



**County of Albemarle
Department of Community Development**

Memorandum

To: Albemarle County Board of Supervisors
From: Rachel Falkenstein, Principal Planner
Division: Planning Division
Date: October 22, 2019
Subject: Rio29 Form-Based Code – Planning Commission Work Session #3 Summary

County staff have scheduled four work sessions with the Planning Commission to discuss and receive feedback on a series of form-based code topics for the Rio29 area. On October 15, 2019, staff presented background information, research and recommendations related to architecture, housing, and public art to the Planning Commission. One more work session is scheduled for November to include a comprehensive review of a draft form-based code “framework”.

Architecture

Staff provided an overview of background information, research and community input for Rio29 architecture (Attachment A3 and A4). Following this presentation, staff brought one question for discussion and input from the Planning Commission. The question and the corollary Planning Commission response is outlined below:

Should we include criteria specific to architectural design into the form-based code and subsequently eliminate ARB review within the Rio29 area?

Staff recommended incorporating architectural standards within the form-based code to eliminate the need for ARB review of individual development projects within Rio29. Doing so can help incentivize redevelopment by creating a more efficient process and increasing certainty for developers and property owners.

This approach will require more specific and comprehensive standards for architectural design in Rio29 than those currently included in the Entrance Corridor guidelines. Drafting new architectural regulations in the allotted timeline for this project (framework complete by December 2019 and final adoption in 2020) will not be possible due to the complexity of this work and current staffing limitations. Staff recommended a comprehensive set of architectural regulations be developed as a second phase for this project, after the initial code adoption in 2020.

As an interim measure, staff recommended adopting a new category of staff approved County-wide Certificate of Appropriateness (CWCoA) for Rio29. The proposed Rio29 CWCoA would include criteria specific to Rio29 collaboratively developed by County staff and the ARB. The Rio29 CWCoA would allow staff to review and approve architectural standards and eliminate the need for ARB review for relevant projects in Rio29.

Staff recommended the Rio29 CWCoA focus specifically on topics of transparency, materials/color, façade manipulation, and lighting. These are the topics currently included in the Entrance Corridor guidelines and would appropriately streamline the process in this initial phase of work.

The Planning Commission had mixed support of staff's recommendation (above). Their biggest concern was that overly prescriptive architectural standards could result in limiting creativity and the loss of flexibility in design. Commissioner Firehock cautioned against drafting regulations in 2019 that would lock this area into a fixed style into the future. She suggested articulating principles about what we want and letting developers propose projects for the County to react to. Commissioner Moore agreed and suggested it would be hard to develop architectural regulations for this area that does not currently have a clear style or anchor development to build from.

Some Commissioners also felt that by eliminating ARB review we would be losing valuable input that we currently get from having a panel of experts on the ARB review projects on a case-by-case basis. Commissioners felt that improving efficiency in our process was a worthy goal, but we would be losing this expertise by replacing the ARB with ordinance regulations. Other Commissioners shared views that the ARB review process has sometimes created forms that are overly institutional and do not necessarily result in creative design. Commissioners asked if there could be some middle ground to allow flexibility and creativity in design that does not lose the opportunity for expert review, while also creating a certain and efficient process for applicants.

Housing

Staff provided an overview of background information, research and community input for Rio29 housing (Attachment A3 and A5). Following this presentation, staff brought two questions for discussion and input from the Planning Commission. The questions and the corollary Planning Commission responses are outlined below:

Should we regulate density through the form-based code; i.e. set maximum or minimum density limits measured in dwelling units per acre?

Staff recommended not requiring a density maximum or minimum in the form-based code. Staff recommended that form requirements drive development of the area. The form-based code will ensure the scale and character of development is consistent with the Rio29 vision.

The Planning Commission concurred with staff's recommendation to not regulate density in Rio29 on a units per acre basis.

Should we require a minimum percentage of affordable housing as incentive zoning, assuming the code is structured as an "optional overlay"?

Staff recommended requiring a percentage of affordable housing within each new residential development in Rio29 (assuming the code is structured as an optional overlay). Staff recommended the percentages be applied on a sliding scale to incentivize the development of a range of housing affordability levels. Staff recommended that if the developer opts into the form-based code, then one of the following would apply:

- 15% of units are affordable at 80% AMI
- 10% of units are affordable at 60% AMI
- 5% of units are affordable at 50% AMI

As described above, requiring these percentages assumes the code will be structured as an optional overlay. A decision on how the code will be structured has not yet been made, and it is one staff will be engaging the Planning Commission on at their next work session. If decision makers decide the form-based code should be mandatory (i.e. through a county-initiated rezoning for the area) rather than an optional overlay, staff would recommend the above scales be adjusted to offer bonus factors for developers who choose to provide affordable housing at the percentages listed above.

The Planning Commission was supportive of staff's recommendation but wondered if these were the optimal percentages. There was concern that these numbers could disincentivize redevelopment or create too much of a financial burden for developers. Commissioners acknowledged a need for an

updated County-wide affordable housing policy to support this work and felt that incentive zoning by itself was not enough to support affordable housing needs in the area. Commissioners Dotson and Bivins also wondered if there could be a way to incentivize commercial developers to also contribute to affordable housing, since many employees of retail and service sector jobs would likely rely on affordable or workforce housing to live in the area.

Public Art

Staff provided an overview of background information, research and community input for Rio29 public art (Attachment A3 and A6). Following this presentation, staff brought one question for discussion and input from the Planning Commission. The question and the corollary Planning Commission response is outlined below:

What types of bonuses are appropriate for public art provision?

Staff recommended providing bonuses and/or reduction in certain site design requirements for the inclusion of public art with new development projects, either on-site or as a contribution to a public art fund. A percentage of the construction valuation should be used as a required budget to qualify for the bonus. The artwork should be accessible to the public, by being visible from the public right-of-way, public amenity space, or on a publicly viewable façade.

The Planning Commission agreed with staff's recommendation. Commissioner Bivins stated that there would need to be some mechanism in place to administer an arts program and help maintain any art in public spaces. Commissioners Dotson and Firehock suggested some branding for the area could help create an identity for Rio29. Commissioners also suggested we broaden the conversation about arts and think about how we can encourage or incentivize spaces for artists to live and work in this area.

The fourth Planning Commission work session will be held on November 12, 2019 focused on a comprehensive review of a draft form-based code "framework".