

Letters submitted to the Clerk of Council appealing the ERB's approval of a CoA for 2005 JPA.

Letters submitted following the ERB's action on February 14, 2023

1. James Wright. February 17, 2023.
2. Anne Benham. February 21, 2023
3. William Schaaf. February 22, 2023
4. Lorna Martens. February 22, 2023
5. Kenneth Hill. February 23, 2023
6. Scott and Lisa Reppert. February 25, 2023

Letters submitted following the ERB's action on March 14, 2023

7. James Wright. March 16, 2023
8. Lorna Martens. March 22, 2023

Letter 1

James Wright. February 17, 2023.

Owner: 119 Observatory Avenue

Residence: 3065 Beau Mont Farm Rd. Charlottesville, VA 22901

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Friday, February 17, 2023 4:56 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council

Please complete the online form below to submit your message.

Contact Information

First Name James

Last Name Wright

Contact Phone Number: 434-962-9351

Email Address: jimmy.wright@jeffersonscholars.org

Enter your message here: I own property at 119 Observatory Avenue and write as an aggrieved person to appeal the recent ERB approval for the property at 2005/2007 JPA.

This project violates multiple Design Principles outlined in the Entrance Corridor Design Guidelines. It is not compatible in massing and scale with the existing structures. It does not maintain human scale in buildings and spaces. It will not enhance the City's character.

The project relies on a special use permit that has granted the developer permission to build a monstrous edifice that will negatively impact the entire JPA neighborhood. It will have a particularly negative impact on the residents of Washington and Observatory Avenues. Of particular concern is the traffic congestion and the noise and light pollution this monstrosity will create.

Observatory Avenue is a very narrow street, so narrow in fact that to collect trash the truck has to back up the street from JPA. Presumably, due to the height of this project, cranes will be required for construction. Any crane set up on Observatory Avenue will make the street virtually impossible to navigate.

The neighbors have voiced their displeasure with the scope and scale of the project. They have expressed their concerns about massing and scale ever since they heard about the project to NDS, the ERB, the Planning Commission, and City Council in succession. They have opposed the issuance of the special use permit. The ERB has from the start interpreted massing and scale as if they were merely a matter of appearance, failing to address actual massing and scale and the problems these create. In the ERB Design Review, the ERB continued to address solely the appearance of massing and scale, not actual massing and scale. I respectfully request that the City Council overrule the ERB's issuance of a Certificate of Appropriateness.

Letter 2

Anne Benham. February 21, 2023

Owner of 116 Observatory Avenue

Address: 116 Observatory Avenue Charlottesville, VA 22903

From: Anne Benham <apbe4n@gmail.com>

Sent: Tuesday, February 21, 2023 10:08 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Anne Benham <apbe4n@gmail.com>

Subject: Appeal of ERB vote on 2005 JPA Certificate of Appropriateness

Dear Ms. Thomas, I'm sending this via email because of the attachment, which I could not include on the City form.

As a resident of 116 Observatory Ave --which is located almost directly across the street from the 2005 JPA project -- I write as an aggrieved person to appeal the recent ERB vote on the 2005 JPA Certificate of Appropriateness.

- This enormous scale of this project was not reduced by the modifications that were approved by the ERB. The massing and scale of 2005 JPA are just as overwhelming and inappropriate to the JPA neighborhood (especially to Washington and Observatory) now that the modified design has been approved, as they were before the approval.

Please see the attached pdf ("JPA Development") which shows that 2005 JPA has a footprint that dwarfs the footprint of any other building in sight of it on JPA. It is not in the least harmonious with neighboring structures.

Construction of this enormous project -- and the associated noise, traffic and parking issues - will destroy the peaceful quality of life Observatory and Washington residents have long enjoyed. The aesthetic and environmental benefits of existing mature tree canopy will also be

destroyed to build 2005 JPA. The new plantings will not provide the same carbon takeup or shade and cooling for decades -- the time it takes trees to grow into maturity.

- The brick porches/entrances that were added to supposedly break up the "illusion" of the building's massiveness do not succeed in this goal. 2005 JPA will take up an entire half block between two streets and, despite the brick porches, will look just like the monolith it is. The porches will encourage more illegal parking on our narrow dead-end street by delivery vehicles and guests of the 2005 JPA residents.

The public notice about the Feb.14 ERB meeting was not posted on time. According to City Code, Section 34-284(a): signs were supposed to go up at least 10 days prior to the meeting - - this would have been Feb.4 -- *"identifying the time, date, place and nature of the application which has been scheduled for a hearing."*

On February 6 -- two days after the deadline --I walked around the 2005 JPA property and saw no notices posted. See attached photo "Img_0197.jpeg" of the gradhousing.com sign on JPA minus the ERB notice.

It wasn't until a few days later after the 6th that I finally did see two signs posted.

Thank you,
Anne Benham
116 Observatory Ave

Letter 3

William Schaaf. February 22, 2023
Owner of 113 Washington Avenue.
Address: 5017 Westbury Farms Dr. Erie, PA 16506

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, February 22, 2023 9:27 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>
Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council
Please complete the online form below to submit your message.

Contact Information

First Name WILLIAM
Last Name E SCHAAF
Contact Phone Number: 8148827696
Email Address: billschaafsr@gmail.com

Enter your message here: Good Morning, This letter is to serve notice that I disagree with and I am appealing the results of the recent ERB approval for the property at 2005/2007 JPA. I respectfully request that City Council overrule the ERB's issuance of a Certificate of

Appropriateness or at least modify it in several areas. I own the property at 113 Washington Avenue. My name is William Schaaf and I am concerned with the approval on multiple issues and I believe Council has the obligation to correct them.

My property will be most directly affected by the design as the exit from the parking garage will align very closely with the driveway on my property at 113 Washington Ave. The 120 plus car garage will shine headlights into my tenants' bedrooms 7/24 as students come and go. I believe that sight lines for oncoming traffic in both directions as a vehicle leaves the garage is very restrictive and creates significant potential for safety concerns and will be exacerbated by the increase in vehicle volume.

The garbage pickup needs to be restricted to an inside the garage pick up (not by the street as proposed). I have experienced commercial trash haulers pick up a dumpster and slam it back down early in the morning accompanied by the noise of a large diesel truck. My tenants deserve to get a peaceful sleep. I suggest that pick up be no sooner than 7:00 AM. Any odor it might create needs to be contained to their property, not the neighborhood.

The concept of exterior lighting needs to be far more specific. Sleep study experts are crystal clear that excessive lighting is detrimental to successful, restful sleep. Anything more than basic street lights should be considered excessive and therefore limited in their design.

The sidewalk and related green space across the rear of the building creates the potential for crowd gathering, nefarious activities and does not appear to be ADA (wheelchair) compliant as it has multiple steps to transgress. Perhaps limited lighting triggered by motion could be helpful. The back story is that parking for 1 out of approximately 3 residents is grossly inadequate. Residents of 2005 JPA, who can afford its rents will also, most likely, come to the area with mechanical transportation. If they don't, their friends and family who visit will challenge the capacity of Washington and Observatory Avenues. If that design is set in concrete, council should be clear that construction employees and future residents with an address of 2005 JPA should not be allowed to park on the narrow, residential Washington Ave and Observatory streets.

The overall design is very incongruous with the residential character of the neighborhood. The ERB hearing was concerned with the color of the stucco and the quality of the "Drivitt". Note that neither of those issues were answered by the representatives of the owners at their hearing. As members of City Council I believe you have an obligation to all the citizens of Charlottesville and residents of the properties surrounding the proposed project. They, and I, do not have a big financial backer, architects with pretty power point presentations or powerful attorneys. As a landlord I have tried to provide decent affordable housing. These tenants do not want to have congestion, lack of sunshine, traffic, noise and light from the big city, "high rise" environment. The traffic and safety concerns it will create are real problems that will not go away and have the potential to create multiple issues for Charlottesville. Allowing it today is perhaps "kicking the can down the road".

Please take a step back and consider the impact to all citizens and not just the color of the walls or the trees that will take 20 years to reach the proportion illustrated by the owners and their

architects. Make it meet a standard that will be mindful of the lives of all of Charlottesville property owners and residents of the area.

I will be glad to have a conversation with any of you to discuss this matter.

Sincerely,
William E. Schaaf
814-882-7696

Letter 4

Lorna Martens. February 22, 2023
Owner of 128 Observatory Avenue
Address: 128 Observatory Avenue Charlottesville, VA 22903

From: Martens, Lorna (lm2e) <lm2e@virginia.edu>
Sent: Wednesday, February 22, 2023 2:46 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Thomas, Kyna N
<thomaskn@charlottesville.gov>; CLERK OF COUNCIL, x3113
<ClerkofCouncil@charlottesville.gov>
Subject: Appeal of ERB award of COA to 2005 JPA

Pursuant to Charlottesville City Code Sec. 34-314, I wish, as an aggrieved person, to appeal the ERB vote to award a Certificate of Appropriateness to 2005 JPA, for the following reasons:

1. The Entrance Corridor Design Guidelines state: “Maintain Human Scale in Buildings and Spaces.” The architect’s response in their application to this imperative is: “The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall.” I am unconvinced. What the architect writes is misleading. Aside from the fact that the other buildings cited do not define “human scale,” neither of the two on the same side of JPA exceed 6 stories. 1800 JPA, on the other side of JPA, is in an area that is zoned University High Density, whereas the section of JPA where 2005 would be located is zoned R-3. Also 1800 JPA is set far back from the street. Moreover, none of the other buildings, unlike 2005 JPA, are on a hill. Finally, 2005 JP has a depth that vastly exceeds that of any of the other cited buildings. It stretches deep back into the side streets, Observatory and Washington Avenues. Its front occupies the entire city block between Washington and Observatory. Its sides are more than twice as long than that, stretching halfway up the side streets. Its footprint is enormous. Something this large is not “human scale.” I asked about the actual height and density of the redesign in the ERB meeting; my queries were not answered.

2. The Entrance Corridor Design Guidelines state: “Reduce height near lower density areas.” The architects’ latest design made efforts in this direction, but the fact remains that reducing height to 5-6 stories abutting on and adjacent to 1 and 2-story houses does not do justice to the intention of

the Design Guidelines. On account of its height, this building will significantly reduce morning sunlight on my property.

3. Entrances/exits via porches onto Observatory. These will lead to more deliveries and more illegal parking on Observatory. Because of the increase in traffic and parked vehicles—sloppily parked vehicles blocking two-way traffic is usual on Observatory--I am apprehensive about not being able to exit my cul-de-sac in an emergency. Observatory Avenue is very narrow (28' at its narrowest point). I live farther up the dead end street from that narrowest point. I am also apprehensive that emergency vehicles will not be able to drive up the street on account of the inevitable illegal parking. I suggest that the porches be replaced by balconies.

4. The multipurpose path between Observatory and Washington at the rear of the property, a condition in the SUP resolution, is itself an excellent idea. But this path need not and should not have steps. The large parking lot currently located at the rear of the property slopes gently downward from Observatory to Washington. Steps on this slope are unnecessary. I walk there daily and know this. Steps on the proposed path would make this path inaccessible for pedestrians in wheelchairs or with baby carriages or strollers. The ERB imposed the condition of a bike runnel. The bike runnel would help bikes but not make the path accessible for wheelchairs and baby carriages or strollers.

5. Timely notice of the ERB meeting was not posted. City Code mandates the posting of signage about an ERB review at least 10 days before the review. City Code Sec. 34-313: "ERB review process. Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a)." Section 34-284(a): "A sign shall be posted at the property which is the subject of the application, at least ten (10) days prior to the board's meeting, identifying the time, date, place and nature of the application which has been scheduled for a hearing." Photos taken 8 days prior to the meeting show that no signs were posted.

Please deny the 2005 JPA Certificate of Appropriateness.

Lorna Martens
Professor of German and Comparative Literature
Department of Germanic
Languages and Literatures
P.O. Box 400125
University of Virginia
Charlottesville, VA 22904-4125

From: Martens, Lorna (lm2e) <lm2e@virginia.edu>
Sent: Thursday, February 23, 2023 12:23 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Thomas, Kyna N
<thomaskn@charlottesville.gov>
Subject: FW: Appeal of ERB award of COA to 2005 JPA

Please find attached a time-stamped photo to accompany my Appeal of ERB award of COA to 2005 JPA, which I submitted yesterday.

Sincerely,
Lorna Martens
Professor of German and Comparative Literature
Department of Germanic
Languages and Literatures
P.O. Box 400125
University of Virginia
Charlottesville, VA 22904-4125



Letter 5

Kenneth Hill. February 23, 2023
Owner of 111 Washington Avenue
Address: 3532 Barkley Dr. Fairfax, VA 22031

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, February 23, 2023 11:22 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>
Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council
Please complete the online form below to submit your message.

Contact Information

First Name Kenneth
Last Name Hill
Contact Phone Number: 703-280-1742
Email Address: micasabe@gmail.com

Enter your message here: Subject JPA 2005 - appeal of Feb 14, 2023 certificate of appropriateness.

I am submitting subject appeal below.
Please confirm receipt.

This is an appeal of the Feb 14 ERB Certificate of Appropriateness approval for JPA 2005.
2/22/2023

During the review period of Aspen Topco II LLC's plan for JPA 2005, as put forward by its architect partner, citizens have heard of the overarching need for more student housing near UVA. The 2005 project will not be affordable, does not fit with existing zoning, and even exceeds what would be allowed by-right in the rezoning proposed by the Future Land Use Map. As outlined by many residents in the neighborhood who have spoken up, there is strong opposition to this project for a variety of reasons, which, for the most part seems to have fallen on deaf ears. Therefore, I submit my appeal to the City Council to deny the Certificate of Appropriateness for JPA 2005.

Through local partners, parent Aspen Heights Partners develops multi-family, luxury student housing near campuses across the nation. For JPA 2005, the architect promoted it as positive for the community and from a business standpoint, highlighting the number of units it will offer close to the university. This is a large project in a residential area sandwiched in between established homeowners, investment properties and numerous student renters. They stand to lose the very essence of their long-established neighborhood if this project remains as is, which is why, I, as a duplex owner at 111 Washington Avenue, file an appeal to deny its Certificate of Appropriateness. The city council should carefully consider the appeals of these citizens to find solutions, or redesign this project, largely due to building parking, lighting, overhead cabling, traffic issues, noise, and a host of environmental factors.

Parking: My property with 8 tenants on Washington Avenue is directly across the street from the JPA parking garage. Like most students at UVA, seven of my tenants have cars, three of whom park on the property and four on the street with city permits. With parking on both sides of Washington Avenue, there is barely enough room for 2 cars to pass at the same time now. When you add in the design of an enclosed parking garage entryway for 122 parking slots for tenants, along with staff and service vehicles to the mix, it will result in major traffic bottlenecks at that location and in the general area. Parking on Washington Avenue is at a premium now. When you add in the traffic coming and going from the building onto Washington Avenue from 122 enclosed parking spaces, it will get much worse.

The design of 122 parking slots for 390 students is woefully inadequate for the scope of this project. When spaces on site are not available, tenants and others will look to park on Washington Avenue or nearby areas, which is already a problem on these streets. Parents, visitors and service staff will often be forced to do so as well, which is a safety concern for anyone in the area. Vehicles entering and exiting the property will be noisy; their headlights will beam across the street into properties -- a distraction for students, who will likely be studying or trying to sleep. As such, the city needs to pause the project until adequate on-site parking has

been added, redesigned, and approved by city authorities. An alternative is for the city to require a parking redesign so that the building has 2 entryways, or to relocate the entryway to JPA, which can better handle traffic flows in and out, which is closer to the front entrance.

Trash: My property has little setback from Washington Avenue and is right across from where trash will be hauled off. The presenters said trash will be pushed to the street on pick-up day, presumably in large steel containers. Dumpsters make very loud noise when lifted and dropped back on the street during pickup and will disturb nearby tenants. During this process there will be debris that falls out or blows to the street and odor from the garbage. Trash pickup will further add to traffic snarls on Washington Avenue and the nearby area. The city needs to reevaluate this plan, calling for trash to be picked up inside the enclosed parking garage or an alternate arrangement other than on Washington Avenue.

Enclosed garage electrical and mechanical equipment. The building will have high voltage electrical and mechanical equipment near the garage entryway. At the ERB review meeting the architect said that HVAC equipment will be on the roof and not bother neighbors. Facilities like JPA 2005 have mechanical rooms on the ground floor with heavy motorized equipment that are very noisy when they turn on and off, with high pitch frequency hum. There will be a generator on site in this area as well. The architect said it would be tested once a month. Well, what happens if there is a power outage? Generators need fuel so there will be a day tank and underground fuel storage in the parking area that will need to be filled and be smelly. Will the garage area generator and building mechanical equipment be enclosed, away from public sight, and for security and safety reasons?

Building height: With little setback from the street on Observatory and Washington Avenue, this structure will tower over 1 and 2-story houses abutting the property. On Washington Avenue, the parcel already stands 10-15 feet above the opposite side of the street. Being 6 stories on top of that, it will result in shadows throughout the day and the loss of seasonal natural light that renters are accustomed to. The loss of sunlight from the structure will have a concomitant effect on trees, foliage, gardens and other environmental factors in the nearby area. Moreover, contrary to the presenter's claim that the structure fits in nicely with existing structures on the JPA corridor, this edifice does not; it is much taller than other buildings on that side of JPA and does not have enough setback from the side streets.

Walk way between Observatory and Washington Avenues. This corridor will be utilized frequently by people coming and going to UVA and to nearby homes. It needs to be of sufficient width, exclusive of planned foliage, to allow for pedestrians, bikes and baby carriages, etc. to traverse without the hassle of having to climb a number of stairs. This seemed to be given only a cursory look by the ERB. The city should require a walk way that meets the needs of all its citizens before the project can move forward.

Adding 390 people, service personnel, visitors and vehicles in such a small footprint will invariably result in challenges in this neighborhood. There will more noise, scooters, and human activity that will need to be properly managed. Lights properly situated will help but be an inconvenience to others as well.

The proponents of this project have laid out their vision with a plan that overlooks many concerns of those most affected. Granted the architect has made some exterior and other changes in order to gain approval; however, the fact remains these will be luxury units that cater to the wealthy with all the amenities that Aspen Heights Partners is known for. As a result, rents will be much higher than a comparable sized unit in nearby housing as well as the clientele. So much for affordable housing!

PS: I submitted a list of 15 project related questions for the Feb 4 ERB meeting. None of them were addressed, however. I would appreciate replies as soon as possible.

Therefore, I submit my appeal to the City Council to deny the Certificate of Appropriateness for JPA 2005. I recommend design changes—underground electrical cabling, more parking space, rear passageway without stairs, low-strength outdoor lighting, and internal trash pickup--that citizens have painstakingly detailed, so that the structure is truly congruent with other student buildings along the JPA corridor.

Sincerely / Kenneth L. Hill, tel: 703-280-1742 - 111 Washington Ave, Charlottesville, VA 22903
- Owner

Letter 6

Scott and Lisa Reppert. February 25, 2023
Owners of 107 Washington Avenue
Address: 2333 S. Nash Street Arlington, VA 22202

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Saturday, February 25, 2023 8:13:11 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council

Contact Information

First Name Lisa and Scott

Last Name Reppert

Contact Phone Number: 703-402-3032

Email Address: reppertfamily@gmail.com

Enter your message here: We own the duplex located at 107 Washington Avenue and rent it to students. We have attended (virtually) the Commission meetings and have voiced our concerns, which have not been addressed. Pursuant to City Code Sec. 34-314, we wish, as an aggrieved person, to appeal the ERB vote to award a CoA to 2005 JPA, for the following reasons:

1. The Entrance Corridor Design Guidelines state: “Maintain Human Scale in Buildings and Spaces.” The architect’s response in their application to this imperative is: “The building height

is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall.”

The front of this building not only occupies the entire block between Washington and Observatory, the sides of it are more than twice as long as that. This proposed building is extremely large and nothing like the surrounding residences. It will stick out like a sore thumb and look completely out of place. We do not consider this project to be in accordance with a maintenance of “human scale.” As owners, we expect to be properly represented when massive changes to our neighborhood are being considered. We have not been.

2. The Entrance Corridor Design Guidelines state: “Reduce height near lower density areas.” The current 5+ story design of this building is completely out of character for the surrounding neighborhood streets. Part of the charm of a university setting is the unique variety in the architectural styles of the nearby homes. For decades, prospective UVA students and their families have admired the charm of Charlottesville, to include the nearby surrounding neighborhoods. A building as tall and gargantuan as the one proposed does not fit within the charm of a Charlottesville residential neighborhood. It may fit in nicely in other parts of Charlottesville where there are other tall or commercial buildings, but not across the street from single family homes, small duplexes or garden-style apartments. People who find quiet streets such as Washington and Observatory appealing, are NOT the same people who are seeking a large residential apartment complex. It is distressing that the Commission has seemingly disregarded the impact that this building will have on the neighborhood feel of Washington and Observatory Avenues.

3. The garage has inadequate parking for the number of tenants and their associated guests. The logic that if the parking spots are not offered, tenants will not bring cars is unreasonable, unrealistic and wrong. The cars will be in Charlottesville and they will be parked somewhere, most likely clogging up all side streets surrounding this project. Again, this is another decision related to this project that completely disregards the current neighborhood.

4. It is unacceptable for a building of this size, on these two narrow and small side streets to offer a single entrance/exit. The entire design of the building should be changed to accommodate the vehicles to enter and exit via JPA. If the Commission has concerns about adding to the traffic on JPA with this solution, there should be dramatically MORE cause for concern on the impact on the single small side street, Washington Avenue.

5. The garbage pickup needs to occur inside the garage. The current street location will result in excessive noise, odors, and accidental debris being left on the street.

Please deny the 2005 JPA Certificate of Appropriateness. We are willing to discuss these concerns with anyone who has the capacity to make decisions or influence this process. We are not interested in continuing to lodge complaints about this project to people who are designated note-takers without any ability to respond with action. Merely allowing us to file a complaint, with no resultant change or action, is unacceptable.

Sincerely,

Scott and Lisa Reppert
reppertfamily@gmail.com

Letter 7

James Wright. March 16, 2023
Owner of 119 Observatory Avenue
Address: 3065 Beau Mont Farm Road Charlottesville, VA 22901

Thursday, March 16, 2023 9:13 AM

I own property at 119 Observatory Avenue and write as an aggrieved person to appeal the recent ERB approval for the property at 2005/2007 JPA made on March 14, 2023.

This project violates multiple Design Principles outlined in the Entrance Corridor Design Guidelines. It is not compatible in massing and scale with the existing structures. It does not maintain human scale in buildings and spaces. It will not enhance the City's character. The project relies on a special use permit that has granted the developer permission to build a monstrous edifice that will negatively impact the entire JPA neighborhood. It will have a particularly negative impact on the residents of Washington and Observatory Avenues. Of particular concern is the traffic congestion and the noise and light pollution this monstrosity will create.

Observatory Avenue is a very narrow street, so narrow in fact that to collect trash the truck has to back up the street from JPA. Presumably, due to the height of this project, cranes will be required for construction. Any crane set up on Observatory Avenue will make the street virtually impossible to navigate.

The neighbors have voiced their displeasure with the scope and scale of the project. They have expressed their concerns about massing and scale ever since they heard about the project to NDS, the ERB, the Planning Commission, and City Council in succession. They have opposed the issuance of the special use permit. The ERB has from the start interpreted massing and scale as if they were merely a matter of appearance, failing to address actual massing and scale and the problems these create. In the ERB Design Review, the ERB continued to address solely the appearance of massing and scale, not actual massing and scale. I respectfully request that the City Council overrule the ERB's issuance of a Certificate of Appropriateness

Additionally notice of the ERB meeting was not mailed to me, as a nearby property owner, on time. City Code mandates that notice be sent by first class mail and postmarked not less than fourteen days before the meeting to each property owner, or their agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. City Code Sec.34-313: "ERB review process. Notice of the hearing shall be provided the applicant and to other persons in the same manner as set forth within section 34-284(a). Section 34-284(a): Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment

books, postmarked not less than fourteen days before the meeting shall be deemed adequate."
My notice is postmarked on March 1, less than 14 days before the meeting..

James Wright
434-962-9351
jimmy.wright@jeffersonscholars.org

Letter 8

Lorna Martens. March 22, 2023
Owner of 128 Observatory Avenue
Address: 128 Observatory Avenue Charlottesville, VA 22903

From: Martens, Lorna (lm2e) <lm2e@virginia.edu>
Sent: Wednesday, March 22, 2023 9:38 AM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Thomas, Kyna N
<thomaskn@charlottesville.gov>
Subject: Appeal of the 3/14/2023 ERB award of CoA to 2005 JPA

City Council: Pursuant to Charlottesville City Code Sec. 34-314, I wish, as an aggrieved person, to appeal the 3/14/2023 ERB vote to award a Certificate of Appropriateness to 2005 JPA, for the following reasons:

1. The Entrance Corridor Design Guidelines state: "Maintain Human Scale in Buildings and Spaces." The architect's response in their application to this imperative is: "The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall." I am unconvinced. What the architect writes is misleading. Aside from the fact that the other buildings cited do not define "human scale," neither of the two on the same side of JPA exceed 6 stories. 1800 JPA, on the other side of JPA, is in an area that is zoned University High Density, whereas the section of JPA where 2005 would be located is zoned R-3. Also 1800 JPA is set far back from the street. Moreover, none of the other buildings, unlike 2005 JPA, are on a hill. Finally, 2005 JP has a depth that vastly exceeds that of any of the other cited buildings. It stretches deep back into the side streets, Observatory and Washington Avenues. Its front occupies the entire city block between Washington and Observatory. Its sides are more than twice as long than that, stretching halfway up the side streets. Its footprint is enormous. Something this large is not "human scale." I asked about the actual height and density of the redesign in the 2/14/2023 ERB meeting; my queries were not answered.

2. The Entrance Corridor Design Guidelines state: "Reduce height near lower density areas." The architects' latest design made efforts in this direction, but the fact remains that reducing height to 5-6 stories abutting on and adjacent to 1 and 2-story houses does not do justice to the intention of the Design Guidelines. On account of its height, this building will significantly reduce morning sunlight on my property.

3. Entrances/exits via porches onto Observatory. These will lead to more deliveries and more illegal parking on Observatory. Because of the increase in traffic and parked vehicles—sloppily parked vehicles blocking two-way traffic is usual on Observatory--I am apprehensive about not being able to exit my cul-de-sac in an emergency. Observatory Avenue is very narrow (21.5' at its narrowest point). I live farther up the dead end street from that narrowest point. I am also apprehensive that emergency vehicles will not be able to drive up the street on account of the inevitable illegal parking. I suggest that the porches be replaced by balconies.

4. The multipurpose path between Observatory and Washington at the rear of the property, a condition in the SUP resolution, is itself an excellent idea. But this path need not and should not have steps. The large parking lot currently located at the rear of the property slopes gently downward from Observatory to Washington. Steps on this slope are unnecessary. I walk there daily and know this. Steps on the proposed path would make this path inaccessible for pedestrians in wheelchairs or with baby carriages or strollers. The ERB imposed the condition of a bike runnel. The bike runnel would help bikes but not make the path accessible for wheelchairs and baby carriages or strollers.

5. Notice of the ERB meeting was not mailed to me, as a property owner having frontage on the same city block, on time. City Code mandates that notice be sent by first class mail and postmarked not less than fourteen (14) days before the meeting. City Code Sec. 34-313: "ERB review process. Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a)." Section 34-284(a): "Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate." My notice is postmarked on March 1, less than 14 days before the meeting. Photo attached.

Please deny the 2005 JPA Certificate of Appropriateness.

Lorna Martens
Professor of German and Comparative Literature
University of Virginia

