

Richmond 300: Code Refresh Advisory Council Meeting Notes

Date: November 13, 2024, 4 P.M.
Location: Plan RVA Board Room
424 Hull Street, Suite 300
Microsoft Teams (<https://bit.ly/CodeRefreshAC>)



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

Members Present: Wayne Credle, Bennie Gates, Elizabeth Greenfield, Philip Hart, Preston Lloyd (virtually), Casey Overton, Martiza Pechin, Damian Pitt, Brian White, Charlie Wilson, Roger York

Members Absent: Chenice Brown, Yanina James, David Johannas, Eric Mai, Jennifer Mullen, Kendra Norrell, Michelle Parrish, Ellen Robertson

CALL TO ORDER

Roll Call

Chair Greenfield called the meeting to order at 4:04 P.M. She announced that Mr. Burt Pinnock resigned from the Zoning Advisory Council, and that Mr. Brian White joined the Council in his place. Chair Greenfield called the roll. There was a motion and a second to allow Vice Chair Lloyd to participate virtually in the meeting. After Council vote, the motion passed. A quorum was present.

Chair's Comments

Chair Greenfield thanked everyone for attending. She reminded everyone of the purpose of the Council is to advise the Planning Commission, Department of Planning and Development Review (PDR), and the consultant team on the zoning ordinance revision process.

Approval of October Meeting Notes

Mr. Hart motioned to approve the October meeting notes, and the motion was seconded by Mr. Wilson. The Council voted to approve the meeting notes.

PUBLIC COMMENT

Chair Greenfield opened the floor to public comment. Richard Hankins, executive director of the Partnership for Smarter Growth, spoke of the organization's concern about the acute housing shortage. The Partnership advocates for additional housing while balancing that goal with the preservation of historic character and supports the inclusion of duplexes and small apartment buildings as permitted uses in residential districts (as discussed at October's meeting).

FOLLOW UP FROM THE OCTOBER PRESENTATION

Ms. Marianne Pitts, Deputy Director with the PDR, gave a general recap, overviewing the project timeline and the work that has been completed so far on the draft Pattern Book and draft Zoning Districts Framework. She explained that while most of the discussion has been focused on the Residential and Neighborhood Mixed Use land use categories, the present meeting will introduce the remaining districts, and upcoming meetings will provide time for more detailed discussion.

CONSULTANT PRESENTATION AND ADVISORY COUNCIL DISCUSSION

Mr. Carlos Sainz Caccia (Utile) presented on the Pattern Book's block-scale analysis. The block-scale analysis allows for a more visual survey and illustrates contextual patterns. He explained the characteristics that were examined, including lot dimension, building setbacks, building types, year-built, rooflines, and fenestration.

Mr. Hart asked why these 14 blocks were chosen for the block-scale analysis and asked if they were representative of the city. Mr. Sainz Caccia stated the desire was to select at least one block within each of the ten representative neighborhoods, with some neighborhoods having two in instances where the typical block pattern varied. The goal was also to review blocks that were diverse in building form, building typologies and character.

Mr. Wilson appreciated this analysis, which sets the groundwork for describing existing conditions within these neighborhoods, and stated the next step is to determine whether the priority should be replicating these existing patterns or addressing the housing shortage. Mr. York stated that it would be difficult to replicate the existing pattern under current law, largely due to building codes requirements.

Mr. Pitt asked why this detailed analysis was undertaken and how might this detailed analysis inform the next steps. Mr. Rene Biberstein and Mr. Colin Scarff explained that the analysis was performed to inform the new zoning district standards, which should be set to accommodate what is seen in the existing pattern. By accommodating the existing pattern, it will reduce the number of nonconformities and allow such patterns to be built by right. The analysis will also be useful at the time of zoning district mapping, to accurately and responsively measure improvements in the nonconformity rates compared between the current zoning ordinance and the future zoning code.

Next, Mr. Biberstein began the Zoning Districts Framework presentation, where he highlighted the zoning districts yet to be discussed by Council. He explained that the district nomenclature includes an abbreviation for the zoning name followed by a number representing the number of stories allowed. He also explained that the current listing of zoning districts is still preliminary (with more districts possibly being introduced later), and that more district standards will be added throughout the process. He also informed Council there would be a comprehensive remapping component to accompany this zoning rewrite process. However, he stressed that remapping would not utilize a direct one-to-one zoning district conversion approach.

Mr. White asked why ground-floor commercial was being limited to 2,500 square feet in the RX-3 and RX-5 zoning districts? The consultants explained the rationale is to keep the commercial space allowance to a neighborhood scale, and that these districts limit only individual tenant spaces/units to this size. Mr. Wilson noted there is precedence of this the city's current R-63 zoning district which limits individual tenant space to 1,000 sq ft. The consultants contrasted this with the R-DX district, which proposes a hard limit of 2,500 sq. ft. as the total amount for all ground floor commercial space within a building.

Mr. Pitt sought clarification on the decision to limit residential buildings to 12 units and 4 stories in the R-D and R-DX districts (as opposed to 16 units), given the discussion surrounding this topic at the October meeting. The consultants explained that these limits were chosen to accommodate the typical 3-story small apartment building, and the typical 4-story stacked townhouse. Alternatively, a typical 16-unit, 4-story larger apartment building would be more suited for the RX-3 and RX-5 zoning districts. Mr. Pitt also asked for clarification on the decision to limit CX-3 and IX-3 to 3 stories. Mr. Biberstein explained that there are mixed use areas and narrow commercial corridors on the Future Land Use map that abut residential neighborhoods, and there is a desire to keep building heights lower when these areas abut residential areas.

Vice Chair Lloyd recommended that language be added to the OS districts to clarify that that only publicly-owned property would be zoned OS. Mr. Biberstein explained that this was the intention, and that

these OS districts are being proposed for alignment with the Public Open Space land use designation. He also added that there are some instances of privately-owned property being designated as Public Open Space (such as private cemeteries), so the consultants will look more carefully into this. Mr. Scarff added that a private property owner may wish to rezone their property for a park or conservation reasons and asked the Council if the zoning code should accommodate that desire.

Vice Chair Lloyd cautioned against zoning districts requiring a certain amount of commercial space, as it complicates the financing of these buildings during the underwriting process. Chair Greenfield and the consultants explained that commercial spaces would be optional in all of the mixed-use zoning districts not required, and it would be permitted to build entirely residential buildings if they wanted to.

Ms. Pechin agreed with the consultants that the IX-8, IX-13, and IX-U may not be needed but recommended closer inspection of the map to be sure. Additionally, Ms. Pechin expressed concern for requiring a 20-foot setback within the R-E district. Her comment was inspired by the picture in the presentation of the apartment buildings on Chamberlayne and whether this was a form that would be encouraged as Chamberlayne evolves as a transit corridor with the new BRT line.

Mr. Hart asked if residential uses could be permitted in the I-A district. Mr. Biberstein explained that Richmond 300 does not call for residential uses in the Industrial land use designation and added that the IX-3 through IX-13 districts would accommodate light industrial and residential uses existing together in close proximity. Mr. Scarff also explained that an additional intent of only allowing industrial uses in I-A is to preserve the city's limited amount of industrial land; otherwise, if residential and commercial uses are allowed in I-A areas, those uses would outcompete and take over the city's remaining industrial space. Ms. Pechin and Chair Greenfield also provided examples of trucking activity near residential homes being disfavored and poorly received by residents and industry alike.

Ms. Overton asked for clarification on the rationale for residential unit maximums for R-A, R-B, and R-C. Mr. Biberstein stated they could reconsider the bonus density concept discussed at previous meetings. Chair Greenfield stated that most residential areas where this might be applied are already largely built out, and such a concept might encourage demolition of existing structures. Mr. Biberstein stated such a concept might work in areas with larger lot sizes in Southside.

Mr. Credle asked for clarification on the difference between the industrial mixed use and industrial light zoning districts. Mr. Biberstein explained the IX-3 through IX-13 districts would limit use, size, and scale, allowing smaller industrial uses, as opposed to the larger industrial enterprises. Citing a recent discussion at a civic association he attended, Mr. Credle also expressed concerns about labeling mixed use neighborhoods as "industrial," because it can negatively impact the neighborhood's appeal and ability to attract commercial retail and services for its residents. It was suggested that a new naming convention/nomenclature be considered for the IX-3 through IX-13 districts to lessen any negative perceptions that might arise for these districts if the term "industrial" is retained.

Mr. York recommended making amendments to the ADU regulations rather than attempting to permit duplexes in all districts. He referenced the lawsuits against Arlington and Charlottesville for allowing duplex in all zones. In one lawsuit, the court ruled against the locality, citing procedural missteps as the basis for the ruling. Mr. York pointed out that the Council lacks representation of a suburban civic association.

Additionally, Mr. York brought attention to the large jump in density between R-C and R-D and made reference to the importance of establishing lot coverage, setbacks, and open space standards in the next phases of drafting the zoning district framework particularly to mitigate urban heat and impervious surface issues. Chair Greenfield reminded Council of recurring maintenance costs associated with open space requirements. Mr. York recommended that initial mapping analysis/testing be done to see how anticipated development might materialize in term of lot coverage and massing in the R-D district under different open space scenarios. The consultants stated they intended to do this sort of mapping analysis/testing after the zoning districts become more fully fleshed out.

Mr. Wilson recommended allowing flexibility in “parking location” for the CX-8, CX-13, and CX-U districts. Instead of requiring all parking to be located in a parking structure, he recommended a provision that would allow a small amount of parking (such as no more than 5 parking spaces) to be located to the rear before requiring that a parking structure be built, so as not to penalize a property owner who wants only one or two parking spaces total.

After some discussion about the drastic density difference between R-C and R-D, Mr. Pitt recommended there may be a need for an additional zoning district between these two. It was discussed that such a district may be better suited for major streets, may need to accommodate 4 stories in height, and should allow a residential unit count somewhere in the middle of the “2 to 16 units” range.

Mr. Biberstein asked for Ms. Pechin’s thoughts on eliminating the minimum front setback requirement for the R-E district entirely. Ms. Pechin felt generally positive about the buildings being constructed to meet the street. With future plans calling for the north/south BRT to operate along the Chamberlayne corridor, Ms. Pechin was confident that the character of the street would change. Many Councilmembers agreed and felt it best to not prioritize the preservation of the front setback along Chamberlayne and other streets like it. Ms. Pechin felt that it would be okay to allow existing and new buildings to have a setback between zero and twenty feet but was not comfortable with requiring a large minimum setback. Mr. Credle recommended replacing the current example image for R-E with a better example image. Mr. Gates stressed the importance of keeping the front lawn-style of development in order to preserve green space and mitigate urban heat, especially in areas in Southside without green lawn.

WRAP UP AND DISCUSSION OF NEXT STEPS

Mr. Biberstein reviewed a set of general questions for the Council to ponder over prior to next month’s meeting.

Chair Greenfield requested that staff send these questions out to the Council and asked that Council come prepared to discuss these questions in December.

ADJOURNMENT

The next meeting of the Advisory Council is December 11, 2024, at 4 P.M. in the 5th Floor Conference Room at City Hall (900 E. Broad St, Richmond, VA 23219).

Chair Greenfield also acknowledged that Councilmember-elect Andrew Breton (1st District) was present at the meeting and thanked him for attending.

Chair Greenfield adjourned the meeting at 5:59 P.M.