

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 3, 2020
Action Required:	Consideration of Zoning Text and Zoning Map Amendments
Presenter:	Brian Haluska, Principal Planner
Staff Contacts:	Brian Haluska, Principal Planner
<b>Title:</b>	<b>ZT19-10-02 (To establish new form-based zoning regulations) and ZM19-10-02 (To amend the City’s official zoning map to define boundaries of a new zoning district, “DE-SIA” and to classify land within the DE-SIA into three sub-classifications)</b>

**Background:**

In 2012, the City of Charlottesville identified an area of the City to be the focus of a small-area planning process for an area that was designated by Council as the Strategic Investment Area (“SIA”). (See <https://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/strategic-investment-area>).

Following procurement, the City awarded a contract for the planning work on this project to Cunningham Quill Architects. The planning process commenced in 2013 and was guided by a large Steering Committee that included a planning commissioner, and engagement of numerous stakeholders (see Appendix A of the SIA Plan, at <https://www.charlottesville.org/home/showdocument?id=27996>). Between February 2013 and July 2013 over forty (40) Steering Committee, stakeholder group meetings, and other public meetings were held to engage the community in the development of an SIA Plan.

The Steering Committee for the Strategic Investment Area Plan adopted the following principles for the Small Area Plan:

1. Improve and maintain a high quality of life for the people who live there and those who may in the future by addressing issues surrounding housing decay, crime, health, jobs, adult education, child care, and transportation.
2. Create a healthy neighborhood and a “sense of place” with public parks, libraries, other amenities and healthy food sources with safe and interconnected streets that promote walking, bicycling and efficient public transit and use green infrastructure techniques to improve water quality.
3. Promote mixed income residential development without displacing current residents.
4. Focus and coordinate private and public investment in infrastructure, education and community assets to increase economic, recreation and housing opportunities.
5. Honor the CRHA Residents Bill of Rights and rebuild and preserve existing public and assisted housing as part of an overall plan to revitalize the area. (The SIA will work in

concert with the CRHA redevelopment plan and not supersede or replace it).

6. Develop shared understandings of the issues, challenges, opportunities and desired outcome for the SIA.

A draft small area plan for the SIA was presented to the Planning Commission in the Fall of 2013, and the Commission recommended approval of the SIA Plan to become part of the Comprehensive Plan. Ultimately, City Council approved the SIA Plan as an amendment to the City's Comprehensive Plan on February 3, 2014.

The SIA Plan as approved by City Council (2013) is available for viewing on the City's website, at <https://www.charlottesville.org/home/showdocument?id=27996>.

As a part of the discussion on implementing the plan, staff raised the concern that drafting a zoning change for the entire SIA would be a large undertaking that would incorporate and attempt to address a number of competing interests. Specifically, the SIA area included the area south of Downtown and low-density residential areas – two areas that require thorough investigation and may yield very different considerations. In light of these conflicts, staff recommended breaking the SIA into three phases for the purpose of considering zoning changes. (A copy of the phasing map approved by City Council is attached to this Report).

In early 2017 following procurement, the City awarded a contract to the Form-Based Code Institute (FBCI) to write a form-based zoning ordinance for Phase 1 of the SIA. The following public meetings were held by the consultants to obtain input from stakeholders (including Council and the Commission) and the general public in the development of a Form Based Code:

- May 26, 2016: Planning Commission and City Council Work Session: Form Based Code Presentation and Discussion
- March 2017: "SIA Community Talks"
- August 30, 2017: Stakeholder group meetings
- September 11-14, 2017: Multiple participatory meetings (charrette) at the IX property
- October 26, 2017: City Council and Planning Commission Joint Work Session
- September 20, 2018: outreach at Crescent Hall and the Sixth Street CRHA housing sites.
- September 27, 2018: outreach at Friendship Court
- October 10, 2018: FBC affordable housing discussion at 6<sup>th</sup> St. Community Center, with CRHA residents and governing board
- October 11, 2018: FBC affordable housing discussion Crescent Hall and Friendship Court
- March 25, 2019: FBC Outreach with CRHA and PHAR
- September 4, 2019: Open House at Crescent Hall
- September 5, 2019: Open House, City Space
- October 15, 2019: Planning Commission Work Session
- November 12, 2019: Planning Commission and City Council Joint Public Hearing
- January 14, 2020: Planning Commission and City Council Joint Public Hearing

**March 2019:** a discussion-draft FBC ordinance for Phase 1 of the SIA was delivered by the consultant to the City in March 2019, and was posted for public review and comment. Staff reviewed this draft, and close to 100 public comments, and provided feedback to the consultant in September.

**October 2019:** The consultant revised the draft code in advance of the City Council/ Planning Commission joint work session on October 15, 2019.

**November 12, 2019:** Joint City Council and Planning Commission public hearing on the revised draft FBC, as revised in Sept/October 2019.

January 14, 2020: Second Joint City Council and Planning Commission public hearing, on the proposed FBC, which was further revised by staff in response to concerns from the Planning Commission, and the November 2019 public hearing, prior to the public hearing on January 14, 2020. The revised FBD (taken out of draft form, as had been the subject of some criticism) was posted on the City's website for public review.

### **Discussion:**

The Planning Commission considered this proposed zoning ordinance and zoning map amendment at their meeting on November 12, 2019, but decided to table the item after directing staff to revise the code to address concerns about the language of the code being advisory rather than mandatory, and concerns about how the affordable housing bonus would be enforced and applied.

The Planning Commission continued their deliberation of the amendments at their January 14, 2020 meeting. The discussion centered on the affordable housing bonus provisions, the protection of nearby historic properties, and how the proposed code fit into the larger policy goals of the City. The Commission ultimately voted to report their recommendations relative to the proposed Form Based Code, and related zoning map changes, to Council without making a formal recommendation for either approval or denial.

The staff report and supporting documentation (including responses to nearly 100 questions and concerns raised by commissioners or the general public), as presented to the Planning Commission, can be found starting at page 40 at the following link:

<https://www.charlottesville.org/home/showdocument?id=68345>

### **Alignment with City Council's Vision and Strategic Plan:**

The City Council Vision of Economic Sustainability states that "The City has facilitated significant mixed and infill development within the City."

The City Council Vision of Quality Housing Opportunities for All states that "Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers."

### **Community Engagement:**

See also the "Background" information, preceding above.

The Planning Commission held two joint public hearings with City Council on this matter on November 12, 2019 and January 14, 2020. The majority of the members of the speakers at the public hearings spoke in opposition to the Code, as presented, and raised concerns regarding:

- The proposed code change was coming at the wrong time in the City’s review of planning policy, in light of the fact that a consultant is currently engaged in a review of the City’s Comprehensive Plan, Housing Chapter (Strategy) and Zoning Ordinance.
- The reduction of building height/volume on some properties.
- Inability to calculate or specifically quantify the anticipated impact on affordable housing within the SIA.

**Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of this proposed zoning ordinance and map amendments.

**Recommendation:**

Staff recommends the FBC ordinance be approved, following further adjustments: (i) to clarify the terms and conditions under which bonus height would be available (consistent with the Commission’s recommendations), and (ii) to include provisions recommended by staff as a buffer for the Hebrew Cemetery.

If Council were to approve the ordinance, staff would request a period of six (6) months to prepare for implementation (including, without limitation, design of forms, checklists, and application materials necessary to process applications), prior to the effective date of the ordinance.

Also, following adoption of the Ordinance, staff would recommend that a Charette process be used to explore what development under a T-6 transect designation could look like in one or more other locations, including near the Belmont Bridge.

The Planning Commission voted unanimously to make the following report to Council:

Commissioner Stolzenberg made a motion to forward the concerns outlined by the Planning Commission in reference to ZT19-10-02 and ZM19-10-02 to City Council. Motion was seconded by Commissioner Dowell. All Commissioners voted in favor by acclamation.

Text related concerns

1. Protection for the Hebrew Cemetery from development pressures (current and proposed) are needed. This could be in the form of buffers, setbacks or other appropriate measures.
2. Bonus provided for affordable housing provision should be measured in square footage rather than in units.
3. Language in section 1.6.2.3. should be refined to clarify unit sizes. Use another term to replace “luxury-scaled”
4. Review section 1.1 Purpose to determine if there is a way to integrate the adopted principles of the SIA in this section.
5. Revise section 7.8.2.7 as awnings should be allowed to have side panels.
6. Review section 8.2.6.3.1.1. Have technical staff note if it is appropriate and consider rewording.
7. Review section 8.3.2.1.4. to clarify reason for 2 foot separation for bicycle racks and utility meter/tree planter
8. References to parking considerations in the code should be removed and considered as part of the overall city code review.

9. Concerns were expressed about sufficient space for canopy trees (for the frontage of properties)

Map Related concerns

1. The properties on Graves Street should be removed from consideration for the Form Based Code.
2. The impact of T6 zoned properties looming over CRHA properties should be reviewed.
3. For the property at 310 Avon Street, creative approaches should be explored to assure that uses on the property would be visible over the replaced Belmont Bridge.
4. Consider T6 zoning for the properties west of 2<sup>nd</sup> street closest to the railroad tracks
5. The corner area of T6 zone adjacent to the Hebrew cemetery should be removed and T6 zoning should be extended on the northern border of the district.