of Virginia, § 15.2-2204, and in accordance with the adopted citizen participation plan.
- (b) All meetings conducted pursuant to this article and all records of the CDBG and HOME programs shall be subject to the provisions of the Virginia Freedom of Information Act.

(Ord. of 8-15-16(2))

Sec. 2-421. - Reserved.

Editor's note— Ord. of Dec. 15, 2003, repealed § 2-421, which pertained to expiration of article. See also the Code Comparative Table.