Planning Commission Work Session

July 28, 2026 5:00 PM to 7:00 PM

Hybrid Meeting – City Space Conference Room

Commissioners Present: Commissioner Solla-Yates, Chairman Schwarz, Commissioner Mitchell, Commissioner Carp, Commissioner Yoder, Commissioner Harness, Commissioner Joy, Commissioner Roettger

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

Chairman Schwarz called the work session to order at 5:03 PM.

1. **Development Code Cleanup Discussion**

Staff Presentation

Matt Alfele, Development Manager – This is your work session for the 2026 Development Code Cleanup. You had a work session in June. There was a subcommittee meeting on July 9th where we talked about active depth, setbacks, and build-to. In your one-page memo, there is a synopsis from that meeting. There were two commissioners at that meeting. They can expand upon that conversation. The work session tonight is focused on those three areas. As a larger group, staff have put together three areas you might want to look at when you are looking at these three areas.

Commissioner Feedback and Questions

Chairman Schwarz – I thought the memo was pretty good. We are trying to limit our discussion tonight just to these three topics: active depth, setbacks, and build-to. That is what came out of our work session. We are trying to get back into the larger items that are going to require more thought and more staff time. The goal is to find some things that we can get done this year. With active depth, we talked about this as a group before. Currently the active depth standards on primary streets extend from ground floor to the top of the building. For some of our districts, it is deep. It is 30 feet. It prohibits hallways, bathrooms, closets, and parking. I guess one of the bigger questions for active depth would be if we want to change it, what are our thoughts on parking on the front façade of a building on the upper levels?

Commissioner Mitchell – What was I looking for? I read that. I did not see where you guys left the discussion with any recommendations for us.

Chairman Schwarz – We left with questions. I have recommendations.

Commissioner Mitchell – You guys studied it more than we have. You are probably better suited to make recommendations than I am. I would like to hear the recommendations from the subcommittee.

Chairman Schwarz – With active depth, my recommendations would be that we exclude anything that is within a residential unit. If you have an apartment unit on the floor up above or whatever, that would be a question for the first floor as well. Any bathrooms, closets, or whatever that are in an apartment, we don't care. It is within a residential unit. That would go a long way to fixing some of these things. We need to look at the depth that is required. Thirty feet does not make sense. For example, the Apex Building is NX. It requires a 30-foot active depth on the front façade. They have offices that ring the outside of the building and then there is a corridor. That building would not comply. The offices are probably 8 to 10 feet deep. We need to look at those depths.

Commissioner Harness – I will say that there are two big discussions that we had with the subcommittee on active depth is what do we want to include or prohibit explicitly in the definition of active depth? How deep is it? The third is how high do we want active depth to go? On the side streets, it is just the first floor. On the primary street, it could be to the top of the building. What are we trying to encourage or prohibit through these active depth rules? It is those three that make up active depth. We potentially want to adjust to get the result that we are intending to achieve.

We really did not come up with recommendations at the subcommittee meeting. It was more of a discussion about what things that be adjusted, which I just laid out and if staff had any concern or about trying to keep it narrowed down to more of these dimensional changes or numerical changes? Trying to keep it within the intent of what we are doing with the code and active depth.

Commissioner Mitchell – Is it your objective to answer those questions today?

Chairman Schwarz – It would be good to have some idea of what we want. Maybe we don't have a specific answer. At least we know what we are trying to get out of active depth, build-to, and setbacks.

Commissioner Harness – On the build-to and setbacks, there is this tension between what is out there today and what the code is trying to do. In many areas of the city, there are parcels that they want to be developed in the future. It is hard to do based on the built-to and setback requirements. What it turned into was a conversation about: Do we want to adjust what a parcel with a non-conforming structure today is allowed to do? If you have a parcel that is technically too wide for maximum building width but also meeting the build-to width, the code is trying to get you to subdivide that parcel. If you already have a home on it that is in the middle parcel, you cannot split the house in two to be able achieve that goal. If somebody is living in that home, are we wanting to prevent them from building additions or allow them to build additional units in their yard? If we do, do we want to force them to put it at the sidewalk or can they put it behind their house? Those are the discussions we were having in the subcommittee. It became a discussion about green-field parcels that don't have anything on them. The intent and what the code is doing today, we believe is working or will work when those things come up. In many parts of town that already have a home built on it and it is not working, what do we allow those property owners or residents to do?

Commissioner Solla-Yates – One of the options I saw in the packet that I like is giving an alternate condition for existing buildings. That is clear to me. I love that idea.

Chairman Schwarz – Currently, non-conforming structures have a section in the code. You are allowed to add on to the non-conforming structure. On the side, I think you can go 20 percent. You can do a 10 percent addition to the front or you can add on to the back as much as you want. For me, the concern is if you don't want to add on, but you want to put another primary building (not an accessory structure), but a primary building, which could be a single apartment unit. If you want to put that in the backyard, you can't. You must put it in the front yard up to the street. My recommendation is to tweak that non-conforming structure section to also allow new primary buildings behind an existing building. That is part of our discussion. I don't think we need to adjust and get rid of build-to and setback requirements now. Keep it simple.

Commissioner Carp – It helps me to think concretely about buildings that we might think are good or not good. You mentioned the Apex Building. I did not know it was there before. It does not matter. Imagine that in a parking lot. In green field, there was no structure there. Do we think the Apex Building today is bad? If we are talking about adjustments for non-conforming structures, that would not have let that building through because there was not a structure there in the first place. If we think that building is good or not offensive, do we want to

have rules that allow it to be built in the future? It would seem to me to just allowing more allowances for existing structures would not get us far enough.

Chairman Schwarz – With the Apex Building, its issue is if it had to follow our current code. It would be the active depth, not the build-to and setback.

Commissioner Carp – That is still in scope for tonight.

Chairman Schwarz – Would it be easier just to start with active depth? I listed some of the reasons that active depth seems problematic. Some of it is depth. A big question for us is: Should active depth be just the ground floor or should it be the whole façade as is currently written in our code? What are the things that would happen if we did not do the full façade? A building like the Water Street Parking Garage where they have retail on the ground floor and parking above could be built. Are we Ok with that? One of the arguments against that was eyes on the street. There is a preference for having residential units or some use on the second floor or above. When the retail on the first floor closed, you have people looking down the street. There was the attempt at putting up a taller building where the Violet Crown currently is. That was not going to work unless they were allowed to have parking above on the exterior walls of the building. It is a big question for us. What are our thoughts? First floor or the entire façade.

Commissioner Harness – It could also be a middle. It could be the first two floors; the first three floors require active depth. It does not have to be on the first floor or the total height.

Commissioner Carp – Do we think City Space should not exist in its current form? Is this a bad building? If this building vanished and we wanted to build it from scratch as it is today, should we say 'no?'

Commissioner Roettger – I don't know. I would think about it from the other street. Market Street is just concrete panels all the way up. We have the parking garage. On this side, we have two floors that have humans.

Commissioner Carp – How do the rules work if the building has different heights on different sides of block?

Mr. Alfele – You would have a ground story on each street. How it would work from the theory standpoint is your modular. You get the same height. It needs to be stepped down. How that works internally probably would not work. You probably could not do the garage like that with this shallow of a depth.

Commissioner Yoder – Does active depth only apply to one façade?

Chairman Schwarz – It applies to your street facades. On the primary façade, it is every story that is within the build-to. If you were to step back at some level, you could do whatever you want. On the secondary streets, it would be just the first level. You can have two primary streets.

Commissioner Yoder – I generally support not requiring active depth of the entire height of a building. I get nervous around first and second floor. I am sure that the result will be a parking garage on the second floor over the street. On one hand, you would maybe walk right by it and not notice it. On the other hand, it would be better to have people living there or offices there. On the other hand, there is going to be parking there. It is a tradeoff. I don't think we can make the zoning code force what we think is the perfectly designed building without any of those externalities of cars parking above you. If we were to adjust the actual depth to make it not as deep narrower, that would also give developers more flexibility. Let's say that we kept active depth for upper floors, but we made it like 20 feet. I don't know what the right dimension is. Would that then make it more possible to build buildings that have parking on the second floor? You are wrapping it in like a Texas donut thing where you are wrapping it with something else with residences.

Chairman Schwarz – Yes and no. Yes, it would allow that. Architecturally, structurally, and as far as complications are concerned, it does become a little more complicated. Obviously, they do that with big apartment buildings when there is enough depth for a full apartment and a hallway. I don't know if the depth of an office plus a hallway is worthwhile. One of the things with construction is that it is nice to have. Where you have a garage, you have concrete construction. They are obviously not doing that with The Standard on West Main. That is wrapped with apartments.

Commissioner Yoder – I like Commissioner Carp's thing of having a building in mind that we can apply this to. I imagine that if we allowed this, the new building that is being proposed on Main Street has structured parking in the proposal. None of it is exposed to Main Street. In theory, if we were to make this change and only apply active depth to the first floor, a similar building would have parking hanging over Main Street.

Chairman Schwarz – The Draftsman does this. That is an example. That benefited from BAR review. Our zoning code does require that garages must be screened. The ERB thing you got was weird because that was from a previous zoning code that did not have a requirement. It does not say the screening must have a certain purocity or a certain amount of opacity. It does not say what it must look like. We could get something like the garage above us. It has a bunch of concrete vertical slats.

Mr. Alfele – If you wanted to alter numbers and you are not sure what the numbers would be, there is already a path in the code to do that. If a developer knows a way, they could do it. They could wrap it. They could need 10 feet instead of 30 feet. They could ask City Council for that reduction.

Commissioner Yoder – I am generally in favor of limiting active depth to the first floor. I also think allowing residential uses and commercial uses to include hallways to occupy the active depth area. I don't know if it makes more sense to state what is not allowed or to state what is allowed. I would not want parking in that active depth area.

Chairman Schwarz – I think stating what we want to exclude makes sense.

Commissioner Yoder – Until somebody invents a new thing that we don't want in the active depth. I don't know if that will ever happen.

Commissioner Roettger – I agree that this needs to be changed. Do we have to come to a conclusion tonight?

Chairman Schwarz – It would be good to have some direction. Maybe not a full conclusion.

Commissioner Roettger – I am thinking of looking at the dimensions a little bit, more of what that depth would be. Can a bedroom fit there? Just to test it out.

Chairman Schwarz – If we want to look at changing the dimension, that would be Ok to say that we want a different dimension. We have not quite figured out what that is yet. Is that fair? Would you like to get a dimension from us tonight?

Mr. Alfele – That is fair. It would be interesting to see where that number would come down to in trying to put together a page for the justification for the analysis going from 30 feet to 15 feet.

Commissioner Joy – Can I add a suggestion to that? Just did a search to see some of our neighbors. It appears Richmond might have 15 feet on the primary and 9 feet on the secondary for active depth. Is any of the form-based zoning that has been adopted in Virginia, is there a benefit to trying to get alignment? From a

development standpoint, there is a common language. If I had done a successful project in Richmond, I could have been successful in Charlottesville. If I did something in Arlington, the same logic would apply here.

Chairman Schwarz – Just to be clear, we do have zones where it is 15 and 9. We have NX and our DX-zones where it ends up being about 30 feet there.

Commissioner Joy – The other thing I was going to say about how many stories is that maybe with the side street, you may be only have to require one story of active depth. On the primary street, maybe it is two. That would allow something like the Violet Crown parking to maybe have worked where they could have got the parking up on the cross street but maybe not on the Downtown Mall.

Mr. Alfele – The example on the screen is the downtown where on the side street it is only two stories. The primary street is the full façade.

Commissioner Joy – I agree with others. I don't know what we get from having the entire façade. That feels draconian. I cannot think of a project I have worked on where the entire façade is fully active.

Mr. Alfele – That probably added into having more active depth on our more pedestrian friendly street instead of just 15 feet doing a deeper active depth because it is our pedestrian area.

Chairman Schwarz – The 30 feet might make sense on the ground floor. I don't know how deep our restaurants are on the Downtown Mall.

Mr. Alfele – In the 2025 cycle, we loosened up the definition of active depth. That active depth was strict and would have prevented things like CVS and some of these retail things in the old definition. We were able to loosen that up.

Commissioner Harness – I struggle with the second floor. I am trying to reconcile what we are doing here as being a minimum versus having something other than a parking garage or another inactive use on the second floor trying to create a public environment that visually extends into the buildings or the private property and vice versa. Commissioner Yoder, you said one floor. I would be curious to hear from people what they think about the second floor. Does the definition of active use be moved forward to the primary street on the second floor bring benefits to the public experience?

Commissioner Roettger – Given the proportion that you can build. If it was a 2-story building, that would seem right. With most cities, they just have the larger ground floor. With bigger cities, the section of the street, if it is a wider street, you want to be up higher with your ground level to create that space in the street.

Chairman Schwarz – We have our ground story height set for non-commercial uses in almost all the districts.

Commissioner Roettger – I think two stories would be great as a minimum, especially if the active depth is down to something where you could have a bedroom or reasonable apartment size. That makes sense too. You would encourage potentially more offices or residences to be lower and closer to the street.

Chairman Schwarz – I think we are hearing two people for at least two stories on the primary façade.

Commissioner Mitchell – I have no objections to two stories.
Chairman Schwarz – It seems like we are leaning towards two stories. What are the thoughts on just exempting anything that is within a residential unit? What that could mean is that we could have apartments where people put the bathroom in. They would still have their transparency requirements. There would still be

windows. It could be bathrooms and someone has a window in their closet. I don't think this applies in the R districts. It would apply if someone built a townhouse or something in the RX districts. It would maybe have houses where they put all the bathrooms not facing the street. They can get the bedroom windows facing a backyard. James was thinking that would avoid the eyes on the street. That is the drawback. We would just solve a lot of issues by just allowing residential uses.

Commissioner Mitchell – Explain why we care. I don't care. Let the market do what the market does.

Commissioner Harness – The other thing is that single-family, even though it is not a definition, one unit is exempted from active depth anyways. That was a discussion we were having in the subcommittee. If somebody builds one unit on a lot that is up to the street, even in today's world they can still put a bathroom and a closet up against the street.

Chairman Schwarz – It is what you get if someone is doing multiple units on a smaller lot. It would get awkward no matter what trying to dictate what goes into a residential unit; get that percentage and all that just right. It seems funny. I am not sure we would ever get a number that works out well anyways. You can do bedrooms that are 10 feet deep.

Commissioner Carp – There is some new housing in Belmont. I was canvassing there years ago. It is townhouses. What you see walking down them is garages. Would that kind of building be exempt because they are single-family residences. I have not looked into what they are, especially when we are looking at them from the street. I did not like them. I don't know that we have a public interest in saying you cannot build ugly buildings.

Commissioner Solla-Yates – Are you talking about snap houses where there is a garage at the first story at the first story and people live above the garage?

Commissioner Carp – I think that is what it is.

Commissioner Solla-Yates – I believe those are banned by our vehicular access restriction banning front façade parking.

Mr. Alfele – It is the garage door that triggers it. The code has written it. We don't mind if you park in front. We don't want to see the car but not the garage. You can turn the garage. That is fine. Then there is that vehicular use issue. We have worked with applicants on that, trying to address that when you turn the building. You still have your entry feature. You are not seeing the garage because you are pulling in like this and not using those first nine feet of your garage for parking. You are using it for something else.

Commissioner Joy – Is there a way to do a percentage of the primary façade active or like 80 percent of the two stories?

Chairman Schwarz – I think it is currently 80 percent.

Mr. Alfele – Depending on the district, there are percentages.

Chairman Schwarz – We can also just say that everything is fine within a residential unit except for parking. We could exclude that if we wanted to. Currently, it seems that with an apartment building, you are not going to get in-unit parking. I guess the code is otherwise dealing with it in the smaller zones, less dense zones

Commissioner Harness – When you say exempt everything that is within a residential unit, does it have to be designed and used as a residential unit for it to be exempted? Could you have a random pantry that is not in a closet somebody claims is a pantry? That could be in a residential unit. Does it count for active?

Chairman Schwarz – No. I think it must be within. The residential unit is what is exempt.

Commissioner Harness – Another thing that was brought up at the subcommittee is that you basically could have a wall of perpetually curtain windows on the first floor.

Chairman Schwarz – Even though we have active depth, apartments higher up, you are still probably going to have blinds. I am not exactly sure what you can require.

Commissioner Yoder – I am in favor of exempting anything in a residential unit. As long as we are clear that parking is not allowed in the active depth zone, then I would be Ok. We also have transparency requirements. That transparency requirement is going to prevent them from loading up the bathrooms on the front façade unless you really want windows in your bathroom.

Chairman Schwarz – What I have so far:

- On the primary façade, we would like to limit active depth to the first and second floor.
- Active depth does not apply to anything that is within a residential unit.
- We are still forbidding parking from active depth.

Let's see if that achieves what we want to achieve. Do we still need to look at how deep active depth is? For example, if we are keeping the second floor as well, if it is 30 feet, if it is apartments, we are fine. If it is offices, that might get weird on the second floor.

Commissioner Harness – The current zone that is going to matter are the 30-foot requirements in the nodes and the downtown zones. Once you get into the CX and RX zones, you get down to 15 feet. The residential zone is only 9 feet. 30 feet is really the node districts and downtown.

Commissioner Joy – Do we feel there is a noticeable benefit going from 15 feet to 30 feet? I feel there are probably some downtown businesses that are less than 30 feet. I am thinking of the ones like The Code Building, The Pharmacy, and Wich Lab. Those are not 30 feet deep yet. They are still active great additions to the pedestrian community. A lot of the narrower ones are much deeper than 30 feet.

Chairman Schwarz – The concern that drove this was examples like the Water Street Parking Garage. Some of those units are not really used. It is not great retail space. It is hard to fill. Do we care a lot? Do we assume that developer is going to? They must provide space. They are going to make sure that space is usable. Do we think that they are just going to line a building with unused space? Just let it be because it is a sacrificial space and the rest of the building works.

Commissioner Joy – I feel the mixed-use component is the more critical aspect. We want an active ground floor. It is less about qualifying what makes activity. This feels arbitrary.

Commissioner Yoder – Did you guys talk about exempting commercial space, certain types of commercial space in the same way as residential space? If we are allowing a lot more stuff to happen inside of the active depth zone, maybe we can just leave the dimensions as they are. We are already making it more flexible.

Chairman Schwarz – If we can find a way to write that, I personally think that would be great if we could find a way to say that. If we say everything that is within office use or commercial use as an example, are we concerned about someone putting up a big storage space?

Commissioner Harness – We still have transparency requirements. I am hoping they can pull up the definition of active space. The way I read it, it is broad. "Any occupiable space designed and intended for human activities such as living, working, commerce, sleeping, eating, or cooking as determined by the Administrator." It calls out some things that are not active space such as restrooms, toilet rooms, closets, halls, storage, or utility spaces. From my read, it is relatively flexible per the Administrator. It still causes some issues.

Commissioner Joy – This incremental reduction to just the 2 stories instead of the entire façade. It could be impactful enough that maybe not change the depths. It sounds like we would have to justify the depth change anyway.

Chairman Schwarz – It is the circulation space that I would like to remove from what is not allowed such as hallways and stairs. I would like to allow those with an active depth. I would be much more comfortable with transparency with some kind of connection to the street.

Commissioner Harness – Out of this definition, you are just striking halls.

Chairman Schwarz – You would allow circulation space.

Commissioner Harness – Mr. Alfele brought up in the subcommittee the thing that you run into is you guys see storage buildings like public storage; they will have the hall on the outside with windows. That is the counterpoint where we restrict storage to specific areas. That is an example of where someone could put a hall up against the front of the building.

Mr. Alfele – Don't worry. People will argue with us over what a hall is. They would argue that this is a hallway; active living space in progression.

Chairman Schwarz – It does make me wonder where a lobby would fall in that.

Commissioner Solla-Yates – All front-loaded apartment buildings become possible.

Commissioner Joy – I was going to ask the inverse. If we are cutting halls, is there anything we want to add to non-active space?

Chairman Schwarz – On the primary façade, active depth will only go up to the second floor. We are going to exempt anything that is contained within a residential unit. We are going to remove hall from the definition of active space. Halls are allowed within an active space. We are going to leave the depth as it is for now.

Commissioner Harness – In downtown, you cannot have restrooms, toilet rooms, closets, storage, or utility spaces in similar areas within 30 feet of the Street with the primary façade.

Chairman Schwarz – There is that percentage. With 20 percent of your square footage, they could finagle something in there. As an architect, it drives me a little nuts but it is much better.

Commissioner Harness – With this narrow definition of not active space, what is that doing to the second floor?

Chairman Schwarz – It is preventing parking. Preventing parking means that unless it is an apartment unit, if you have an office, it is going to be, in the DX zone, it would be a very deep office. They could have a hallway. They would have to relegate their non-active spaces to less than 20 percent of that floor.

Commissioner Joy – Do you mean a leasing office or an office inside an apartment?

Chairman Schwarz – It is a business office if it ends up being an office building instead of an apartment building.

Commissioner Joy – It could be an apartment building. It could be like an amenity. With the apartment, they are all excluded. If the idea of trying to encourage people in our primary facades and not stuff, not cars, this seems to cover it.

Commissioner Roettger – I think I agree. The 30 feet is a lot. If there is a backup of the percentage where you can finagle things around, it all depends on the lot. For a big building, 30 feet is not much. I am looking at the map. For a small site, that is a lot.

Chairman Schwarz – I am happy to discuss depths if we want to discuss depths.

Commissioner Joy – I wonder if there are any alignments that are beneficial from our pure form-based zoning towns in the state. That could be the only thing I would think of instead of trying to blaze something that is another new number. Is there something that is consistent?

Chairman Schwarz – The only thought that I might have is structurally. You have 18 to 20 feet for a parking space depth. If somebody was to build a garage behind useful space, 20 feet might make more sense than 30 feet. That leaves us with the Water Street example. Is that enough space for something to be useful?

Commissioner Solla-Yates – I like 25 feet because it gives us wiggle room. That is my only concern about it.

Chairman Schwarz – I am for reducing it for sure.

Commissioner Harness – I know too little about that to make it feel not arbitrary.

Commissioner Joy – I am looking at what Europe does. They don't mess with this active depth. They do mixed-use guidelines on the lower floors.

Mr. Alfele – From staff's perspective, with the number of amendments, this seems like a good immediate step. It would be a lot of digging and researching. It could have impacts throughout the code that we are not aware of. This would probably be a heavier lift figuring out these numbers. If we were starting over from scratch, I probably would have steered more to a percentage based on the depth of your lot. I would be weary to go down that 'rabbit hole' of trying to fix the numbers in this process.

Commissioner Solla-Yates – What is nice about that is that rewards smaller lots, which is good.

Chairman Schwarz – We can also consider this is an improvement. If we want to adjust the depths at a later point, we can do that as well. In the meantime, if anybody manages to figure out what other people are doing that seems to be working, I don't think we are voting on this until much later.

The active depth only applies to the first two floors on the primary side. Anything contained within a residential unit would be excluded. Remove hall from the definition of non-active space.

Mr. Alfele – The only thing I would say is what staff will probably want to look at is that residential to make sure it is capturing unit, not your residential building, your mixed-use building with residents in it. There might be some nuance.

Chairman Schwarz – I would like it to include, if someone does, two houses on a lot. Those are residential units or duplexes or even smaller stuff, not just apartments.

Mr. Alfele – It is making sure the wording is just excluding the residential unit, not the building. If you do a row of residential units, that is great. On that second story, if you did three residential units, but the rest was something else. We will be able to work with it.

Commissioner Solla-Yates – Instead of the percent, could we look at an alternate for small sites where it is just 20 percent off or something like that? It is maybe a cleaner way forward for small sites.

Mr. Alfele – It is in there. I know there was a desire to come back to it.

Dannan O'Connell, City Planner – With that exception for residential units, would that apply to a small apartment building that is trying to put in ground floor parking?

Chairman Schwarz – The parking is not contained within a residential unit itself. I think it would still be exempt.

Mr. O'Connell – Anything like parking, utility spaces, or anything like that, that would still need to meet the active depth requirement.

Chairman Schwarz – Yes. If someone has a water heater closet in their unit, that is part of the unit and that is exempt. If there is a generator closet for whole building, that would have to comply with the active depth.

Mr. Alfele – If there is a hole, someone will find it and park their car in their living room. We will have to figure that out when they say this is not a parking garage.

Commissioner Joy – In Arlington, it looks like it is 15 to 20 feet on the ground floor. In Buffalo, it is 30 feet. There are not a lot of form-based precedents across the country. I think we could revisit that at a future adjustment.

Chairman Schwarz – Maybe next year, the whole topic should just be small lots.

Commissioner Harness – The thought that keeps coming to mind is public restrooms. Since these 30 feet applies to the downtown area, public restrooms are a public need but maybe are not active space even though they are active. There could be a new development that would have public restrooms as a façade element or thinking about adding public restrooms to the Downtown Mall as it sits today. Is this active depth, active space?

Chairman Schwarz – Parcels that are zoned for civic and institutional uses end up being city-owned properties. Those are exempt.

Commissioner Harness – I am thinking about the transit center. I am not saying that private developers and entities are going to want private restrooms, it is a discussion that I hear being had about restrooms on the Downtown Mall.

Chairman Schwarz – This is where we get the special exception process. If we don't want to leave that to a special exception process, we should discuss it further. If it ends up being something one-off, we could leave it to something that comes back to the Planning Commission.

Commissioner Harness – Is it special exemptionable?

Mr. Alfele – Yes.

Commissioner Joy – There is a path to get there if someone retrofitted to an existing historic property. Does that still have to conform to the active depth if it is just an adaptive reuse of something? Does it have to be a ground-up new development?

Chairman Schwarz – There is something in there about if it is a building that is under BAR review, you don't have to change the existing building to make it compliant. I don't think you can make it less compliant.

Commissioner Joy – I was thinking this building since the city owns it. There are these facades down there that used to have restaurants that are now offices if those became public restrooms. Would this be under a different set of criteria than the brand-new active depth?

Mr. Alfele – There would be a path forward. I am not exactly sure about the path forward; either special exception or zoning.

Build-to and Setbacks

Chairman Schwarz – I am mostly looking at non-conforming structures and how you add onto properties that have non-conforming structures. If we want to expand that discussion further, we certainly can. That seemed like the simplest thing to do. I looked at where we have places where there might be issues. Within the R zones, if you keep the existing structure/house, you don't have to comply with the setback requirements. The problems are that we have a lot of existing building/houses that are outside of the R zones. The RX zones don't have that ability. It is similar with the CX and DX zones. Some of the areas where we have conflicts. We have High Street in North Downtown that is CX-3. Those are some old houses. They are under BAR review. I think it will only be a couple of lots where it might apply where someone could add a primary use as a separate building in the backyard. It is one location. JPA and Fontaine are mostly CX-5. The zoning extends far into the residential neighborhoods on either side. There is also RX zoning that extends further out. With the whole JPA and Fontaine area, we currently are prohibiting people from putting separate dwelling units in their backyards. They would have to add on to the back of the houses. Almost all of Venable is RX-5. Preston Place is RX-3. Wertland is RX-5. These are streets and places where if someone wanted to build a separate primary use, they would have to build it within the build-to or setback area. We currently allow you to add on to buildings. Where the complication comes in, if you have an old building and you want to add to it and you want to have a separate unit, you end up with firewalls and at some point, you end up with sprinklers. That may kill some projects. It might be easier to put a 10-foot separation between them and build in the backyard. That was my argument for changing this section. Here are my proposals:

- I would like to modify the 533-C2b, which is about site additions. Allow site additions of any size.
- Revise it so that with primary new buildings, you can add whatever you want as a new primary building behind an existing one without any issue. If you are doing a side addition, is there a tipping point?

- Let's say that you have a building that has front yard parking, and an existing building front yard parking. When you are starting to add on to it, is there a tipping point where they must remove that parking? Is that something we need to consider?

Currently, you are allowed a 20 percent side-yard addition. If you go over that 20 percent, they must then make the rest of their site comply.

Commissioner Harness – If in these illustrations, that white building is your primary home, you want to try to provide somebody a home on your property. Right now, you are forced to put it in front of your front door. That does have pros and cons to it. I think that would probably limit the number of units that are put in front of people's front doors. The whole idea is trying to bring it to the street. Is that ideal limiting what we are getting from the community?

Commissioner Roettger – I have heard a couple of different people talking about how I think probably in the Fontaine neighborhood wanting to build but not wanting to add on to their house. They are wanting to build in the back and then just putting 'their hands up,' and saying they will wait and see if they change that. They did not want to build in front of their house. That did seem odd. If someone was not wanting to add on to make their existing house the build-to width or what it was asking, it seemed reasonable to move it to the back. They seem like good projects putting a couple of units in the backyard, especially in an area around students. I have heard a couple of those frustrations from people.

Commissioner Harness – You are mentioning side additions. In the subcommittee, we were talking about not allowing additions on the front. If the goal is to move stuff to the street, why are we disallowing additions to the front, which would, by definition, bring the building closer to the street?

Commissioner Roettger – You could get more space to get people in the back if you are building more units in the back.

Chairman Schwarz – It is a good point. Currently, you are allowed 10 percent in front before you start making it big within the build-to zone.

Commissioner Yoder – That is 10 percent of the floor plate of the building.

Commissioner Harness – If you build a 10-by-10 stoop, nobody will hang out on the stoop. If somebody could build something bigger than that, you would add that ideal without having to force people to bring their entire building to the street.

Commissioner Yoder – I think that allowing incremental change in growth is a good kind of change in growth. I would be in favor of just allowing more incremental stuff to happen. If you are keeping the structure, I am Ok saying you don't have to bring it up all the way to where it should be, close to the street. If you are tearing it down and redeveloping, we want you to build it like this. If you are building additional structures, I am Ok allowing a lot of that non-conforming stuff to remain.

Mr. Alfele – This was handled for the R districts last round. We were able to say that if you qualified for the preservation, your house was considered conforming in some of these mixed uses and corridor districts.

Commissioner Harness – In other meetings and other discussions, the shape of our parcels and the depth of our parcels creates so many difficulties. Should we be restricting if you are keeping the original, restricting people from where they can put additional uses?

Commissioner Joy – I am curious about the first, second, third. Does it matter what order they come in? If we are Ok with the third building looking like that, does it matter how you got there?

Chairman Schwarz – It is less about how many buildings. It is just saying that you must fill the build-to width first. You can then start putting something else in the back. It is not necessarily what could be the first and second building. It could just be the first building. Then what you see third could be the second building.

Commissioner Harness – I am hearing this question. If you look at the third new building graphic, the graphic says that the two in the front happened first and the third one happened last. If we are Ok with that formation, does it matter what order the things are built in?

Chairman Schwarz – I agree with you. What it is trying to do is force you to fill the build-to first. You don't know if that third building is going to happen

Commissioner Joy – These are existing neighborhoods where historically setbacks were what was argued for to make things more garden-like. To think of this going incrementally in that neighborhood where houses in front of houses in the neighborhood where houses are all set back. That condition would be awkward. I feel there is a local context where maybe it is an easier way to approach higher density is not suddenly building right on the sidewalk in these established neighborhoods and letting things infill where you have width further back. That might be a way to get more housing options for people before you suddenly say with neighborhoods built in the 60s, we want it to be brownstones. It feels like one of those ones that is pushing them. It is not creating pathways for more housing options. It is maybe pushing a whole new experience than what was previously established. Does anybody here want to keep it how it is?

Chairman Schwarz – Are we Ok with the idea that you can have a new behind a new, separate primary building behind the original one? Is there any objection to that? That would change. New primary buildings in interior lots will be changing this one. Just get rid of it. We just lose that. I don't know what to do with the corner lot. I think we leave it as it is.

Commissioner Solla-Yates – Corner lots are a different condition.

Commissioner Roettger – I feel like there is a context to where the house is to the street. Each neighborhood is going to be different where it naturally would seem appropriate to build in the front versus the back.

Commissioner Harness – This is saying on a corner you must build the building in the build-to that matches both the primary and the secondary street.

Mr. Alfele – Staff does have a lot of concern just because this code is built around this bringing things up near the street is a big policy part of this code. I don't know, without thinking about it more and collaborating with staff, there is more of an appetite to permitting a certain number of units in the back before you bring it up.

Chairman Schwarz – If you want to maximize the site, you tear down the existing building and maximize the site.

Commissioner Harness – The public benefit of capping the ones you can put behind is to still keep that incentive.

Mr. Alfele – At some point, you must come forward.

Chairman Schwarz – The thing that is getting me is the fact that you can put an unlimited rear addition on a building. If you turn it into two buildings, you can't.

Mr. Alfele – I get that from the street. You might not even be able to tell if it was one building or two.

Chairman Schwarz – It sounds like with the corner lots, you still must bring it up to the street. If you tear down the existing building, we need to make sure that our definition of the existing building still works for this. Would we use the same definition for the preservation bonus? I think it is keeping the front 20 feet of the building. Do we need to look more closely at that?

Mr. Alfele – Is the concern someone would build and then tear down?

Chairman Schwarz – The concern is would someone try to keep a small portion of the existing building and tear down? I don't know what they would do. I am wondering if there is a loophole that we are not seeing.

Mr. Alfele – I follow the same track that I guess Planning Commission has been following. Would there be any difference if I had a 2,000-square-foot building? I took it down to a 1,000-square-foot and built a 3,000-square-foot building behind it.

Commissioner Joy – I like this one for the corners. It says that if you want to go to the front, this is it. You want to go to the side; this is what it is. It does not say you must go do this step to unlock this step or do this. It gives guidelines on how one could tackle whatever. This would allow whoever the developer is that doesn't know the neighbors, the street condition, and prioritize where the work goes.

Commissioner Harness – What is the thought on maintaining current build-to for the first additional new building on a site on a corner lot?

Commissioner Solla-Yates – I like it more. I think it is better.

Chairman Schwarz – I cannot get around where the backyard is in that situation. I am trying to figure it out.

Commissioner Harness – With an interior lot, we don't care what the backyard is either. Why do we decide to care on the corner? What is the backyard versus the side yard?

Mr. Alfele – That diagram is not great because it has the building at the back corner. In theory, you can shift that building up and still have a backyard.

Chairman Schwarz – What is the rule for additions on a corner lot?

Commissioner Solla-Yates – That 20 percent does feel small to me.

Commissioner Harness – What is the general footprint?

Commissioner Roettger – You should see if an ADU or a small apartment can fit within that percentage. I think it could.

Commissioner Harness – I understand the ideal. I understand what we are trying to do. I understand why it is there. We live in a city that started to develop in the 1700s. How do you thread the needle between all of that?

Commissioner Yoder – We also know some parts of our code incentivize keeping existing buildings. Our code says that there is a public benefit to keeping existing buildings. With this part of the code, we are saying that we want you to change the built character of your lot to match this kind of pedestrian centric design. There is a little bit of tension there. If you are going to keep your building, why not let people do what they want with it? If you are tearing down your building, you now must comply with this form-based code that we have.

Commissioner Harness – On that front, in the residential, your setback can be an existing setback. If you did tear it down, you could still build a new building at the same setback that was there previously. In a world where we are going down Commissioner Yoder's path, if you are tearing down and building something new, do you want to force them to the street and remove the existing setback provision?

Chairman Schwarz – To be clear, that is just the R zones. Once you get to R-X, there is no more or existing. The R zones are already exempt from this. If you keep the primary building, you can do almost whatever you want. It is the RXs and CXs in Fontaine and Venable where we still have a lot of what look like single-family homes that someone might want to put an addition or unit in the backyard. It is complicated because there already are a lot of exceptions. It is the parts of the city where the exceptions are not helping us. That is the issue.

Commissioner Harness – I think I am landing where Commissioner Yoder landed.

Chairman Schwarz – Commissioner Yoder, do you want to summarize where you landed?

Commissioner Yoder – Are we essentially talking about taking what we have done in the R zones and applying it to the other zones as well? Basically, if you keep the existing structure and that is defined by the bonus that is defined, then you don't have to comply with the build-to-width, even if you are building an addition or an additional building on your lot. I don't know how we have a phrase for the R zones.

Chairman Schwarz – That is one way to look at it. The other way would be to modify these non-conforming sections.

Commissioner Solla-Yates – Is there a meaningful difference between those two?

Chairman Schwarz – I think the development bonus is the one where it says you must keep the first. It is 25 feet. I don't know what way would be better. I was leaning towards just modifying some of the non-conforming portions.

Mr. Alfele – Staff struggles with this too. This is such an integral part of the code. That path forward could just be extending the preservation bonus even though it does not get you anything. That would make it conforming.

Commissioner Harness – Would you say R-X and C-X, if you maintain the building, you get the preservation bonus? I don't know the benefits you get with the preservation bonus you get in those zones, which presumably they will not use or are meaningless because they don't have density requirements.

Chairman Schwarz – Are there any of the non-conforming portions that we would want to keep? If everybody does not like it, you can only add 10 percent to the front of the building. We don't like that. If we don't like that, that is one chunk of it. There are side additions that I think need 20 percent to the side. We don't like that.

Commissioner Solla-Yates – Expanding existing buildings preserves those buildings.

Commissioner Harness – It is also a good incremental step toward something.

Commissioner Joy – It is confusing that you are right. You got it right from the get-go. You want to build an entire separate house in the front yard. You can build a whole separate house next to your house, but you can only do 20 percent.

Commissioner Harness – Think multigenerational living, which is having a resurgence again in the country or at least in Virginia. We have some small buildings around here. It makes more sense for a family to build a big addition.

Mr. Alfele – If you are adding in the preservation bonus, no longer non-conformance, it can go above the 20 percent or 10 percent. It is only for non-conforming. I am having a hard time figuring out if there is anything. If that happened, that would be non-conforming for these kinds of standards. It invalidates this kind of non-conforming building structure.

Chairman Schwarz – With these standards that are required, does that make sense for any building? This may not just be houses. We have little industrial buildings all over town. There is a parking lot in front. There are little office buildings or whatever behind it.

Mr. Alfele – That is probably one of the unintended consequences. We probably would not get rid of these front yard parking lots.

Chairman Schwarz – If you expand it a certain amount, you then must make the site comply. I am wondering if that makes any sense. Is that too complicated?

Commissioner Roettger – If you are doing a huge addition, it needs to come to the street more.

Chairman Schwarz – Let's say you have a parcel that has a parking lot and a commercial building or a residence. They want to put something in the back or on the side. They expand their current footprint by so much. Must they then get rid of the parking lot and turn it into a yard? Or get rid of any parking that is within the build-to zone?

Mr. Alfele – I would lean more toward keeping the non-conformity allowing x number of primary buildings. Allow an additional two units or two additional primary uses. If you want to do more, that is when you need to come up and build in that parking lot. It is complicated.

Chairman Schwarz – They would not be allowed to expand an existing parking lot in any case.

Mr. Alfele – They are allowed to maintain it. They probably could not expand it. Your yard is from the property line to the façade of your building. If you have a building set 60 feet back, that is your front yard. Let's say you put a building up front and you kept the parking in the middle. That parking now conforms because it is out of the front yard. Your front yard is just 5 feet from the property line to the new building.

Chairman Schwarz – They could not make it any worse, less conformity. I thought this was a simpler one. Our options are to pick away at the non-conforming or to see if there is a way to write this section into the rest of the city. My primary goal is just to allow new structures behind it. Whatever we do, that is what I want to get out of this if we want to get a lot more.

Mr. Alfele – You have other things controlling maximum building footprint, maximum lot coverage. There are other things that control this too.

Commissioner Solla-Yates – Would a permeable or impermeable cap be an incentive for removing parking? My recollection is that we control how much impermeable space is on a parcel. Parking counts against that. In that sense by getting more roof, up to a certain level, you would have to reduce the pavement.

Mr. Alfele – I would have to look into that.

Commissioner Yoder – Do parking lots count as lot coverage? I don't know that they do.

Commissioner Solla-Yates – Mechanically, I like the idea of replacing parking with roofs.

Mr. Alfele – It is just for building percentage cover by building and building footprint. That might be a larger conversation.

Commissioner Carp – Is it the case that we are just trying to agree on? Conceptually everyone seems to agree telling it is not that we are Ok with building new buildings behind the building that exists. Is the question just how to phrase that for staff?

Mr. Alfele – Yes. Where we are at is that this is such a big part of the code. It is trying to bring things up to the street. I would be concerned about taking a whole section. By allowing it, we would be taking a whole section out of the code. That does worry me getting into policy without a more robust engagement with the public and hearing from the public.

Chairman Schwarz – Would it still be just a modification to this if we just adjusted the new primary buildings on an interior lot?

Mr. Alfele – It is a gray area. We have some things we have talked about that are clear clarifications and modifications. There are some gray areas where it is maybe not a policy shift even though it is taken out. I am struggling with that.

Commissioner Harness – It fits in with the ideals of preservation. It fits in with the ideals of more dwelling units for people to live in. The only thing it is not really doing is pulling buildings out to the street. Does that outweigh some of the other pieces of it?

Mr. Alfele – It needs more thought. That is why I keep falling back to allowing it but having a stop where you can do some things. Once you run out of that you must, if you want to do anything more. You must bring it up to the street.

Commissioner Carp – Are there lots that are in the relevant zones with the existing structure where somebody wants to build three new primary buildings behind that existing structure? Is that a thing that needs to be solved for?

Chairman Schwarz – In Fontaine and JPA, there would be some lots where someone could try to do that. Wertland is another example where we don't want to put something in front of those houses.

Commissioner Carp – There is no space behind for three or more structures. Nothing gets worse from the perspective of the street. You have a structure. Somebody builds new buildings that you cannot see. I just cannot any public harm to it, even if it is three structures that I still cannot see.

Commissioner Solla-Yates – Do we have a sense that trying to force people to bring stuff to the street is working? Is that an effective strategy?

Mr. Alfele – Honestly, I think it is too early. There are still elements in this code that are still percolating through. We had that conversation. We don't know. It has not been submitted. We have had conversations with people talking about wanting to do something but then never showing up to submit. I don't know if it is because of some of this conformity. We feel that we corrected a lot last year. We are seeing some movement on that where some of the people were having to get special exceptions because they had an existing structure and they wanted to build something behind it. They had to go through the special exception to be considered conforming in the R districts. I feel that we solved that. That is moving forward. I don't know in these other districts how much of a barrier this has been. It sounds like there have been some examples of people thinking about doing it.

Chairman Schwarz – The only one that we have seen is The Element.

Mr. Alfele – That one would have been fixed with it being the primary being supportive of the existing primary use.

Chairman Schwarz – If they had an apartment back there, it would not have been allowed.

My simple recommendation is to allow new primary buildings on an interior lot behind an existing non-conforming one and to also allow side additions of any size.

Commissioner Mitchell – What does that mean 'of any size?' How do we feel about that?

Commissioner Carp – That means respecting other rules that we already have. It does not mean any size.

Commissioner Mitchell – There is still a maximum building width that is allowed. It is a different width in all zones.

Commissioner Harness – Right now, it is capped at 20 percent of your current building footprint.

Mr. Alfele – This is where these rules are tied together. That is only for certain areas from your lot line. If the structure is further back than that, they can go wider. It is speaking to your façade. It is then defining the façade as an area between the street front and 50 feet or 75 feet back. There is a point once you get further back, a lot of these things tied to your facade don't go into effect other than with entry features.

Chairman Schwarz – For non-conforming structures or the whole structure, the existing structure is already too far back. You section for additions on an interior lot just says side additions having a floor area less than 20 percent of the existing building footprint are allowed. Once you have met the build-to-width standards, you then can do any size.

Mr. Alfele – I was getting to the fact that some of these where you have the façade of the building far back, some of the other things that would govern your façade don't come into point because you are so far back.

Chairman Schwarz – If it was a side addition, it would not have the transparency requirements and would not have the entry features and all the other things.

Mr. Alfele – Since it is so far away, it is not considered a façade per the code.

Commissioner Carp – Is that a problem?

Chairman Schwarz – That is a good question for all of us.

Commissioner Yoder – I like the direction that you are going Mr. Schwarz. We are not just saying you keep the building, do anything you want. We are saying to go to the back, great. Go to the side, great. Once you start going to the front, you must bring that up to the street. That keeps us closer to what the code is trying to do more maybe than what I was advocating for before by saying do whatever you want if you are going to keep the building. I like that approach.

Commissioner Harness – Was that only about additions?

Commissioner Yoder – That was about anything.

Commissioner Harness – As long as it is behind the front of the current existing structure on either side?

Commissioner Yoder – You brought up front additions, which I am Ok with. If you are building a separate structure in the front, it should be in the build-to zone.

Commissioner Harness – If you are building something attached to a current structure, you could do the addition anywhere on the structure. If you are doing a separate structure that is behind the front wall, you can do it wherever. If any part of that building is in front of the front wall, it must be to the build-to. Is that what you are saying? New primary structure.

Commissioner Yoder – That is what Chairman Schwarz was saying or maybe like what Chairman Schwarz was saying.

Commissioner Roettger – We keep the intent of the code if there are to be new buildings in a front yard but not that you must build that.

Commissioner Joy – This sets up if people do choose to start adopting these front yard buildouts in a specific neighborhood that has certain lots that you could see over the course of 10 to 20 years that there is a new consistency to it. If we just let people have too much leeway in the front yard, it is then just a mess.

Chairman Schwarz – This is another thing that is probably allowed to be adjusted by special exception. I did want to prevent the single-family homeowner from putting a separate dwelling in their backyard, which I think is what we are doing. If we can make it easier otherwise, I am for that.

I heard that new primary structure is Ok if it is behind the front of an existing building. It could be off to the side. It cannot be forward of the building if it is off to the side or anywhere behind that front façade line. Is that what we are hearing?

With additions, are we Ok with side additions if they are not forward of that existing front façade line?

Commissioner Roettger – It is moving the building closer to the Street.

Commissioner Joy – It is an addition. It is not a separate structure.

Commissioner Roettger – It might be a smaller step in that direction.

Chairman Schwarz – I am hearing Ok for additions anywhere. You can put an addition anywhere is what I am hearing.

Commissioner Solla-Yates – Subject to the other conditions.

Chairman Schwarz – Are we concerned about the fact that these additions may not have to follow transparency requirements. If they are behind the build-to zone, they are no longer subject to transparency.

Mr. Alfele – It is 50 feet back. The code is wonky and you must follow it. It talks about facing facades. It then talks about a street facing façade being only between the building line and 50 feet back. There is a 50 percent requirement to keep it more relative. Think about a street façade as the area between a lot line and 50 feet back. Once you go beyond that, there is a percentage.

Chairman Schwarz – I have heard new primary structures are Ok if behind the front façade of the existing building. It can be off to the side or to the back. I am hearing additions of any sort are Ok if they follow the other regulations.

Commissioner Harness – The new primary structures meet the build-to.

Chairman Schwarz – New primary buildings in the front need to meet the build-to requirements.

Mr. Alfele – If you have a zero-foot setback, are you saying though you are doing a front addition, you would not want them to build all the way to the zero foot?

Chairman Schwarz – I guess they could. What we are saying is they wouldn't. I think what people are saying is that.

Mr. Alfele – What would be the mechanism?

Commissioner Joy– The general idea is trying to allow incremental development of already built structures. Let's say that you have four parcels. Three of the four parcels opt to build separate primary structures up to the build-to. They do it to the zero setback. The third person doesn't want to get renters. If I can have a bigger house, I want to push it out there. You still end up with a cohesive neighborhood where the facades are all in communication with each other. It does not require you to work outside into this primary structure to get space.

Chairman Schwarz – Currently, as the code is written, you can expand to the front. You must expand all the way up to the build-to zone. What I am hearing is we are saying you could put a 20-foot addition in front of your house. I am a little hesitant about the addition in the front. I don't know why. At that point, any historic thing we are trying to use as an argument for this goes out the window because we are encapsulating the existing structure at that point. I feel that was one of my arguments for why it is important to have this exception to allow new primary buildings that are not attached in some of our historic districts.

Commissioner Joy – You are thinking about Wertland. Somebody could take off a beautiful porch, put a bunch of additional units that are not separate primary structures, and wrap that with bare minimum fenestration. Is it about the character of feeling historic or about the preservation of the original building?

Chairman Schwarz – It just bothers me.

Commissioner Joy – It is the uncertainty. It is the unintended consequence of saying that. You could basically strip the character of neighborhoods unintentionally.

Commissioner Yoder – If you build onto the back, build on the side, the front is undisturbed, the development potential of that land exists. If you build 50 percent of your front yard into a house, you have eliminated 50 percent development potential. It is less likely that anyone will ever put a house in the front. It is also less likely

that at any point in the future, anyone will build up to the build-to zone. If we say build any separate structure you want on the side and the back, we are leaving the development potential intact for the front yard.

Chairman Schwarz – That makes sense to me. We are at least leaving some incentive there that we are going to try and get some development up at the street at some point in the future.

Commissioner Joy – Would you keep it as it is written? If you build an addition, you must go to the build-to?

Chairman Schwarz – That is my intuition on this.

Commissioner Joy – Give some flexibility around the sides and the back.

Commissioner Yoder – With the front, I wonder if we end up getting mansions. You build a 30-foot-extension on the front.

Chairman Schwarz – For the ability to not police this but to enforce it. Once you encapsulate a building, we don't know what is going on in the middle there anymore. We don't know if the existing building is still there. If you start doing unlimited additions on the front of a building, you may as well just say that they tore it down. If they were to tear it down, we are going to make them build to the front anywhere to the build-to zone anyways. I am trying to maintain some portion of this code that still encourages you to build to the street. If we are basing this on non-conformities and keeping an existing structure, once you wrap the structure, you have not kept it. Once it is inside the building, we don't know what is going on in there. The developer could tear it down.

Commissioner Solla-Yates – You don't think 100 percent of the front facade should be encapsulated?

Chairman Schwarz – If you start doing that, you do need to come to the street.

Commissioner Joy – This is an incremental update process. Just like the previous one we did where you keep some of it, modify some other portions to make it more adaptable.

Chairman Schwarz – If you guys want to push hard and say additions anywhere, I am not going to stop anyone. I have something that feels funny about that.

Commissioner Harness – I struggle if the ideal is to bring things to the street. Why are we preventing people from bringing their existing building to the street?

Commissioner Joy – If we want to bring it to the street, we keep it. It is in the code. If they want to come to front, bring it to the street. If you want to go 50 percent of the distance with a crappy façade, there is a concern and unintended consequence that you could potentially alter the character of some of our important areas.

Commissioner Carp – Nothing we are talking about would prevent you from building.

Commissioner Joy – It is the in-between. It is the concern that it will be halfway there. It will be bad in both categories. It is not going to be the street wall, and it is not going to be of character. I think what we are trying to say is if you build up to the street wall, that is fine. You build to the side or the back; there is no halfway to the front.

Commissioner Carp – It does seem that there is more controversy about the front and maybe less value to be gotten out of it. I am happy to not talk about it and focus on the back and the side. The front does not bother me. It seems like there is less value in talking about it. There are a small number of sites that have this issue. If it is

small enough, I don't know if people are coming to staff, Planning Commission, or Council complaining about the problem of front additions in these zones. If they are, we should talk about it. If it is a small number of sites and nobody is complaining, it sounds like a good thing to talk about in future cycles. It needs to affect more sites for us to spend more time on it possibly. It is complicated.

Chairman Schwarz – Are we tabling that part? I think where we have landed is new primary structures can be built behind the front façade line of existing buildings. That would also end up affecting corner lots. That would allow you to build to the side of a structure on the corner lot. I think we are allowing side additions of any size as long as you still must meet the rest of the code. Those are the changes from there.

Mr. Alfele – As staff, we might, looking at this, might have to re-examine some of the wording. I don't know if the façade would be the best word to use here.

Chairman Schwarz – I think what we described also gave some guiding principles. Are there questions about the intent behind any of these changes?

Adjournment

The work session was adjourned at 6:55 PM.